



**bundaberg**  
S E R V I C E S C L U B

# Constitution and By-Laws

Bundaberg & District RSL and Citizens Memorial Club Inc.  
trading as Bundaberg Services Club, Bundy Services Club and Sandhill's Sports Club

*Approved at the Special Meeting held on 25/09/2016*

# Contents

<b>CONSTITUTION</b>	
1	INTERPRETATION ..... 3
2	NAME ..... 3
3	OBJECTS ..... 3
4	POWERS ..... 3
5	CLASSES OF MEMBERS ..... 4
6	MEMBERSHIP ELIGIBILITY ..... 5
7	NEW MEMBERSHIP ..... 5
8	MEMBERSHIP FEES ..... 5
9	ADMISSION AND REJECTION OF NEW MEMBERS ..... 5
10	WHEN MEMBERSHIP ENDS ..... 6
11	APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP ..... 6
12	MANAGEMENT COMMITTEE MEETING TO DECIDE APPEALS ..... 6
13	REGISTER OF MEMBERS ..... 7
14	PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS ..... 7
15	APPOINTMENT OR ELECTION OF SECRETARY ..... 7
16	REMOVAL OF SECRETARY ..... 7
17	FUNCTIONS OF SECRETARY ..... 8
18	MEMBERSHIP OF MANAGEMENT COMMITTEE ..... 8
19	ELECTING THE MANAGEMENT COMMITTEE ..... 8
20	RESIGNATION, REMOVAL OR VACATION OF OFFICE OF MANAGEMENT COMMITTEE MEMBER ..... 9
21	VACANCIES ON MANAGEMENT COMMITTEE ..... 9
22	FUNCTIONS OF MANAGEMENT COMMITTEE ..... 9
23	MEETINGS OF MANAGEMENT COMMITTEE ..... 10
24	APPOINTMENT OF SUBCOMMITTEES ..... 11
25	GENERAL MEETINGS ..... 11
26	GUESTS ..... 12
27	PAYMENT OF CHARGES INCURRED ..... 12
28	BY-LAWS ..... 12
29	ALTERATION OF RULES ..... 13
30	INTERPRETATION OF CONSTITUTION AND RULES ..... 13
31	COMMON SEAL ..... 13
32	FUNDS AND ACCOUNTS ..... 13
33	DOCUMENTS ..... 13
34	GENERAL FINANCIAL MATTERS ..... 13
35	DISSOLUTION ..... 14
<b>BYLAWS</b>	
<b>BY-LAW NO. 1 - GENERAL PROVISIONS..... 14</b>	
1.	CLUB HOURS..... 14
2.	GAMBLING ..... 14
3.	ANIMALS ..... 15
4.	REPRIMANDING CLUB EMPLOYEES ..... 15
5.	POLITICS AND RELIGION..... 15
6.	REMOVAL OF CLUB PROPERTY ..... 15
7.	CLUB NOT TO BE USED FOR BUSINESS ..... 15
8.	TICKETS, SUBSCRIPTIONS LISTS, RAFFLES ..... 15
9.	DRESS ..... 15
10.	VEHICLE PARKING AND THEFT OR DAMAGE ..... 15
11.	MEMBERS' CONDUCT ..... 15
12.	MANAGEMENT COMMITTEE ELIGIBILITY ..... 15
<b>BY-LAW NO. 2 MEMBERSHIP ..... 15</b>	
1.	MEMBERSHIP CLASSES & ELIGIBILITY ..... 15
2.	ADMISSION..... 16
3.	RIGHTS AND PRIVILEGES ..... 16
4.	FEES ..... 16
5.	UN-FINANCIAL MEMBERS ..... 16
6.	ELIGIBILITY TO REAPPLY FOR MEMBERSHIP ..... 17
7.	MEMBERSHIP CARDS ..... 17
<b>BY-LAW NO. 3 – CODE OF BEHAVIOUR AND DISCIPLINARY ACTION..... 17</b>	
1.	CODE OF BEHAVIOUR..... 17
2.	DISCIPLINARY ACTION ..... 17
<b>BY-LAW NO. 4 – MEMBERS' DRESS RULES ..... 18</b>	
1.	GENERAL ..... 18
2.	DRESS REQUIRED..... 18
3.	ENFORCEMENT ..... 19

# Constitution

## 1 Interpretation

- a) In these rules—
  - i) **Act** means the Associations Incorporation Act 1981.
  - ii) **At a Management Committee meeting**, see rule 23; or
  - iii) **At a general meeting**, see rule 25.
  - iv) **Committee** means the Management Committee of the Club.
  - v) **Secretary** includes a “Secretary-Manager” or “Club Manager”.
- b) Words importing the masculine gender shall include the feminine gender.
- c) A word or expression that is not defined in these model rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

## 2 Name

- a) The name of the incorporated association is Bundaberg & District R.S.L. and Citizens’ Memorial Club Inc. (the Club)

## 3 Objects

The objects of the Club are—

- a) To provide and maintain club premises, and amenities and facilities for members and their guests generally expected of a “services” club
- b) To do all such other acts and things as are incidental or conducive to the attainment of the foregoing objects.

## 4 Powers

- a) The Club has the powers of an individual, which may include -
  - i) To subscribe to, affiliate with, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Club, provided that the Club
  - ii) shall not subscribe to or support with its funds any club, association or organisation, which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Club under or by virtue of Rule 35(a) and (b).
  - iii) In furtherance of the objects of the Club, to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Club or persons frequenting the Club’s premises.
  - iv) To purchase, take on, lease, or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Club, provided that in case the Club shall take hold of any property which may be subject to any trusts, the Club shall only deal with the same in such manner as is allowed by law having regard to such trusts.
  - v) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club, to obtain from any such Government or Authority any rights, privileges, and concessions which the Club may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
  - vi) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Club.
  - vii) To remunerate any person or body corporate for services rendered, or to be rendered, and whether by way of brokerage or otherwise, in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated Club, or in or about the incorporated Club or promotion of the incorporated Club or in the furtherance of its objects.

- vii) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Club's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
- viii) To invest and deal with the money of the Club not immediately required in such manner as may from time to time be thought fit.
- ix) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate.
- x) In furtherance of the objects of the Club, to lend and advance money or give credit to any person or body corporate, to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
- xi) To borrow or raise money, either alone or jointly with any other person or legal entity, in such manner as may be thought proper and whether upon fluctuating advance account or overdraft, or otherwise to represent or secure any monies and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated Club's property or assets present or future, and to purchase, redeem or pay-off any such securities.
- xii) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- xiii) In furtherance of the objects of the Club to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Club.
- xiv) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Club's property of whatsoever kind sold by the Club, or any money due to the Club from purchasers and others.
- xv) To take any gift of property, whether subject to any special trust or not, for any one or more of the objects of the Club, but subject always to the proviso in Sub-Rule (iii).
- xvi) To take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Club, in the shape of donations, annual subscriptions or otherwise.
- xvii) To print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects.
- xviii) In furtherance of the objects of the Club, to amalgamate with any one or more incorporated Clubs having objects altogether or in part similar to those of the Club and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Club under or by virtue of Rule 35(a) and (b).
- xix) In furtherance of the objects of the Club, to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Club is authorised to amalgamate.
- xx) In furtherance of the objects of the Club, to transfer all or any part of the property, assets, liabilities and engagements of the Club to any one or more of the incorporated associations with which the Club is authorised to amalgamate.
- xxi) To make donations for patriotic, charitable or community purposes.
- xxii) To issue secured and unsecured notes, debentures and debenture stock as required for the Club.
- xxiii) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club.

## 5 Classes of Members

- a) The Committee shall have power to limit from time to time the total number of members and the number of members in each class of membership.
- b) The membership of the Club shall comprise Ordinary, Life, Social and Honorary Members as hereinafter provided.
- c) All members must be of good character and repute.

- d) No member shall be entitled to any benefit or advantage from the Club, which is not offered equally to every member of the same class of membership.

## **6 Membership Eligibility**

- a) The following persons shall be eligible as Ordinary Members:
  - i) Any person choosing to apply for ordinary membership
  - ii) Any member of an amalgamated club who maintains current registration with their appropriate body(s) as and when they fall due
- b) Ordinary Members shall be entitled to all the privileges of membership of the club. Ordinary members shall have voting rights at general meetings and shall be eligible to participate in the administration of the Club and may propose new members.
- c) Life Membership may be granted to Ordinary Members having not less than ten (10) years membership of the Club, who in the opinion of the Committee, shall have done outstanding and meritorious work for the Club and whose names have been submitted by the Club to the Annual General Meeting of the Club for approval. Life Members shall be entitled to all of the benefits and advantages of Ordinary Membership.
- d) Social Membership may be granted to eligible persons applying for Social Membership. A Social Member shall be entitled to all the privileges of membership except that he shall have no vote at meetings and shall take no part in the administration of the Club or propose new members.
- e) Junior Membership may be granted to eligible persons under the age of eighteen (18) years applying for Junior Membership. A Junior member shall be entitled to participate in any sport of kindred organization but not be entitled to the privileges of membership granted to all other classes of membership

## **7 New Membership**

- a) Every applicant for membership of the Club as an Ordinary or Social Member shall complete and sign a form prescribed by the Committee and pay the prescribed fees.
- b) Each applicant shall be considered nominated and seconded where two (2) Ordinary or Life Members sign a form prescribed by the Committee to nominate and second more than one candidate at a time. Nomination forms shall be held in a part of the premises prescribed by the Committee and be available for perusal of financial members of the Club on request.

## **8 Membership Fees**

- a) The membership fee for each ordinary membership and for each other class of membership (if any) is the amount decided by the management committee from time to time.
- b) The Club's financial year shall commence on the First day of July each year. The annual subscription for all categories of membership, shall be notified to members by the Committee prior to the end of the preceding year.
- c) Apart from the first subscription payable by new applicants, subscriptions as determined by the Committee (if any) shall be payable in the month of July each year where applicable.
- d) If any member shall fail to pay his subscription as provided herein, the Secretary shall notify that member in a form prescribed by the Committee of that default in writing, and if the subscription be not paid within two (2) calendar months of the date of such notice, he shall cease to be a member and his name shall be deleted from the list of members, provided however that the Committee, in its discretion, shall have the power of extending the time for payment, for good and sufficient cause.

## **9 Admission and Rejection of New Members**

- a) The Management Committee must ensure that, as soon as possible after the person applies to become a member of the Club, and before the Management Committee considers the person's application, the person is advised—
  - i) whether or not the Club has public liability insurance; and
  - ii) if the Club has public liability insurance—the amount of the insurance.
- b) Admission of all members to the Club, who have paid the appropriate membership fee, shall be determined by the Committee at a meeting duly convened and the candidates shall be elected on a majority vote of Committee

Members present and voting at the meeting, such vote being by ballot if any Committee member shall so require.

- c) The period between receipt of the application for membership and its consideration by the Committee shall be not less than two (2) weeks and not more than six (6) weeks, provided that if, due to unforeseen circumstances, the application cannot be considered within that period, the Secretary shall inform the candidate accordingly.
- d) At a duly convened meeting of the Committee, applications for membership shall be considered by the Committee a minimum seven (7) days after receipt of their completed application form. Candidates for membership will only be advised if their application is refused by the Committee, in writing.
- e) A members' register shall be maintained by the Club recording information on members as prescribed by the Committee.
- f) A copy of the Constitution, Rules and By-Laws, which are binding upon the member are available on request.

## **10 When Membership Ends**

- a) A financial member may resign his membership at any time upon notifying the Secretary in writing to the effect, and such notice unless otherwise expressed shall take effect forthwith, but such resignation shall not entitle any member to a refund of fees paid by him.
- b) The Committee, after proper inquiry, may by a majority of those present and voting suspend for such period as the Committee in its discretion shall determine, any member whose conduct in the premises or precincts of the Club is such as to be, in the opinion of the Committee, injurious to the character or interests of the Club or the comfort or welfare of its members, or render him unfit to associate with the members of the Club. During the period of suspension the suspended member shall be prohibited from entry to the Club premises.
- c) The Committee, after proper inquiry, may by a majority of those present and voting, terminate the membership of, and expel from the Club, any member whose conduct shall be considered to render him unfit for continued membership of the Club, or who shall be found to possess any of the disqualifications set forth below –
  - i) a member of an organisation declared to be disloyal or subversive, or
  - ii) who shall have been convicted of any indictable offence, whether the same be tried summarily or otherwise, or
  - iii) does not comply with any of the provisions of these rules; or
  - iv) has membership fees in arrears for at least 2 months; or
  - v) Conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Club.
- d) The member shall be given not less than seven (7) days' notice in writing by the Secretary of the proposed inquiry, forwarded to the last known address of the member, informing him of his right to attend and submit a defence thereat. The member shall not be entitled to be represented by another person.
- e) If, after considering all representations made by the member, the Management Committee decides to terminate the membership, the Secretary of the committee must give the member a written notice of the decision.

## **11 Appeal against Rejection or Termination of Membership**

- a) A person whose application for membership has been rejected or whose membership has been terminated may within one (1) month of receiving written notification thereof, lodge with the Secretary written notice of his intention to appeal against the decision of the Committee.
- b) A notice of intention to appeal must be given to the Secretary within 1 month after the person receives written notice of the decision.
- c) If the Secretary receives a notice of intention to appeal, the Secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.
- d) Upon receipt of a notification to appeal against rejection or termination of membership, the Committee will consider this within one (1) month of its receipt.

## **12 Management Committee Meeting to Decide Appeals**

- a) At the management committee meeting to decide an appeal, the appellant shall be given the opportunity to present their case and the management committee shall make a determination by a majority vote. The determination shall be binding on the appellant and no further appeal is allowed under this Rule. The appellant

shall not be entitled to be represented by another person.

- b) Where a person, whose application is rejected, does not appeal against the decision of the management committee within the time prescribed by these Rules, or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fee paid.

### **13 Register of Members**

- a) The Committee shall cause a Register to be kept in which shall be entered member details as determined by the Committee.
- b) The Register may be inspected by any financial member who applies to the Secretary at a mutually agreeable time.
- c) The Management Committee may, on the application of a member of the Club, withhold information about the member (other than the member's full name) from the register available for inspection if the Management Committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm, or it breaches privacy obligations

### **14 Prohibition on Use of Information on Register of Members**

- a) A member of the Club must not—
  - i) use information obtained from the register of members of the Club to contact, or send material to, another member of the Club for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - ii) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the Club for the purpose of advertising for political, religious, charitable or commercial purposes.
- b) Sub-rule (a)(i) does not apply, if the use or disclosure of the information is approved by the Club.

### **15 Appointment or Election of Secretary**

- a) The Secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is—
  - i) a member of the Club elected by the members at a general meeting as Secretary; or
  - ii) any of the following persons appointed by the Management Committee as Secretary—
    - (1) a member of the Club's Management Committee;
    - (2) another member of the Club;
    - (3) another person.

Provided that a Secretary shall be elected only when no paid Secretary or paid Club Manager, is employed by the Club.

- b) If a vacancy happens in the office of Secretary, the members of the Management Committee must ensure a Secretary is appointed or elected for the Club within 1 month after the vacancy happens.
- c) If the Management Committee appoints a person mentioned in sub-rule (a)(ii)(1) as Secretary to fill a casual vacancy on the Management Committee the person remains a member of the Management Committee.
- d) However, if the Management Committee appoints a person mentioned in sub-rule (a)(ii)(2 or 3) as Secretary to fill a casual vacancy on the Management Committee, the person does not become a member of the Management Committee.
- e) In this rule "casual vacancy, on a Management Committee", means a vacancy that happens when an elected member of the Management Committee resigns, dies or otherwise stops holding office.

### **16 Removal of Secretary**

- a) The Management Committee of the Club may at any time remove a person appointed by the committee as the Secretary.
- b) If the Management Committee removes a Secretary who is a person mentioned in rule 15(a)(i), the person

remains a member of the Management Committee.

- c) If the Management Committee removes a Secretary who is a person mentioned in rule 15(a)(ii) and who has been appointed to a casual vacancy on the Management Committee under rule 18(d), the person remains a member of the Management Committee.

## **17 Functions of Secretary**

- a) The Secretary's functions include, but are not limited to—
  - i) calling meetings of the Club, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the President of the Club; and
  - ii) keeping minutes of each meeting; and
  - iii) keeping copies of all correspondence and other documents relating to the Club; and
  - iv) maintaining the register of members of the Club.

## **18 Membership of Management Committee**

- a) The management and control of the Club shall be vested in a Committee consisting of a President, Vice-President, Treasurer, Secretary, and six (6) other members, elected at the Annual General Meeting of the Club, provided always that a Secretary shall be elected only when no paid Secretary or paid Club Manager is employed by the Club.
- b) If any member of the Management Committee is absent from three (3) consecutive meetings of the Management Committee, without an explanation regarded as satisfactory by the Management Committee, such member will cease to be a member of the Management Committee.

## **19 Electing the Management Committee**

- a) The Management Committee must ensure that, before a candidate is elected as a member of the Management Committee, the candidate is advised—
  - i) whether or not the club has public liability insurance, and
  - ii) if the Club has public liability insurance—the amount of the insurance.
- b) Subject to the under-mentioned provisions the members of the Committee shall hold Office for a period of three (3) years. At the Annual General Meeting each year elections for the committee will take place on a rotational basis for the :-
  - President plus two (2) committee
  - Vice-President, Secretary (not being a paid Secretary or Club Manager) plus two (2) committee
  - Treasurer plus two (2) committee
- c) The President, Vice-President, Treasurer and Secretary (not being a paid Secretary or Club Manager) shall hold office until the Annual General Meeting of the Club which falls at the end of their three (3) year term, when they retire from office but shall be eligible for re-election.
- d) The Committee Members at the Annual General Meeting of the club which falls at the end of their three (3) year term will retire but shall be eligible for re-election
- e) At the Annual General Meeting of the club immediately after the adoption of this Constitution elections will be in accordance with the provisions of 19(b) noting on the rotational basis for the transitional years those in office will stand to the next annual general meeting
- f) Nominations for the Committee shall be in writing duly signed by two (2) financial Ordinary or Life Members of the Club and by the Nominee, and shall be delivered to the Secretary not later than fourteen (14) days before the Annual General Meeting.
- g) A person may be a candidate only if the person—
  - i) is not ineligible to be elected as a member under section 61A of the Act.
- h) A list of candidates' names in alphabetical order with the proposers' and seconders' names shall be posted in a conspicuous place in the Club for not less than seven (7) days immediately preceding the Annual General Meeting.
- i) If the number of nominations is in excess of the specified number for that class a ballot shall be held. Balloting



lists shall be prepared containing the names of the candidates in alphabetical order, and each financial member present at the Annual General Meeting shall be entitled to vote for any number of such candidates not exceeding the number of vacancies. The candidates receiving the most votes shall be declared elected, subject to Rule 18 hereof.

- j) If at the commencement of the Meeting there shall be an insufficient number of candidates nominated, nominations may be taken from the floor of the Meeting.
- k) If any member of the Committee shall die, retire, be removed from office pursuant to Rule 18(c), resign, become of unsound mind or otherwise become ineligible for membership of the Committee, the vacancy so arising shall be filled by appointment made by the remainder of the Committee. The person appointed to fill the vacancy shall assume the term of office of the person being replaced subject to Rules 18 and 19(c) and (e).

## **20 Resignation, Removal or Vacation of Office of Management Committee Member**

- a) Any member of the Committee may resign from membership of the Committee at any time by giving notice in writing to the Secretary and such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- b) A member of the Committee may be removed from office at a General Meeting of the Club, where that member shall be given the opportunity to fully present his case. The question of removal shall be determined by the vote of the members present and voting at such General Meeting. The Committee member shall not be entitled to be represented by another person.
- c) A member has no right of appeal against the member's removal from office under this rule.
- d) A member immediately vacates the office of member in the circumstances mentioned in Section 64(2) of the Act.

## **21 Vacancies on Management Committee**

- a) If a casual vacancy happens on the Management Committee, the continuing members of the committee may appoint another member of the Club to fill the vacancy until the next annual general meeting.
- b) The continuing members of the Management Committee may act despite a casual vacancy on the Management Committee.
- c) However, if the number of committee members is less than the number fixed under rule 23(b) as a quorum of the Management Committee, the continuing members may act only to—
  - i) increase the number of Management Committee members to the number required for a quorum; or
  - ii) call a general meeting of the Club.

## **22 Functions of Management Committee**

- a) Subject to these rules or a resolution of the members of the Club carried at a general meeting, the Management Committee has the general control and management of the administration of the affairs, property and funds of the Club.
- b) The Management Committee has authority to interpret the meaning of these rules and any matter relating to the Club on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.
- c) The Committee in addition to other powers conferred by this Constitution and Rules shall have the following powers:
  - i) To enter into contracts on behalf of the Club.
  - ii) To expend the funds of the Club from time to time as may be necessary or expedient for carrying out the objects of the Club.
  - iii) To appoint, pay and dismiss such Secretary, Club Manager and other employees as it may deem necessary or expedient for carrying out the objects of the Club. Delegation is given the Club Manager for the management of employees.
  - iv) To make By-Laws for the conduct and management of the Club and to repeal or amend any of such By-Laws.
  - v) To obtain the approval of the Ordinary Members of the Club by resolution passed at a General Meeting to borrow monies, issue debentures, and otherwise obtain monies, where the amount sought exceeds 50% of the Members' Equity in the Club.

- vi) To determine from time to time the trading hours of the Club.

## 23 Meetings of Management Committee

- a) The Committee shall meet at least once in every calendar month to examine the accounts and attend to the affairs of the Club, except only in circumstances outside the control of the Committee.
- b) At all meetings of the Committee a quorum shall be a simple majority of the number of members elected to the Committee.
- c) The Secretary shall cause full and accurate Minutes of all questions, matters, motions, resolutions and other proceedings of every Committee Meeting to be held in any manner prescribed by the Committee. The Minutes are to be made available at all reasonable times to any financial member who previously applies to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recorded Minutes the President chairing the next Committee Meeting shall sign the form specified by the Committee verifying their accuracy.
- d) A Special Meeting of the Committee shall be convened by the Secretary on the requisition in writing signed by not less than one-third of the members of the Committee, which requisition shall clearly state the reasons why such Special Meeting is being convened and the nature of the business to be transacted thereat.
- e) If the Secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- f) A request for a special meeting must state—
  - i) why the special meeting is called; and
  - ii) the business to be conducted at the meeting.
- g) A notice of a special meeting must state—
  - i) the day, time and place of the meeting; and
  - ii) the business to be conducted at the meeting.
- h) A special meeting of the Management Committee must be held within 14 days after notice of the meeting is given to the members of the Management Committee.
- i) At any meetings of the Management Committee the Chairman shall not vote on any matter except where there is an equality of votes then he shall exercise a casting vote to determine the decision
- j) Subject as previously provided in this Rule, the Committee may meet together and regulate its proceedings as it thinks fit, provided that questions arising at any Meeting of the Committee shall be decided by a majority of votes of Committee members present and voting in accordance with sub-rule (i)
- k) The Management Committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- l) A committee member who participates in the meeting as mentioned in sub-rule (k) is taken to be present at the meeting.
- m) A member of the Committee shall not vote in respect of any contract or proposed contract with the Club in which he is interested, or any matter arising therefrom, and if he does so vote, his vote shall not be counted
- n) Not less than fourteen (14) days' notice shall be given by the Secretary to members of the Committee of any Special Meeting of the Committee, Provided that in a particular case of urgent business the period may be abridged with the consent of all members of the Committee. Such notice shall clearly state the nature of the business to be discussed thereat.
- o) The President shall preside as Chairman at every Meeting of the Committee, or if there is no President, or if at any Meeting he is not present within ten (10) minutes after the time appointed for holding the Meeting, the Vice-President shall be Chairman, or if the Vice-President is not present at the Meeting then the members may choose one of their number to be Chairman of the Meeting.
- p) If within half an hour from the time appointed for the commencement of a Committee Meeting a quorum is not present, the Meeting, if convened upon the requisition of members of the Committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Committee may determine, and if at the adjourned Meeting a quorum is not present within half an hour from the time appointed for the Meeting, the Meeting shall lapse
- q) All acts done by any Meeting of the Committee or of a Sub-Committee or by any person acting as a member of the Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Committee or person acting as aforesaid, or that the members of the Committee or any of them were disqualified, be as valid as if every such person had been duly appointed and

was qualified to be a member of the Committee.

- r) A Resolution in writing signed by all the members of the Committee for the time being entitled to receive notice of a Meeting of the Committee shall be as valid and effectual as if it had been passed at a Meeting of the Committee duly convened and held. Any such Resolution may consist of several documents in like form, each signed by one or more members of the Committee.

## 24 Appointment of Subcommittees

- a) The Committee may from time to time appoint from amongst its members, or from other financial members of the Club, or from both, such Sub-Committees as may be deemed expedient to perform such duties as may be determined by the Committee, and for such purposes the Committee may delegate such powers other than those relating to election, suspension and expulsion of members as it shall consider necessary, and such Sub-Committees shall report their proceedings to the Committee.
- b) A member of the subcommittee who is not a member of the Management Committee is not entitled to vote at a Management Committee meeting.
- c) A subcommittee may elect a chairperson of its meetings.
- d) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- e) A subcommittee may meet and adjourn, as it considers appropriate.
- f) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

## 25 General Meetings

- a) A General Meeting to be termed the Annual General Meeting shall be held once in every calendar year within three months of the close of the club's financial year. The Annual General Meeting shall be held for the purpose of electing the Officers and Committee of the Club, and the Auditor, and also for the purpose of receiving, and if thought fit, adopting the outgoing Committee's Report and the Treasurer's Balance Sheet and the Statement of Accounts for the preceding year and the Auditor's Report, and transacting such other business as is specified in the Notice convening the Meeting.
- b) A Special General Meeting may be called at any time by the Committee, and shall be called by the Secretary on his receiving a written request specifying the subject to be discussed and signed by at least one hundred (100) Ordinary or Life Members of the Club who have paid all monies for the time being due by them to the Club. No other business except that of which notice has been given shall be discussed at such Meeting.
- c) Upon receipt of any such requisition for a Special General Meeting the Secretary shall call the Meeting within fourteen (14) days from the date on which the requisition is delivered to him.
- d) The Secretary may call a general meeting of the Club.
- e) If the Secretary is unable or unwilling to call the meeting, the president must call the meeting.
- f) The Management Committee may decide the way in which the notice must be given.
- g) However, notice of the following meetings must be given in writing—
  - i) a meeting called to hear and decide the appeal of a person against the Management Committee's decision—
    - (1) to reject the person's application for membership of the Club; or
    - (2) to terminate the person's membership of the Club;
  - ii) a meeting called to hear and decide a proposed special resolution of the Club.
- h) A notice of a general meeting must state the business to be conducted at the meeting.
- i) Fourteen (14) clear days' notice of a General Meeting, or in the case of a Meeting called to pass a Special Resolution, twenty-one (21) clear days' notice, specifying the place, day, hour of the Meeting, shall be given by notice to the members entitled to take part in any General Meeting. Notice of such Meeting, and of the business to be transacted thereat, shall be posted on the Main Notice Board in the Club premises, and a copy of such notice shall be advertised on at least one occasion in a newspaper published and circulating in Bundaberg.
- j) At any General Meeting of the Club a quorum shall be double the number of members on the Management Committee plus one. If a quorum be not present within fifteen (15) minutes of the time fixed for the General

Meeting, the members present may adjourn the same to a day being not less than seven (7) nor more than twenty-one (21) clear days thereafter. Any such adjourned Meeting shall be at the same time and place of such adjourned meeting. The members present shall form a quorum and it shall not be necessary to give notice of such adjournment other than by a Notice to be posted in the Club premises at least seven (7) clear days prior to the date of the adjourned Meeting.

- k) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.
- l) A member may take part and vote in a general meeting in person or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- m) A member who participates in a meeting as mentioned in sub-rule (l) is taken to be present at the meeting.
- n) If a quorum be not present at the time fixed for a Special Meeting called on the requisition of members, the Meeting shall lapse and the subject matter of the Special General Meeting shall not be raised within ninety (90) days of the calling of the Special General Meeting.
- o) The President of the Club shall preside as Chairman at every General Meeting. If the President be not present, or if present shall decline to act, then the Vice-President shall preside, and if he shall decline to act, the members present shall choose one of their number to be Chairman.
- p) The chairperson must conduct the meeting in a proper and orderly way
- q) At any General Meeting a motion shall be decided on a show of hands unless the Meeting decides otherwise. A declaration by the Chairman that a motion has or has not been carried shall be conclusive. A Special Resolution shall require the affirmative vote of not less than three-quarters of qualified members present and voting. The Chairman shall be entitled to a deliberative and a casting vote. The Chairman of a General Meeting, with the consent of the Meeting, may adjourn the Meeting from time to time and from place to place, but no business shall be transacted at any adjourned Meeting except business not completed at the Meeting so adjourned.
- r) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- s) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- t) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.
- u) The Secretary shall cause full and accurate Minutes of all questions, matters, resolutions and other proceedings of every General Meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such Minutes, the Minutes of every General Meeting shall be signed by the Chairman of that Meeting or the Chairman of the next succeeding General Meeting, provided that the Minutes of any Annual General Meeting shall be signed by the Chairman of that Meeting or the Chairman of the next succeeding General Meeting or Annual General Meeting.

## **26 Guests**

- a) Members other than Honorary Members shall have the right of introducing guests to the Club subject to the entry of such guest's name and the member's signature in a book provided for that purpose, provided that members shall not exercise too freely the privilege of introducing non-members to the Club.
- b) No members shall be permitted to introduce the same guest for a period exceeding thirty (30) days in any one year
- c) The Committee shall have the power to exclude guests at any time considered necessary by the Committee.

## **27 Payment of Charges Incurred**

- a) Every member shall pay all charges incurred by him on his own account or for any guest before leaving the Club, and no member shall be entitled to credit for goods or refreshments supplied or for games played, by them or by any guest introduced by them.

## **28 By-laws**

- a) The Management Committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the club.

- b) A by-law may be set aside by a vote of members at a general meeting of the club.

## **29 Alteration of rules**

- a) Subject to the Provisions of the Associations Incorporation Act 1981, this Constitution and Rules may be amended, rescinded or added to from time to time by a special Resolution carried at any General Meeting.
- b) However, an Amendment, Revision or Addition is valid only if it is registered by the Chief Executive.

## **30 Interpretation of Constitution and Rules**

- a) The Committee shall be the sole authority for the interpretation of this Constitution and Rules, and of the By-Laws made thereunder, and the decision of the Committee upon any question of interpretation or upon any matter affecting the Club and not provided for by the Constitution and Rules, or by the By-Laws made thereunder, shall be final and binding on the members.
- b) Section 47 (1) of the Associations Incorporation Act 1981 is specifically excluded from the operation of these Rules.

## **31 Common seal**

- a) The Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Committee and every instrument to which the Seal is affixed shall be signed by a member of the Committee and shall be counter-signed by the Secretary or by a second member of the Committee or by some other person appointed by the Committee for the purpose.

## **32 Funds and accounts**

- a) The Club shall open a Bank Account in the name of the Club, and all cheques and other negotiable instruments shall be signed and/or endorsed by such of the Committee members as the Committee shall determine.
- b) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Club. Books and accounts shall be correctly kept and shall contain the particulars usually shown in books and accounts of a like nature.
- c) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- d) A payment by the Club of \$100 or more must be made by cheque or electronic funds transfer.
- e) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following—
  - i) the President;
  - ii) the Secretary;
  - iii) the Treasurer;
  - iv) any two employees who have been authorised by the Management Committee to sign club cheques on behalf of the Club.
- f) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed 'not negotiable'.
- g) A petty cash system may be kept at the discretion of the Management Committee.
- h) Payments of less than \$100 may be made from petty cash.
- i) Payments made from petty cash must be processed in accordance with current accounting standards
- j) All expenditure must be approved or ratified by the Management Committee.

## **33 Documents**

- a) The Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Club.

## **34 General financial matters**

- a) The financial year shall end on the 30<sup>th</sup> June in each year
- b) The initial financial reporting period during the changeover will cover a period of eighteen (18) months and run

01<sup>st</sup> January 2016 to 30<sup>th</sup> June 2017.

- c) On behalf of the Management Committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared. The Balance Sheet and Accounts shall be audited as soon as convenient by the appointed Auditor.
- d) The income and property of the Club whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers.
- e) The Club's treasurer, or other authorised officer, must—
  - i) receive all amounts paid to the Club and, if asked, immediately give a receipt for the amounts; and
  - ii) as soon as practicable—
    - 1) ensure the deposit of each amount received into the Club's account with a financial institution; and
    - 2) ensure the entry of the particulars of each amount received, and payments made by the Club, into the Club's general ledger
- e) The Management Committee must—
  - 1) approve or ratify the Club's expenditure; and
  - 2) ensure the approval and/or ratification is recorded in the Management Committee's minutes.
- f) The Club's expenditure must be supported by adequate documentation and kept at a place decided by the Club's Management Committee.
- g) The Club's treasurer, or other authorised officer, must regularly ensure—
  - i) the general ledger is balanced; and
  - ii) bank reconciliations of the Club's accounts are completed.
- h) A Club must keep its financial records in accordance with State/Federal laws

## 35 Dissolution

- a) If upon the winding up or dissolution of the Club in accordance with the provisions of Part 10 of the *Association Incorporation Act 1981*, and there remains, after satisfaction of all its debts and liabilities, any property or assets whatsoever, the same shall not be paid to or distributed among the members of the Club, but shall be given or transferred to some other institution or institutions, having objects similar to the objects of the Club, and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Club under or by virtue of this rule.
- b) in this rule surplus assets are to be distributed in accordance with current laws.
- c) such institution or institutions to be determined by the members of the Club at or before the time of dissolution.
- d) if the members do not make the necessary determination under this rule, the Club may apply to the Supreme Court to determine the institution or institutions.

# By-Laws

## **BY-LAW No. 1 - General Provisions**

### **1. Club Hours**

The Club premises shall be open to members at the times directed by the Committee and in accordance with the provisions of the Liquor Act 1992 (Qld).

### **2. Gambling**

No gambling shall be allowed in the Club premises and the Committee may prohibit any game considered by the Committee to be injurious to the interests of the Club. State sanctioned gambling will be accepted.

### **3. Animals**

No member shall bring any animal into the Club premises, with the exception of dogs accompanying persons who by the nature of a medical condition require the company of a trained dog, without the approval of the Club Manager

### **4. Reprimanding Club Employees**

No member shall reprimand any employee of the Club personally. Any complaint concerning the employee shall be addressed in writing by the member, or in person, to the Club Manager in charge.

### **5. Politics and Religion**

Discussion of party politics and religion of every kind is discouraged in the Club premises.

### **6. Removal of Club Property**

No member shall remove from the Club premises without the approval of the Club Manager in charge, any materials, plants or other property of the Club, and any members who shall wilfully damage or destroy any Club property shall pay such sum for repair or restoration thereof as the Committee shall decide.

### **7. Club not to be used for business**

No member, member's guest, visitor or honorary member shall use any contact details of the club or any part of the club premises for business purposes.

### **8. Tickets, Subscriptions Lists, Raffles**

No items, tickets for entertainment or raffles shall be offered for sale by external parties on s-Club premises without the authority of the Club Manager.

### **9. Dress**

The Committee shall have the power to set the standard of dress for all or any part of the Club premises. Refer By-Law No. 4.

### **10. Vehicle Parking and Theft or Damage**

- a) Any vehicle parked in a designated club car park is done so at the owner's risk and the club accepts no responsibility whatsoever for any claim for damage or loss be it vehicle or property.
- b) The Club shall not be responsible for the loss or theft of, damage to, any article left by a member or guest in the Club premises and its environs.

### **11. Members' Conduct**

Any member, member's guest, visitor or honorary member who in the opinion of the Club Manager is prejudicial to the interests of the Club and its Rules and By-Laws shall be liable to immediate removal from the Club on the authority of the Club Manager. Refer By-Law 3.

### **12. Management Committee Eligibility**

Paid employees of the Club who are financial members of the Club are specifically excluded from standing for election to the Management Committee.

## **BY-LAW No. 2 Membership**

### **1. Membership Classes & Eligibility**

As defined by Sections 5, 6, 8 and 9 of the Constitution, and summarized as follows:

#### a. Ordinary Members

Any person eighteen (18) years or over who is admitted to membership of the Club in conformity with Section 6 (a) of the Constitution.

#### b. Life Members



- Elected in conformity with Section 6 (b)
- c. Social Members  
Elected in conformity with Section 6 (d)
- d. Honorary Members  
A class of members as defined in Section 6 (e)
- e. Reciprocal Members  
As defined in the applicable laws with entry restrictions in accordance with 2(d).
- f. Junior Members  
Elected in conformity with Section 6 (f)

## 2. Admission

Admission to each class of membership shall be according to the procedures following:

- a. Ordinary Members  
As per Section 8 and who pay a membership fee in accordance with Section 9.
- b. Life Members  
As per Section 6 (b)
- c. Honorary Members  
To be admitted at the discretion of the Club Manager in charge after entering their details in the form prescribed by the Committee.
- d. Membership of Reciprocal Clubs and Bona Fide Visitors  
To be admitted on the authority of the Club Manager on duty following evidence of membership of a club holding reciprocal rights with the Club or following proof of visitor status and complying with restrictions defined by applicable laws. Their details will be kept in a form prescribed by the Committee.  
  
The Bundaberg & District R.S.L and Citizens Memorial Club Inc. possess and hold at reception a full copy of Reciprocal Clubs. In accordance with this, the Bundaberg & District R.S.L and Citizens Memorial Club Inc. is a member of Clubs Queensland who also provides a copy of the Reciprocal Clubs.

## 3. Rights and Privileges

Classes of members shall enjoy common rights and privileges in accordance with various laws and the Constitution and By-Laws of the Club defined as Ordinary members, Life members, Social members, Honorary members, Reciprocal members and member's guests.

These rights and privileges shall include access to and use of those areas of licensed premises generally defined by the Committee or the Club Manager in charge to be for general club member use.

## 4. Fees

- a) The Committee shall set subscription fees to be paid by Ordinary members as per Section 9.
- b) Life and Honorary Members shall not be required to pay annual membership fees.
- c) Life Subscribers who have paid the prescribed fee shall not be required to pay any further membership fees for the remainder of their life.

## 5. Un-financial Members

Members who have not paid their fees in accordance with Section 9 and 10 are not entitled to enjoy the benefits of the club or be eligible to participate in any promotions offered to financial members of the Club.



## 6. Eligibility to reapply for Membership

No Person who has had their membership terminated or has had an application for membership refused shall be eligible to reapply for membership of the Club within 3 years of the date on which their membership was terminated or their application for membership refused.

## 7. Membership Cards

Members must produce their current membership card to staff or authorised person(s) when requested. No Facsimiles or copies (digital or printed) will be accepted.

# **BY-LAW No. 3 – Code of Behaviour and Disciplinary Action**

## 1. Code of Behaviour

The general behaviour required of each member shall be that which will be compatible with the majority of the members of the Club. Notwithstanding such generalities and without limiting members' requirements, members shall:

- a) Comply with any requirements set down by the Committee or the Club Manager
- b) Dress according to the requirements set down by the Committee, or the Club Manager for the particular area of the Club and for the particular time, such requirements to be prominently displayed in writing. In general, the dress code for particular areas of the Club premises shall be in accordance with By-Law No. 4.
- c) Pay adequate respect to all of the Club's property and assets and to promptly report to Club staff vandalism or other acts that may result in damage to Club property or assets.
- d) Show due respect to Club staff and to any Club member controlling a particular function or activity.
- e) Be responsible for the behaviour and control of underage persons in their company ensuring they remain strictly in the areas allowed by the Club.
- f) Not remove any materials, plant or other Club property without the express permission of the Club Manager.
- g) Be responsible for their guests.
- h) Not spread malicious rumours within the Club. (NOTE: This section included in accordance with a motion passed at the 1997 AGM: "That in future any person or persons spreading malicious rumours be called before the Management Committee to explain their actions and the Club Management deal with the matter as they see fit.")

## 2. Disciplinary Action

### a) Authorities

The Club Manager in charge may suspend or restrict the usage of the Club facilities to any member whose conduct in the premises or precincts of the Club is or has been such as to be in the opinion of them injurious to the character of or interests of the Club or the comfort and welfare of its members or to render him unfit to associate with the members of the Club. Such action shall be communicated in a form prescribed by the Committee to the next Meeting for this approval/confirmation.

### b) Reporting

Breaches of the Code of Behaviour are to be reported to the Committee in the following manner:

- i) By a Club member – in writing to the Secretary
- ii) By the staff recorded through the Incident Book
- iii) Committee members – in writing to the Secretary

The Secretary, with respect to each and every report of a misdemeanour or breach of the code of behaviour, shall cause it to be recorded in writing, such details that will provide for recall of the basic facts involved in the breach or misdemeanour, at some future time. In particular, date, time, place and person or persons involved

are to be recorded, together with a description of the act or actions that resulted in the breach of the Code of Behaviour. The Secretary shall report all such matters to the Committee as soon as practicable.

c) Investigation

In respect of each and every breach of the Code reported to the Committee, the Committee shall proceed to investigate all details of the alleged breach as soon as practical as and not longer than fourteen (14) days from the date of the alleged breach. If required, the Secretary or the President may call a special Committee Meeting for the purposes of such investigation.

The Committee shall use its best endeavours to satisfy itself of the facts or the act or actions that resulted in the breach of the Code and shall make a decision based on such facts.

The Committee at its discretion may permit a member or staff member to be heard at the meeting at which the investigation is conducted, but if such a hearing is permitted, the Committee shall hear representation from both the parties lodging or reporting the complaint and the parties alleged to have committed the breach. The provision is to be in accord with Section 12.

d) Actions

Following adequate investigation of any alleged breach of the Code of Behaviour, should the Committee agree by a majority that the alleged breach is proven, then it may, at its discretion, impose one or more of the following penalties on the member or members involved in the breach.

- i) A warning in writing and delivered in person to the member or members involved.
- ii) Suspension of membership, such suspension as the Committee may decide and to be implemented as per Section 12(a).
- iii) Expulsion, such expulsion to be implemented as per Section 12 (b) of the Constitution.

A member expelled from the Club shall be eligible to reapply for membership in accordance with Section 2(6).

Should the Committee find that an alleged breach is unproven, then the member or members so complained against shall be so informed, as shall the members or staff member submitting the complaint. Breaches involving a warning or fine may subsequently impose a restriction on the use of the Club facilities for a period of time determined by the Committee.

The member shall not be entitled to be represented by another person. (Sections 12 and 13 Constitution & Rules).

## **BY-LAW No. 4 – Members’ Dress Rules**

### **1. General**

The following statements are an expression of the broad principles to be applied in the enforcement of dress rules to apply in nominated areas of the Club at nominated times.

Whilst the general requirement of the dress rules may be stated, the interpretation of the rules rests largely with the Club Manager in charge. To this end, marginal cases must be treated with due concern for the situation prevailing at the particular time; however, blatant disregard for the rules must result in enforcement of this by-law.

### **2. Dress Required**

Without limiting the generality of this Section, and, at the discretion of the Club Manager in charge, the following are not allowed at any time.

- Singlets worn as normal attire;
- Swimwear;
- Clothing with printed language deemed offensive;
- Dirty Clothing;
- Torn clothing outside recognised fashion trends;
- Scant or revealing clothing;

- Inappropriate footwear;
- Inappropriate headwear;
- Any attire deemed inappropriate by the Committee or Club Manager in charge.

Generally neat and tidy attire is required to enter the Club as determined by the Committee or the Club Manager in charge.

### **3. Enforcement**

A member, member's guest, visitor or honorary member not complying with the dress rules will be asked to leave the Club by the Club Manager in charge.