



## **REDLAND BAY AMATEUR FISHING CLUB Inc.**

### **CONSTITUTION**

**IA06804**

General Rules and By-Laws passed by the members of the club and adopted by General meeting held in the Club Room: "Redland Bay Hotel" on 15<sup>th</sup> May 1997

Updated 30<sup>th</sup> June 2007

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## **REDLAND BAY AMATEUR FISHING CLUB Inc.**

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# **REDLAND BAY AMATEUR FISHING CLUB Inc.**

## **1. MODEL RULES**

### **1.1 WORDS AND EXPRESSIONS TO HAVE MEANING IN THE ACT:**

A word or expression that is not defined in these model rules, but is defined in the Associations Incorporation Act 1981 has, if the context permits, the meaning given by the Act.

## **2 NAME**

2.1 The name of the incorporated association is:

2.2 ***“Redland Bay Amateur Fishing Club Inc” (IA06804)***

## **3 OBJECTS**

3.1 The objects of the association are:

1. The Sport of Fishing
2. Good Fellowship amongst all
3. The Sporting Welfare of it's Members

## **4 POWERS**

4.1 The association has the powers of an individual.

4.2 The association may, for example -

- a) enter into contracts; and
- b) acquire, hold, deal with and dispose of property; and
- c) make charges for services and facilities it supplies; and
- d) do other things necessary or convenient to be done in carrying out its 'affairs.

1. The association may take over the funds and other assets and liabilities of the present unincorporated association.
2. The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

## **5 CLASSES OF MEMBERS**

5.1 The membership of the association shall consist of ordinary members,

5.2 and any of the following classes of members;

- associate members;
- life members;
- honorary members

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5.3 The number of ordinary members is unlimited.

### 6 MEMBERSHIP

- 6.1 A person who, on the day the association is incorporated, was a member of the ***unincorporated association and who, on or before a day fixed by the management*** committee, agrees in writing to become a member of the incorporated association, must be admitted by the management committee to the same class of membership of the association as the member held in the unincorporated association.
- 6.2 A member of the incorporated association who, before becoming a member, has paid the member's annual subscription for membership of the unincorporated association on or before a day fixed by the management committee, is not liable to pay a further amount of annual subscription for the period before the day fixed by the management committee as the day on which the next annual subscription is payable.
- 6.3 An applicant for membership of the association, other than the members of the unincorporated association mentioned in subsection (1), must be proposed by 1 member of the association (the Proposer) and seconded by another member (the seconder).
- 6.4 Any person desirous of becoming a member of the Club shall be nominated and seconded by financial members of the Club. Such nominations to be in writing and accompanied by a fee determined by the Annual General meeting and an annual subscription fee. Member's spouse will automatically be eligible to be a member of the Club
- 6.5 An application for membership must be:
- (a) in writing; and
  - (b) signed by the applicant and the applicant's Proposer and seconder; and  
in the form decided by the management committee.
- 6.6 Any member not financial by the end of February shall be deemed unfinancial for that year and must rejoin the Club to be eligible for trophies for that year.
- 6.7 Providing a junior has not attained the age of sixteen (16) years before the Annual General Meeting, he/she shall fish in the junior grade during the ensuring year.

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## **7 LIFE MEMBERSHIP**

- 7.1 At the Annual General Meeting those who have rendered outstanding services may be elected to Life Membership. Votes on Life Membership to be two-third majority basis, not a simple majority.
- 7.2 Life Membership may be rescinded for any major misdemeanour against the Club, and then only on a two-third majority vote at a General Meeting.
- 7.3 The Club shall not have any more than ten (10) Life Members on the books of the Club at any one (1) time.
- 7.4 At the Annual General Meeting, any person, other than a member, may be granted Honorary Membership for exceptional services to the Club, on a two-third majority vote.
- 7.5 Honorary Membership must be voted continuance each year by a two-third majority vote at the Annual General Meeting.
- 7.6 The Club shall have no more than six (6) Honorary Members on the books of the Club at any one time.

## **8 TERMINATION OF MEMBERSHIP**

- 8.1 A member may resign from the Club at any time by giving notice in writing to the Secretary.
- 8.2 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.
- 8.3 If a member:-
  - 1. is convicted of an indictable offence; or
  - 2. fails to comply with any of the provisions of these rules; or
  - 3. has membership fees in arrears for a period of two (2) months or more; or
  - 4. conducts himself/herself in a manner considered to be injurious or
  - 5. prejudicial to the character or interests of the Club;

The Management Committee shall consider whether the member's membership should be terminated.

- 8.4 The member concerned shall be given a full and fair opportunity of presenting the member's case and if the Management Committee resolves to terminate the membership it shall instruct the Secretary to advise the member in writing accordingly.

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### **9 APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP**

- 9.1 A person who's application for membership has been rejected or who's membership has been terminated may within one (1) month of receiving written notification thereof, lodge with the Secretary written notice of the person's intention to appeal against the decision of the Management Committee.
- 9.2 Upon receipt of a notification of intention to appeal against rejection or termination of membership the Secretary shall convene, within three (3) months of the date of receipt by the Secretary of such notice, a General meeting to determine the appeal.
- 9.3 At any such meeting the applicant shall be given the opportunity to fully present the applicant's case and the Management Committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting it's or their case.

### **10 ADMISSION AND REJECTION OF MEMBERS**

- 10.1 The management committee must consider an application for membership at the next meeting of the committee held after it receives-
- (a) the application; and
  - (b) the appropriate membership fee for the application.
- 10.2 The management committee must decide at the meeting whether to accept or reject the application.
- 10.3 If a majority of the management committee members present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member to the class of membership applied for.
- 10.4 The secretary of the association must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

### **11 WHEN MEMBERSHIP ENDS**

- 11.1 A member may resign from the association by giving a written notice of resignation to the secretary.
- 11.2 The resignation takes effect on:
- (a) the day and at the time the notice is received by the secretary; or
  - (b) if a later day is stated in the notice - the later day.
- 11.3 The management committee may terminate a member's membership if the member:
- (a) is convicted of an indictable offence; or

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- (b) does not comply with any of the provisions of these rules; or
- (c) has membership fees in arrears for at least 2 months; or
- (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.

11.4 Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.

11.5 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.

### **12 APPEAL AGAINST REJECTION OR TERMINATION OF MEMBERSHIP**

12.1 A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.

12.2 A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.

12.3 If the secretary receives a notice of intention to appeal, the secretary must, within 3 months after the day of receipt, call a general meeting to decide the appeal.

12.4 At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.

12.5 Also, the management committee and the committee members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.

12.6 An appeal must be decided by a vote of the members present at the meeting.

12.7 If a person whose application has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the application fee paid by the person.

### **13 REGISTER OF MEMBERS**

13.1 The management committee must keep a register of members.

13.2 The register of members must include the following particulars for each member-

- (a) the full name and residential address of the member;
- (b) the date of admission as a member;
- (c) the date of death or resignation of the member;

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- (d) details about the termination or reinstatement of membership;
- (e) any other particulars the management committee or the members at a general meeting decide.

13.3 The register must be open for inspection at all reasonable times.

13.4 However, before the member may inspect the register, the member must apply to the secretary to inspect it.

### **14 Office Bearers “Redland Bay Amateur Fishing Club”**

14.1 The Office Bearers may consist of any of the following:

|                               |                                      |
|-------------------------------|--------------------------------------|
| Patron                        | President                            |
| Secretary                     | Treasurer                            |
| Vice President                | Assistant Secretary                  |
| Inshore Captain               | Inshore Vice-Captain                 |
| Offshore Captain              | Offshore Vice-Captain                |
| Inshore Competition Secretary | Offshore Competition Secretary       |
| Inshore Referee               | Inshore Assistant Referee            |
| Offshore Referee              | Offshore Assistant Referee           |
| Inshore Liaison Officer       | Offshore Liaison Officer             |
| Gear Custodian                | Social Coordinator                   |
| Fund Raising Coordinator      | Fund Raising Committee (Six Members) |

### **15 DUTIES AND POWERS OF OFFICE BEARERS**

15.1 PRESIDENT

- a) Shall preside at all meetings and functions and conform to routine meeting procedure, governing discussions by usual rules of debate. He/she shall possess a second or casting vote in the event of a tied vote.
- b) Shall see that the Secretary submits true and concise Minutes of all meetings, correspondence etc.
- c) Shall sign the Minutes Book and bank deposit book and conduct meetings in an orderly manner.

15.2 VICE-PRESIDENT

- a) Shall perform the duties of President as and when required and act in the absence of the President.

15.3 SECRETARY

- A. If the association has not elected an interim officer as secretary for the association before its incorporation, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after incorporation.
- 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 association within 1 month after the vacancy happens.

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- C. The secretary must be an individual residing in Queensland, or in another State but not more than 65 km from the Queensland border, who is -
- (a) a member of the association elected by the association as secretary; or
  - (b) any of the following persons appointed by the management committee-
    - (i) a member of the association's management committee;
    - (ii) a member of the association;
    - (iii) another person.

15.4 The management committee may appoint and remove the association's secretary at any time.

### **15.5 THE SECRETARY**

- a) Shall give notice of all meetings and trips.
- b) Shall keep a record of names and addresses of all financial members.
- c) Shall keep a true and concise record of all meetings and competitions.
- d) Conduct all correspondence in duplicate and file all documents relative to the Club.
- e) Attend all meetings of the Club and have all books etc. prepared for the meetings and see that the same are forwarded to the meeting if he/she is unable to attend.
- f) He/she shall forward a list of registered members to and conduct all business and correspondence with the parent body.
- g) Shall register the Club with the parent body when applicable.
- h) Keep a record of all trophies and winners thereof.
- i) He/she shall, in conjunction with the committee, organize all socials as decided on by the Club.

### **15.6 ASSISTANT SECRETARY**

- a) He/she shall record in condensed form the proceedings of all meetings.
- b) He/she shall ensure all accounts pertaining to all socials are forwarded to the Honorary Secretary.
- c) He/she shall assist and relieve the Honorary Secretary when called upon

### **15.7 TREASURER**

- a) He/she shall receive all monies payable to the Club and deposit same in the bank to the credit of the Club within fourteen (14) days of receiving such monies.
- b) Pay all accounts of the Club after they have been submitted and authorized by a General meeting.
- c) Sign all cheques and withdrawal forms in conjunction with one of the other signatories.
- d) Where the amount to be withdrawn exceeds \$1000-00 there must be three (3) signatures on the withdrawal form.
- e) Keep a proper and correct record of all accounts.
- f) Present at Annual General Meeting an audited and certified Balance Sheet and a Statement of Assets and Liabilities.
- g) He/she shall also submit at each General Meeting a statement of receipts and expenditure, together with the previous month's Bank Statement.
- h) He/she shall reconcile cash balance on every trip with the Competition Secretary.

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### **15.8 COMPETITION SECRETARY**

- a) He/she shall record the names of all members and visitors attending trips.
- b) Draw teams and announce all trophies to be fished for etc. and advise members accordingly.
- c) Record all fish weighed-in by each competitor.
- d) Tally up competitor points and trophies etc.
- e) He/she shall furnish the Honorary Secretary with particulars of all trips.
- f) Reconcile the Master Points book with the Trip book.

### **15.9 CAPTAIN**

- a) He/she shall be in full control of the Club's outings for each trip.
- b) Shall judge and umpire at all competitions and shall possess power to settle immediately, disputes and matters arising not provided for in the rules, together with any special conditions attached to a competition. On such matters his/her decision is final on the day.
- c) Should he/she be unable or unwilling to adjudicate, he/she may refer the dispute to the Committee, who's decision shall be final.
- d) Shall be responsible for the maintenance of good order and discipline.

### **15.10 VICE-CAPTAIN**

- a) He/she shall assist the Captain and deputize for him/her in his/her absence.

### **15.11 REFEREE AND ASSISTANT REFEREE**

- a) They shall ensure that the fish weighed and measured conform with the current Fisheries Act.
- b) They shall refer to the Captain for adjudication on any matters of difference arising from the weigh-in of any fish.

### **15.12 S.Q.A.F.C.A. DELEGATES**

- a) They shall represent the Club faithfully at all S.Q.A.F.C.A. meetings. They shall not indemnify the Club or agree to any resolution adversely affecting the Club, without first obtaining consent from a Committee meeting of the Club.  
They shall submit to the next Committee meeting a brief report of all S.Q.A.F.C.A. Delegate Meetings.

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### **16 MEMBERSHIP OF MANAGEMENT COMMITTEE**

- 16.1 An Executive Management Committee consisting of the President, Vice-President, Secretary, Treasurer and Assistant Secretary shall have authority to interpret the meaning of the rules and by-laws and any matter relating to the objects of the Club on which these rules are silent
- 16.2 The management committee shall consist of all Office bearers.
- 16.3 The management committee of the association consists of a President, Vice-President, Treasurer, and any other members the association members elect or appoint at a general meeting.
- 16.4 Shall administer the General Welfare of the Club in accordance with the Rules and By-laws.
- 16.5 A member of the management committee, other than the secretary, must be a member of the association.
- 16.6 At each annual general meeting of the association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.
- 16.7 Shall meet at least monthly or as and when required and conform to routine meeting rules and procedures.
- 16.8 Shall decide and superintend all matters connected with competitions when necessary.
- 16.9 Shall fix the date, locality and boundaries and place of assemblage.
- 16.10 Shall have the power to call on any member to show cause why he/she should not be dealt with for any infringement of the Rules and By-laws.
- 16.11 Shall ensure the income and property of the Club is used solely in promoting the Clubs objects and exercising club powers.

### **17 Tenure of Office**

- a) A member of the association may only serve as President for two (2) consecutive years.
- b) Without limiting the intent of a) above, if a member assumes the position of President part way through the club year, the period of service in the remainder of that year shall not be counted in terms of a) above.

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### **18 ELECTING THE MANAGEMENT COMMITTEE**

18.1 A member of the management committee may only be elected as follows-

- (a) any 2 members of the association may nominate another member (the candidate) to serve as a member of the management committee;
- 18.1.1 (b) the nomination must be-
  - in writing; and
  - (ii) signed by the candidate and the members who nominated him or her; and
  - (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
- (c) each member present at the annual general meeting may vote for any number of candidates not more than the number of vacancies;
- (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.

18.2 A list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting.

18.3 If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.

### **19 RESIGNATION OR REMOVAL FROM OFFICE OF MANAGEMENT COMMITTEE MEMBER**

19.1 A management committee member may resign from the committee by giving written notice of resignation to the secretary.

19.2 The resignation takes effect on-

- the day and at the time the notice is received by the secretary; or
- if a later day is stated in the notice - the later day.

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- 19.3 A member may be removed from office at a general meeting of the association if a majority of the members present at the meeting vote in favour of removing the member.
- 19.4 Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 19.5 A member has no right of appeal against the member's removal from office under this section.

## **20 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 association 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 these rules as a quorum of the management committee,<sup>1</sup> the continuing members may act only to-
  - increase the number of management committee members to the number
  - required for a quorum; or
  - call a general meeting of the association.

## **21 FUNCTIONS OF MANAGEMENT COMMITTEE**

- 21.1 Subject to these rules or a resolution of the association members carried at a general meeting, the management committee -
- a) has the general control and management of the administration of the affairs, property and funds of the association; and
- has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent.
- 21.2 The management committee may exercise the powers of the association -
- a) to borrow, raise or secure the payment of amounts in a way the association members decide; and
  - b) to secure the amounts mentioned in paragraph (a) or the payment or
  - c) performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the association's property, both present and future; and
  - d) to purchase, redeem or pay off any securities issued; and
  - e) to borrow amounts from members and pay interest on the amounts borrowed; and

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- f) to mortgage or charge the whole or part of its property; and
- g) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association; and
- h) to provide and pay off any securities issued; and
- i) to invest in a way the members of the association may from time to time decide.

21.3 For sub-section (2)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by -

- (a) the financial institution for the association; or
- (b) if there is more than 1 financial institution for the association - the financial institution nominated by the association.

## **22 MEETINGS OF MANAGEMENT COMMITTEE**

22.1 Subject to subsections (2) to (16), the management committee may meet and conduct its proceedings as it considers appropriate.

22.2 The management committee must meet at least once every 4 months to exercise its functions.

22.3 The committee must decide how a meeting is to be called.

22.4 Notice of a meeting is to be given in the way decided by the committee.

22.5 If the secretary receives a written request signed by at least 33% of the management committee members, the secretary must call a special meeting of the committee.

22.6 A request for a special meeting must state-

- a) why the special meeting is being called; and
- b) the business to be meeting conducted at the.

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- 22.7 At a management committee meeting, more than 50% of the members elected or appointed to the committee as at the close of the last general meeting of the members form a quorum.
- 22.8 The appeal shall be determined by the vote of the members present at such meeting.
- 22.9 Where a person who's 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.

### **23 MEMBERSHIP FEES**

- 23.1 The membership fee for each class of membership-
- (a) is the amount decided by the members from time to time at a general meeting
  - (b)
- and
- (c) is payable when, and in the way, the management committee decides.
- 23.2 A question arising at a committee meeting is to be decided by a majority vote of committee members present at the meeting and, if the votes are equal, the question is decided in the negative.
- 23.3 A management committee member must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract, and if the member does vote the member's vote must not be counted.
- 23.4 The secretary must give each management committee member at least 14 days notice of a special meeting of the committee.
- 23.5 A notice of a special meeting must state-
- a) the day, time and place of the meeting; and
  - b) the business to be conducted at the meeting.

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- 23.6 The president or, if there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the vice-president is to preside as chairperson at the meeting.
- 23.7 If the president and the vice-president are absent from a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.
- 23.8 If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called on the request of committee members, the meeting lapses.
- 23.9 If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called other than on the request of committee members, the meeting is to be adjourned to-
- a) the same day, time and place in the next week; or
  - b) a day, time and place decided by the committee.

If, at the adjourned meeting mentioned in subsection (23.9), a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.

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### **24 DELEGATION OF MANAGEMENT COMMITTEE POWERS**

- 24.1 The management committee may delegate the whole or part of its powers to a subcommittee consisting of the association members considered appropriate by the committee.
- 24.2 A subcommittee may only exercise delegated powers in the way the management committee decides.
- 24.3 A subcommittee may elect a chairperson of its meetings.
- 24.4 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.
- 24.5 A subcommittee may meet and adjourn as it considers appropriate.
- 24.6 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 ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS**

- 25.1 An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- 25.2 Subsection (1) applies even if the act was performed when-
- a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
  - b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

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### **26 RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING**

- 26.1 A written resolution signed by each member of the management committee for the time being entitled to receive notice of a committee meeting is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- 26.2 A resolution mentioned in subsection (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

### **27 FIRST GENERAL MEETING**

- 27.1 The first general meeting must be held not less than 1 month, and not more than 3 months, after the day the association is incorporated.
- 27.2 The management committee must decide where the meeting is to be held.
- 27.3 The business to be conducted at the first general meeting must include the appointment of an auditor.

### **28 FIRST ANNUAL GENERAL MEETING**

- 28.1 The first annual general meeting must be held within 18 months after the day the association is incorporated.

### **29 SUBSEQUENT ANNUAL GENERAL MEETINGS**

- 29.1 Each subsequent annual general meeting must be held -
- a) at least once each year; and
  - b) within 6 months after the end of the association's previous financial year.

### **30 BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING**

- 30.1 The following business must be conducted at each annual general meeting -
- a) receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the association for the last financial year;  
receiving the auditor's report on the financial affairs of the association for the last financial year;  
This statement is required to be prepared under the Associations Incorporation Act 1981, section 59 (Audit and statement).
  - b) presenting the audited statement to the meeting for adoption;
  - c) electing members of the management committee;
  - d) appointing an auditor.

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### **31 SPECIAL GENERAL MEETING**

31.1 The secretary may only call a special general meeting by giving each member notice of the meeting within 14 days after-

- a) being directed to call the meeting by the management committee; or
- b) being given a written request signed by
  - (i) at least 33% of the members of the association presently on the management committee; or
  - (ii) at least the number of ordinary members of the association equal to double the number of members of the association presently on the management committee plus 1; or
- c) being given a written notice of an intention to appeal against the decision of the management committee-
  - (i) to reject an application for membership; or
  - (ii) to terminate a person's membership.

31.2 A request mentioned in subsection (1) (b) must state-

- a) why the special general meeting is being called; and
- b) the business to be conducted at the meeting.

### **32 NOTICE OF GENERAL MEETING**

32.1 The secretary may call a general meeting of the association.

32.2 The secretary must give at least 14 days notice of the meeting to each association member.

32.3 The management committee may decide the way in which the notice must be given.

32.4 However, notice of the following meetings must be given in writing-

- a) a meeting called to hear and decide the appeal of a member against the rejection or termination of the member's membership by the management committee; or
- b) a meeting called to hear and decide a proposed special resolution of the association

32.5 A notice of a general meeting must state the business to be conducted at the meeting.

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### **33 QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING**

- 33.1 Subject to subsection (5), at a general meeting the number of members equal to double the number of members of the association presently on the management committee plus 1 form a quorum.
- 33.2 No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
- 33.3 If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the association, the meeting lapses.
- 33.4 If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the association, the meeting is to be adjourned to-
- a) the same day, time and place in the next week; or
  - b) a day, time and place decided by the management committee.
- 33.5 If at an adjourned meeting, a quorum under subsection (1) is not present within 30 minutes after the time fixed for the meeting, the members present form a quorum.
- 33.6 The chairperson may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- 33.7 If a meeting is adjourned under subsection (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- 33.8 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.
- 33.9 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.
- 33.10 In this rule -  
“member” includes a person attending as a proxy or representing a corporation that is a member.

### **34 PROCEDURE AT GENERAL MEETING**

- 34.1 Subject to these rules, at each general meeting -
- a) the president or, if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to

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- act, the vice-president is to preside as chairperson; and
- b) if the vice-president is absent or unwilling to act as chairperson, the members present must elect 1 of their number to be chairperson of the meeting; and
  - c) the chairperson must conduct the meeting in a proper and orderly way; and
  - d) each question, matter or resolution must be decided by a majority of votes of the members present; and
  - e) each member present and entitled to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote; and
  - f) 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; and
  - g) voting may be by a show of hands or a division of members, unless at least 20% of the members present demand a secret ballot; and
  - h) if a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides; and
  - i) the result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held; and
  - j) a member may vote in person or by proxy or by attorney and-
    - (i) on a show of hands, each person present who is a member or a representative of a member has 1 vote; and
    - (ii) in a secret ballot, each member present in person or by proxy or by attorney or other properly authorised representative has 1 vote; and
  - k) an instrument appointing a proxy must be in writing; and-
    - (i) if the appointer is an individual - signed by the appointer or the appointer's attorney properly authorised in writing; or
    - (ii) if the appointer is a corporation - either under seal or signed by a properly authorised officer or attorney of the corporation; and
  - l) a proxy may be a member of the association or another person; and
  - m) the instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot; and
  - n) if someone wants to give a member an opportunity to vote for or against a resolution, the instrument appointing a proxy must be in the following or like form-

**NAME OF THE ASSOCIATION:**

I, of , ..... being a member of the association,  
Appoint ..... of , .....  
as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be held on the..... day of , ..... 20 ,

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and at any adjournment of the meeting.

Signed this .....day of ,..... 20 .

Signature.

- in favour of

\*against

\*Strike out whichever is not wanted. (Unless otherwise instructed, the proxy may vote as the proxy considers appropriate.);

and

- o) each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote; and
- p) the secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting and general meeting are entered in a minute book; and
- q) the secretary must ensure the minute book for each general meeting is open for inspection at all reasonable times by any financial member who previously applies to the secretary for the inspection.

34.2 To ensure the accuracy of the minutes recorded under subsection (1)(p)-

- a) the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy; and
- b) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
- c) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.

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- 34.3 At all meetings, discussions shall be subject to the ordinary rules of debate, resolutions being moved, seconded and being carried by a simple majority, except where otherwise specially provided for in these rules. When voting is equal, the Chairperson shall have a second or casting vote.
- 34.4 The mover of a motion shall be permitted three (3) minutes only, to state his/her case, and two (2) minutes in which to reply in closing the debate. Any member speaking either for or against the motion shall be permitted to speak once only, for two (2) minutes.
- 34.5 The quorum at a General Meeting shall consist of a Chairperson and five (5) members exclusive of the Committee.
- 34.6 In the event of an emergency arising, the President or the Vice-President, and the Secretary, or five (5) of the Committee (Jointly) may at any time call a Special Meeting, at which twelve (12) members shall form a quorum, to suspend any Rule or By-law. Any suspension must be on a two-third majority and shall apply only to that particular emergency. General and Committee Meetings shall commence at a time determined by the Annual General Meeting.
- 34.7 General Meetings shall be held on a date decided by the Annual General Meeting.
- 34.8 Committee meetings shall be held as and when required and conform to routine meeting rules and procedures.
- 34.9 Any member, who, in the opinion of the meeting is not in possession of his/her faculties, will not be permitted to attend that meeting.
- 34.10 Any Committee Member with the exception of the Patron, absent from three (3) consecutive meetings without a verbal apology, automatically vacates that office and shall not be eligible for any further nominations for a period of twelve (12) months.
- 34.11 ***Order of Business:***
- a) Minutes of previous meeting
  - b)  Correspondence
  - c) Accounts
  - d) Reports
  - e) Notice of Motion
  - f)  General business

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### **35 BY-LAWS**

- 35.1 The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association.
- 35.2 A by-law may be set aside by a vote of members at a general meeting of the association.
- 35.3 In order to add, alter or revoke any of the By-laws, a notice of motion shall be received at a General Meeting in writing and read to the Meeting. The Chairperson shall rule it in order, or out of order, (no discussion can be allowed to take place). It shall lay on the table for one month and shall be presented at the next General Meeting as business of the meeting.
- 35.4 The mover shall move the motion and then it shall be discussed. If it is not seconded it is ruled out of order, and no further discussion can take place.
- 35.5 Any alteration shall immediately become law and will be effective as from the passing of such By-law.
- 35.6 Any member joining the Club between the 1<sup>st</sup> December and February shall attend either 30% of the Offshore/Inshore trips to be eligible for memorial and annual Club trophies.
- 35.7 Any appeal against the Captain's ruling must be lodged in writing with the Club's Secretary within ten (10) days, accompanied by a deposit of \$5-00 which shall be forfeited if the protest is deemed by the Committee to be trivial.
- 35.8 Any undersize fish presented to the Weigh Person will receive a twenty five points (25 )penalty per fish.
- 35.9 Should four (4) or more undersize fish be presented, the total catch will be disqualified, plus a deduction of twenty five points (25) per fish off current year to date points accrued.
- 35.10 Should any member obstruct, hinder or refuse to allow the Captain or his/her deputies to carry out their duties on any outing, he/she shall be disqualified.
- 35.11 Unless a satisfactory apology or explanation is made in writing to the Committee and accepted by the Committee, he/she shall be disqualified from any future competitions.
- 35.12 Any competitors must weigh in their catch or declare no fish eligible to weigh in.
- 35.13 Any Club member giving or receiving fish from another member or visitor for his/her own personal gain at the weigh-in shall be disqualified from the Club for life.
- 35.14 All Club Competition shall cease on the 31<sup>st</sup> October, plus or minus a week each year.

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- 35.15 Members will be eligible for social outings after that date.
- 35.16 All bookings shall close at a time determined by the Fishing Rules.
- 35.17 Participation on all fishing trips by nomination only.
- 35.18 In all Inter-Club competitions, the Competition Secretary shall call nominations and select from same to represent the Club.
- 35.19 The Committee shall have the power to close the Club Books to new membership when deemed necessary
- 35.20 All fish are to be legal length as prescribed in Fisheries Legislation or minimum length nominated by Redland Bay Amateur Fishing Club Incorporated.
- 35.21 No bill fish, marlin, or any protected species are to be weighed-in.
- 35.22 All boats being fished from in Club Competitions MUST carry an operational 27Mhz radio onboard.

### **36 ALTERATION OF RULES**

- 36.1 Subject to the Associations Incorporation Act 1981, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- 36.2 However an amendment, repeal or addition is valid only if it is registered by the chief executive,
- 36.3 In order to add or revoke any rule of this Club other than Competition Rules, the same procedure shall be adopted, only that Rules be deleted, added to, or amended at the Annual General Meeting. A two-third majority by members present and voting is required for amendment or revocation of any rule.

### **37 RESOLUTIONS BINDING**

- 37.1 All resolutions passed at meetings of the Club shall be conclusive and binding on all members whether present at such meeting or not, provided that such meetings shall have been held in accordance with the Rules of the Club.
- 37.2 No member, by reason of his membership, shall in the event of accident or otherwise on Club outings or business, have any monetary or physical claim on the Club.
- 37.3 Any member who shall be proved guilty of infringing the By-laws or Rules or misconduct's himself/herself to the prejudice of the Club may be expelled or suspended from the Club.

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37.4 Any member or visitor attending a trip and who, in the opinion of a quorum, is not in possession of his/her faculties will not be permitted to fish or participate at that outing.

37.5 He/she shall not be recorded in the books of the Club as having attended that outing.

37.6 The member shall be held to consent to, and be bound by the Rules and By-laws of the Club and shall not be entitled to appeal to any court because of anything done under the provisions of these Rules and By-laws.

### **38 FISHERIES LEGISLATION**

38.1 Any fish taken of less than minimum weight or length prescribed in Fisheries Regulations, shall at once be liberated alive in the water from which it was taken.

### **39 COMPETITION RULES**

39.1 Club Competitions shall be subjected to the following general regulations:

- a) All fish may be weighed in hole.
- b) If the angler wishes to gill and gut their catch, the fish will be allocated ten (10) percent of their gross weight.
- a) Crabs shall not be weighed in.
- b) Competitors can use three (3) rods or hand lines in any competition with not more than two (2) hooks on each line. A flight is to be considered as one (1) hook.
- a) Any fish weighed-in by a competitor must have been caught and reeled in by the competitor.
- b) Fish shall be washed free of sand, etc., before weighing in and officials have the power to order fish to be cleaned of sand or other foreign matter.

### **40 COMMON SEAL**

40.1 The management committee (President, Secretary & Treasurer) must ensure the association has a common seal and for its safe custody.

40.2 The common seal must be-

- a) kept securely by the management committee; and
- b) used only under the authority of the management committee.

40.3 Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by-

- a) the secretary; or
- b) another member of the management committee; or
- c) someone appointed by the management committee.

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### **41 FUNDS AND ACCOUNTS**

- 41.1 The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management committee.
- 41.2 Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- 41.3 All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- 41.4 If an amount of \$100 or more is paid by cheque, the cheque must be signed by any 2 of the following-
- a) the president;
  - b) the secretary;
  - c) the treasurer;
  - d) another member authorised by the management committee for the purpose.
- 41.5 Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed "not negotiable".
- 41.6 A petty cash account may be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- 41.7 All expenditure must be approved or ratified at a management committee meeting.
- 41.8 The treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared -
- a) the income and expenditure for the financial year just ended;
  - b) the association's assets and liabilities at the close of the year;
  - c) the mortgages, charges and securities affecting the property of the association at the close of the year.

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41.9 If the association is incorporated within 3 months before the end of the association's financial year, subsection (8) does not apply for the financial year in which the association is incorporated.

41.10 The auditor must examine the statement prepared under subsection (8) and present a report about it to the secretary before the next annual general meeting following the financial year for which the audit was made.

41.11 The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

### **42 DOCUMENTS**

42.1 The management committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

### **43 FINANCIAL YEAR**

43.1 The financial year of the association closes on 31-October in each year.

### **44 Auditors**

44.1 The Auditor shall be a Certified Public Accountant.

44.2 He/she shall have the books of the Club examined.

44.3 The Club books will be audited annually as at 31<sup>st</sup> October of each year and available for presentation of Treasurer's Report at the next Annual General Meeting.

### **45 DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY**

45.1 This section applies if the association-

- a) is wound-up under part 10 of the Act;3 and
- b) it has surplus assets.

45.2 The surplus assets must not be distributed among the association members.

45.3 The surplus assets must be given to another entity -

- a) having objects similar to the association's objects; and
- b) the rules of which prohibit the distribution of the entity's income and assets to its members.

45.4 In this section -

**“surplus assets”** has the meaning given by section 92(3)4 of the Act.

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### **46 DISSOLUTION**

46.1 The Club shall be dissolved in the event of the membership being less than seven (7) persons.

46.2 It may be dissolved on a vote of three fourths majority of the members present at a General Meeting convened to consider the question.

46.3 Any assets on hand, shall, after payment of all expenses and liabilities be handed over to some organization or organizations having objects similar or in part similar to the objects of the organization,

46.4 Such organization or organizations to be determined by the members at or before the time of dissolution

Part 10 (Winding-up) of the Act Section 92 (Distribution of surplus assets) of the Act.