



Heathcote Golf Club Inc:

A C N - A. 0000326L. A B N - 68 614 159 437

PO Box 78 Heathcote Vic 3523

Telephone 0418 470 465

CONSTITUTION & RULES

Registration Number A0000326L Reference Number 1535648

Under the Associations Incorporation Act 1981 the resolution(s) passed at the meeting held on the 27/3/94 were accepted for lodgement as of the 6th September 1994.

The following Rules are drawn up from a combination of the previous Rules of the Heathcote Golf Club, the requirements of the Associations Incorporation act 1981, the Equal Opportunity Act 2010 and the Liquor Control Reform Act 1998, as amended.

This Constitution, Rules and Statement of Purposes reflect those resolutions made and approved as of December 31st 2014

Amendment to Rule 22 removes Proxy voting as an option and replaces it with Postal Voting. Approved at the AGM on 29 Nov 20.

Amendments to Clause 4(b) for Life membership, all references to Audit are replaced by Financial Review, and Clause 17(e) amended to include approval for financial delegations. Approved at AGM on 13/10/24.

CONSTITUTION AND RULES OF HEATHCOTE GOLF CLUB INC:

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1. NAME

The name of the Association is the “Heathcote Golf Club Inc:” (in these Rules called “The Association”).

2. STATEMENT OF PURPOSES

(a) The purposes of the Association are:-

- (i) To provide, maintain and develop a golf course or courses and promote the game of golf under the Rules approved by the Royal and Ancient Golf Club of St. Andrew’s, Scotland, where they shall apply, for the enjoyment and recreation of Members of the Heathcote Golf Club Inc.
- (ii) To apply for, obtain, hold and renew, a club licence and any permit or permits applicable to such licence under the provisions of the Liquor Control Reform Act 1998 for the needs and comfort of Members.
- (iii) To provide, maintain and develop such other amenities and/or pastimes as may be determined for time to time by a general meeting of the Members, and approved by the Liquor Licensing Commission, for the enjoyment and needs of Members.
- (iv) To provide and maintain its facilities and the joint funds of the Association.

(b) Solely for the purpose of furthering the purposes set out above the Association shall have power:-

- (i) To apply for and obtain registration as a registered Association under the provisions of the Licensing and Gaming Acts and to be associated under the Associations Incorporation Act.
- (ii) To hold, purchase, lease, hire or otherwise acquire for the benefit of the Association any real or personal property and from time to time sell, demise, let, mortgage or otherwise dispose of same.
- (iii) To erect, maintain, improve or alter any building or fences for the benefit of the Association
- (iv) To do or cause to be done all such other lawful things as are incidental or conducive to the attainment of the objects of the Association or generally for the benefit of the Association.
- (v) To affiliate with the Victorian Golf Association and any other Association, Club or Organization whose objects are similar to those of the Association.
- (vi) To engage, control, dismiss and enter into contracts with the Association’s servants, and to exercise all such administrative powers as may be necessary for properly carrying out the purposes of the Association.
- (vii) To invest money and to adopt such measures as may appear to be necessary to the interests of the Association.
- (viii) To purchase, sell, procure or let of otherwise acquire any land or property of any tenure which may be deemed desirable for or partly for the purpose of the Association.
- (ix) To borrow and arrange for borrowing, either with or without security, such sum or sums of money as may be required for the purpose of the Association.
- (x) To exercise any power conferred by Section 16 of the Associations Incorporation Act 1981.
- (xi) To do all such things as are incidental or necessary for the purposes of the above objects.

3. QUALIFICATIONS

- (a) Subject to sub-clause (b) of this Rule and Rule 25, no Rule of the Association shall be repealed or altered, no new Rule shall be made save by a 75% majority of members entitled to vote present at, or voting by proxy, a general meeting of members.
- (b) So long as this association is licensed under the Liquor Control Reform Act 1998 no alteration or variation of these Rules shall have effect unless and until such alterations or variations have been approved by the liquor licensing commission.
- (c) Words importing the singular number include the plural number and vice versa, and words importing the masculine gender also include the feminine gender where the context permits.
- (d) No person shall receive a greater profit, benefit or advantage from the association than that received by, or available to, every member hereof other than:
- (i) remuneration or honorarium, adopted by the General Committee, for work done by an officer of the association, provided always that any payment or part-payment to any committee person, manager or other officer or servant of the association shall not be paid by way of commissions or allowance from or upon the receipts of the association's liquor transactions;
 - (ii) salary or wages paid to employees; or
 - (iii) recompense for services rendered made at commercially reasonable rates, competitively open to all.

4. MEMBERS

Every person at the time of the adoption of this constitution who is registered as a financial member, and subsequently every member elected to membership under the Rules of this constitution, shall be a member of the Association, and registered by the Secretary within one of the following categories of membership: -

- (a) **Ordinary Member**—any golfer over the age of twenty-one years.
- (b) **Honorary life member** - any ordinary member who has rendered outstanding service to the association may be elected by the committee as an honorary life member.
The members so elected shall be transferred to the category of honorary life member and shall not be required to pay any further annual subscriptions (Golf Australia Affiliation and MiClub/OneGolf/Other fees are still required).
Members can only be nominated for Life Membership by two current members of the club and only awarded Life Membership in accordance with the Procedure and Criteria for nominating and awarding Life Membership.
- (c) **Social Member** - any duly elected non playing member being over the age of twenty-one years. Such members will enjoy the benefits of all the social activities of the association. And shall be entitled to two rounds of golf per calendar year. Exclusive of the payment of green fees only during non-competition times and with the prior consent of a member of the executive committee.
- (d) **Junior Members. The following categories of Junior Memberships apply, based on age at the 31st of January:**
- (i) Junior A. 18-21 years;
 - (ii) Junior B. 0 – 17 years;
- (e) A Junior Member remains in the respective age category above until they have attained the minimum age for the next category **after** 31 January and will not be required to pay the next membership until subscriptions for the year following the Junior Member's birthday become due and payable.

(f) **Honorary Members**

- (i) Any such person who is competing in any interclub match or any tournament organised by the Association and taking place on the Association golf course for the duration of said tournament or interclub match.
- (ii) Any person, who is an official of any other recognised golf club, and who is attending the Association's premises in connection with any such match or tournament as is referred to in paragraph (f) (i) above, may become an honorary member of the Association.
- (iii) Any paid staff.

Conditions and Regulations for Honorary members:

- (iv) They shall not introduce any non-member to the Association's premises.
- (v) Their honorary membership can be cancelled at any time by the General Committee.
- (vi) They shall not be entitled to be elected as officers of the Association or as members of the General Committee of the Association.
- (vii) They shall only be entitled to use the Association's golf course and other facilities as such time or times as are prescribed by the General Committee.

(g) **Seasonal Members** Any person over the age twenty-one years who wishes to play golf between the first day of September and the last day of February, or the first day of March and the last day of August, in any year can apply to become a member in this category with the following restrictions:-

- (i) They shall not be entitled to be elected as officers of the association or as a member of the General Committee of the association.
- (ii) They shall be entitled to use the association golf course and clubhouse facilities as an ordinary member.
- (iii) At the discretion of the General Committee restrictions may apply from time to time in relation to a member in this category participating in a special club event.
- (iv) Are ineligible to win Honor Board events.

(h) **Week Day Members** Any person over the age of twenty-one who wishes to play golf only on week days from Monday to Friday inclusive can apply to become a member in this category with the conditions:- Rule 4(g) (i) (ii) & (iii).

(i) **Deleted**

(j) **Distance Members** Any person over the age of twenty one who lives more than 30 km from Heathcote.

(k) For one year from October 2012 a **Distance B membership** will be available at \$99.00 (plus affiliation fees) for persons who have not been a member of the HGC in the previous five years.

(l) **Weekend Members** Any person over the age of twenty one who is not currently a member of any other membership category and wishes to play golf only on weekends and public holidays can apply to

become a member in this category with the conditions:- Rule 4(g) (i) (ii) (iii) & (iv). This membership category is not available to anyone who has been a member of the Club in the previous five years.

(m) **Introductory Offers** The General Committee may, from time to time and with an aim towards attracting new long term members, create introductory offers of membership in one or more of the above categories, with terms of not less than three months and not more than six months, at a rate not less than the pro-rata equivalent applicable to that membership category for a full year. Members in this category are not eligible to win board events.

(n) **Introductory Membership** - will be available at a price determined by the General Committee (including affiliation fees) for persons who have not been a member of the HGC in the previous five years. Members in this category will be ineligible to win Honor Board events and are permitted into this category for 12 months only.

(o) **Family Membership** (Includes the parent/s and as many Junior B members of the one family) who will pay full ordinary subscription and affiliation fees per parent and affiliation fees only for each Junior.

(p) **Non Playing Life Members** Any Honorary Life Member may transfer to this category and have the same entitlements as Honorary Life Members other than playing rights on the course.

(q) **PGA Tour Members** Any Professional Golfer who is a member of a recognised PGA Tour may be admitted into membership of the club upon payment of affiliation fees current for the year and shall full playing rights as an Ordinary member with the exception of eligibility to win Honor Board events.

5. MEMBERSHIP NUMBERS

(a) The association shall have membership of not more than 1400 members, in numbers according to the maximum of each of the following categories:-

Ordinary members (including country Members)	700	
Week day members	100	
Distance Members		100
Junior members	100	
Social members	200	
PGA Tour members	10	
Introductory Members	100	
Others	70	

(b) Honorary members possessing the qualifications described in paragraphs (f) (i) (ii) & (iii) of Rule 4 shall not be limited in number and shall not be included in the figures of the total membership for the Association.

(c) Honorary life members and Non Playing Life members possessing the qualifications described in Rule 4 (b) and (p) shall not be limited in number and shall not be included in the figures of the total membership for the Association.

6. ADMISSION OF MEMBERS

(a) Admission of members into all categories shall be by ballot of the General Committee and a record shall be kept by the Secretary of the number of General Committee members voting.

(b) Every applicant for admission as a member shall be proposed and seconded by any financial ordinary member, week day member, junior member, Non Playing Life member or honorary life member who shall be personally acquainted with the applicant and shall be responsible for verification of his eligibility.

(c) Such application must contain the full name and address of the applicant on the form prescribed by the General Committee and must, on completion, be posted on the Association notice board by the Secretary for at least seven clear days prior to the election of such proposed member.

(d) On the election of the new member the Secretary shall notify them of their election in writing and request them to pay their subscription within fourteen days from the date of such notice. If the subscription be not paid within the time aforesaid their election may be cancelled by the General Committee.

(e) Any omission or inaccuracy or misrepresentation in the particulars relating to the applicant may at the option of the General Committee render the election invalid.

7. FEES AND SUBSCRIPTIONS

(a) The entrance fee and annual subscription for the category of ordinary members shall be decided at the annual general meeting of the members for the year following the meeting, with the subscriptions for all other categories of membership being determined according to the 'Subscription Schedule'. Affiliation fees will be added to the subscription fee when it becomes known and must be paid with subscription fees.

SUBSCRIPTION SCHEDULE		
Category	Subscription	Entrance Fee
Ordinary Members	Decided IAW Para 7 (a)	Nil
Distance Member	\$100 less than Ordinary Member	Nil
Introductory	To be determined by Gen Committee	Nil
Weekday Member	80% of Ordinary Member	Nil
Seasonal Member	65% of Ordinary Member	Nil
Weekend Member	50% of Ordinary Member	Nil
Junior A	33% of Ordinary Member	Nil
Junior B	15% of Ordinary Member	Nil
Social Members	5% of Ordinary Member	Nil
Honorary Members	Nil	Nil
Honorary Life Members	Nil	Nil
Family membership	100% of Ordinary Member per parent	Nil
Non Playing Life Members	Nil	Nil
PGA Tour members	Nil	Nil

(b) In the first year of membership the elected person on notice of election by the Secretary, shall be required to pay the subscription as at Rule 6 (d) except that a person admitted to membership shall only be required to pay a pro rata annual subscription calculated on a daily basis from the date of election to the next date that annual subscriptions fall due.

(c) In subsequent years of membership the annual subscription shall become due and payable on the 1st day February in any year.

(d) Any member whose subscription remains unpaid on the first day of March in any year shall be ineligible to enter any association competition while their subscription remains unpaid, except where an instalment payment arrangement has been agreed by the Treasurer.

(e) Any member whose subscription remains unpaid on the first day of April in any year shall, after a final notice of fourteen days, be removed from the membership list by the General Committee if the fee remains unpaid, and will not be reinstated to membership except by election under the Rules, except where an instalment payment arrangement has been agreed by the Treasurer.

(f) No member shall be relieved of payment of the annual subscription except honorary life members, Non Playing Life members and any member who qualifies under Rule 8 and any member who by resolution of the General Committee is granted full or partial relief.

(g) Members may request to pay subscription fees by quarterly instalment, which shall:

- (i) be negotiated with the Treasurer
- (ii) be organised through a financial institution
- (iii) include a \$3.00 administration fee per instalment
- (iv) continue until full membership is paid.

8. LEAVE OF ABSENCE

A member who is absent for six months or longer or who through sickness or infirmity is unable to play golf may, on application to the General Committee, be granted leave of absence. Any member so granted leave of absence shall have their name placed on the absentee list and shall not be liable for their annual subscription or part thereof for the period of their absence.

9. ENTITLEMENTS

(a) Honorary life members, Non Playing Life Members, Ordinary members, Distance members, PGA Tour members and Junior A members of the association shall be entitled:-

(i) To admission to the association at all times at which it is open.

(ii) To play on the course at all times, subject to the Rules of golf and all conditions and by-laws controlling the game of golf, as adopted by the committee from time to time.

(iii) To use the clubhouse and facilities in accordance with the Rules and by-laws of the Association.

(iv) To be eligible:

(1) for election as an office-bearer or member of the General Committee,

(2) to elect office bearers or members of the General Committee,

(3) to attend and vote at all annual and general meetings, and

(4) to serve on any sub committee.

(b) Weekday members of the association shall be entitled to all privileges as provided in section (a) of this Rule except sub-sections (ii) and (iv) (1) & (2).

(c) Social members of the association shall be entitled to all privileges as provided in this Rule except sub-sections (ii) and (iv)

(d) Junior members (B) of the association shall be entitled to all privileges as provided in of this Rule except sub-section (iv)

(e) Deleted

(f) Seasonal Members of the Association shall be entitled to all privileges as provided in this Rule during the period of their membership except sub-section (iv) (1) & (2).

(g) Weekend members of the association shall be entitled to all privileges as provided in section (a) of this Rule except sub-sections (ii) and (iv) (1) & (2).

(h) Introductory Members of the association shall be entitled to all privileges as provided in section (a) of this Rule except sub-sections (ii) and (iv) (1) & (2).

10. SUBMISSION TO RULES

(a) Every member of the Association on the payment of the annual subscription or on acceptance of honorary life membership or Non Playing Life membership shall be deemed thereby to acknowledge his submission to the Rules and by-laws of the Association and to be bound by all valid acts of the General Committee.

(b) In particular, every member of the association with the exception of junior members shall be liable to payment of any levy imposed by an AGM or special general meeting of members to meet any financial necessity encountered by the association, always provided that such levy must not exceed an amount equal to twenty-five per centum of the annual subscription payable by that member.

11. RETIREMENT OF MEMBERS

A member may retire from membership at any time by giving to the Secretary notice in writing of their intention to retire, but any member retiring without having paid the annual subscription for the current year and any levy struck by the General Committee in that year shall be liable for these amounts. Any person who wishes to rejoin the association after retiring from it may be re-admitted subject to these Rules and upon payment of the current annual subscription or the pro rata rate applicable.

12. INFRINGEMENTS OF RULES - MISCONDUCT

(a) If any member shall, in the opinion of the General Committee, have wilfully infringed any of the Rules of the Association or any of the by-laws of the General Committee or have been guilty of conduct either within or without the Association which is prejudicial to the interests of the Association, the General Committee shall call the member's attention to such infringement or misconduct and request their appearance at a special meeting of the General Committee which will have as its sole purpose the determination as to whether the member is to be suspended or expelled from the Association.

(b) The member concerned must be given fourteen (14) clear days notice, in writing by the Secretary, of the requirement that they appear at such a special meeting and of the exact nature of the charges against them.

(c) Any resolution for suspension or expulsion of such member shall be carried by two-thirds majority of those members of the General Committee present at such special meeting of General Committee.

(d) In the event of such member's suspension or expulsion by a special meeting of the General Committee they shall abide by the decision of the General Committee, with the proviso that if the decision has been for their expulsion, they shall have twenty-one (21) days in which to lodge an appeal to a General Meeting called as provided in Rule 16 section (b).

(e) At the end of the twenty-one day's, if no appeal has been lodged, the member's name shall be removed from the list and they shall cease to be a member of the Association. If an appeal has been lodged, the General Meeting of members called to hear such appeal shall either confirm or cancel such expulsion.

13. GUEST, VISITORS

Definition. A Guest or a Visitor is any person who is not a member of the Association in accordance with Rule 4, and who is **not** the spouse, fiancé, partner or dependant of a member of the Association.

(a) Members of any category, except Honorary Members, may introduce visitors to the Association on payment of such fees as may from time to time be determined by the General Committee but the same visitor shall not be introduced on more than four occasions in the same calendar year. A visitor's name and address and the name and address of their introducer shall be entered into the visitor's book.

(b) A member may not introduce more than three visitors at any one time without the permission of the General Committee.

(c) Visitors introduced under this Rule shall have such privileges as the General Committee may from time to time determine.

14. GENERAL COMMITTEE

(a) The General Committee of the Association shall consist of :

- (i) a President,
- (ii) a Vice President,
- (iii) a Treasurer,
- (iv) a Secretary,
- (v) a Men's Captain,
- (vi) a Ladies Captain,
- (vii) and Five Ordinary Committee members

all of whom shall be elected from the following classes of members; honorary life members, Non Playing Life Members, ordinary members, country members and Junior A members of the association. If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position. If more than one member is nominated, a ballot must be held in accordance with rule 28.

On his or her election, the new President may take over as Chairperson of the meeting.

The "Executive" committee is made up of the President, Vice President, Treasurer, Men's Captain, Ladies Captain and Secretary.

(b) The immediate past President shall be an ex-officio member of the committee. The immediate past President acts in an advisory role to the General Committee and provides a link to the previous year's operations. The immediate past President is entitled to raise matters to the General Committee, speak on all matters arising at such meetings and is entitled to vote on motions made at General Committee meetings, as a member of the committee, for 12 months.

- (c) (i) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.
- (ii) The Secretary (or assistant) must—
- (iii) maintain the register of members in accordance with rule 17(k); and
- (iv) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 17 all books, documents and securities of the Association in accordance with rules 26 and 27; and subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and perform any other duty or function imposed on the Secretary by these Rules.
- (v) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

15. ELECTIONS

(a) At the Annual General Meeting the current President is to declare half of the "Executive Committee" positions (President, Vice President, Secretary, Treasurer, Lady Captain and Men's Captain) and all of the Ordinary Committee member positions on the General Committee vacant. The President may him/herself act as Chairperson for the AGM while elections are conducted, or appoint another member to do so.

A member is eligible to be elected or appointed as a committee member if the member—

- (i) is 18 years or over; and
- (ii) is entitled to vote at a general meeting.

(b) **Nominations.** Honorary life members, Non Playing Life Members, ordinary members, country members and Junior A members of the association may nominate any candidate eligible at Rule 9(a)(iv) in

writing, which shall be delivered to the Secretary **ten clear days** before the annual meeting of members. The Secretary shall, seven clear days before the Annual General Meeting, exhibit on the association notice board, a list of all nominees to the various offices of the General Committee. Should there be no formal nominations for any General Committee position prior to the AGM; the Chairperson may call for nominations from the floor.

(c) The General Committee shall be elected from the candidates so nominated and where nominations exceed vacancies a ballot shall be taken and the candidates receiving the most votes shall be declared elected by the Chairman, and in the case of two or more candidates receiving an equal number of votes further ballots shall be taken until the matter is resolved.

(d) Executive members of the General Committee of the association shall be elected for a term of twenty four (24) months while Ordinary members of the General Committee are elected for a term of 12 months - by honorary life members, Non Playing Life Members, ordinary members, country members and Junior A members of the Association (in accordance with Rule 9). Honorary members, weekday members, Junior B members, seasonal members and persons who are members by reason only of reciprocal arrangements with any other club and persons whose rights as members are limited to rights as social members, are not entitled to vote for General Committee positions.

(e) If any member of the committee shall absent themselves from any three consecutive regular General Committee meetings then the member's position on the General Committee shall be declared vacant, except where the member has applied in writing for and granted leave of absence by the General Committee.

(f) In the case of a casual vacancy occurring in the General Committee the General Committee of the association may elect any ordinary, country, Junior A or honorary life member, Non Playing Life member of the Association to fill such vacancy and such member so elected shall hold office until the next Annual General Meeting from date of their election. It shall be within the discretion of the General Committee to determine whether any casual vacancy or casual vacancies shall be filled in accordance with this Rule, unless there exists at any one time three or more casual vacancies, in which event the Secretary shall, without any authority other than this Rule, call a Special General Meeting of the general body of the members of the Association to be held within one month of the most recently occurring casual vacancy for the purpose of the casual vacancies being filled in accordance with this Rule.

(g) A general meeting of the Association may—

(a) by special resolution remove a committee member from office; and

(b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.

16. ANNUAL GENERAL MEETINGS

(a) The Annual General Meeting of the Association shall be held during the first fortnight in October in each year and at such time and place as the General Committee shall determine, and the members present at the meeting shall meet for the following purposes:-

(i) To receive and, if approved adopt the minutes of the last Annual General Meeting;

(ii) To receive the annual report;

(iii) To receive and, if approved, adopt the annual reviewed statement of accounts and balance sheet;

(iv) To elect the office-bearers and General Committee for the ensuing year from the nominations received;

(v) To elect an independent financial reviewer for the ensuing year;

(vi) To transact any other business of which due notice has been given.

The Committee must ensure that minutes are taken and kept of each general meeting.

- (vii) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

- (viii) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) postal voting forms received by the Secretary;
 - (c) the financial statements submitted to the members in accordance with rule's 15 & 16; and
 - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (e) any reviewed accounts and reviewer's report or report of a review accompanying the financial statements that are required under the Act.

- (b) The General Committee may at any time, and **shall** on the requisition of ten honorary life members, Non Playing Life Members, ordinary members, country members or Junior A members stating the business for which it is required, convene a General Meeting of members.

- (c) The Secretary **shall**, at least twenty one (21) clear days prior to an Annual or General Meeting of members publish notice of such meeting in the local newspaper and on the Association notice-board, and by notice to all members, either personally or by post to the member at the address shown in the register of members, stating the time and place thereof and the nature of the business for which the meeting is called and, in the case of any meeting to which an election is to be held, set out in the notice the number of office-bearers and General Committee people to be elected and the date on which nominations close.

- (d) **Special Resolution.** A special resolution is a resolution passed by a majority of not less than three-fourths of such members who vote in person at a General Meeting of which not less than 21 days notice specifying the intention to propose the resolution as a special resolution.

- (e) A member desiring to bring any business before an Annual or General Meeting shall give notice of that business thirty five (35) days prior to the Annual or General Meeting, in writing to the Secretary who **shall** include that business in the agenda of the Annual or General Meeting after the receipt of the notice.

- (f) At all meetings the chair shall be occupied by the President, or, in his absence, Secretary or a member elected by the meeting.

- (g) For motions put to meetings (**except the election of the General Committee**) every member eligible under Rule 9, shall be entitled to one vote, the Chairman shall have a second or casting vote;

- (h) The quorum at Annual and General Meetings of the Association shall be made up of thirty (30) members of a class of members that constitute not less than 60 per centum of the total membership of the Association, and no meeting shall lapse for the want of a quorum but may be adjourned by members present to such day as they may appoint.

- (i) The Secretary shall at such time and place as decided by the General Committee convene a monthly meeting of the General Committee, and shall also at the request of the President or any two members of the General Committee convene a special meeting of the General Committee. Except in extraordinary circumstances the Secretary shall give three clear days notice of all such meetings to every member of the General Committee. The quorum of all General Committee meetings shall be three General Committee members.

- (j) At the discretion of the Chairperson, discussion points and motions may be accepted from the floor of an Annual or General Meeting without notice. This practice should be avoided if possible and the provisions of Rule 16(e) should be applied.

- (k) (i) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.

- (ii) Notice may be given of more than one committee meeting at the same time.
- (iii) The notice must state the date, time and place of the meeting.
- (iv) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (v) The only business that may be conducted at the meeting is the business for which the meeting is convened.

17. CLUB MANAGEMENT

- (a) The business and affairs of the Association shall be under the management of the General Committee and it shall have the power to exercise all such administrative powers and perform all such acts as may be necessary for the proper function and conduct of the Association in accordance with the Rules and constitution of the Association.
- (b) The General Committee shall engage, employ and dismiss Association servants and from time to time set up schedules of work and conditions of employment in compliance with all acts, Wages Board determinations, through and by a special sub-committee appointed for the purpose.
- (c) The General Committee shall set up sub-committees to administer such functions of the Association as deemed necessary with all or such powers under these Rules as are necessary to fully and effectively carry out the appointed duties, subject to the general supervision of the General Committee.
- (d) All sub-committee shall be subordinate to the General Committee.
- (e) All monies of the Association shall be lodged in the name of the Association (club) in bank accounts approved by the General Committee. Committee members may only expend funds in accordance with their delegation. A report of expenditure and accounts shall be submitted for review by the General Committee as part of normal monthly meetings.
- (f) The Treasurer shall keep the accounts of the Association and shall receive all monies due and payable to the Association and the Treasurer's receipts shall be valid. The Treasurer shall keep correct accounts and books showing the financial affairs of the Association, with the particulars usually shown in books of accounts of a like nature. The Treasurer shall submit a financial statement to each and every General Committee meeting and also prepare and submit a reviewed statement of accounts and balance sheet at the Annual General Meeting of members. All debit transactions, in cheque or electronically initiated shall be authorised by at least two of three members of the General Committee appointed for the purpose and registered with the Association's bank.
- (g) The Treasurer is to ensure that fundraising activity is conducted in accordance with the relevant state and federal legislation. Separate accounts are to be maintained for all fundraising income and expenditure.
- (h) The accounts and books referred to in Rule 17(f) shall be available for inspection by members upon written request addressed to the Secretary and approved by the General Committee;
- (i) At each annual general meeting of members an independent financial reviewer, who is not a member of the committee, shall be appointed for the ensuing year, and shall review the books of accounts of the Association and, if finding them correct, attach a certificate of approval to the statement of accounts and balance sheet prepared by the Treasurer for submission to the Annual General Meeting of members.
- (j) The Secretary shall conduct the correspondence of the association and shall have the custody of all records and documents belonging to the association, save those described in Rule 17 (f), and shall keep full and correct minutes of all meetings of the General Committee and of the Association.
- (k) The Secretary shall keep a Register of Members setting forth in full the names, addresses, date of becoming a member, membership category and the date of the last payment by each member of their annual subscription and for privacy purposes such Register will be kept in a secure condition in the

Association premises under the control of the Treasurer. For each former member, the date of ceasing to be a member shall also be kept.

- (l) No member shall take away or permit to be taken away or shall injure or destroy any property whatsoever of the Association without the consent and approval of the General Committee.
- (m) The General Committee shall not permit or make alterations whether structural or otherwise or any change in the use of part or parts of the Association premises without the approval of the liquor licensing commission.
- (n) The General Committee shall at all times maintain the Association's premises and surrounds in a clean and sanitary condition and may at their discretion appoint a sub-committee under Rule 17(c) for this purpose.
- (o) The General Committee shall have the power to make, alter and repeal by-laws such as they deem necessary or convenient for the proper management of the Association provided always that such by-laws shall not alter or restrict in any way the meaning or intention or interpretation of these Rules. Specific duties and responsibilities of General Committee members are contained in the Association's by-laws.
- (p) The General Committee shall have the power to borrow money for the purposes of the Association and to mortgage or charge all property of the Association or any part thereof as security for any such borrowings.

18. DISSOLUTION

The Association may be dissolved upon a special resolution of the members, such resolution being affirmed by three fourths of the voting members of the Association present at the meeting called for this purpose, or if at any time the Association is unable to meet its liabilities. If the Association be dissolved and there is a surplus of assets over liabilities, those funds are to be donated to a patriotic fund or to a fund exclusively for charitable purpose or to a non-professional sporting club with similar objects to those of the Heathcote Golf Association Inc.

19. MISCELLANEOUS.

- (a) The delegate or delegates to the district golf association with which the Heathcote Golf Club is affiliated shall be elected by the General Committee of the Heathcote Golf Club Inc. The delegate must be a financial member of a membership category entitled to elect officer bearers of the Association.
- (b) All complaints shall be made in writing to the Secretary who, if he/she shall be unable to deal with them to the satisfaction of the complainant shall submit them to the General Committee for resolution.
- (c) No member acting alone shall reprimand any servant of the Association.

20. LIQUOR CONTROL

- (a) The supply of liquor to the Association shall subject to the approval of the Liquor Licensing Commission, be under the control of the General Committee and it shall be its duty to take such action as may be necessary to enforce, and secure compliance by members and all other persons coming upon the Association premises with, the Rules and by-laws and provisions of the Liquor Control Reform Act 1998 and any subsequent amendments thereto.
- (b) Liquor may be sold, disposed of or supplied in accordance with the Association's liquor licence issued under the Liquor Control Reform Act 1998.
- (c) Notwithstanding anything to the contrary otherwise contained in these Rules the following provisions shall apply:

- (i) A visitor shall not be supplied with liquor in the association premises unless in the company of a member;
- (ii) No liquor shall be sold or supplied to any person under eighteen years of age except where any such person is accompanied by a spouse, parent or guardian, and the liquor is sold or supplied for consumption as part of a meal supplied on the association premises;
- (iii) No liquor shall be sold or supplied for consumption elsewhere than on the association premises unless such liquor is removed from the premises of the Association by the member purchasing same;
- (iv) No person under eighteen years of age (except persons who are being trained as waiters and who are not allowed to serve behind the bar) shall be employed in the Association;
- (v) While and so long as the association is licensed under the Liquor Control Reform Act 1998 no alteration or variation of these Rules shall have effect unless and until such alteration or variation has been approved by the Liquor Licensing Commission;
- (vi) the requirements of, and the restrictions imposed by, the Rules of the Association as to visitors shall have no application in the case of a particular function or particular occasion authorised by the General Committee and the subject of a limited licence under section 52 of the Liquor Control Reform Act 1998.

21. FINANCIAL YEAR

Financial year means the year ended 30th June or as otherwise determined by the committee.

22. POSTAL VOTING

- (a) Proxy voting is **no longer** permitted at General, Special or Annual General Meetings.
- (b) The Secretary shall devise an appropriate postal voting ballot paper for all elections where more than one candidate is standing for a position. This paper is to be sent to all members electronically and paper copies are to be available in the clubhouse.
- (c) All completed ballots are to be returned to the Secretary one day prior to the AGM at the latest. Mail in ballots cannot be accepted on the day of the AGM.

23. SOURCE OF FUNDS

The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the General Committee determines.

24. GRIEVANCE PROCEDURE

- (a) A grievance is a dispute between two members, groups of members, or between a member (or group of members) and the Association that has not, in the opinion of one of the parties, been adequately resolved according to normal processes and procedures. Complaints generally are to be dealt with under Rule 19(b) above.
- (b) In such a case, if the parties have met and are unable to resolve the dispute, a meeting must be held within 10 days in the presence of a mediator, at this Association called the Grievance Officer. The Grievance Officer is elected at the Annual General meeting.
- (c) If the mediation process does not result in a resolution the parties may seek resolution at Law.

25. ALTERATION OF RULES AND STATEMENT OF PURPOSES

(a) These Rules and the statement of purpose of the Association shall not be altered except in accordance with the Liquor Control Reform Act 1998 or except as provided in Rule 3 (a) and (b).

(b) The General Committee may upon the advice of the Association's solicitors, make such alteration to these Rules as may be considered necessary by such solicitors, so as to make these Rules conform with the provisions of the Liquor Control Reform Act 1998 and the policy of the Liquor Licensing Commission. Upon receiving advice from such solicitors that any amendment or amendments is or are desirable or necessary for the purpose of obtaining of an Association license under the Liquor Control Reform Act 1998, the General Committee may by resolution resolve that these Rules be amended in the manner so advised and these Rules shall thereupon be amended accordingly in all ways as effectually and to the same extent as if the same amendment or amendments had been made as provided in Rule 3 of these Rules;

26. SEAL

(a) The common seal of the Association shall be kept in the custody of the Secretary.

(b) The common seal shall not be affixed to any instrument except by the authority of the General Committee and the affixing of the common seal shall be attested by the signatures of either two members of the General Committee or by one member of the General Committee and the public officer of the association.

27. CUSTODY OF RECORDS

Except as otherwise provided in these Rules, the Secretary shall keep in his/her custody, or under his/her control, all books, documents and securities of the Association.

(1) Members may on request inspect free of charge—

(a) the register of members;

(b) the minutes of general meetings;

(c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

(2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

(4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

“relevant documents” means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records;

(d) records and documents relating to transactions, dealings, business or property of the Association.

28. BALLOTS

(1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.

(2) The returning officer must not be a member nominated for the position.

- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
 - (a) each member present in person; and
 - (b) each proxy appointed by a member.
- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.