

THE CONSTITUTION
OF
NEWSTEAD
ATHLETICS
INC

**AS ADOPTED AT THE ANNUAL GENERAL MEETING
HELD ON 5 JUNE 2019**

CONSTITUTION

1. Name of the Club

The name of the Club which, inter alia, is the successor in law and the sport of athletics of the organisation known previously as Newstead Harriers, Newstead Harrier Club and The Newstead Harrier Club (both as an unincorporated body and as an association incorporated under the Act) shall be:

“Newstead Athletics Incorporated” (in these rules called “the Club”), trading under the name of **“Newstead Athletics Inc” [ABN 66 565 876 862]**.

2. Interpretation

2.1 In these rules unless the contrary intention appears -

"Act" means the Associations Incorporation Act 1964

"Application for renewal of membership" means an application for membership by a member during the immediately preceding financial year of the Association as defined by these Rules.

“AT” means Athletics Tasmania Inc

“Athletics” means the sport of athletics as governed internationally by the International Association of Athletics Federation, in Australia by Athletics Australia and in Tasmania by Athletics Tasmania and all jurisdictions claimed by each of them

“Club Year” or “financial year” means a period from 1 April to the following 31 March.

“Committee” means the Club Committee pursuant to Rule 26

“Constitution” means this Constitution of the Club unless the meaning refers to the constitution of another body

"General Meeting" means a general meeting of members convened in accordance with Rule 15 and includes the annual general meeting and any general meeting.

“Intellectual Property” means all rights subsisting in copyright, business names, names, trademarks (or signs), logos, designs, equipment including computer software, images (including photographs, videos or films) or service marks relating to the Club or any activity of or conducted, promoted or administered by the Club in Tasmania.

"Member" means a member of the Club pursuant to Rule 5 of these Rules.

“NTA” means Northern Tasmanian Athletics Incorporated

"Individual Registered Member" means a person registered as an athlete, official, administrator with AT or currently financial accredited coach under the Athletics Australia Coach Accreditation Scheme, and who seeks also to be a member of the Club pursuant to Rule 6 of these Rules.

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

2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1931 and the Act as in force on the date on which these rules are adopted by the Club.

2.4 In these Rules "Person" includes any individual person, club, association, corporation, branch of an association or other body, organisation, educational or other institution or department thereof, Government department or authority or other body. References to the masculine gender shall also refer to the feminine and vice versa."

3. Office of the Club

The office of the Club shall be in Launceston in Tasmania or such other place as the Committee may, from time to time, determine.

4. Objects and Powers of the Club

4.1 The objects of the Club are to foster and promote athletics (including but not limited to track and field; cross country, road, mountain and trail running, race walking and carnival athletics) and athletic competition and to administer and regulate athletic activity and competition in respect of which it has inherent or delegated jurisdiction and include specifically:

(a) Recognising Athletics Tasmania as the governing body of athletics in the Tasmania and to affiliate with it at all relevant times, acting as a member of AT in accordance with the AT constitutional documents;

(b) Acting alone or in conjunction with any other person or body in the furtherance, encouragement, promotion, sponsorship, management, facilitation or otherwise in connection with athletic activity or competition for the benefit of Members and/or others;

(c) The promotion, management and conduct of championships, meetings and other events for the benefit of Members and/or others;

(d) The application and enforcement of regulations governing or concerning athletic or athletic activity, athletic competition, including the conduct and participation in, athletic meetings, races and events and all matters connected therewith, consistent with the Rules of AT.

(e) The keeping of records;

- (f) The recruitment, education, development and retention of coaches, officials, administrators and volunteers;
- (g) Identify and access, and support the provision and development, of appropriate venues and facilities for athletics participation;
- (h) To enter into sponsorship, fund raising programs and other like agreements in the absolute discretion of the Committee for the purpose of raising funds to run and maintain the Club;
- (i) Having regard to the public interest, maintain and enhance standards, quality and reputation of Athletics for the collective and mutual benefit of Members and others and of the sport of Athletics generally;
- (j) Use and promote the Intellectual Property;
- (k) Encourage and promote widespread participation in Athletics so as to enhance opportunities for Members and others to reach levels appropriate to their ability and aspiration.

4.2 The powers of the Club include:

- (a) The purchase, taking on lease or in exchange, and the hiring or other acquisition of any real or personal property as may be necessary or convenient for any of the objects of the Club including the laying down of courses or other provision of facilities for use for athletic activity;
- (b) The sale, supply, letting, hiring or other dealing with any real or personal property;
- (c) The construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects of the Club;
- (d) The employment and or voluntary appointment of officials, coaches, masseurs, trainers, caretakers, administrative, clerical, managerial or other staff or officers;
- (e) The acceptance of any gift upon any trust or otherwise.
- (f) The taking of such steps from time to time as the Committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Club, whether by way of donations, subscriptions, or otherwise;
- (g) the production and publication of such documents and electronic and digital communications as the Committee or the Members in general meeting may think desirable;
- (h) the borrowing and raising of money in such manner and on such terms as the Committee may think fit or as may be approved or directed by resolution passed at a general meeting;
- (i) subject to the provisions of *the Trustee Act 1898*, the investment of any moneys of the Club not immediately required for any of its objects or purposes in such manner as the Committee may from time to time determine;
- (j) the establishment, adoption, making, administration and enforcement of regulations, rules and By-Laws concerning athletics and of penalties including

disqualification from events, suspension from competition, fine or otherwise for breach thereof;

(k) the establishment and support, or aiding in the establishment or support, of any other club or association formed for any of the objects of the Club;

(l) the purchase or acquisition and undertaking, of all or any part of the property, assets, liabilities and engagements of any association with which the Club may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Club;

(m) the selection, sponsorship and sending of representative athletes or teams of athletes with or without accompanying officials or other persons;

and the doing of all such other lawful things as are incidental or conducive to the attainment of all or any of the objects of the Club stated herein.

5. Membership of the Club

5.1 Membership of the Club shall be available under the following Categories:

- (a) Individual Registered Members
- (b) Life Members
- (c) Committee Members
- (d) Individual Social Members

The Members of the Club under sub-rule (b) as at the date of the adoption of these Rules on 14 June 2017 are as listed in Schedule A.

5.2 These Categories of Membership are defined as follows:

(a) Any person accepted for registration with or via the Club as an Athlete, Official, Administrator or Coach in accordance with these Rules and/or By-Laws made pursuant thereto, is recognised as an Individual Registered Member of the Club for the period of such registration.

(b) Life Members shall be those natural persons appointed previously as Life Members of the Club (and as listed in Schedule A) or subsequent to the adoption of this Constitution, in accordance with these Rules and any Bylaws made pursuant to them;

(c) Committee Members shall be those persons from time to time elected or appointed to their positions in accordance with Rule 28.

(d) Individual Social Member includes any person accepted for membership of the Club for a specified period as a social member in accordance with these Rules and/or By-Laws made pursuant thereto. An Individual Social Member will not receive the same rights and privileges as those bestowed upon a Registered Member.

5.3 An application for membership of the Club (or renewal thereof) under Rule 5.1 (a) & (e) shall be effected either on-line or in writing, lodged or sent by post or electronic transmission to the office of the Club and contain the undertaking of the applicant to observe and be bound by these Rules and the By-Laws, and resolutions of the Club.

As soon as practicable after the receipt of an application, it shall be provisionally approved by a member of the executive and referred to the Committee, which shall only approve the application if it is satisfied that the applicant does and is likely to continue to meet the requirements of the Club as set out in these Rules and the By-Laws made pursuant thereto.

5.4 Upon an application under Rules 5.3 and 5.4 being approved by the Committee, the applicant shall be notified in writing that the application for Membership of the Club (or renewal of same) has been approved and, upon payment of the annual subscription and provision of any other information required under the Membership category to which Membership has been approved, the applicant's name shall be entered (or in the case of a renewal, maintained) in a 'Register of Members' whereupon the applicant becomes (or continues as) a Member of the Club.

5.5 A person may be granted Life Membership in accordance with Rule 8.

5.6 A person holding office as a Committee Member, unless a Life Member shall be deemed a Member under Rule 5.1(c).

5.7 A person may be granted Individual Registered Membership in accordance with Rule 6.

5.8 A person may be granted or be deemed to have Social Membership under Rule 5.1(e) in accordance with By-Laws made pursuant to these Rules.

5.9 A Member of the Club may, at any time, deliver or send by post to the Public Officer a written notice of resignation. Upon receipt of such a notice of resignation and upon satisfaction or other discharge by that person of any debt or liability due by it to the Club, the name of such person shall be removed from the register of members, whereupon that person ceases to be a member of the Club.

5.10 A Member also ceases to be a Member upon death, or expulsion as provided in these Rules or upon the decision by the Committee not to offer a renewal.

5.11 A right, privilege or obligation of a person by virtue of their Membership of the Club is not capable of being transferred or transmitted to another person and terminates upon the cessation of their Membership, whether by death, or following resignation, expulsion or otherwise.

5.12 No Member shall be entitled to any right or privilege, nor capable of the exercise of any power provided by these Rules, if and for so long as the annual membership or registration fee due and payable by such Member is unpaid.

5.13 A Member who ceases to be a Member shall forfeit all right in and claim upon the Club and or the Committee Members for damages or otherwise, or claim upon its property including the Intellectual Property.

6. Individual Registered Members

6.1 Any individual person who is normally resident in Northern Tasmania or who otherwise wishes to become a member of the Club and who:

(a) seeks to or competes or participates as a competing athlete in an athletic activity or competition controlled by AT (including where applicable Running Australia events) must be registered with both AT and the Club in accordance with the relevant AT Regulation or By-Law;

(b) otherwise participates in an athletic activity or competition controlled by either or both AT and the Club including but not limited to as an official, administrator or coach shall be registered with AT (and/or alternatively in the case of coaches with the Athletics Australia national accreditation scheme) and the Club in accordance with the applicable regulations and/or the relevant By-Law made pursuant to this Rule.

6.2 Such persons will be deemed to be Individual Registered Members under Rule 5.1(a) and such registrations shall be effected by the entry of the name of such persons upon a register to be kept for that purpose and shall remain in effect for the period designated by the Committee, following which time it will cease unless and until a fresh registration is effected.

6.3 Individual Membership may be recognised in more than one category as determined by the Committee from time to time. No registration shall however be deemed to have been effected until the lodgement with the Club of an electronic or written application for registration and the payment of any applicable fee as from time to time shall be determined by the Committee.

6.4 In the case of an athlete who has been a member of another affiliated body of AT within the preceding three years, registration shall not be effected until such athlete has completed and lodged with AT and the Club such transfer documentation as AT and the Club may require of him, and paid such fee as may from time to time be determined by AT.

6.5 The Club or the Committee may at any time refuse or disqualify a person from registration, or suspend the registration of any person, for any period and during the period of such disqualification or suspension that person shall be deemed not to be registered and shall advise AT accordingly.

7. Annual Membership Fees

7.1 The annual fee payable to the Club by Members under Rule 5.1 (shall be such amount as fixed by the Committee by no later than one month prior to the commencement of the AT membership period. The fees shall apply for the Club Year as determined by the AT membership period.

7.2 The amount of annual membership fees may vary as between members according to category or sub-category of member.

7.3 The Club may fix at nil the annual fee payable for any period by any category or sub-category of member and in such case the fee payable by

such members shall be deemed to be paid in respect of that period upon their application for membership or renewal thereof.

7.4 No fee is payable by a Life Member nor, unless he seeks registration as an athlete, shall he be required to make application for registration each year.

7.5 Annual membership fees are due and payable on the commencement of the AT membership period each year, and when paid, that member is deemed financial.

7.6 Subject to any By-law made pursuant to these Rules, an Individual Registered Member or Individual Recreational Running Member shall not be eligible to participate in any competition conducted by AT or the Club or otherwise under the jurisdiction or permit of AT or the Club or any AT or Club program or activity until registration is effected for the applicable Club Year.

8. Life Membership

8.1 The Committee, by a majority of three-fourths of its members present and entitled to vote at any meeting of the Committee may, based on its own proposal or a nomination present by any Member, resolve to recommend to the Members of the Club at an annual or special general meeting that no more than two natural persons per Club Year be elected to be a Life Member of the Club.

Except in exceptional circumstances, as determined by the Committee, such person shall have contributed a minimum of 10 years' service (either continuous or cumulative) to the Club (or its forbears) Length of service is not, of itself, a qualification for Life Membership - the value of the contribution must be outstanding. It is expected that the nominee would have served for some period as a Club Committee Member or any other role which exceeds the normal contribution and expectation of a Club Member.

Nominations for Life Membership may be in any format but shall detail the service of the nominee and a commentary on their suitability for the honour.

8.2 The Club may at any annual general meeting, by majority of three fourths of the members there present and entitled to vote elect any person whose election is recommended pursuant to sub-rule (1) hereof to be a Life Member of the Club.

8.3 As soon as practicable following the election of any person as a Life Member pursuant to this Rule the name of such person shall be entered in the register of members kept pursuant to these Rules whereupon such person becomes a Life Member of the Club.

8.4 A Life Member shall have all the powers, rights, entitlements and privileges of a member of the Club without the payment of any registration or other fee, with the exception of voting rights.

8.5 Life membership of any person may be terminated by the Club in any general meeting by majority of three fourths of the members there present and entitled to vote. Life membership may be terminated as per Rule 34.9

8.6 Upon termination of life membership pursuant to Rule 8.5, the name of such person shall be struck or removed from the register of members of the Club.

9. Income and Property of the Club

9.1 The income and property of the Club, however derived, shall be applied solely towards the promotion of the objects and purposes of the Club.

9.2 The Club shall not:

(a) appoint a person who is a member of the Committee to any office of the holder of which there is payable any remuneration by way of salary, fees, or allowances.

(b) pay to any such person any remuneration or other benefit in money or money's worth other than an honorarium and/or the repayment of out of pocket expenses approved by the committee prior to undertaking specific duties.

9.3 Nothing in the forgoing provisions of this Rule prevents payment in good faith to an employee, contractor or member of the Club of:

(a) remuneration in return for services actually rendered to the Club by the employee, contractor or member or for the goods supplied to the Club by the employee, contractor or member in the ordinary course of business; and/or

(b) reasonable and proper sum for the use of any premises or other property made available to the Club by the employee, contractor or member.

10. Accounts of Receipts and Expenditure

10.1 True accounts shall be kept of:

(a) all sums of money received and expended by the Club and the manner in respect of which the receipt or expenditure takes place; and

(b) the property, credits and liabilities of the Club, and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Club for the time being, those accounts shall be open to the inspection of the Members of the Club.

10.2 The Treasurer shall faithfully cause to be kept all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the Club in such form and manner as the Committee may direct.

10.3 The accounts, books, and records referred to in Rules 10.1 and 10.2 shall be kept at the Club's office or at such other place as the Committee may decide.

10.4 The financial and reporting year of the Club shall be the period of twelve months ending on the last day of the AT financial year.

11. Banking and Finance

11.1 The Treasurer in conjunction with the Committee shall, on behalf of the Club, make appropriate arrangements for the receipt, handling and banking of all moneys paid to the Club, the recording of same and where appropriate or requested, the issuing of official receipts.

11.2 The Committee shall cause to be opened or kept with such bank or banks or other financial institution as the Committee selects one or more banking accounts in the name of the Club or entities thereof, into which all moneys received shall be paid, as soon as possible after receipt thereof.

11.3 The Committee may receive from the Club's bank or bankers for the time being the cheques drawn by the Club on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Club.

11.4 No cheques or other form of payment shall be drawn on the Club's bank account except for the payment of expenditure that has been authorised in accordance with the procedures set from time to time by the Committee.

11.5 All cheques, electronic funds transmissions or other forms of payment, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be authorised and/or signed by any two of the signatories as the Committee may appoint for that purpose. The appointed signatories shall be at least three members of the Executive.

12. Auditor

12.1 At each annual general meeting of the Club, unless an audit exemption has been sought and obtained under the Act, the Members present shall appoint as the Auditor of the Club a person holding such qualifications as are required by law. If an exemption has been granted, the Members may resolve to appoint an appropriate person to undertake an internal audit.

12.2 The Auditor shall hold office until the annual general meeting next after that at which he is appointed, and is eligible for re-appointment.

12.3 If an appointment is not made at an annual general meeting or thereafter in the event of a resignation or inability to act, the Committee shall appoint an Auditor of the Club for the then current financial year of the Club.

12.4 The Auditor may only be removed from office by special resolution (not less than three-quarters) of such members as are present and voting.

13. Audit of Accounts

13.1 Once at least in each financial year of the Club, the Accounts of the Club shall be examined by the Auditor, unless an audit exemption has been

sought and obtained under the Act. If an audit exemption has been exercised then the Treasurer/Club should table financial statements and a treasurers report at the AGM. Also the Treasurer should ensure all bank statements and supporting documentation is made available to the committee at all meetings during the year including the AGM.

13.2 The Auditor shall undertake an external audit to express an opinion as to whether, in all material respects, the financial statements are fairly stated in accordance with applicable accounting standards and other mandatory requirements applying to the Club. The financial statements, including the audit report, shall be presented to the members of the Club at the annual general meeting.

13.3 The Club shall cause to be delivered to the Auditor of all relevant accounts, books, and records of the Club and any such other documentation that may be lawfully requested by him.

13.4 The Auditor has a right to access to the accounts, books, records, vouchers, and documents of the Club and may:

(a) require from the employees, contractors and officers of the Club such information and explanation as may be necessary for the performance of his duties as auditor;

(b) in relation to the accounts of the Club, interview and/or examine any member of the Committee or any employee or contractor of the Club.

14. Annual General Meeting

14.1 The Club shall within three (3) months from the conclusion of the Club financial year, hold an annual general meeting at such time, date and place as the Committee may determine. The annual general meeting shall be specified as such in the notice convening it.

14.2 The ordinary business of the annual general meeting shall be:

(a) to confirm the minutes of the last preceding annual general meeting and of any other general meeting held since that meeting;

(b) to receive from the Committee and the Treasurer reports on transactions and activities;

(c) to elect the officers of the Club in accordance with these Rules;

(d) to appoint or confirm the Patron of the Club;

(e) to elect Life Members that have been nominated in accordance with these Rules;

(f) to consider such other business, as has been notified in writing fourteen days prior to the annual general meeting

14.4 The annual general meeting shall transact no other business. Any resolution passed at the annual general meeting shall be referred to the Committee for action or consideration as may be applicable.

14.5 The annual general meeting shall be in addition to any other general meetings that may be held in the same year, including other general meetings that may be held in conjunction with it.

15. General Meetings

15.1 Further general meetings, other than the annual general meeting, of the Club may be convened at any time, in accordance with these Rules:

- (a) by a resolution of the Committee;
- (b) by the President;
- (c) upon receipt by the Committee of a requisition of at least ten Financial Registered Members.

15.2 A requisition for a general meeting under Rule 15.1(c) shall state the objects of the meeting and shall be signed or otherwise executed by the persons making the requisition and delivered at the office of the Club and may consist of several documents in the like form, each signed by one or more of those making the requisition.

15.3 If the Committee does not cause a general meeting to be held within twenty-eight days from the date on which such a requisition is deposited at the office of the Club, the requisitioners, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.

16. Notice of General Meetings

The Club, shall, at least fourteen days before the date fixed for holding of the annual or a general meeting of the Club, give notice by posts on the Club website and Facebook page specifying the place, day, and time for the holding of the meeting, and the nature of the business to be transacted thereat. In addition notice should be sent by email to any Member under Rule 5.1 (a), (b), (c), (d) and (f) who has provided the Club with their email address.

17. Business and Quorum of General Meetings

17.1 No item of business shall be transacted at the annual or a general meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.

17.2 Twenty percent of those being entitled under these rules to vote thereat (and who are personally present thereat) shall constitute a quorum for the transaction of business of a general meeting.

17.3 For the purpose of transacting business at the annual or a general meeting, the following voting structure shall apply on any question arising:

- (a) Individual Registered Members who will attain the age of at least 16 years as at 31 December in the year in which the meeting is held are entitled

to one vote each. A parent or guardian of a member under 16 years of age may vote on behalf of the minor;

(b) Committee Members are entitled to one vote each;

(c) No other Member in any categories shall be entitled to a vote;

(d) No one natural person voting, except for the chair of the meeting when making a casting vote, may exercise more than one vote on any matter.

In order to be able to vote in accordance with these Rules at a general meeting (including the annual general meeting), a Member must be recorded as a Member upon the register of Members held at the office of the Club and must be financial with the Club at least three days prior to the meeting.

17.4 If within one hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time and (unless another place is specified by the presiding officer at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

18. Presiding Officer at General Meetings

18.1 The President, or in his absence, the Vice President, shall preside as presiding officer at every general meeting of the Club. If the President and Vice-President are both absent from a general meeting, or unwilling to act, the members present shall elect one of their number to act as presiding officer thereat.

18.2 The presiding officer shall have both a deliberative vote and in the case of an equality of voting, a second or casting vote.

19. Adjournment of General Meeting

19.1 The presiding officer of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than business left unfinished at the meeting at which the adjournment took place.

19.2 Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.

19.3 Except as provided in the forgoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

20. Determination of a question arising at a General Meeting

A question arising at a general meeting of the Club shall be determined on the voices or a show of hands and unless before or on the declaration of the result on the voices or a show of hands a formal vote is demanded, a declaration by the presiding officer that a resolution has, on the voices or a show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the minute book of the Club is evidence of the matters stated in the entry, without further proof.

21. Making of a Formal vote

If at a meeting a formal vote on any question is demanded it shall be taken at that meeting in such manner as the presiding officer may direct, and the result of the formal vote shall be deemed to be the resolution of the meeting on that question.

22. When a formal vote is to be taken

A formal vote that is demanded on the election of a presiding officer, or on a question of adjournment, shall be taken forthwith, and a formal vote that is demanded on any other question shall be taken at such time before the close of the meeting as the presiding officer may direct.

23. Affairs of the Club to be managed by the Committee

23.1 The business and affairs of the Club shall be controlled and managed by the Committee constituted as provided in these Rules.

23.2 The Committee may, subject to these Rules, exercise all such powers and functions as may be exercised by the Club, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Club.

23.3 Subject to *the Act* and these Rules, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club.

23.4 Without limiting the generality of any of the forgoing provisions of this Rule the Committee shall have the following powers:

(a) to promote and manage and/or to allocate and/or delegate to other bodies the promotion and management of championships and other sports meetings and such other events as may from time to time be considered expedient;

(b) to call for, receive and deal with reports from sub-committees, working groups, officers or officials;

- (c) to deal with any alleged infringement of any competition laws or applicable policy or code of conduct where not otherwise provided for in these Rules or any By- laws or Regulations made there under.
- (d) to appoint competition delegates, technical officials and handicappers;
- (e) to deal with appeals;
- (f) to select and manage team officials and competitors and appoint delegates to represent the Club;
- (g) to suspend, expel, fine or otherwise deal with any natural person or affiliated body whose subscription or other money due to the Club remains unpaid;
- (h) to suspend, expel, disqualify, fine or otherwise deal with any affiliated body or any member or officer thereof, or any other Member for any breach of these Rules or the By-Laws or Regulations made thereunder or for any conduct arising out of or in connection with athletic activities or competition including its administration, which conduct is deemed by the Committee to be unfair or contrary to the interests of the club or which brings the sport of athletics or the club into disrepute;
- (i) to call upon any affiliated body or member thereof to produce its books and any other documents for inspection or to report on any matter;
- (k) to regulate its own procedure;
- (l) to secure for the purposes of the Club the use of and hiring out of grounds, buildings or equipment;
- (m) to make, rescind or amend Regulations or By-Laws insofar as they are not inconsistent with these Rules or any By-Laws or Regulations made or adopted by the Club in general meeting;
- (n) to do such other things as may be delegated to it by the Club;
- (o) to deal with applications for or otherwise recognise Club Records
- (p) to make recommendations with respect to life memberships and to determine the recipients of other Club awards and recognitions.

24. Officers of the Club

24.1 In addition to the members of the Committee elected in accordance with Rules 26 and 28, the Officers and Officials of the Club shall be as appointed by the Committee.

24.2 The Committee shall annually nominate in accordance with the Act a suitable person to act as the role of Public Officer of the Club.

24.3 The Committee may invite one or more persons to accept the office of Patron(s) of the Club.

25. Officials of the Club

At the first Committee Meeting after the annual general meeting, in each year, the Committee may appoint the following and such other officials as it deems appropriate:

- (a) Honorary Records and Rankings Officer(s)
- (b) Delegate(s) to NTA and AT
- (c) One or more Club Handicappers
- (d) One or more Club Coaches, one of whom may be designated as the Head Club Coach

26 Composition of the Committee

26.1 The Committee shall comprise:

- (a) a President
- (b) a Vice President
- (c) a Secretary
- (d) a Treasurer
- (e) at least four, but no more than eight other Committee members

26.2 Each Committee Member will hold office until the completion of the annual general meeting in the following year and is eligible for re-election.

26.3 In the event that a vacancy occurs in any of the positions of the Committee Members during their term, the Committee shall reserve the right to appoint any suitable person to that position. Any person so appointed shall serve only until the next annual general meeting following their appointment.

26.4 No member shall hold more than one position on the Committee of Management except for the positions of Secretary and Treasurer. Should at any time, one person hold both positions, he shall be entitled to one vote only at Committee or general meetings.

27. The Executive Committee

27.1 The President, Vice President, Secretary and Treasurer shall comprise the Executive Committee (hereafter referred to as the Executive) and shall oversee the day-to-day running of the Club. It is also authorised to make decisions pertaining to and to provide direction to delegates in respect of meetings of or requests from NTA and/or AT.

27.2 The Executive on behalf of the Committee shall manage the affairs of the Club in accordance with decisions taken by the Committee or the Club in general meeting. Where no applicable such decision has been taken, the Executive shall act in such manner as it deems fit and report accordingly to the next meeting of the Committee.

27.3 The Executive shall meet at such times or intervals as may be necessary or practicable but at least once in any two-month period during which no meeting of the Committee is scheduled or held. Any Committee Member

who is not a member of the Executive is entitled to attend and participate in the proceedings of an Executive meeting but without the right to vote thereat. When practicable and/or appropriate, notice shall be given to all Committee Members of any proposed Executive meeting.

27.4 The Executive shall not make any decision upon any question affecting or concerning the general policy of the Club but shall refer any such questions to a meeting of the Committee or to a general meeting of the Club.

27.5 The Executive shall assume and undertake any other powers, duties or responsibilities delegated to it by a decision taken at a meeting of the Committee or a general meeting of the Club

28. Election of Committee Members

Nominations of candidates for election as Committee Members shall be completed by paper nomination form signed by two members and endorsed by the nominee, and delivered to the Secretary prior to the meeting. Nominations may be accepted from the floor of an AGM if no nominations have been received, or if the minimum number of committee member positions has not been reached.

29. Vacation of Office

For the purpose of these Rules, the office of an officer of the Club or of a member of the Committee becomes vacant if the officer or member of the Committee:

- (a) dies;
- (b) becomes of unsound mind;
- (c) resigns his office by writing under his hand addressed to the Committee or the Public Officer;
- (d) fails, without leave granted by the Committee, to attend three consecutive meetings of the Committee;
- (e) fails to pay any arrears of subscription due by him within fourteen days after he has received a notice in writing from the Club stating that he has ceased to be a financial member of the Club;
- (f) without leave granted by the Committee, ceases to reside in Tasmania;
- (g) is expelled from the Club.

30. Meetings of the Committee

30.1 The Committee shall meet at such time, date and place as the Committee may determine, such meetings to take place no less than six times per Club Year.

30.2 Additional meetings of the Committee may be convened by the President or at the request of any four of its members.

30.3 Notice shall be given by email to each member of the Committee of any scheduled or additional meeting, at a reasonable time before the meeting. Where a member specifically requests notice other than by email, or other electronic means, he shall be advised orally and sent a notice to his address provided to the Club for this purpose.

30.4 The quorum of the Committee for the transaction of the business at any meeting of the Committee shall be four of its members, including at least two of the Executive.

30.5 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned for at least seven days and no more than 14 days thereafter at a place, time and date as determined by the presiding officer, unless the meeting was a additional meeting, in which case it lapses.

30.6 At any meeting of the Committee the President, or in his absence the Vice-President, shall act as presiding officer. If both the President and Vice President are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members' present shall preside.

30.7 Questions arising at meetings of the Committee shall be determined by the voices, on a show of hands or, if demanded by a member, by a formal vote taken in such manner as the person presiding at the meeting may determine.

30.8 Subject always to Rule 31, each member present at a meeting of the Committee, (including the person presiding at the meeting), is entitled to one vote and, in the event of any equality of votes on any question; the person presiding may exercise a second or casting vote.

31. Disclosure of Interest

31.1 A member of the Committee who is interested in any contract or arrangement made or proposed to be made with the Club shall disclose his interest at the first meeting of the Committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the Committee after the acquisition of his interest.

31.2 If a member of the Committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the Committee after he becomes so interested.

31.3 No member of the Committee shall vote as a member of the Committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.

31.4 The provisions of this Rule will also apply to situations in which a member of the Committee has or acquires a conflict of interest in relation to selection, disciplinary, donations, financial or matters under consideration.

32. Sub-Committees and Working Groups

The Committee may appoint at any time such Sub-Committees or Working Groups as it may think fit and shall prescribe the powers and functions thereof. The President shall be an ex-officio member of each.

33. Notices and Service of Documents

33.1 A notice may be served by or on behalf of the Club upon any member either personally or by email, facsimile or other form of electronic transmission or by sending it through the post in a prepaid letter addressed to the member at his usual last-known place of abode.

33.2 Any notice or document required to be given or served upon the Club shall be in writing and shall be deemed to have been sufficiently served or given if and when it is delivered personally or by post or by facsimile or other form of electronic transmission to the Office or to the Public Officer.

34. Expulsion of Members

34.1 Subject to this Rule, the Committee may expel a Member from the Club if, in the opinion of the Committee the Member has been guilty of conduct detrimental to the interests of the Club. A Member may be expelled by resolution of the Committee. Such resolution must be agreed to by a majority of not less than two thirds of the full Committee entitled to vote at a meeting.

34.2 The expulsion of a member pursuant to Rule 34.1 does not take effect:

(a) until the expiration of fourteen days after the service on the member of a notice under Rule 34.3; or

(b) if the member exercises his right to a hearing under this Rule, until the conclusion of the hearing,

whichever is the later date.

34.3 Where the Committee expels a member from the Club, the Public Officer of the Club shall, without undue delay, cause to be served on the member a notice in writing:

(a) stating that the Committee has expelled the member;

(b) specifying the grounds for the expulsion; and

(c) informing the member that if he so desires he may, within fourteen days after the service of notice on him, seeking a hearing against the expulsion as provided in this Rule.

34.4 A member upon whom a notice under Rule 34.3 is served seek a hearing against the expulsion by delivering or sending by post to the Public Officer of the Club, within fourteen days after the service of that notice, a requisition in writing demanding the convening of hearing.

34.5 Upon receipt of a requisition under Rule 34.4, the Public Officer shall forthwith notify the Committee of its receipt and the Committee shall thereupon cause a hearing to be held within fourteen days after the date on which the requisition is received by the Public Officer.

34.6 At a hearing convened for the purpose of this Rule:

(a) the Tribunal shall comprise one person only, where possible with legal training or if not with experience in the administration of voluntary Clubs, shall operate according to the principles of natural justice and may regulate its own procedures.

(b) the Committee shall place before the Tribunal details of the grounds of the expulsion and may set out the Committee's reasons for the expulsion;

(c) the expelled member shall be given the opportunity to be heard;

34.7 If the Tribunal determines that the expulsion should be lifted, it shall be deemed to have been lifted and the expelled member is entitled to continue his membership of the Club. If the Tribunal confirms the expulsion, it takes effect.

34.8 A person who is expelled ceases to be a member of the Club.

34.9 The above principles shall apply to the expulsion of Life Members, but must be voted upon at a General Meeting of the Club.

35. Disqualifications and Suspensions

35.1 No person shall be allowed to compete in any event conducted by the Club or an affiliated body or conducted under the control of or with the consent of the Club or by any other sporting Club or organisation which observes and complies with suspensions and disqualifications imposed by the Club whilst disqualified or suspended under the Rules of the IAAF, Athletics Australia, AT and/or the Club.

35.2 Any person competing in an athletic meeting not sanctioned in accordance with the rules of this Club or AT may be suspended or disqualified.

35.3 All sentences of suspension, disqualification or otherwise by or binding on the Club shall be binding on all affiliated bodies.

36. Colours and Badges

The colours, emblems, logos, uniforms, and other official clothing or insignia of the Club shall be as determined from time to time by the Committee.

37. Alterations to Constitution and Rules; By-Laws and Regulations

37.1 This Constitution and Rules may be altered at any annual or general meeting provided the following procedure is observed:

(a) at least twenty-one (21) days written notice of the proposed alteration shall be given to the Club Office or the Public Officer;

(b) Members shall be given at least fourteen (14) days' notice of such proposed alteration in the manner set out in Rule 16;

(c) such alteration or amendment as proposed at the general meeting shall be approved by special resolution (not less than three-quarters) of such Members as are present, entitled to vote and voting.

37.2 Any By-Law made pursuant to this Constitution and Rules may be made or altered at any Committee Meeting provided the following procedure is observed:

(a) at least five days (5) days written notice of the proposed By-Law or alteration shall be given to each Committee member;

(b) such By-law, alteration or amendment as proposed at the meeting shall be approved by a simple majority of such members as are present and voting.

37.3 Any Regulation made pursuant to this Constitution and Rules or By-Laws made pursuant thereto, may be altered at any Committee Meeting provided that such alteration or amendment as proposed at the meeting shall be approved by a simple majority of such members as are present and voting.

37.4 Any such By-Law or Regulation may also be made or altered or amended at any annual or general meeting provided the following procedure is observed:

(a) at least twenty-one (21) days written notice of the By-Law, Regulation or proposed alteration shall be given to the Club Office or the Public Officer;

(b) Members shall be given at least fourteen (14) days written notice of such By-Law, Regulation or proposed alteration in the manner set out in Rule 16;

(c) such By-Law, Regulation or alteration or amendment as proposed at the general meeting shall be approved by a simple majority of such members as are present and voting.

38. Dissolution of the Club

The Club shall be dissolved in the event of the membership being less than five members for a continuous period of 12 months (excluding Life Members). It may also be dissolved upon the vote of the three fourths majority of the Members present at a general meeting convened to consider the question. Any assets on hand shall, after payment of all expenses and liabilities be, in the first instance, held in trust by AT for use specifically in furthering the cause of athletics in the Northern region of the state of Tasmania. This may include activities such as promotion of the sport, coaching of athletes, attainment and education of coaches, and for the purpose of operating cross country events in the north of Tasmania.

In the event of the Club being wound up every voting Member of the Club and every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a voting Member of the Club is liable to contribute to the assets of the Club for payment of the debts or liabilities of the Club and for costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding one dollar, as may be required, but a

former member is not liable so to contribute in respect of any debt or liability of the Club contracted after he ceased to be a member.

SCHEDULE A

Life Members (as at 22 08 2017)

Peter Brasher

Don Cox

Mrs Dora Fry

Mr Vic Harris

Mr Dennis Hickson

Mr Todd Hodgetts

Mr Robert Lee

Mr Max O'Toole

Mr W.(Bill) Prosser

Gale Singline

Deceased: †

Mr Geoff Boon †

Mrs Shirley Brasher †

Mr Ian Luck †

Mrs M Moore †

Peter Singline †

BY-LAWS (to be completed)

1. DUTIES AND FUNCTIONS OF OFFICERS

1.1 The President:

- (a) shall preside at Annual and any other General meetings and at Committee meetings and shall exercise a deliberative and casting vote;
- (b) shall be an ex-officio member of all sub-committees and may exercise a deliberative vote at any sub-committee meeting;
- (c) where any matter concerning the interpretation of the Constitution or By-Law arises at any meeting, shall issue a ruling and such ruling shall be applied until subsequently varied;
- (d) shall be represented by the Vice President at any meeting from which he or she is absent, and who shall have the aforementioned responsibilities;
- (e) may, with the agreement of the Committee, relinquish their role as chair for the duration of a Committee meeting and be present as an observer only;
- (f) together with the Secretary shall be responsible for the smooth running of the club on a day to day basis.

1.2 The Vice President shall in the absence of the President, chair meetings of the Club.

1.3 The Secretary:

- (a) shall keep true and complete records of the business transacted at all meetings of the Club;
- (b) together with the President, shall be responsible for the smooth running of the Club on a day to day basis, including dealing with correspondence according to the direction of, or subject to the ratification of the Executive and the Committee, preparing meeting agendas, keeping records and convening meetings of the Club.

1.4 The Treasurer:

- (a) shall be responsible for keeping true accounts of all sums of money received and expended by the Club and the matter in respect of which the receipt or expenditure takes place; and of the assets and liabilities of the Club;
- (b) as soon as practicable after the end of financial year of the Club, unless an audit exemption has been applied for as per the Associations Incorporation Act 1964, present the accounts, books and records of the Club to the auditor for examination;
- (c) receive and record on behalf of the Club all monies paid to the Club and issue official receipts where required;
- (d) manage payment of accounts in accordance with requirements of the Club;

1.5 Other officers shall, subject to directions of the Committee, carry out the normal functions of their positions or such other functions as may be allocated by the Committee.

2. ELECTIONS

2.1 Nomination forms for the election of officers are to be prepared and held by the Secretary prior to the date of the Annual General Meeting, signed by a nominator, seconder, both of whom shall be members, and annotated by the nominee accepting the nomination.

2.2 If only a single nomination is received to be fill a vacancy, the person nominated shall be deemed to be elected.

2.3 If more than one nomination is received to be fill a vacancy, a ballot shall be held.

2.4 A ballot for the election of a Committee member shall be conducted in such usual and proper manner as the Committee may direct

2.5 In the case of a ballot being required the votes from Members will be received only from those present and eligible to vote at the annual general meeting with no proxy votes to be accepted.

4. HANDICAPPING

To be inserted