



ACT Nudist Club Incorporated

Constitution 2011

**adopted by Club members
by special resolution passed at
General Meeting
held on 20 August 2011**

**incorporating amendments approved by special resolutions of members at
General Meetings held on 31 August 2013 and 26 August 2017 and
Annual General Meeting held on 29 August 2020**

**See Explanatory Statements describing the amendments and
refer Endnote 2 for dates of commencement of amendments.**

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Constitution 2011

I. PRELIMINARY

1. Name of document

This document is the *Constitution 2011* of the ACT Nudist Club Incorporated.

2. Incorporation of the Club

The Club is incorporated under the *Associations Incorporation Act 1991* (ACT).

3. Purpose of Club Constitution

The Constitution sets out the Objects and Rules of the Club for the following purposes—

- (a) to clarify members' rights, privileges and obligations in their dealings with the Club and Committee; and
- (b) to promote transparency, accountability and certainty in relation to the Committee's dealings with Club members and external parties including persons interested in membership of the Club, applicants for membership, regulatory agencies, contractors and the nudist movement; and
- (c) thereby to assist members to act together harmoniously to achieve the Club's Objects.

4. Commencement of new Constitution and replacement of former constitution

- (1) This Constitution commences when it is lodged with the registrar-general.¹
- (2) Subject to section 5, the Club's former constitution ceases to have effect when this Constitution is lodged with the registrar-general.²

Note: The 'registrar-general' is defined in the *Registrar-General Act 1993* (ACT).

4A. Commencement of alterations of or amendments to Constitution

An alteration of or amendment to the Objects or Rules of this Constitution, if lawfully made, takes effect when lodged with the registrar-general, who determines the date of lodgement when satisfied that the lodgement complies with the requirements of relevant legislation.

5. Continuing effect of things done under former constitution, earlier constitutions and earlier forms of this Constitution

- (1) If an act was lawfully done or something was lawfully begun under—

¹ 13 September 2011 in the case of the document adopted by the Club on 20 August 2011. The dates of commencement of amendments are shown in Endnote 2, 'Table of amendments to the Constitution'.

² Sub-section 4(2) refers to the Constitution described as 'drawn up 17 August 1976 redrafted 19 September 1992', as further amended to 6 September 1996.

- (a) the Club's former constitution; or
 - (b) any constitution of the Club dating from the time before the Club was incorporated; or
 - (c) the Constitution in the form in which it came into force on 13 September 2011; or
 - (d) the Constitution in the form in which it came into force on 6 September 2013;
- and if that act or thing is continuing—
- (e) it is to be treated as having been done under this Constitution.

(2) A contravention of a provision of—

- (a) the Club's former constitution; or
- (b) any constitution dating from the time before the Club was incorporated; or
- (c) the Constitution in the form in which it came into force on 13 September 2011; or
- (d) the Constitution in the form in which it came into force on 6 September 2013

is to be treated as a contravention of this Constitution.

Example: One of the sections of this Constitution where this applies is section 34.

II. OBJECTS OF THE CLUB

6. Fundamental objects of the Club

The fundamental objects of the Club are as follows—

- (a) to further the interests of nudism as a recreational and social activity, particularly in the Australian Capital Territory; and
- (b) to establish and maintain a secure and congenial environment for nudist recreation and social interaction in the Australian Capital Territory; and
- (c) in order to properly perform the above commitments—
 - (i) to acquire, develop, operate and maintain a club site and amenities; and
 - (ii) to maintain membership and governance procedures and social activities that support a positive, engaged and friendly atmosphere for members of and visitors to the Club; and
 - (iii) to affiliate with such other clubs, organizations or bodies during such periods as the members of the Club may determine and approve.

7. Incidental objects of the Club

In support of the Club's fundamental objects, the Club has the following incidental objects—

- (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary for any of the objects of the Club; and
- (b) the buying, selling, and supplying of, and dealing in, goods of all kinds permitted by law; and
- (c) the purchase and supply of services permitted by law; and
- (d) the construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects of the Club; and
- (e) the acceptance of any gift, whether or not subject to a special trust, for any of the objects of the Club; and
- (f) the taking of steps to procure contributions to the Club's funds, whether by way of donations, subscriptions or otherwise, as approved from time to time by the Committee or by the members in general meeting; and
- (g) the printing and publishing of such newsletters, periodicals, books, leaflets or other documents as the Committee or members in general meeting approve for the promotion of the Objects of the Club; and
- (h) money-raising and repaying money in such a manner as the Committee thinks fit, including—
 - (i) borrowing money and giving security for repayment of moneys; and

- (ii) paying debts or extinguishing liabilities of the Club,
provided that the Committee must not give mortgages, charges or securities over Club property unless the members of the Club in general meeting have first approved that or directed the Committee to do that; and
- (i) subject to the *Trustee Act 1925* (ACT), the investment of any moneys of the Club not immediately required for any of the objects of the Club in such manner as the Committee may determine from time to time; and
- (j) the making of gifts, subscriptions or donations to any of the funds, authorities or institutions mentioned in subdivision 30-B of the *Income Tax Assessment Act 1997* (Cth),
- (k) in respect of employees or past employees of the Club and their dependants—
 - (i) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes and conveniences designed to benefit each or any of them; and the payment of a debt or liability of the Club,
 - (ii) the granting of pensions, allowances or other benefits to each or any of them; and
 - (iii) the making of payments towards insurance in relation to any of these purposes; and
- (l) in respect of the Club, its members and visitors— the making of payments towards insurance in relation to—
 - (i) the protection of the interests of the Club, its members and visitors in respect of works performed on behalf of the Club; and
 - (ii) the protection of Committee members in relation to decisions made in good faith in managing the affairs of the Club; and
 - (iii) the maintenance and protection of the property of the Club; and
 - (iv) the protection of the interests of visitors to the Club for any purpose that may attract public liability.
- (m) subject to the limitations in this Constitution on dealings with the Club’s land, the establishment and support, or aiding in the establishment and support, of any other association formed for any of the fundamental objects of the Club; and
Note: For limitations on dealings with the Club’s land, see sections 83 and 84.
- (n) the doing of all such other lawful things as are incidental or conducive to the attainment of the fundamental or incidental objects of the Club.

III. RULES OF THE CLUB

3.1 Character of Club governance

8. Inclusiveness of decision-making

The Committee must conduct its activities in a way that maximizes the contributions of all members to the work and decision-making of the Club, except in relation to—

- (a) the personal circumstances and information of and about individual members unless that is specifically provided for in this Constitution; and
- (b) other matters of a confidential nature before the Committee.

Note: Only the Club Committee is normally involved in decisions in relation to the personal circumstances and information of members, but other sections of this Constitution provide for member involvement in disciplinary proceedings at the appeal stage.

Examples of other matters of a confidential nature include tender documents, grant applications, legal issues and, potentially, dealings with neighbours while under way.

9. Keeping members informed

The Committee must place high importance on keeping members informed of the Committee's work, the activities of the Club and the issues it is addressing. It may do this by regular newsletters, at informal meetings of members, by continuing the Club's practice whereby any and all members may observe Committee meetings unless that is inconsistent with preserving confidentiality, and by responding to questions and suggestions, using electronic means or in any other way it considers appropriate.

9A. Obligation to resolve disputes in the interests of the Club and members

- (1) In the interests of the Club and acknowledgement of its limited resources, members of the Club are obliged to treat each other in a respectful fashion and to work together harmoniously to resolve any dispute that may arise between the Club and Club members or between the Committee and Club members or between members.
- (2) The Club and members are required to exhaust all complaint and dispute resolution processes provided for in this Constitution before recourse to litigation.
- (3) Apart from specific processes in this Constitution for the resolution of complaints and concerns and disciplinary matters, the Club and members are expected to avail themselves of alternative dispute resolution processes including independent mediation or arbitration before recourse to litigation.

Note: The Conflict Resolution Service of the ACT, <http://www.crs.org.au>, provides an independent mediation service to community organizations and individuals. Whether or not a fee is payable depends on the level of the income of the organization or individual.

- (4) If a member is dissatisfied with the outcome of Committee consideration of a complaint or expression of concern and if the relevant provision of the Constitution under which the complaint or concern is considered does not already incorporate an appeal mechanism, the member is expected to requisition a general meeting of members to consider the matter.
- (5) If the member requisitioning a general meeting of members under sub-section (4) is unable to secure a quorum of members voting in person or a seconder for a motion put by the member or a majority vote of members for a motion put by the member, the complaint or expression of concern is deemed to have been finalized and dismissed.
- (6) Nothing in this section prevents the Committee or a member of the Club at any time from making a complaint to police or referring a member to make a complaint to police if information available to the Committee or member suggests that there has or may have been a contravention of the criminal law.

3.2 Interpretation of Constitution

10. Constitution includes Constitution Dictionary

The Constitution Dictionary at the end of this document is part of this Constitution.

11. Legislation Act applies to Constitution

The *Legislation Act 2001* (ACT) applies to this Constitution in the same way as it would if this Constitution were a statutory instrument made under the *Associations Incorporation Act 1991*.

Note: Amongst many other things, the Legislation Act contains rules on such matters as working out periods of time; defines the power to make a decision as including the power to reverse or change a decision; and contains rules about what a reference in a document to an Act means when that Act is amended or repealed.

12. Significant statutory principles applying to Club rules and activities

- (1) The Club is bound by Territory laws, the common law, the rules of equity and by Federal laws operating on the Club.
- (2) Some significant statutory principles in Territory laws applying to the Club and this Constitution are—
 - (a) the Objects and Rules of the Club must not be inconsistent with Territory law; and
 - (b) a requirement of a Territory law must be interpreted in a way that is compatible with the purpose of the law and with human rights; and

Examples: The Act provides members with a right of access to club records, the purpose being to keep clubs accountable to members. On the other hand, the *Human Rights Act 2004* (ACT) recognizes an individual's rights to privacy and reputation. It states that a Territory law can only limit human rights if it imposes a reasonable limitation that 'can be demonstrably justified in a free and democratic society'.

Therefore, if in the way it provides access to Club records the Club can still uphold the accountability object of the Associations Incorporation Act, it may limit other members' access to the personal information of or about a member to the extent reasonably necessary to protect the privacy and reputation of that member.

Another important human right is the right to protection of the family and children. The Club and members must observe this human right in the governance of the Club and conduct of Club members.

- (c) the Club must comply with the rules of natural justice in any decision affecting a member or members; and

Note: see the Constitution Dictionary for a definition of 'natural justice'.

- (d) the Committee is accountable to members, the auditor and the registrar-general; and

(e) members must observe the Rules of this Constitution.

3.3 Membership of the Club

13. Categories of membership

- (1) The Club recognizes the following categories of membership—
 - (a) general membership; and
 - (b) honorary life membership; and
 - (c) purchased life membership.
- (2) The rights, privileges and obligations of members falling within each of the above categories of membership, are limited in the ways set out in this Constitution.
- (3) A right, privilege or obligation of a member within a category of membership, is equal to a corresponding right, privilege or obligation of each other member in the same category of membership.
- (4) The Committee may exercise discretion in the application to individual members of the Club's Constitution, by-laws and guidelines so as to take account of the personal circumstances of the member concerned, if those circumstances justify taking a compassionate approach, *provided* the discretion does not jeopardize the lease over the Club's grounds contrary to section 83 or is contrary to law.
- (5) Subject to sub-section (3), except for the obligation only on general members to make subscriptions for continuing membership of the Club—
 - (a) after the member has joined the Club, a right, privilege or obligation of a member in the general membership, honorary life membership or purchased life membership categories
is equal to—
 - (b) a corresponding right, privilege or obligation of each member in each other of those categories of membership.

14. Expressions of interest in membership

- (1) An adult (referred to as an 'interested person') may register an interest in becoming a member of the Club by completing and signing a form approved by the Committee.
- (2) The approved form must provide for the interested person to consent to—
 - (a) the Committee's verifying any references provided by the interested person; and
 - (b) making such further enquiries of the interested person's spouse or partner or other family member, Club members and other nudist clubs or organizations or other community associations or their representatives as appear appropriate to the Committee; and
 - (c) responding similarly to any requests from other nudist clubs or organizations for information about the interested person.

- (3) Following receipt of a completed expression of interest in becoming a member, at the next Committee meeting the Membership Secretary must table the completed form for the information of Committee members.
- (4) The Membership Secretary must inform Committee members of each expression of interest when it is received and take into account any comments by Committee members in future contact with the person expressing interest in membership of the Club.
- (5) In accordance with Committee guidelines on membership matters and subject to sub-section (4), the Membership Secretary may invite the interested person to participate in Club activities as a visitor and nudist, to assist the Committee to decide, at a later date, whether it will consider an application for membership if made by the interested person.
- (6) The Committee may terminate, at any time—
 - (a) further consideration of an expression of interest in membership; or
 - (b) an invitation under sub-section (5) to participate in Club activities.
- (7) In order to secure the privacy of Club members and interested persons and the confidentiality of personal records of and about Club members and interested persons, and to maintain any claim of client legal privilege, an interested person is not entitled to copies of any documents obtained or made by the Committee in assessing an expression of interest in membership of the Club.
- (8) An interested person may have access to the Club grounds only as a visitor, at the discretion of and with the permission of the Committee.
- (9) Receipt by the Committee of an expression of interest in membership does not—
 - (a) entitle the interested person to expect or to reasonably expect that an application for membership, if made subsequently, will be considered by the Committee; or
 - (b) entitle the interested person to become or to reasonably expect that the interested person will become a member of the Club.

15. Applications for membership

- (1) An interested person may apply for membership of the Club by completing and signing a form approved by the Committee.
- (2) The approved form must provide for the applicant to consent to—
 - (a) the Committee's verifying any references provided by the applicant; and
 - (b) making such further enquiries of the applicant's spouse or partner or other family member, Club members and other nudist clubs or organizations or other community associations or their representatives as appear appropriate to the Committee; and

- (c) responding similarly to any requests from other nudist clubs or organizations for information about the applicant while an applicant and, if admitted to membership, as a member.
- (3) Following receipt of an application for membership, the Membership Secretary must table the completed form for the information of Committee members at the next Committee meeting.
- (4) The Committee must not begin consideration of the application for membership until the Committee meeting following the meeting at which it is tabled.
- (5) The Committee has discretion to defer consideration of the application for membership pending receipt of further information or a period of further observation of and interaction with the applicant as a visitor to the Club.
- (6) The Committee may only begin consideration of an application for membership if—
 - (a) that would be consistent with maintaining a reasonable balance of the sexes in the Club as provided in the by-laws; and
 - (b) the Committee has taken into account information arising from any enquiries provided for in sub-sections 14(2) and 15(5) or members' comments made at any time; and
 - (c) the applicant has dealt with any concerns put to the applicant by the Committee, to the Committee's satisfaction; and
 - (d) Committee members have actively engaged in social interaction with the applicant while she or he took part in Club activities as an interested person and nudist; and
 - Note:* Opportunities for social interaction arise from Club activities such as socials, working bees, camping, sports and poolside relaxation.
 - (e) during participation in Club activities as an interested person, the applicant has demonstrated to the Committee's satisfaction that she or he—
 - (i) holds a commitment to the Objects of the Club;
 - (ii) has actively and harmoniously engaged in social interaction in the Club as a nudist; and
 - (iii) has upheld the published Constitution, by-laws and guidelines of the Club.
- (7) The Committee must not make a decision to grant membership to an applicant, if merited, until after the period of consultation with members referred to in sub-sections 16(1) and 20(5) has been completed and any comments by members taken into account.
- (8) At any time, the Committee may decide to not grant membership to an applicant if, on the basis of its own observations and interactions with the applicant and any other information before it and any response by the applicant, the Committee comes to the view that the applicant will not be able to satisfy the Committee that she or he—

- (a) holds a commitment to the Objects of the Club; or
 - (b) has actively and harmoniously engaged in social interaction in the Club as a nudist; or
 - (c) has upheld the published Constitution, by-laws and guidelines of the Club.
- (9) If the Committee accepts an application for membership for consideration, the applicant may then pay an application fee to the Club, as determined in accordance with paragraph 25(1)(a), within 21 days of the date of the Committee’s decision or as otherwise specified by or agreed with the Committee and confirmed in writing.
- (10) If the application fee is not paid by the due date referred to in sub-section (9), the application for membership lapses.
- (11) In order to secure the privacy of Club members and applicants for membership and the confidentiality of personal records of and about Club members and applicants, and to maintain any claim of client legal privilege, an applicant is not entitled to copies of any documents obtained or made by the Committee in assessing an expression of interest in or application for membership of the Club.
- (12) An applicant may have access to the Club grounds only as a visitor, at the discretion of and with the permission of the Committee.
- (13) Acceptance for consideration of an application for membership does not entitle the applicant—
- (a) to become or to reasonably expect that she or he will become a member of the Club; or
 - (b) to expect or to reasonably expect that the Committee will make a decision by a certain date or within a certain period as to whether or not the applicant will be granted membership.

16. Recording and making applications for membership known to members

- (1) If the Committee accepts an application for membership for consideration, once the applicant pays the application fee the Membership Secretary must—
- (a) notify all Club members, in the next Club newsletter or otherwise in writing, that the application has been received and is under consideration; and
 - (b) specify the applicant’s full name in the notice to members.
- (2) The Membership Secretary must also enter the name, address and other contact particulars of the applicant in the Club’s records.
- (3) An applicant is expected to actively and harmoniously engage as a visitor and nudist in social interaction with members and Committee members.

Note: Opportunities for social interaction may arise from Club activities such as socials, working bees, camping, sports and poolside relaxation.

17. Offers of membership to members' family members

- (1) As an alternative to considering an application for membership, the Committee may offer general membership of the Club to an adult (referred to as a 'familial candidate') who—
 - (a) has attended the Club as a child or dependant of a current financial member; and
 - (b) since becoming an adult, has actively and harmoniously engaged in social interaction in the Club as a nudist; and
 - (c) is no more than 25 years of age; and
 - (d) has expressed interest in becoming a member of the Club; and
 - (e) has completed and signed a document in the form referred to in sub-section 14(2).
- (2) The Committee may only offer membership to a familial candidate if—
 - (a) Committee members have actively engaged in social interaction with the familial candidate while she or he took part in Club activities as an adult and nudist; and
 - (b) the Committee is satisfied that Committee members and Club members have had sufficient opportunity to become acquainted with and to interact socially with the familial candidate as a nudist; and
 - (c) during participation in Club activities as a familial candidate, the familial candidate has demonstrated to the Committee's satisfaction that she or he—
 - (i) holds a commitment to the Objects of the Club; and
 - (ii) has actively and harmoniously engaged in social interaction in the Club as a nudist; and
 - (iii) has upheld the published Constitution, by-laws and guidelines of the Club.
- (3) The Committee may, in its discretion, discontinue consideration of offering membership to a familial candidate and may, in its discretion, at any time before it is accepted, withdraw an offer of membership made to a familial candidate, if the Committee considers that the candidate—
 - (a) has not demonstrated that she or he holds a commitment to the Objects of the Club; or
 - (b) has not actively and harmoniously engaged in social interaction in the Club as a nudist; or
 - (c) has not upheld the published Constitution, by-laws and guidelines of the Club.
- (4) The Committee may defer a decision to offer membership to a familial candidate pending receipt of further information.

- (5) In order to secure the privacy of Club members and familial candidates and the confidentiality of personal records of and about Club members and familial candidates and to maintain any claim of client legal privilege, a familial candidate is not entitled to copies of any documents obtained or made by the Committee in assessing an expression of interest in membership of the Club or in deciding whether or not to grant membership to the familial candidate.
- (6) A familial candidate may have access to the Club grounds only as a visitor, at the discretion of and with the permission of the Committee.
- (7) A familial candidate who accepts an offer of membership becomes a member if and when she or he pays the membership subscription, within 21 days of the date of the Committee's decision or as otherwise specified by or agreed with the Committee and confirmed in writing.
- (8) If the membership subscription is not paid by the due date referred to in sub-section (7), the offer of membership lapses.
- (9) An application fee is not payable for an offer of membership to a familial candidate.
- (10) The Membership Secretary must notate the Club membership records to show that a familial candidate has become a general member on the date the membership subscription is paid in accordance with sub-section (7).
- (11) An offer of membership to a familial candidate does not preclude a person from becoming a member under the processes described elsewhere in this Part, unless the person has been refused membership previously.

18. [Deleted]

19. [Deleted]

20. Committee decision on application for membership

- (1) Subject to sections 15 and 16 and this section, the Committee may decide whether or not to offer membership to an applicant only when it is satisfied that Committee members and Club members have had sufficient opportunity to become acquainted with and to interact socially with the applicant as a nudist.
- (2) The Committee must defer a decision whether or not to offer membership—
 - (a) if it is not satisfied that its members and Club members have had sufficient opportunity to become acquainted with and to interact socially with the applicant as a nudist; or
 - (b) the Committee requires further information or needs to obtain a response to any concerns it may hold before reaching a decision.
- (3) The Committee may only offer membership to an applicant if, having regard to all information received in relation to the application and the applicant's prior expression of interest, the Committee remains satisfied that the applicant—
 - (a) holds a commitment to the Objects of the Club; and

- (b) has actively and harmoniously engaged in social interaction in the Club as a nudist; and
 - (c) has upheld the published Constitution, by-laws and guidelines of the Club.
- (4) The Committee must refuse membership or defer a decision as to whether or not to offer membership if it is not satisfied in accordance with sub-section (3).
- (5) The Committee must take into account—
 - (a) any comments received from members going to the merits of the application during the period of 2 months following notification of the application to members, or such longer period as the Committee considers appropriate having regard to the season and the frequency with which the applicant has attended the Club as a nudist; and
 - (b) responses to any concerns about the application put to the applicant by the Committee.
- (6) Sub-section (5) does not prevent the Committee from taking into account any comments concerning or made during the period when the applicant took part in Club activities as an interested person or before her or his application for membership was accepted for consideration, and any responses by the applicant.
- (7) Before making a decision whether or not to offer membership, or to defer a decision, the Committee may obtain legal advice as to its responsibilities in the matter.
- (8) In order to secure the privacy of Club members and the confidentiality of personal records of and about Club members, and to maintain any claim of client legal privilege, no member other than a Committee member dealing with a membership assessment is entitled to copies of any documents obtained or made by the Committee at any stage of assessing an expression of interest in membership or an application for membership of the Club or in deciding whether or not to grant membership to the member.

21. Offer of membership

- (1) If the Committee offers membership to an applicant, the Membership Secretary must inform the applicant of—
 - (a) the Committee’s decision; and
 - (b) the date by which the initial membership subscription must be paid.
- (2) If the initial membership subscription is not paid within 21 days or as otherwise specified by or agreed with the Committee and confirmed in writing, the offer of membership lapses.
- (3) Upon receipt of the initial membership subscription in accordance with sub-section (2), the Membership Secretary must notate the Club membership records to show that the applicant has become a general member on that date.

22. Refusal of membership or deferral of decision on general membership

- (1) If the Committee does not offer membership to an applicant, the Membership Secretary must—
 - (a) inform the applicant of the Committee’s decision to refuse membership or to defer a decision as to whether or not to offer membership; and
 - (b) notate the Club’s records accordingly.
- (2) If membership has been refused, the Treasurer must, refund the applicant’s application fee as soon as the Membership Secretary informs the applicant of the Committee’s decision.
- (3) If the Committee defers a decision whether or not to offer membership, the Committee may request any further information or response from the applicant and make such other enquiries as appear relevant to the Committee.

23. Honorary life membership

- (1) The Committee may nominate a person for acceptance by a general meeting as an honorary life member, if the person has performed exceptional service to the Club or the nudist movement.
- (2) An honorary life member who, before nomination, was a member of the Club, is not liable to pay any further membership subscription.
- (3) An honorary life member who, before nomination, was not a member of the Club, is not liable to pay any application fee or membership subscription.

24. Purchased life membership

- (1) A member who purchased life membership when that was available, is not liable to pay any further membership subscription.
- (2) This category of membership is closed to new memberships.

25. Fees and subscriptions

- (1) No later than 2 months before the commencement of a financial year, the Committee must determine and notify members of the amount for the following financial year of—
 - (a) the application fee payable by applicants; and
 - (b) the membership subscription payable by members.
- (2) Except as provided in sub-section (3), the membership subscription is due and payable annually, on or before the first day of the financial year.
- (3) The amount of the membership subscription initially payable by a new member is the rate of membership subscription current for general members at that time, calculated *pro rata* from the date the person becomes a member in accordance with sub-sections 17(7) or 21(3), to the end of the first financial year of the person’s membership.

- (4) The right of a member to enter the Club's grounds ceases if that person's membership subscription is unpaid in any year by the day following the annual general meeting held immediately after the date on which the membership subscription becomes due.
- (5) Subject to sub-sections (6) and (8), membership of the Club lapses if, despite 1 or more written reminders to the member concerned by the Membership Secretary or Treasurer, the membership subscription or any other outstanding debts remain unpaid in any year on 1 September following the date on which the membership subscription becomes due.
- (6) Subject to sub-section (8), if, in any year, the annual general meeting is held on or after 1 September and the membership subscription or any other outstanding debts of a member remain unpaid on 1 September—
 - (a) the right of that member to enter the Club's grounds cease; and
 - (b) membership rights lapseon the day following the annual general meeting held immediately after the date on which the membership subscription becomes due.
- (7) For the purposes of sub-sections (4), (5) and (6), if an annual general meeting is adjourned for any reason, 'the day following the annual general meeting' is taken to be the day following the date first notified by the Secretary to members as being the date of the annual general meeting, irrespective of whether the meeting on that date is adjourned.
- (8) A member may approach the Committee at any time during the period before 1 September referred to in sub-section (5) to arrange for time payment or leniency in the repayment of debts, other than the membership subscription, so as to take into account the member's personal circumstances.

26. Cessation of membership rights and privileges

A person's membership rights and a person's privileges of membership cease when the person—

- (a) dies; or
- (b) gives notice of resignation; or
- (c) at the conclusion of any appeal process, if invoked – is expelled from the Club; or
- (d) during the period of suspension – is suspended from the Club; or
- (e) fails to pay the membership subscription or other debts such that membership lapses in accordance with sub-sections 25(5) or 25(6); or
- (f) fails to pay debts in accordance with any arrangement under sub-section 25(8) or under any variation to the arrangement agreed with the Committee or under any new arrangement made with the Committee.

27. Resignation from membership

- (1) At any time, a member may resign from the Club by giving written notice to the Membership Secretary.

- (2) Any amounts owing to the Club at the date of resignation, whether for membership subscription or otherwise, must be paid in full before the resigning member is relieved of liability to the Club.

Note: See the Constitution Dictionary for definition of ‘date of resignation’.

- (3) Any amounts not paid on demand by the Club may be recovered at law as debts owing to the Club.

28. Action on notice of resignation

- (1) When the Membership Secretary receives a notice of resignation, the Membership Secretary must, without delay—
 - (a) notify the Treasurer of the resignation; and
 - (b) notate the membership register with the date of the resignation; and
 - (c) remove the name of the resigning member from the register of members when satisfied that that member owes no amounts of money to the Club; and
 - (d) if the resigning member’s name has been removed from the register of members in accordance with paragraph (c) – insert the resigning member’s name and contact details in a schedule to the register of members that lists former members.
- (2) When the Membership Secretary notifies the Treasurer of a resignation, the Treasurer must, without delay—
 - (a) if no amounts are owing to the Club, notify the Membership Secretary of that; and
 - (b) take action to recover any amounts owing by the resigning member; and
 - (c) notify the Membership Secretary if and when those amounts are recovered.
- (3) The resigning member is relieved of liability to the Club when the Membership Secretary removes the resigning member’s name from the register of members.

29. Limitations on transfer of rights, privileges and obligations of members

- (1) Except for transferring voting rights by proxy in accordance with section 63, a member may not transfer to another person a right as a Club member unless—
 - (a) the right to be transferred is a right to occupy a site in the Club’s grounds; and
 - (b) the right is transferred to another member of the Club; and
 - (c) the written approval of the Committee is first obtained; and
 - (d) the transfer of the right is embodied in a written agreement approved by the Committee; and
 - (e) at the time of the transfer, both parties are financial members of the Club; and
 - (f) the transferee undertakes to maintain her or his membership of the Club throughout the period of the agreement; and

- (g) if the agreement provides for future reversion of the right to the transferor, both the transferee and transferor are members of the Club at that time.
- (2) A member may not transfer to another person a privilege of Club membership.
- (3) A member may not transfer to another person an obligation as a Club member unless—
 - (a) the obligation is transferred to another member of the Club; and
 - (b) the written approval of the Committee is first obtained; and
 - (c) the transfer of the obligation is embodied in a written agreement approved by the Committee; and
 - (d) the transferor and transferee undertake to maintain their respective memberships of the Club throughout the period of the agreement.
- (4) Unless terminated earlier by arrangement between the parties, the transfer of a right ceases—
 - (a) when the membership rights of the transferee cease in accordance with section 26 other than during a period of suspension; or
 - (b) when the Committee is satisfied that the transferee cannot be contacted within a reasonable time having regard to the circumstances prompting the attempt to contact the transferee.
- (5) The transferee of a right must notify the Secretary—
 - (a) of the termination of an agreement referred to in sub-section (1); or
 - (b) when the transferee is not resident in Australia.
- (6) Nothing in this section prevents the Committee from requiring that the right to occupy a site—
 - (a) that is no longer required by a transferee for temporary shelter and recreation during visits to the Club; or
 - (b) to which sub-section (4) appliesbe returned to the Club for reallocation.
- (7) Unless terminated earlier by arrangement between the parties, the transfer of an obligation ceases—
 - (a) when the membership rights of either party cease in accordance with section 26 other than during a period of suspension; or
 - (b) when the Committee is satisfied that either party cannot be contacted within a reasonable time having regard to the circumstances prompting the attempt to contact the party.
- (8) Both parties to an agreement for transfer of an obligation must notify the Secretary—
 - (a) of the termination of an agreement referred to in sub-section (3); or

- (b) when either party is not resident in Australia.
- (9) Despite sub-section (7), the Club may require either party to an agreement referred to in sub-section (3)—
 - (a) to pay a debt; or
 - (b) otherwise make good an obligation arising from the operation of the agreement.

30. Responsibility for visitors invited by a member

A member who invites a non-member onto the Club grounds—

- (a) must observe any by-laws or guidelines made by the Committee in relation to visitors; and
- (b) is personally liable to the Club financially and for disciplinary purposes for acts and things done by the non-member as if the non-member were a member of the Club.

30A. Visitors to the Club

- (1) The Club may make available temporary accommodation and facilities to visitors and, at the Committee's discretion, such visitors may participate in Club activities as nudists during their stay at the Club.
- (2) Subject to meeting the needs of members, the Club may make available temporary accommodation and facilities to host nudist conferences, meetings and social gatherings at the Club's grounds.
- (3) The Committee may only initiate arrangements to host an event at which nudism is not compulsory with the concurrence of the Club membership and *provided* the object of the event is consistent with the Objects and Rules of the Club.
- (4) Visitors must observe the Constitution and any by-laws or guidelines of general application made by the Committee in relation to members and visitors and, in respect of events referred to in sub-section (3), the conditions of any agreement made between the Club and the event organizer.
- (5) A visitor may have access to the Club grounds only at the discretion of and with the permission of the Committee or its delegate.
- (6) The Committee is responsible for vetting and supervision of visitors.
- (7) Any—
 - (a) member having a complaint or concern about the conduct of a visitor; or
 - (b) visitor having a complaint or concern about the conduct of a Committee member or a member of the Club or another visitor

must promptly approach the Membership Secretary or other Committee member nominated by the President to obtain the assistance of the Committee or President to

bring about an amicable resolution or to take such other action as appears appropriate to the Committee.

- (8) The Committee may dismiss a complaint or expression of concern that, in its opinion, is vexatious or trivial, and inform the complainant or member or visitor expressing concern accordingly.
- (9) Nothing in this section or section 9A prevents the Committee at any time from making a complaint to police or referring a visitor or member to make a complaint to police if the information before the Committee suggests that there has or may have been a contravention of the criminal law.

31. Limitation of members' liability to the Club on winding up

The liability of a member to contribute towards the payment of—

- (a) the debts and liabilities of the Club; or
- (b) the costs, charges and expenses of the winding up of the Club;

is limited to—

- (c) the amount (if any) of the membership subscription due and remaining unpaid by the member; together with
- (d) any debt due and payable by the member to the Club.

32. Return of Club property on cessation of membership rights

- (1) When a person's membership rights cease in accordance with section 26, that person or the person's executor must, within—
 - (a) 7 days; or
 - (b) such other period not exceeding 30 days (or, in the case of an executor, such reasonable longer period as specified in writing by or agreed with the Committee);

return to the Membership Secretary each and every item of Club property in her or his possession or control.

Note: 'Club property' is defined in the Constitution Dictionary.

- (2) The Membership Secretary must—
 - (a) if requested, issue a receipt for the returned property; and
 - (b) without delay, return any Club records to the custody of the Secretary or Treasurer as appropriate.

33. Vacation of Club land on cessation of membership rights

- (1) When a person's membership rights cease, that person must—
 - (a) not enter the Club's grounds except with the consent of the Committee; and
 - (b) in consultation with the Committee, without unreasonable delay, arrange for—

- (i) the prompt removal of all of that person's property from the Club's land at that person's expense in a timeframe specified in writing by the Committee having regard to the circumstances; or
- (ii) if the Committee agrees, the on-sale of that person's property to the Club or to a member of the Club, subject to prompt removal of the property at the person's expense if the property is not on-sold in a timeframe specified in writing by the Committee having regard to the circumstances.

Note: 'Person's property' is defined in the Constitution Dictionary.

- (2) Any expense incurred by the Committee in giving effect to paragraph (1)(b) is a debt due and payable to the Club.

33A. Complaints or concerns about fellow members

- (1) A member with a complaint or concern about another member may deal with the matter personally by promptly approaching the other member concerned in an amicable fashion to endeavour to resolve the matter.
- (2) Alternatively, the member may seek the assistance promptly of the Membership Secretary or, if the Membership Secretary is not available, another Committee member.
- (3) If the member, with the assistance of the Membership Secretary or other Committee member is unable to resolve the matter promptly, the Membership Secretary or other Committee member may refer the matter to the Committee for consideration, preferably out-of-session, and appropriate action, if required.
- (4) If the Committee takes the view that the complaint or concern cannot be resolved by amicable discussion, the Committee member who spoke to the member who made the complaint or expressed the concern, must prepare a written record of the complaint or concern for review and signature by the member who made the complaint or expressed the concern.
- (5) The Committee must then refer the signed complaint or expression of concern to the President so that the President can—
 - (a) subject to legal advice, request the parties to undertake confidential independent mediation or arbitration;

Note: The Conflict Resolution Service of the ACT, <http://www.crs.org.au>, provides an independent mediation service to community organizations and individuals. Whether or not a fee is payable depends on the level of the income of the organization or individual.

or

- (b) obtain legal advice for the Committee as to whether or not the complaint or expression of concern provides grounds for a disciplinary resolution or whether further information should be obtained for further legal advice.

- (6) The Committee may dismiss a complaint or expression of concern that, in its opinion, is vexatious or trivial, and inform the complainant or member expressing concern accordingly.
- (7) Nothing in this section or section 9A prevents the Committee at any time from making a complaint to police or referring a member to make a complaint to police if the information before the Committee suggests that there has or may have been a contravention of the criminal law.

33B. Complaints or concerns about Committee members

- (1) A member with a complaint or concern about a member of the Committee must promptly refer it to the President or Vice-President to resolve the matter.
- (2) If the President or Vice-President is unable to resolve the matter amicably, the President or Vice-President must prepare a written record of the complaint or concern for review and signature by the member who made the complaint or expressed the concern.
- (3) The President or Vice-President must then—

- (a) subject to legal advice, appoint a sub-committee, to be chaired by an independent person and having a majority of independent members who are not Committee members, to assess the matter and report back to the President or Vice-President with recommendations; or
- (b) subject to legal advice, request the parties to undertake confidential independent mediation or arbitration or other alternative dispute resolution process; or

Note: The Conflict Resolution Service of the ACT, <http://www.crs.org.au>, provides an independent mediation service to community organizations and individuals. Whether or not a fee is payable depends on the level of the income of the organization or individual.

or

- (c) obtain legal advice as to whether or not the complaint or expression of concern provides grounds for a disciplinary resolution or whether further information should be obtained for further legal advice;

and, in respect of whichever (a), (b) or (c) above applies—

- (d) inform the Committee of the action taken by the President or Vice-President, while respecting the privacy of the parties and the confidentiality of the matter.
- (4) The President or Vice-President may dismiss a complaint or expression of concern that, in her or his opinion, is vexatious or trivial, and inform the Committee and the complainant or member expressing concern accordingly.
 - (5) Nothing in this section or section 9A prevents the President or Vice-President at any time from making a complaint to police or referring a member to make a complaint to

police if the information before the President or Vice-President suggests that there has or may have been a contravention of the criminal law.

33C. Complaints or concerns about the Committee

- (1) A member with a complaint or concern about the Committee may deal with the matter personally by promptly approaching the President in an amicable fashion to identify and endeavour to resolve the matter.
- (2) If the complaint or concern cannot be resolved by discussion, the member who made the complaint or expressed the concern, must prepare a signed written record of the complaint or concern.
- (3) The President must then, subject to legal advice—
 - (a) request the member to undertake confidential independent mediation or arbitration or other alternative dispute resolution process with representatives of the Committee;

Note: The Conflict Resolution Service of the ACT, <http://www.crs.org.au>, provides an independent mediation service to community organizations and individuals. Whether or not a fee is payable depends on the level of the income of the organization or individual.

or

- (b) call a general meeting of members to deal with the matter.
- (4) The President may dismiss a complaint or expression of concern that, in her or his opinion, is vexatious or trivial, and inform the complainant or member expressing concern accordingly.
- (5) Nothing in this section or section 9A prevents a member from making a complaint to police if information available to the complainant suggests that there has or may have been a contravention of the criminal law.

34. Disciplining of members

- (1) If, taking into account legal advice, the Committee forms the opinion that, if information before the Committee is correct, a member has—
 - (a) conducted herself or himself in a manner that is detrimental to the interests of the Club; or
 - (b) contravened—
 - (i) a rule of the Constitution of the Club; or
 - (ii) a rule of the former or an earlier constitution of the Club; or
 - (iii) a by-law of the Club; or
 - (c) unreasonably disregarded a guideline issued by the Committee;and the matter cannot be resolved by amicable discussion or mediation—

Note: The Conflict Resolution Service of the ACT, <http://www.crs.org.au>, provides an independent mediation service to community organizations

and individuals. Whether or not a fee is payable depends on the level of the income of the organization or individual.

(d) the Committee may, by disciplinary resolution—

- (i) expel the member; or
- (ii) suspend the member from the Club for a period specified by the Committee; or
- (iii) require the member to pay reasonable compensation, through the Club, to any member or visitor adversely affected by the member's contravention; or
- (iv) require such other remedy as appears appropriate to the circumstances of the matter, other than a fine;

or

(e) the Committee may defer a decision pending receipt of further information.

(2) If the Committee passes a disciplinary resolution, the Secretary must give a written notice to the member that—

- (a) sets out the Committee's resolution and the grounds on which it is based; and
- (b) states that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
- (c) states the date, place and time of the meeting; and
- (d) informs the member that the member may—
 - (i) decline to attend the meeting; or
 - (ii) attend and speak at the meeting; or
 - (iii) submit written representations in response to the resolution, at or before the meeting; or
 - (iv) exercise both of the options set out in sub-paragraphs (ii) and (iii) above; and
 - (v) request that the Committee be constituted by a Sub-committee of 3 persons; and
 - (vi) be accompanied at the meeting by a partner or friend.

(3) At the meeting, the Committee must—

- (a) accord the member natural justice; and
- (b) excuse from the meeting any Committee member whom it is satisfied—
 - (i) is prejudiced or appears to be prejudiced against the member; or
 - (ii) is biased or appears to be biased in favour of the member; or
 - (iii) is personally involved in the matter the subject of the disciplinary resolution; and

- (c) be constituted by a sub-committee of 3 persons if requested by the member the subject of the disciplinary resolution; and
 - (d) permit the member to be accompanied by a partner or friend; and
 - (e) give the member the opportunity to—
 - (i) make oral representations; and
 - (ii) call witnesses; and
 - (f) fully consider any written representations submitted by the member at or before the meeting.
- (4) Sub-section (3) does not oblige the Committee—
- (a) to make available, to a member the subject of a disciplinary resolution, information giving rise to the disciplinary resolution or information resulting from further enquiries in the matter; or
 - (b) to identify a complainant
- provided*** the Committee makes the member the subject of the resolution aware of the substance of the alleged conduct or contravention.
- (5) After the meeting, the Committee must by resolution decide whether to—
- (a) confirm; or
 - (b) revoke; or
 - (c) vary
- the disciplinary resolution of the Committee; or
- (d) defer such a decision, pending receipt of further information.
- (6) The Secretary must, without delay, when the Committee has made or deferred a decision, inform the member of—
- (a) the outcome of the meeting; and
 - (b) the member’s right of appeal under section 35 other than in respect of the deferral of a decision on a disciplinary resolution.
- (7) If a member the subject of a disciplinary resolution informs the Committee that she or he does not intend to respond to the resolution, the resolution made by the Committee under sub-section (1) does not take effect until the date on which the member notifies the Committee of that.
- (8) In all other cases, a decision under sub-section (5) on a disciplinary resolution made by the Committee does not take effect until the end of the appeal period.
- (9) The ‘appeal period’ referred to in sub-section (8) is—
- (a) if the member does not exercise the right of appeal provided by section 35 – the period referred to in sub-section 35(2); or

- (b) if the member exercises the right of appeal – the period until the general meeting of members that hears the appeal confirms the disciplinary resolution in accordance with sub-section 36(1) and, where it applies, paragraph 60(5)(a).
- (10) If the general meeting of members hearing an appeal does not confirm a decision made under sub-section (8) on a disciplinary resolution, the disciplinary resolution is of no effect.
- (11) A sub-committee formed under paragraph (3)(c) must—
- (a) include at least 2 members of the Committee who must be impartial, as must the third member of the sub-committee; and
 - (b) report, without unreasonable delay, to the full Committee on its deliberations.
- (12) Nothing in this section or in sections 9A, 35 and 36 prevents the Committee at any time from making a complaint to police or referring a member to make a complaint to police if the information before the Committee suggests that there has or may have been a contravention of the criminal law.
- (13) If it appears to the Committee that a complaint does not fall within paragraphs (1)(a) or (b) or (c) but does involve an unresolved dispute between members or between the Club and a member, nothing in this section prevents the Committee from referring the parties to—
- (a) a sub-committee delegated in accordance with section 52 to attempt to resolve the dispute; or
 - (b) external alternative dispute resolution procedures at the expense (if any) of the parties.
- Note:* The Conflict Resolution Service of the ACT, <http://www.crs.org.au>, provides an independent mediation service to community organizations and individuals. Whether or not a fee is payable depends on the level of the income of the organization or individual.

35. Right of appeal of disciplined member

- (1) A member notified of a decision on a disciplinary resolution in accordance with sub-section 34(6) may write to the Secretary to requisition a general meeting of members for the purpose of hearing an appeal by the member, except in respect of the deferral of a decision under paragraph 34(5)(d).
- (2) If the member requisitions a general meeting, the member must do so within 14 days of receiving the notice referred to in sub-section 34(6).
- (3) If the Secretary does not receive a requisition for a general meeting within the time limit, the member is taken to have accepted the decision of the Committee on the disciplinary resolution.
- (4) The Secretary without delay must notify the Committee and call a general meeting of members if a requisition is received from the member.

Note: For procedure in calling a general meeting, see sections 58 and 59.

36. Procedure at an appeal to a general meeting

- (1) At a general meeting convened to hear an appeal against a Committee decision on a disciplinary resolution—
 - (a) no business other than the question of suspension or expulsion of the member concerned may be transacted; and
 - (b) the Committee must place before the meeting the grounds for the suspension or expulsion or requirement for payment of compensation or for other sanction or remedy and the Committee's reasons for its decision; and
 - (c) the member or a representative of the member or both must be given the opportunity to be heard aurally or in writing or both; and
 - (d) the Committee has a right of response; and
 - (e) in the course of discussion of the disciplinary resolution, the meeting may put forward recommendations for consideration by the Committee; and
 - (f) a secret ballot of members must be held on the question of whether or not the suspension or expulsion decided by the Committee will stand; and
 - (g) each Committee member and the member the subject of a disciplinary resolution and any representative of that member will not have a right to vote in the ballot; and
 - (h) no proxy will be accepted; and
 - (i) the question of whether or not the sanction or remedy determined by the Committee should be applied, or some other sanction or remedy (if any) imposed, must be determined by a simple majority vote of those voting in the ballot; and
 - (j) the person presiding over the meeting does not have a right to a casting vote; and
 - (k) in the event of an equality of votes, the disciplinary resolution lapses but the Committee may issue a written warning to the member the subject of the disciplinary resolution.
- (2) The Committee must notify all members of the Club of the outcome of the meeting.

Note: See section 60 for procedure if a quorum is not present at the meeting.

37. Notice of expulsion of member to nudist organizations

Subject to legal advice, if the Club has a reciprocal agreement with a nudist organization to notify it of an expulsion from membership determined as the final outcome of a disciplinary process, the Committee must notify that organization of the expulsion of the member.

38. Limitation on access to Club grounds during disciplinary processes

During the period from the date on which the Secretary gives a written notice under subsection 34(2) until the conclusion of disciplinary processes (including any appeal), a

member the subject of a disciplinary resolution to expel or suspend the member has no right of access to the Club grounds or functions or newsletter, other than to a meeting of the Committee or sub-committee or a general meeting of members as part of the disciplinary processes or as otherwise specified in writing by the Committee, for example, to remove personal property from the Club grounds.

3.4 The Club Committee

39. Functions and powers of the Committee

Subject to the Act, the Regulation and these Rules (including resolutions in accordance with the Constitution of the Club in general meeting), the Committee—

- (a) controls and manages the affairs of the Club; and
- (b) may perform all functions and exercise all powers that may be carried out by the Club other than those functions and powers that are required by this Constitution to be carried out by the Club in general meeting; and
- (c) has power to perform all acts and to do all things that appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.

Note: The Committee has power, amongst other things, to appoint members of the Club to auxiliary positions of responsibility in order to serve the Club's best interests and to better discharge the Committee's responsibilities for the maintenance and enhancement of the Club's facilities and social activities. These positions may include Lands Officer, Groundsman, Newsletter Editor, Archivist and Webmaster.

39A. Provision for sinking fund

- (1) The Committee has power to establish, collect monies for, maintain and draw on a sinking fund to meet expenditures on future capital works.
- (2) A sinking fund established or maintained under sub-section (1) must be included in the annual budget papers circulated to the Club's membership.
- (3) The members of the Club at the annual general meeting may resolve to vary the minimum proportion of the Club's revenues determined by the Committee to be applied to the sinking fund during the financial year.
- (4) The Committee may only vary the proportion of reserves determined by the Committee to be applied to the sinking fund at the time it is established, with the concurrence of the members of the Club by vote at the annual general meeting.
- (5) If a sinking fund has been established, at the time the annual budget is circulated to the Club's membership, the Committee must notify members of the minimum amount of—
 - (a) reserves determined by the Committee to be applied to the sinking fund at the time it was established; and
 - (b) the minimum proportion of the Club's revenues determined by the Committee to be applied to the sinking fund during the budgeted financial year.

40. Membership of the Committee

- (1) The Committee consists of—
 - (a) the Executive office-bearers of the Club elected at the annual general meeting or appointed pursuant to sub-section (7); and
 - (b) the Assistant Treasurer elected at the annual general meeting or appointed pursuant to sub-section (7); and
 - (c) subject to the operation of paragraphs (d) and (e), 2 general Committee members; and
 - (d) if she or he is available to serve on the Committee, the Immediate Past-President of the Club; and
 - (e) if the Immediate Past-President is not available to serve on the Committee, an additional general Committee member, who must be elected under section 42 or appointed in accordance with sub-section (7).
- (2) The Executive office-bearers of the Club are—
 - (a) the President; and
 - (b) the Vice-President; and
 - (c) the Treasurer; and
 - (d) the Secretary; and
 - (e) the Membership Secretary.
- (3) All positions on the Committee must be elected directly at the annual general meeting under section 42 or appointed in accordance with sub-section (7).
- (4) [Deleted.]
- (5) The position of Immediate Past President is filled without election in the event that she or he makes herself or himself available to serve on the incoming Committee, unless the appointment is disallowed by majority vote at the annual general meeting.
- (6) Each elected member of the Committee holds office until the annual general meeting following the date of the member's election, but is eligible for re-election unless the Constitution provides otherwise.
- (7) If there is a vacancy in the membership of the Committee that—
 - (a) is not filled by election at the annual general meeting; or
 - (b) arises by the operation of section 48; or
 - (c) arises when the Committee grants leave of absence to a member of the Committee;the Committee may, in its discretion—
 - (d) approach members of the Club and appoint a member to fill the vacancy; or

- (e) seek expressions of interest from members of the Club to fill the vacancy and may, in its discretion—
 - (i) select one of those members to fill the vacancy, so as to select as a Committee member the one best equipped to fulfil the Objects of this Constitution and to faithfully exercise the powers and carry out the duties of Committee members; or
 - (ii) if the criteria referred to in sub-paragraph (i) cannot, in the Committee’s opinion, be fulfilled at that time, leave the position vacant.
- (8) A member appointed under sub-section (7), other than during the leave of absence of a member, holds office, subject to this Constitution, until the next annual general meeting after the date of that appointment, but is eligible for election unless the Constitution provides otherwise.
- (9) A member appointed as a result of the operation of paragraph 7(c) holds office, subject to this Constitution, until the member granted leave of absence returns to Committee duties.
- (10) The President of the Club must not hold office for more than 2 consecutive years.
- (11) Sub-section (10) does not prevent the President from holding office during 3 consecutive financial years if she or he is appointed to that office under sub-section (7) for part or all of the first, second or third of those years but the President is not eligible to be appointed for a period comprising the whole of those 3 years.
- (12) No member of the Committee may hold more than one Executive office except that the Membership Secretary may hold one other Executive office or the non-Executive office of Assistant Treasurer.
- (13) A person elected or appointed as an Executive office-holder or Assistant Treasurer may not be elected or appointed as a general Committee member.
- (14) The President and Secretary must not hold the offices of Treasurer or Assistant Treasurer.
- (15) Sub-sections (12), (13) and (14) do not prevent any member of the Committee from—
 - (a) except for the Secretary – being the Public Officer; or
 - (b) subject to section 14 and paragraph 15(c), holding a second Executive office as an interim measure until the vacancy is filled under sub-section (7); or
 - (c) except in the case of the President or Secretary – acting as Treasurer or Assistant Treasurer during the temporary absence of or vacancy in the office of the Treasurer or Assistant Treasurer; or
 - (d) being nominated for or standing for election as—
 - (i) an Executive office-holder or Assistant Treasurer; and
 - (ii) a general Committee member,

provided she or he does not accept election for or appointment to both positions.

- (16) If any 2 office-holders are in a relationship of support or dependence or mutual support or dependence (such as marriage or like relationship or family relationship), the President must take steps to ensure that any responsibilities under this Constitution that would require or permit both to approve or sign a document on behalf of the Club —
- (a) are subject to regular and prompt independent review by the Committee; or
 - (b) alternative arrangements to those otherwise specified in this Constitution for approval or signature of the document are made, so that another member of the Committee is substituted for 1 of the office-holders referred to in this section.

40A. Qualifications for Committee membership

- (1) A member elected or appointed to the Committee—
- (a) must, before election or appointment, have completed at least 12 months' membership of the Club so as to be well known to Club members at the time of her or his election or appointment; and
 - (b) is elected or appointed on the understanding that she or he may be publicly identified as a member of the Committee.
- (2) Nothing in this section prevents the Committee, in its discretion, from appointing a member as a consultant to the Committee in accordance with sub-section 52(10), but a consultant has no deliberative role or right to vote in a matter before the Committee.

41. Functions and powers of the Executive Committee

- (1) The Executive office-bearers of the Club comprise the Executive Committee.
- (2) Where a quorum of the Committee cannot be called together, the Executive Committee may obtain a consensus of the Committee by telephone or other means of communication including e-mail, and may act on that consensus and report to the next Committee meeting.
- (3) The Executive Committee has power to issue instructions to the Public Officer and to contractors or servants of the Club in urgent matters of the Club's affairs during the intervals between Committee meetings.
- (4) If the views of all Executive Committee members cannot be obtained, the power to issue instructions under sub-section (3) may be exercised on the decision of a majority of the Executive Committee, *provided* the majority includes the President.
- (5) The Executive Committee must report to the next Committee meeting on any such instructions that have been issued.

42. Nomination, election and appointment of Committee members

- (1) A nomination of a candidate for election as a Committee member at the annual general meeting as—

- (a) an Executive office-bearer of the Club or Assistant Treasurer; or
- (b) a general Committee member

must be—

- (c) made in writing; and
- (d) legible; and
- (e) signed by the nominator, who must be a financial member of the Club and must not be the nominee; and
- (f) accompanied by the signed written consent (which may be endorsed on the nomination form) of the candidate, who must be a financial member of the Club; and
- (g) received by the Public Officer or her or his agent not less than 1 hour before the time notified for the commencement of the annual general meeting at which the election is to take place.

(2) The Secretary must forward to members, with the notice of meeting, nomination forms that—

- (a) make provision for completion of the names of the nominator and nominee and the position or positions for which the member is nominated; and
- (b) state the date and time of the meeting at which the election of Committee members will be held; and
- (c) state prominently the final time, day and date by which nominations will be accepted; and
- (d) state that late nominations will not be included in the election of Committee members unless nominations are called from the floor to fill positions still vacant after receipt of nominations; and
- (e) state that nominations should be returned to the Public Officer; and
- (f) give particulars of the address or addresses to which nomination forms may be transmitted or delivered; and
- (g) state that members may be nominated from the floor of the meeting for election to the Committee only for any vacancy remaining after other positions on the Committee have been filled from valid nominations received before the meeting.

(3) The Public Officer must—

- (a) no earlier than close of business on the last working day before the day of the annual general meeting— collect from the Club's postal address, in person or by an agent, all remaining uncollected posted nominations; and
- (b) in the case of nominations received by post or hand – note on each nomination form the time and date of collection or receipt by the Public Officer or her or his agent; and

- (c) if the Secretary indicates, in the notice of meeting, that proxies may be transmitted electronically to the Public Officer – attach to each proxy evidence of the time and date of receipt.
- (4) As soon as practicable after the closing time for nominations and prior to the meeting, the Treasurer and Public Officer must meet to verify nominations and prepare a list of candidates nominated for election in valid nominations.
- (5) Before the election of Committee members at the annual general meeting, the person presiding at the meeting must read out to the meeting a list of the valid nominations received prior to the meeting.
- (6) Any challenge to the validity or invalidity of a nomination must be dealt with immediately by a conference of the Public Officer, the Treasurer, the Returning Officer and the member disputing the validity or invalidity of the nomination.
- (7) At a conference under sub-section (6), the Returning Officer is bound by the provisions of this Constitution and the Returning Officer’s decision is final.
- (8) Election for each position is by separate secret ballot for each position, including each position of general Committee member.
- (9) Each nominee for the position of general Committee member is elected if that member receives a majority of votes of those present and voting.
- (10) Each nominee for the position of Executive Committee member is elected if that member receives a majority of votes of those present and voting.
- (11) If there are more than 2 candidates in a ballot for election to a position and all fail to receive a majority of votes, the presiding officer must conduct a further ballot between the 2 candidates who receive the highest number of votes to determine which of them, if either, is elected to the position.
- (12) A nominee who fails to receive a majority of votes in the final ballot for a position is not elected to the position, even if that results in a vacancy in the position.
- (13) The incoming Committee must follow the process set out in sub-section 40(7) in the event that a vacancy arises for a Committee member that is not filled by election at the annual general meeting or arises between annual general meetings.
- (14) The Returning Officer for the ballot must not disclose to anyone any part of the count in the ballot for a position until the count is finalized and presented to the person presiding at the meeting.

43. Secretary’s responsibilities

- (1) In addition to responsibilities conferred by custom of the Committee, the Secretary must faithfully discharge the duties and exercise the powers prescribed in the Act, the Regulation, this Constitution and any by-laws and guidelines.
- (2) In particular, the Secretary must report to each Committee meeting on correspondence between the Club and other parties and must keep minutes of—
 - (a) all elections and appointments of Committee members and office-bearers; and

- (b) the names of members present at a Committee meeting or a general meeting; and
 - (c) all proceedings at Committee meetings and general meetings; and
 - (d) the result of all votes on motions before the Committee.
- (3) The Secretary must—
- (a) circulate draft minutes of a Committee meeting to Committee members within 3 weeks of the occurrence of a Committee meeting; and
 - (b) circulate draft minutes of a general meeting to Club members within 6 weeks of the occurrence of a general meeting; and
 - (c) in preparing minutes for presentation and endorsement at a Committee or general meeting, take account of suggested corrections received within a reasonable time.
- (4) The Secretary must draw to the President’s attention without delay any urgent matters arising in correspondence and any urgent membership matters brought to the Secretary’s notice.
- (5) Subject to the Act, other provisions of this Constitution and direction of the Committee, the Secretary must have custody and control of the records of the Club, and of the common seal.
- Note:* See Constitution sections 45, 47, 68 and 70-76.
- (6) The Secretary must make the records of the Club available for inspection without delay to the registrar-general, the Auditor or the Committee when requested.
- (7) The Secretary must not hold the position of Public Officer.

44. Endorsement of minutes of Committee and general meetings

The person presiding at—

- (a) the next meeting (‘the reviewing meeting’) of the Committee following a Committee meeting; and
 - (b) the next general meeting (‘the reviewing meeting’) following a general meeting
- must sign the minutes of the previous Committee meeting or general meeting as the case may be when the relevant reviewing meeting is satisfied that the minutes provide a correct record of the previous meeting.

Note: See Act sub-section 55(1).

45. Responsibilities of the Treasurer and Assistant Treasurer

- (1) The Treasurer must faithfully discharge the duties and exercise the powers prescribed in the Act, the Regulation and this Constitution.
- (2) In particular, the Treasurer must—
 - (a) collect, receive and issue receipts for all amounts paid to the Club; and
 - (b) make all payments authorized by the Club; and

- (c) keep and maintain correct accounts, books and records showing the financial affairs of the Club with full details including—
 - (i) purpose of all receipts and expenditure; and
 - (ii) reserves, assets (including property and amounts owing to the Club) and liabilities
 connected with the Club’s activities; and
 - (d) pay all moneys received on behalf of the Club into the Club’s bank account as soon as possible after receipt and without deduction; and
 - (e) report to each Committee meeting on the state of the Club’s finances; and
 - (f) maintain and provide to the auditor without delay an up-to-date list of all accounts, books and records of the Club; and
 - (g) subject to direction by the Committee, have custody of the Club’s accounts, books and records; and
 - (h) make the Club’s accounts, books and records available for inspection without delay to the registrar-general, the auditor or the Committee when requested; and
 - (i) undertake such additional duties as agreed between the Treasurer and the Committee.
- (3) The Assistant Treasurer must assist the Treasurer in carrying out such or all of the duties listed in sub-section (2) as agreed between the Treasurer and Assistant Treasurer and endorsed by the Committee.
 - (4) The Treasurer and Assistant Treasurer must draw to the President’s attention without delay any urgent financial and any urgent membership matters brought to the notice of the Treasurer or Assistant Treasurer.

46. Controls on Committee’s dealings with Club moneys

- (1) All cheques and other negotiable instruments drawn on the Club’s account must be signed by the Treasurer and either of the following—
 - (a) the President; or
 - (b) the Secretary.
- (1A) Electronic funds transfers from the Club’s accounts may only be made by the Treasurer or, in the Treasurer’s absence, the Assistant Treasurer, acting with the concurrence of the President or Secretary.
- (2) Unless the Assistant Treasurer is available to act as Treasurer, the Committee must appoint one of its members, other than the President or Secretary, as Acting Treasurer in the temporary absence of or vacancy in the office of the Treasurer.
- (3) In the absence of the President and Secretary, the Committee must appoint one of its members, other than the Treasurer or Acting Treasurer, as signatory to the Club’s

- cheques or as the member appointed for the purposes of sub-section (1A) to act in place of the President or Secretary.
- (4) A member of the Committee must not—
 - (a) draw a cheque or other negotiable instrument on, or make an electronic funds transfer from, the Club's account except in payment of expenditure that has been approved by the Committee; and
 - (b) make a payment greater than \$100 or such increased amount as members may approve in general meeting, except by cheque drawn on, or electronic funds transferred from, the Club's account in accordance with this section.
 - (5) The Committee may approve the reimbursement of Committee members for urgent or minor sums expended on the Club's account, *provided*—
 - (a) any sum expended does not exceed the expenditure limit referred to in paragraph (4)(b); and
 - (b) receipts describing the purpose of such expenditures are produced to the Treasurer.
 - (6) The Committee may receive from the Club's bank for the time being cheques drawn by the Club on any of its accounts with the bank.
 - (7) The Committee must indemnify the bank against all claims, actions, suits or demands that may be brought against the bank arising directly or indirectly from the surrender of those cheques to the Club.

47. Membership Secretary's responsibilities

- (1) The Membership Secretary must faithfully discharge the duties and exercise the powers prescribed in this Constitution and any by-laws and guidelines, particularly with respect to Part 3.3.
- (2) The Membership Secretary must also—
 - (a) promptly respond to enquiries about membership of the Club or visits to the Club; and
 - (b) represent the Committee in dealings with persons who express an interest in membership or apply for membership;
 - (c) promptly present the suggestions, concerns and complaints of members and visitors to the Committee if the case requires the attention of the Committee or would better inform the Committee in the discharge of its responsibilities;
 - (d) liaise with and report back to the membership generally and with members raising particular suggestions, concerns or complaints;
 - (e) faithfully discharge any additional duties conferred by the Committee with respect to promotion of the Club in the community and recruitment of new members to fulfil the Objects of the Club; and

- (f) in consultation with the Committee and sub-committee, co-operate in the work of any sub-committee that the Committee may form for the same purposes as those mentioned in paragraph (d); and
- (g) respond to or arrange for a response to be given by an appropriate Committee member to any queries about the Club Constitution, by-laws and guidelines.

Note: See also sub-section 56(1).

- (3) In consultation with the Treasurer, the Membership Secretary must—
 - (a) keep and maintain, in a register of members, up-to-date and accurate particulars of members and, in a separate schedule, past members; and
 - (b) keep and maintain accurate records of persons who have expressed interest in membership and applicants for membership; and
 - (c) report to the Committee on membership matters and statistics of membership as required by the Committee.
- (4) [Deleted.]
- (5) Subject to direction by the Committee, the Membership Secretary has custody of the Club's membership records.
- (6) The Membership Secretary must draw to the President's attention without delay any urgent membership matters.

48. Vacation of the position of Public Officer and Committee member

The office of Public Officer and the position of a Committee member become vacant if the Public Officer or Committee member—

- (a) dies; or
- (b) ceases to be a member of the Club; or
- (c) becomes an unfinancial member of the Club; or
- (d) ceases to have membership rights; or
- (e) resigns the office or position; or
- (f) is removed from the office or position under section 49; or
- (g) becomes bankrupt or personally insolvent; or
- (h) suffers from mental or physical incapacity; or
- (i) is disqualified from office under the Act, section 63; or
- (j) in the case of a Committee member – is absent without leave of the Committee from 3 consecutive meetings of the Committee.

49. Removal and standing down of Committee members

- (1) Subject to according the Committee member natural justice, the Club in general meeting may by resolution remove any member of the Committee from an office and

- position as a member of the Committee before the end of the member's term of office.
- (2) A Committee member in dispute with the Club or Committee in relation to a matter concerning the interests of the Committee member as a member of the Club or Committee must stand down from Committee duties pending resolution of the dispute or, at the Committee's discretion, may only participate in deliberations on issues that do not involve the Committee member's interests.

50. Committee meetings and quorum

- (1) The Committee must meet at least once in each month at the Club's grounds, *Thullande*, or at such other place and at such other times as the Committee may decide.
- (2) The Committee may use electronic communications to link Committee members in or to a meeting without requiring all Committee members to be physically present with each other, except that a quorum of members of the Committee must be physically present with each other for at least 9 monthly meetings of the Committee during the Committee's term of office.
- (3) The Secretary must give all Committee members written or, failing that, oral notice of the meeting and a written agenda prepared from suggestions by Committee members.
- (4) A quorum for the transaction of the business of a meeting or Special Meeting of the Committee comprises—
- (a) 5 members; or
 - (b) if 7 or fewer members are elected or appointed to the Committee, 4 members.
- (5) Subject to sub-section 41(2)—
- (a) the Committee must not transact business unless a quorum is present; and
 - (b) if a quorum is not present within half an hour after the time notified for the meeting, the meeting will stand adjourned to the same place and time or to an alternative place and time in the following week to be notified to Committee members after consultation; and
 - (c) if, at the adjourned meeting, a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (6) At meetings of the Committee—
- (a) the President or, in the absence of the President, the Vice-President presides; or
 - (b) if the President and the Vice-President are absent – the remaining members must choose one of their number to preside.
- (7) Questions arising at a meeting are to be determined by—
- (a) consensus; or
 - (b) failing consensus, on a show of hands; or

- (c) if required by a member – a poll taken in such manner as the person presiding at the meeting decides.
- (8) Each member present at the meeting is entitled to 1 vote, and the person presiding at the meeting has a casting vote in the event of an equality of votes on a question.

50A. Members' right of attendance at Committee meetings

Each member has the right to attend Committee meetings held pursuant to section 50, *subject to the following*—

- (a) if the member wishes to have any matter put forward by the Membership Secretary for consideration at the meeting, the member has raised the issue beforehand with the Membership Secretary as provided by sub-section 47(2) and the Membership Secretary has had sufficient time to make any necessary enquiries; and
- (b) the member attends as an observer, without the right to speak or provide written comments except with the prior consent of the officer presiding over the meeting; and
- (c) the officer presiding over the meeting must exclude the member from discussion of any matter that is confidential to the Committee for reasons of privacy or otherwise.

Note: Interested members may confirm the location of the forthcoming meeting by contacting the Secretary.

51. Special meetings of the Committee

- (1) The President or any 4 members of the Committee may convene a special meeting of the Committee.
- (2) The Secretary must give all Committee members oral or written notice of a special meeting of the Committee without delay.
- (3) The notice of a meeting given under sub-section (2) must specify the nature of the business to be transacted at the meeting.
- (4) The Committee must not transact any business other than that specified in the notice of meeting, except business that the Committee members present at the meeting agree to treat as urgent business or business necessarily connected with the notified business of the meeting.
- (5) In all other respects, the Committee must follow the procedures for a meeting under section 50.

52. Sub-committees, delegation of Committee functions and appointment of consultants

- (1) The Committee may, in writing or by minuted decision of the Committee, delegate to 1 or more sub-committees (consisting of members of the Club and any non-members that the Committee considers appropriate) the exercise of the functions and powers of the Committee that are specified in the instrument, other than—

- (a) this power of delegation; or
 - (b) a function or duty imposed on the Committee by the Act, by any other Territory law, or by resolution of the Club in general meeting; or
 - (c) a function or duty imposed on the Executive Committee or an Executive office-bearer of the Club.
- (2) While the delegation remains unrevoked, a function delegated to a sub-committee may be exercised in accordance with the terms of the delegation.
 - (3) A delegation may specify any conditions or limitations about—
 - (a) the exercise of a function; or
 - (b) the time or circumstances in which the delegation may be exercised.
 - (4) The Committee may continue to exercise any function that has been delegated.
 - (5) Subject to sub-section (3), any act or thing done or accepted by a sub-committee acting in the exercise of a delegation has the same force and effect as it would have if it had been done or accepted by the Committee.
 - (6) The Committee may, in writing, revoke wholly or in part any delegation.
 - (7) A quorum of a sub-committee comprises 2 members of the Club.
 - (8) A person who is appointed to a sub-committee but is not a member of the Club does not have voting rights on an issue before the sub-committee, but does have a right of comment to the Committee.
 - (9) Nothing in this section prevents the Committee from delegating, in accordance with this section, its functions and powers to resolve disputes between members or between members and the Club.
 - (10) The Committee or a sub-committee may appoint, as a consultant, a member or non-member with special knowledge or experience in a subject-matter, to assist it in gathering information in relation to a matter under consideration by the Committee or sub-committee but a consultant has no deliberative role or right to vote in a matter before the Committee or sub-committee.

53. Disclosure of interests

- (1) The Committee and each Committee member must observe the provisions of section 65 of the Act ('Disclosure of committee member's interest').
- (2) In particular, a Committee member who is interested, directly or indirectly, in any contract or arrangement with the Club that has been made or is proposed to be made with the Club must disclose that interest—
 - (a) if the contract or arrangement is on foot at the time of the member's election or appointment to the Committee – at the first meeting of the Committee that the member attends; and
 - (b) if the member acquires the interest in a contract or arrangement or proposed contract or arrangement after her or his election or appointment to the

Committee – at the first meeting of the Committee after the member acquires the interest; and

- (c) at the first meeting of the Committee, following election or appointment of the Committee member, at which the contract or arrangement or proposed contract or arrangement is considered or further considered by the Committee.
- (3) A member of the Committee having an interest, direct or indirect, in any contract or arrangement or proposed contract or arrangement, must not vote on the matter—
 - (a) as a member of the Committee; and
 - (b) if the matter is before the Club in general meeting – as a member of the Club.
- (4) For the purposes of this section, ‘contract or arrangement’ includes any proposed change to a contract or arrangement submitted to or under consideration by the Committee.

Examples: Proposals to modify structures on a site allocated to a member or to sell an asset to or acquire an asset from a member.

54. Power to make by-laws and guidelines

- (1) The Committee has power to make by-laws and to issue guidelines in support of the Objects and Rules of the Club.
- (2) By-laws and guidelines must not be inconsistent with the Act, the Regulation or this Constitution.
- (3) Guidelines may be issued—
 - (a) for the guidance of the Committee in the practical performance of its functions or exercise of its powers under the Constitution and by-laws; or
 - (b) of general application, for the guidance of Club members in the practical observance of their rights, obligations or privileges as members under the Constitution and by-laws.
- (4) A guideline described in paragraph (3)(a)—
 - (a) is made and comes into effect by minuted decision of the Committee made by consensus or passed by at least a 75% majority of Committee members present and voting; and
 - (b) does not have retrospective effect.
- (5) Before making a by-law or issuing a guideline of general application as described in paragraph (3)(b), the Committee first must issue to members an exposure draft of the proposed by-law or guideline and take into account comments received on the exposure draft within a specified reasonable time, of not less than 28 days.
- (6) A by-law or a guideline of general application is made—
 - (a) subject to paragraph (b), by minuted decision of the Committee made by consensus or passed by at least a 75% majority of Committee members present and voting, **provided** the period for consultation on an exposure draft

(the ‘consultation period’) has concluded and any comments received have been considered by the Committee; or

- (b) if, within the consultation period, Club members requisition a general meeting to consider the proposed by-law or a guideline of general application – by resolution to make the by-law or guideline, passed at a general meeting of the Club.

Note: See paragraph 58(2)(d) regarding members’ conditional right to requisition a general meeting in certain circumstances.

(7) A by-law or a guideline of general application, when made, comes into effect—

- (a) unless, within the consultation period, members requisition a general meeting to consider the proposed by-law or guideline – on publication to members, in the Club’s newsletter or otherwise in writing, of the Committee’s decision under paragraph (6)(a); or
- (b) if, within the consultation period, members requisition a general meeting to consider the proposed by-law or guideline of general application – on publication to members, in the Club’s newsletter or otherwise in writing, of—
 - (i) the by-law or the guideline of general application if passed by members; or
 - (ii) the by-law or the guideline of general application as revised by members in the general meeting,

within 7 days after the meeting.

(8) The Committee must also publish on the Club’s website, without unreasonable delay, a new by-law or a new guideline of general application after it is made.

(9) A by-law or a guideline of general application does not have retrospective effect.

Note: See the Constitution Dictionary for definitions of ‘by-law’ and ‘guideline’.

55. Amendment or rescission of by-laws and guidelines

(1) Subject to this section, the Committee has power, in support of the Objects and Rules of the Club, to amend or rescind by-laws and guidelines.

(2) A guideline described in paragraph 54(3)(a)—

- (a) is amended or rescinded and the amendment or rescission comes into effect by minuted decision of the Committee made by consensus or passed by at least a 75% majority of Committee members present and voting; and
- (b) the amendment or rescission does not have retrospective effect.

(3) If the Committee proposes to amend or rescind a by-law or a guideline of general application, the Committee first must issue to members an exposure draft of the proposed amendment or rescission and take into account comments received within a specified reasonable time, of not less than 28 days.

(4) A by-law or a guideline of general application is amended or rescinded—

- (a) subject to paragraph (b), by minuted decision of the Committee made by consensus or passed by at least a 75% majority of Committee members present and voting, *provided* the period for consultation on an exposure draft (the ‘consultation period’) has concluded and any comments received have been considered by the Committee; or
- (b) if, within the consultation period, members requisition a general meeting to consider the proposed amendment or rescission – by resolution passed at a general meeting of the Club.

Note: See paragraph 58(2)(d) regarding members’ conditional right to requisition a general meeting in certain circumstances.

- (5) An amendment to or a rescission of a by-law or a guideline of general application comes into effect—
 - (a) unless, within the consultation period, members requisition a general meeting to consider the proposed amendment or rescission – on publication to members, in the Club’s newsletter or otherwise in writing, of the Committee’s decision under paragraph (4)(a); or
 - (b) if, within the consultation period, members requisition a general meeting to consider the proposed amendment or rescission – on publication to members, in the Club’s newsletter or otherwise in writing, of—
 - (i) the amendment or rescission if passed by members; or
 - (ii) the amendment as revised by members
 within 7 days after the meeting.
- (6) The Committee must also publish on the Club’s website, without unreasonable delay, an amended by-law or a guideline of general application after the amendment is made.
- (7) An amendment to or rescission of a by-law or a guideline of general application does not have retrospective effect.

56. Members’ power to initiate amendments to or rescission of by-laws and guidelines

- (1) One or more members can initiate an amendment to or rescission of a by-law or guideline of general application by—
 - (a) approaching the Committee to amend or rescind the by-law or guideline; or
 - (b) preparing and requiring the Committee to circulate to members an exposure draft of the proposed amendment to or rescission of the by-law or guideline.
- (2) If the approach described in paragraph (1)(a) is followed, the Committee must follow the process described in section 55 if it decides to amend or rescind the by-law or guideline.

- (3) If the approach described in paragraph (1)(b) is followed—
- (a) the member or members proposing the amendment or rescission must take into account any comments received on the exposure draft within a specified reasonable time, of not less than 28 days (the ‘consultation period’) and, if the Committee receives at least 10 requisitions for a general meeting, the Committee must then call a general meeting as provided in paragraph 58(2)(d); and
 - (b) if a general meeting is held and an amendment to or a rescission of the by-law or guideline of general application is passed – the provisions of paragraph 55 (4)(b) apply to notifying members of the amendment or rescission.
- (4) Unless a general meeting is required to be called as mentioned in paragraph (3)(a), a proposal, for an amendment or rescission initiated by members under paragraph (1)(b), lapses.
- (5) The Committee must also publish on the Club’s website, without unreasonable delay, an amendment to or a rescission of a by-law or a guideline of general application after it is made.
- (6) An amendment to or a rescission of a by-law or guideline of general application under this section does not have retrospective effect.

3.5 General meetings

57. Annual general meeting

- (1) The Committee must convene an annual general meeting of members in each financial year.
- (1A) A non-member may only attend the annual general meeting at the invitation of the Committee communicated in writing on a date before the date of the annual general meeting.
- (1B) The minutes of the Committee meeting at which the Committee decided to invite a non-member and the minutes of the annual general meeting must record the reason that the Committee invited the non-member to attend the annual general meeting.
- (2) The Committee must determine a date for the meeting that is as soon as possible after 1 August and not later than 30 September in any financial year.
- (3) The business of the meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
 - (b) to receive and consider the statement of accounts and the reports that are required, under sub-section 73(1) of the Act, to be submitted to members; and

Note: The Act requires the Committee to present to the meeting the audited statements of the Club's accounts, the auditor's report and a report signed by 2 Committee members giving particulars of Committee membership during the year; principal activities of the Club and any significant change in the nature of those activities; and the net profit or loss of the Club for the financial year – see Act, sub-section 73(1).
 - (c) to receive any other reports of which notice has been given; and
 - (d) to appoint an auditor for the coming financial year; and
 - (e) to discuss and confirm the auditor's remuneration for the coming financial year; and
 - (f) to elect members of the incoming Committee, including office-bearers; and
 - (g) to transact the unfinished business of any general meeting dissolved or adjourned since the previous annual general meeting; and
 - (h) to transact business that has been notified to the Secretary in advance of the meeting as follows—
 - (i) in the case of business that requires a special resolution to pass – at least 28 days before the date of the meeting; and
 - (ii) in the case of other business – at least 21 days before the date of the meeting.

- (4) The Committee must—
- (a) indicate to the auditor at the time of the auditor’s appointment the expected date of the next annual general meeting following her or his appointment; and
 - (b) take reasonable steps to ensure that the audit of the Club’s accounts is completed at least 14 days before the audited statement of accounts is required to be presented at the annual general meeting.
- (5) The only business that the meeting may transact is business described in sub-section (3) that has been notified to members by the Secretary in accordance with section 59.
- (6) Sub-section (5) does not prevent the person presiding at the meeting from opening for general discussion any other issues raised by members, but the outcome of discussion does not bind the Committee or Club.
- (7) In giving notice of the meeting, the Secretary must—
- (a) specify that the meeting is the annual general meeting of members; and
 - (b) include a copy of the auditor’s report and audited statement of accounts of the Club for the financial year, if available to the Committee at that time; and
 - (c) if the audited report and audited statement of accounts are not available to the Club when the Secretary gives notice of the meeting – transmit the audited accounts to members as soon as they become available.
- Note:* See section 59 for requirements for giving notice of general meetings.
- (8) The person presiding at an annual general meeting must conduct the meeting in accordance with this Part of the Constitution.

58. General meetings

- (1) In addition to the Committee’s obligation to call an annual general meeting under section 57, when the Committee desires or requires the views of members on an issue it may call a general meeting of the Club.
- (1A) A non-member may only attend the general meeting at the invitation of the Committee communicated in writing on a date before the date of the general meeting.
- (1B) The minutes of the Committee meeting at which the Committee decided to invite a non-member and the minutes of the general meeting must record the reason that the Committee invited the non-member to attend the general meeting.
- (2) The Committee must call a general meeting—
- (a) when a member notified of a decision on a disciplinary resolution requisitions an appeal to a general meeting of members in accordance with section 35; or
 - (b) when the President requisitions a general meeting in accordance with paragraph 33C(3)(b); or
 - (c) when a member requisitions a general meeting in accordance with sub-section 9A(4); or

- (d) when not less than 10 members, whether in one or several signed documents, requisition a general meeting to consider an issue and any motion notified in writing to the Secretary; or
- (e) immediately when any course of action is proposed by the Committee that would prejudice, terminate or prevent renegotiation of the lease over the Club's grounds at Block 64, District of Kowen, as delineated on Deposited Plan Number 5218, and the result or possible result of this course is known to the Committee or is drawn to the Committee's attention by any member of the Club or Committee.

Note: See also section 83, which binds the Club and Committee in relation to the lease over the Club's grounds.

- (3) The Committee must set and notify a date for a general meeting that is no later than 56 days after the date on which the Secretary receives a requisition under sub-section (2) or the Committee's attention is drawn to an issue referred to in paragraph (2)(e).

Note: The *Legislation Act 2001*, in section 250, has rules as to when a document (in this case, a requisition) is taken to be served on a person (in this case, the Secretary).

See also section 83, which binds the Club and Committee in relation to the lease over the Club's grounds.

- (4) If the Committee does not, in accordance with sub-sections (2) and (3), call a general meeting, any 1 or more members may call a general meeting to be held not later than 3 months after the date on which the Secretary received the requisition or drew the Committee's attention to an issue referred to in paragraph (2)(e).
- (5) A general meeting requisitioned by 1 or more members under sub-section (2) must be called as nearly as practicable in the same way as general meetings are called by the Committee.
- (6) The Committee must co-operate with members calling a meeting under sub-section (4) by—
 - (a) circulating to members of the Club, without unreasonable delay, a notice of general meeting prepared by requisitionists or the member raising the issue referred to in paragraph (2)(e) (the 'relevant member'), but not so as to disclose members' email addresses or other contact details to the requisitionists or to the relevant member; and
 - (b) furnishing to the requisitionists or relevant member a certificate that the notice of general meeting has been sent to all members of the Club, when that has been done.

Note: See sections 71, 74 and 80 regarding privacy of members' personal information.

- (7) Sub-sections (3) to (6) inclusive do not operate if the Secretary receives the requisition or if the Committee's attention is drawn to an issue referred to paragraph (2)(e) in a time period that would meet the requirements of sub-

section 59(6) and the Committee calls one or more general meetings in accordance with section 59 and includes in the notices of meeting the issue and any notice of motion proposed by the requisitionists or relevant member.

- (8) A general meeting requisitioned under sub-section 9A(4) or paragraph 33C(3)(b) or section 35 must be held separately to a general meeting otherwise called under sections 58 or 59, but may be held on the same day as the other general meeting.

59. Notice and business of general meetings

- (1) The Secretary must send to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature and items of business proposed to be transacted at a general meeting.

Note: The nature and items of business for transaction at an annual general meeting are set out in sub-section 57(3).

- (2) The Secretary must send the notice referred to in sub-section (1)—

- (a) at least 14 days before the date fixed for holding—

- (i) the annual general meeting; or

- (ii) any other general meeting,

unless the nature of business proposed to be dealt with would require a special resolution of the Club; or

- (b) at least 21 days before the date fixed for holding a general meeting (including the annual general meeting) at which any of the business proposed to be dealt with would require a special resolution.

- (3) In a notice under paragraph (2)(b), the Secretary must—

- (a) identify any items of business that would require a special resolution to pass; and

- (b) state that it is intended to propose the resolution as a special resolution; and

- (c) state the meaning of a 'special resolution'.

Note: The term 'special resolution' is defined in the Constitution Dictionary.

- (4) The Club must not transact any business other than that specified in the notice calling a general meeting.

- (5) A member who wishes to bring any business before a general meeting may give written notice of that business to the Secretary.

- (6) The Secretary must include that business in the next notice calling a general meeting, **provided** the Secretary receives the member's written notice of business—

- (a) if the business would not require a special resolution to pass – at least 21 days before the date fixed for calling a general meeting; or

- (b) if the business would require a special resolution to pass – at least 28 days before the date fixed for calling a general meeting.

60. Quorum at general meetings and procedure at deferred general meetings

- (1) The Club must not transact any item of business at a general meeting unless a quorum of members entitled under this Constitution to vote—
 - (a) in the case of a meeting to consider a disciplinary resolution – is present in person during the time the meeting is considering that item; or
 - (b) in all other cases – is present in person or represented by proxy during the time the meeting is considering that item.
- (2) In the case of a meeting to consider a disciplinary resolution, the larger of 20% of the number of financial members of the Club or 20 financial members present in person constitutes a quorum to transact business at the meeting.
- (3) In all other cases, the larger of 25% of the number of financial members of the Club or 25 financial members present in person or represented by proxy constitutes a quorum to transact business at the meeting.
- (4) If within 1 hour after the time notified for the start of a general meeting a quorum is not present—
 - (a) in the case of an annual general meeting – the members present in person or represented by proxy are taken to be a quorum;
 - (b) in all other cases – the meeting is dissolved and the Secretary must, when giving notice of the next annual general meeting, notify the items of business of the dissolved meeting as items of business for that meeting.
- (5) If business of a general meeting is deferred to the next annual general meeting as provided in paragraph (4)(b)—
 - (a) in the case of a disciplinary resolution – the procedure to be followed at the meeting in respect of the disciplinary resolution is as set out in section 36, with the exception of paragraph 36(1)(a), which is to be disregarded;
 - (b) in all other cases – the procedure to be followed at the meeting is as provided in this Part.

61. Presiding member at general meetings

- (1) The President, or in the absence of the President, the Vice-President, must preside at each general meeting of the Club.
- (2) If the President and the Vice-President are—
 - (a) absent from a general meeting; or
 - (b) vacate the chair during the conduct of a ballot for the election of office-bearers and members of the Committee

the members present must elect 1 of their number to preside at the meeting during the time the President or Vice-President are absent or unavailable to preside.

62. Adjournment of general meetings by consent

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present in person or by proxy at the meeting, adjourn the meeting from time to time and place to place.
- (2) If a general meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

63. Voting and proxies

- (1) Each financial member of the Club is entitled to 1 vote on each question arising at a general meeting, except as follows—
 - (a) each Committee member, the member the subject of a disciplinary resolution and any representative of that member will not have a right to vote in the secret ballot referred to in section 36 on the question of whether or not a suspension or expulsion decided by the Committee will stand; and
 - (b) no proxy will be accepted in respect of a secret ballot referred to in paragraph (a); and
 - (c) except in respect of a secret ballot referred to in paragraph (a) – a member presiding at a general meeting is entitled to exercise a second or casting vote in the event of an equality of votes on a question.
- (2) A member who is unable to be present at a general meeting may give a power to vote by proxy to another member, *provided*, before the document evidencing the proxy is transmitted to the Public Officer, the proxy-giver and the proxy-holder are financial members.
- (3) The document evidencing the proxy must be in writing, signed and dated by the member giving the proxy and must contain the following particulars—
 - (a) the names of each party to the proxy, shown legibly; and
 - (b) the date of the meeting at which the proxy is to be exercised; and
 - (c) the voting directions of the member giving the proxy on each item of business; or
 - (d) if the proxy-giver wishes – a statement that the proxy is free of limitations as to how the proxy-holder may vote.
- (4) If a proxy form does not give voting directions, the proxy will be taken to be free of limitations as to how the proxy-holder may vote, whether or not the proxy contains a statement as provided for in paragraph (3)(d).
- (5) The Secretary must forward to members, with the notice of meeting, proxy forms that—
 - (a) make provision for completion of—
 - (i) the details set out in paragraphs (3)(a), (c) and (d); and

- (ii) telephone contact details including fixed and mobile numbers for the proxy-giver, for possible assistance in verifying the proxy; and

Note: The presence or absence of telephone contact details is not in itself determinative of the validity or invalidity of a proxy.

- (b) state the date and time of the meeting at which the proxy is to be exercised; and
 - (c) state prominently the final time, day and date by which proxies will be accepted; and
 - (d) state that late proxies will not be counted in any vote at the meeting; and
 - (e) state that proxies should be addressed and returned to the Public Officer; and
 - (f) give particulars of the address or addresses to which proxy forms may be transmitted or delivered.
- (6) Each completed proxy must be received by the Public Officer or her or his agent at least 1 hour before the time notified for commencement of the meeting and late proxies will not be considered.
- (7) The Public Officer must—
- (a) no earlier than close of business on the last working day before the day of the annual general meeting – collect from the Club’s postal address, in person or by an agent, all remaining uncollected posted proxies; and
 - (b) in the case of proxies received by post or hand – note on each proxy the time and date of collection or receipt by the Public Officer or her or his agent; and
 - (c) if the Secretary indicates, in the notice of meeting, that proxies may be transmitted electronically to the Public Officer – attach, to each proxy, evidence of the time and date of receipt.
- (8) As soon as practicable after the closing time for proxies and prior to the meeting, the Treasurer and Public Officer must meet to verify proxies and complete *pro forma* tables, provided by the Secretary for use by the Returning Officer in the course of the general meeting, of—
- (a) any voting directions given by valid proxies; and
 - (b) in a separate table – the number of proxy votes held by each member who has been given a valid proxy that does not contain limitations as to how the proxy may vote.
- (9) At the general meeting for which proxies are received, the President must read out to all present at the commencement of the meeting a list of valid proxies received for the meeting.
- (10) Any challenge to the validity or invalidity of a proxy must be dealt with immediately by a conference of the Public Officer, the Treasurer, the Returning Officer and the member disputing the validity or invalidity of the proxy.

- (11) At a conference under sub-section (10), the Returning Officer is bound by the provisions of this Constitution and the Returning Officer's decision is final.
- (12) Each proxy expires 3 months after the date of signature of the member giving the proxy.

64. Decision-making at general meetings

- (1) A question arising at a general meeting is to be decided on a show of hands unless paragraph 36(1)(i), paragraph 60(5)(a) or section 65 apply.
- (2) A declaration by the person presiding that a resolution has, on a show of hands, been—
 - (a) carried unanimously; or
 - (b) carried; or
 - (c) carried by a particular majority; or
 - (d) lost; and

an entry to that effect in the minutes of meeting, is evidence of the fact without proof of the number or proportion of votes recorded in favour of or against that resolution.

65. Taking and timing of a poll

- (1) The person presiding at a general meeting or 3 or more members present in person or by proxy may demand—
 - (a) before; or
 - (b) at the declaration of the show of hands—
 - (c) that the Returning Officer take a poll of members on a matter.
- (2) If demanded, the Returning Officer must take a poll—
 - (a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (b) in any other case – in the way and at the time before the close of the meeting that the person presiding directs.
- (3) In the event of an equality of votes in a poll, paragraph 63(1)(c) applies.
- (4) Subject to sub-section (3), the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

66. Responsibilities and appointment of Returning Officer

- (1) At a general meeting, the Returning Officer is responsible for—
 - (a) conducting—
 - (i) the ballot for the election of officer-bearers and general members of the Committee; and

- (ii) the ballot on a disciplinary resolution; and
 - (iii) a poll; and
 - (b) determining the validity or invalidity of a proxy or nomination in accordance with section 63; and
 - (c) reporting the results to the person presiding at the meeting and to the Secretary.
- (2) The Returning Officer need not be a member of the Club but must be acceptable to the meeting.

3.6 Club documents and records — audit, reporting and access

67. Appointment of auditor

- (1) At each annual general meeting of the Club, the members must appoint an auditor.
- (2) The auditor must be a licensed public accountant or registered auditor and entirely independent of the Club and its members.

Note: See section 1280 of the *Corporations Act 2001* for registration of auditors.

- (3) The auditor holds office until the annual general meeting following her or his appointment, and is eligible for reappointment.
- (4) If a casual vacancy occurs in the office of auditor during the financial year, the Committee must, without unreasonable delay, appoint another auditor who satisfies the requirements of sub-section (2).
- (5) The Committee must, without unreasonable delay, notify members of the appointment of an auditor under sub-section (4).
- (6) A person appointed as auditor under sub-section (4) holds office until the annual general meeting following her or his appointment but is eligible for reappointment.
- (7) In appointing the auditor, the Committee must—
 - (a) indicate to the auditor the expected date of the next annual general meeting following her or his appointment; and
 - (b) request that the auditor's report on the financial affairs of the Club for the year be provided to the Club no later than 14 days before that expected date.

68. Auditor's powers and duties

- (1) In addition to reporting to members of the Club in accordance with the Act and other legislation and professional codes applying to public accountants and registered auditors, the auditor must—
 - (a) report to members as to whether or not the accounts of the Club correctly show the financial affairs of the Club; and
 - (b) state—
 - (i) whether she or he has obtained all of the information that she or he required for the audit; and
 - (ii) whether, in the auditor's opinion, the accounts are properly drawn up so as to exhibit a true and fair view of the financial position and financial performance of the Club; and
 - (iii) whether the provisions of the Act, this Constitution and of any relevant by-laws and guidelines of the Club relating to the administration of the funds of the Club have been observed.

- (2) In addition to the auditor's powers and duties under the Act, the auditor—
- (a) has a right of access to all accounts, books, records and documents of the Club; and
 - (b) may require from any member of the Committee or contractor or employee of the Club any information and explanations the auditor desires for the purpose of auditing the Club's accounts; and
 - (c) may examine any member of the Committee or contractor or employee of the Club in relation to the Club's accounts, books, records and documents; and
 - (d) may employ persons to assist in investigating the Club's accounts.

69. Appointment and removal of Public Officer

- (1) The Committee must appoint a Public Officer within 14 days after a vacancy occurs in that office.

Note: See Act, section 64.

- (2) The Public Officer holds office unless and until the Public Officer—
- (a) resigns the position; or
 - (b) subject to according the Public Officer natural justice – is dismissed by resolution of the Committee for failure to faithfully discharge her or his responsibilities under the Act, the Regulation or this Constitution; or
 - (c) subject to according the Public Officer natural justice – is dismissed by resolution of a general meeting for failure to faithfully discharge her or his responsibilities under the Act, the Regulation or this Constitution; or
 - (d) vacates her or his position as Public Officer for any of the causes set out in paragraphs 48(a)-(i); or
 - (e) becomes disqualified under section 63 of the Act from holding office.

70. Public Officer's responsibilities

- (1) The Public Officer must lodge with the registrar-general—
- (a) without delay and within the timeframes provided by the Act so as to avoid late fees; and
 - (b) on the approved forms,

all information required by the Act to be lodged with the registrar-general.

Note: See Act, sub-sections 30(2) and 33(2), sections 59 and 62, paragraph 67(2)(b) and sub-section 79(1); Regulation, Part 2; and approved forms listed under the Act at www.legislation.act.gov.au.

- (2) The Public Officer must transmit copies of all lodgements to members of the Committee and must maintain copies of those documents as part of the Club's records.

- (3) The Public Officer must discharge the duties of Secretary to satisfy the requirements of the Act during a vacancy in that office but only until the Committee or a general meeting appoints or elects a new Secretary or acting Secretary.

Note: See Act, section 55 and Act Dictionary definition of ‘officer’; and Model Rules, section 1, definition of ‘secretary’.

- (4) Subject to sub-section (3), the Public Officer must not hold the office of Secretary.

- (5) The Public Officer must discharge the duties set out in sections 42 (in relation to receipt of nominations for positions on the Committee) and 63 (in relation to receipt of proxies) of this Constitution and any other duties required to be performed by legislation.

Note: See Act, section 91 and Schedule 2, [2.5](f)(vi).

- (6) When the circumstances require, the Public Officer must remind the Committee of the requirements of the Act in relation to the appointment of a public officer and lodgement of annual returns with a view to ensuring compliance by the Club with those provisions of the Act.

Note: See Act, sections 57, 63, 64 and 79.

- (7) The Public Officer must, without delay—

- (a) bring to the Committee’s attention any document served on her or him—

(i) in her or his capacity as Public Officer; or

(ii) in lieu of the Secretary of the Club; or

(iii) in any other capacity as a representative of the Club; and

- (b) notify the Committee if she or he becomes disqualified from holding office as Public Officer.

Note: See Act, section 63.

71. Custody of Club records

- (1) On taking office by election or appointment, members of the Committee and the Public Officer (whether or not she or he is a Committee member) are taken to acknowledge that—

(a) the records of the Club are the property of the Club and may include information that is confidential to the Club and may include records such as the membership database that contain personal information; and

(b) those records may not be applied for any purpose other than a purpose that has been approved by the Committee for furthering the Objects of the Club; and

(c) the Club’s officers are responsible for maintaining the confidentiality of confidential information and the privacy of personal information in the Club’s records.

- (2) Committee members who are Club office-bearers having custody from time to time of the Club's records have no property rights in those records and—
- (a) must not make copies for personal or other non-Club use or for use in any dispute with the Club; and
 - (b) must not use the Club's records for personal or other non-Club use or for use in any dispute with the Club;
 - (c) must without delay make records available to the registrar-general, the auditor and the Committee when requested, and, as provided in section 74, to members of the Club.

Note: see sections 12 and 74 and sub-section 58(6) of this Constitution; sections 67 and 75 and Part 8 of the Act; and sections 12 and 30 of the *Human Rights Act 2004*.

- (3) The obligations under sub-sections (1) and (2) continue indefinitely after the term of service or appointment of the Committee member or Public Officer ceases.
- (4) The President may require Committee members and the Public Officer from time to time to sign an acknowledgement in terms of sub-sections (1), (2) and (3), but any such acknowledgement does not diminish the effect of those sub-sections.

72. Custody and use of Club seal

- (1) The seal of the Club is in the form of a rubber stamp, inscribed with the name of the Club, encircling the words 'COMMON SEAL'.
- (2) The seal of the Club may only be affixed to a document in the following way—
- (a) the Committee must have authorized by resolution the affixing of the seal to the particular document; and
 - (b) 2 members of the Committee or the Secretary and 1 other Committee member must attest to the affixing of the seal by signing the document adjacent to the seal at the time the seal is affixed.
- (3) Subject to direction of the Committee, the Secretary must retain custody of the seal of the Club.

73. Signature of Committee members in lieu of Club seal

If, in lieu of affixing the common seal of the Club to a document in accordance with section 72, 2 or more members of the Committee execute a document by signing it on behalf of the Club, the Committee must have authorized by resolution those Committee members to sign the particular document.

74. Rights to inspect Club accounts and other Club records

- (1) The right to inspect documents referred to in sub-section (2) is limited to financial members and does not extend to applicants for membership or familial candidates or persons who express an interest in becoming members of the Club.
- (2) On request the Committee must, without unreasonable delay, make available to inspect in the ACT such records of the Club as are requested by a member, *provided*

- that* the Secretary must first vet each document requested so as to ensure that, before the Club makes the document available for inspection, the Club ensures that the content of the document—
- (a) complies with—
 - (i) the Club’s obligations under the *Privacy Act 1988* (Cth); and
 - (ii) any legal or equitable confidentiality obligations of the Club, and
 - (b) does not conflict with the obligations in sections 80 and 81 of this Constitution, which require that personal information about the member requesting the information or about another member must not be disclosed except in the limited circumstances provided in those sections.
- (3) The Committee may specify only reasonable restrictions as to time and place and manner of inspecting documents.
 - (4) The Committee must not designate information as ‘confidential’ so as to protect it from access by members if there is no legal or equitable basis or provision under this Constitution or by-laws for designating the information as confidential.
 - (5) A member dissatisfied with a decision of the Secretary to withhold a document or part of a document under sub-section (2) may request the Committee to review the Secretary’s decision.
 - (6) In consultation with members, the Committee may prepare and issue guidelines to assist it to promptly comply with its obligations under sub-sections (2), (3), (4) and (5).

75. Backup and archiving of Club records

- (1) Each member of the Committee must implement and maintain a system to retain a copy of each paper document and must back up electronic records of documents that the member—
 - (a) transmits to Club members or external parties or receives from members or external parties on behalf of the Club or Committee; and
 - (b) creates for the information of Committee members.

Examples: reports by the Membership Secretary, Treasurer’s reports.
- (2) In consultation with members, the Committee must develop guidelines for the purposes of—
 - (a) sub-section (1); and
 - (b) the internal retention and archiving of Club records; and
 - (c) the offering of such Club records other than personal records to—
 - (i) a public library in the Australian Capital Territory or Australia approved by the Committee as and when appropriate to do so; or
 - (ii) a nudist club or association in Australia; and

(d) the disposition of Club records in the event of the Club's being wound up.

75A. Preserving the confidentiality of Club records

On commencing office following election or appointment, including appointment to fill a vacancy temporarily, each Committee member must sign an undertaking, to be proffered by the President, to keep confidential, records designated by this Constitution or the Committee as confidential in nature.

76. Handover of Club records

- (1) Following each election or appointment of office-bearers and general Committee members and appointment of the Public Officer, each outgoing office-bearer, general Committee member and Public Officer must, without delay—
 - (a) account to the outgoing and incoming Presidents jointly for that person's holdings of Club records; and
 - (b) in accordance with the incoming President's directions and sections 71 and 75, transfer her or his holdings of Club records to her or his incoming counterpart and to Club archives as directed.
- (2) Nothing in sub-section (1) prevents the President or Committee from time to time requiring a continuing office-bearer or general Committee member or Public Officer from accounting to the President or Committee for that person's holdings of Club records.

77. Publication of Club Constitution on Club website

The Committee must place on the Club website each edition of the Constitution and each statement that has been circulated generally to members and to the registrar-general to explain any amendments to the Objects or Rules of the Club set out in the Constitution, once the registrar-general has notified the Club that the Constitution or amendments have been accepted for lodgement on the public register.

Note: Sections 30 and 33 of the Act deal with alteration of the objects or rules of an association and require that the alteration be notified to the registrar-general within 1 month of its occurrence, when it becomes a public document – see section 11 of the Act.

78. Publication of Club by-laws and guidelines on website

- (1) Subject to sub-section (2), the Committee must place the Club by-laws and guidelines of general application on the Club website, without unreasonable delay, after the by-laws and guidelines are made.
- (2) Sub-section (1) does not require the Committee to place on the website guidelines that are not of general application, such as Committee procedures for handling and banking money and backing up Club records and maintaining records of members, visitors, interested persons and applicants for membership.

3.7 Information and privacy of members and applicants for membership and persons interested in membership

78A. Principles for provision of information to persons who sign a form to express interest in membership

The form to be completed by a person who expresses interest in membership of the Club must provide for the signature of the interested person to signify assent to the terms of the form and must include the following information prominently —

- (a) a statement of the Objects of the Club; and
- (b) a short description as to how an expression of interest is evaluated; and
Note: See section 14.
- (c) a statement that persons who express interest in membership must observe the Club Constitution and by-laws; and
- (d) the location, on the Club’s website, of the Club Constitution and by-laws; and
- (e) a short statement (a privacy statement) of the Club’s policy for protecting the personal information of and about interested persons; and
Note: see sections 80 and 81.
- (f) a description of the purpose of signing the form.

Note: See section 14.

79. Principles for provision of information to applicants for membership

(1) The form to be completed by an applicant for membership must provide for the signature of the interested person to signify assent to the terms of the form and must include the following information prominently—

- (a) a statement of the Objects of the Club; and
- (b) a short description of the application process; and
Note: See section 15-20.
- (c) a statement that applicants must observe the Club Constitution and by-laws; and
- (d) the location, on the Club’s website, of the Club Constitution and by-laws; and
- (e) a short statement (a privacy statement) of the Club’s policy for protecting the personal information of and about applicants for membership; and
Note: See sections 80 and 81.
- (f) a description of the purpose of signing the form.

Note: See section 15.

(2) The Membership Secretary must—

- (a) if an application for membership is accepted for consideration by the Committee and the applicant has paid the application fee – make available a copy of the Club Constitution and by-laws for inspection by the applicant or refer the applicant to the Club website if the applicant indicates that she or he has access to the internet; and
- (b) respond to or arrange for a response to be given by an appropriate Committee member to any queries about the Club Constitution, by-laws and guidelines.

80. Principles for disclosure of personal information of or about members and non-members

- (1) No member of the Club or Committee may disclose, to a member or non-member, personal information of or about that member or another member or non-member except—
 - (a) to the limited extent provided in sub-sections 34(2) - (4), for the purpose of initiating or carrying out disciplinary processes or a complaint to the Committee about a member; or
 - (b) to the limited extent provided for by sub-section 14(2) in relation to expressions of interest and sub-section 15(2) in relation to applications for membership; or
 - (c) to the limited extent necessary to deal with complaints or expressions of concern under sections 9A,30A, 33A, 33B or 33C; or
 - (d) as lawfully required by the registrar-general or auditor; or
 - (e) as otherwise provided by law; or
 - (f) with the consent of the member concerned.
- (2) Nothing in this section obliges the Club, its members or the Committee to disclose or make available, to a member or non-member who brings a complaint or expresses a concern or is the subject of a complaint or expression of concern, information giving rise to the complaint or expression of concern; or to identify a complainant or person who expresses concern, *provided*, if the Committee pursues the matter, the Committee or its representative makes the member or non-member the subject of a complaint or expression of concern aware of the substance of the complaint or expression of concern.

81. Non-disclosure of personal information of or about enquirers, unsuccessful nominees and former members

Section 80 also applies to the personal information of or about—

- (a) each person enquiring about or expressing interest in membership of the Club, whether or not that person later becomes a member; and
- (b) each applicant for membership, whether or not that applicant is accepted into membership of the Club; and
- (c) each familial candidate; and
- (d) each former member of the Club;

as if that person were a current member of the Club.

3.8 Club property and funds

82. Income, property and obligations of the Club

- (1) The income of the Club is to be derived from—
 - (a) nomination fees of members; and
 - (b) membership subscriptions; and
 - (c) donations to the Club from members or other persons or organizations, **provided** the donation is not for a purpose that conflicts with the Objects and Rules of the Club; and
 - (d) fund-raising functions conducted by and for members and by supporters of the Objects of the Club; and
 - (e) use of the Club's property and facilities by others for their lawful purposes, **provided that** that is within the scope of the Club's insurances and does not conflict with the Club's Objects and Rules; and
 - (f) any other lawful source not specified above, **provided** it is within the Objects and Rules of the Club.
- (2) The Committee and each member of the Committee and Club who handles or uses the Club's income or property—
 - (a) must apply that income or property solely towards the promotion of the Objects of the Club; and
 - (b) must not pay or transfer, directly or indirectly, any part of that income or property to any member of the Club or to any other person.
- (3) The Committee and each member of the Committee and Club must not incur any obligation on behalf of the Club, Committee or member of the Committee except in accordance with—
 - (a) the duties of that person under this Constitution or a delegation from the Committee; and
 - (b) a resolution of the Committee in accordance with section 39 or a direction of the Executive Committee in accordance with section 41.
- (4) The Club and Committee must not—
 - (a) appoint a member of the Committee or the Public Officer, whether or not that person remains a member of the Committee or remains the Public Officer, to any position for which remuneration is payable, whether by way of salary, fees, allowances or otherwise; or
 - (b) pay to any such person any other benefit in money or money's worth, other than the repayment of out-of-pocket expenses incurred in accordance with sub-section (3).

- (5) This section does not prevent the Committee from approving the payment in good faith to an employee or member of the Club of—
- (a) remuneration for—
 - (i) services not otherwise available free of cost to the Club and actually performed for the Club by the employee or member; or
 - (ii) goods supplied to the Club by the servant or member in the ordinary course of business or otherwise for value equivalent to that in an arm's length transaction; or
 - (b) interest on money lent to the Club by the employee or member at no more than the maximum rate that the Club earns from time to time on its savings at bank; or
 - (c) a sum by way of rent, independently assessed at no more than the current market rate, for premises let to the Club by the employee or member.

83. Dealings with Club land

Unless resolved by special resolution at a general meeting, the Club and Committee must not take any action that would—

- (a) prejudice; or
- (b) prevent
the renegotiation of, or—
- (c) terminate

the lease over the Club's grounds at Block 64, Kowen, as delineated on Deposited Plan Number 5218.

Note: See the Constitution Dictionary for definition of 'special resolution'.

84. Principles for use by members of Club land

- (1) The Committee may only make available and a member may only use a portion of the Club's grounds, known as a 'site', in accordance with the following principles—
- (a) the site is made available for a fee set annually by the Committee; and
 - (b) the site is made available only for temporary shelter and recreation during the member's visits to the Club grounds; and
 - (c) before allocating a site for continuing use by a member, the Committee must first—
 - (i) confirm the proposed use of the site; and
 - (ii) specify the site boundaries, area of the site and the site number in accordance with the fire plan; and
 - (iii) consider, and, if the proposal complies with relevant planning laws and Club by-laws and has regard to relevant guidelines issued by the Club – approve any structures on the site proposed at that stage; and

- (d) following allocation of a site, the Committee must, without unreasonable delay, confirm the allocation of the site in a written agreement with the member before the member occupies the site; and
 - (e) the written agreement—
 - (i) must not be described as a ‘residential tenancy agreement’; and
 - (ii) must comply with the laws of the Territory and with this Constitution and with the by-laws and guidelines of the Club; and
 - (iii) be in a form approved by the Committee; and
 - (f) any structure on the site—
 - (i) must not be permanent; and
 - (ii) must comply with Territory planning laws; and
 - (iii) must not be erected without the approval of the Committee.
- (2) Neither the allocation to a member nor the use by a member of a site creates any residential tenancy.
- (3) No member has a right to exclusive use of—
- (a) common land of the Club; or
 - (b) except in accordance with section 29, a site allocated to another member; or
 - (c) a vacant site.
- (4) Subject to affording natural justice to a member – the Committee has power to require a member to take corrective action or vacate a site or other Club land on reasonable notice if the member’s use of a site or other Club land is inconsistent with—
- (a) this Constitution; or
 - (b) the by-laws of the Club;
 - (c) guidelines of general application for the use of sites; or
 - (d) the agreement for allocation of a site to that or another member.
- (5) If a member defaults in her or his obligations in respect of a site or other Club land under Territory law, this Constitution, the by-laws, a direction by the Committee to observe guidelines of general application or an agreement for allocation of a site, whether the site has been allocated to the member or another member, the Committee may arrange for—
- (a) the prompt removal of all of that person’s property from the Club land on which the default has occurred at that person’s expense; or
 - (b) if the member and Committee agree, the on-sale of that person’s property on that land to the Club or to a member of the Club, subject to prompt removal of the property at the person’s expense if the property is not on-sold in a timeframe specified in writing by the Committee having regard to the circumstances.

(6) Any expense incurred by the Committee in giving effect to sub-section (5) is a debt due and payable to the Club.

3.9 Administrative matters

85. Financial year

The financial year of the Club is the period beginning on 1 July in each year and ending on 30 June in the following year.

86. Service of notices

- (1) The Committee or a member of the Committee may serve a notice by or on behalf of the Club—
 - (a) by handing the notice to the addressee; orby transmitting the notice to the addressee by—
 - (b) post; or
 - (c) electronic means including fax or e-mail,at the addressee's last known physical, postal or electronic address shown in the Club's membership records.
- (2) If the means set out in sub-section (1) are impractical or inappropriate, the Committee or a member of the Committee may serve a notice by or on behalf of the Club as provided in—
 - (a) the *Legislation Act 2001* (ACT); or
 - (b) the *Service and Execution of Process Act 1992* (Cth).

87. Alteration of Club Constitution

- (1) The members of the Club may, by special resolution, alter or amend the Objects or Rules of this Constitution.
- (2) The Secretary must provide notice of the proposed amendments in accordance with section 59.

88. [Deleted.]

89. Winding up of Club

- (1) In the event that the Club is wound up in accordance with the Act, the liquidator of the Club's affairs must apply the cash proceeds of all of the Club's assets after payment of the Club's debts to the ACT Eden Monaro Cancer Support Group, ASIC registered number A 01870, for its general purposes.
- (2) The receipt of the Treasurer or Secretary of the ACT Eden Monaro Cancer Support Group will be sufficient discharge to the liquidator of the Club's affairs.
- (3) In the event that the ACT Eden Monaro Cancer Support Group is no longer in existence at a time when the Club is wound up, the liquidator of the Club's affairs must apply the Club's net cash proceeds to another non-profit charitable organization

having objectives substantially similar to those of the ACT Eden Monaro Cancer Support Group.

- (4) The liquidator of the Club's affairs must arrange for the non-cash assets of the Club to be sold, auctioned or otherwise disposed of and the proceeds applied as provided in sub-sections (1) to (3).

CONSTITUTION DICTIONARY

(see section 10)

Note: The *Legislation Act 2001* contains definitions and other provisions relevant to interpreting the Club's Constitution.

ACT means the Australian Capital Territory

Act, the means the *Associations Incorporation Act 1991* – the names of all other legislative enactments are stated in full in this Constitution

ANF means the Australian Naturist Federation (Incorporated)

address includes a physical or electronic address including an e-mail or facsimile address

applicant means an applicant for membership – see sections 15 and 16

applicant for membership means an applicant for membership of the Club

approved form means a form approved by the registrar-general

alternative dispute resolution procedures (ADR) encompass procedures whose aim is to encourage parties in conflict to arrive at solutions acceptable to each party with the assistance of a neutral person. ADR include processes such as assisted negotiation, mediation and conciliation. See Conflict Resolution Service, <http://www.crs.org.au>

by-law means a written instrument made by the Committee setting out requirements for acts and things done in the Club so as to conform with the Club's Objects and Rules

child includes any person under the age of 18 years

Club means the ACT Nudist Club Incorporated, registration No. A 00465 under the Act

Club property includes Club records and other documents, whether in physical or electronic form, and includes tangible and intangible property

Constitution – see section 1

consultation period – see sub-sections 54(6), 55(4) and 56(3)

date of resignation – see *Legislation Act 2001*, section 250 – in brief, a document such as a letter of resignation served by post is taken to be received on the date it would have been received in the ordinary course of post; whereas a document served by fax or e-mail is taken to be served when sent unless there is evidence raising a doubt, for example, evidence of equipment malfunction

document includes a printout of information held on a computer database and includes a photograph, film, video or digital image or money transaction

disciplinary resolution – see sub-section 34(1)

familial candidate – see sub-section 14(10)

financial member means a member whose membership subscription is current and has been paid in full at the time that the member seeks to do an act or thing or to exercise a right or

privilege, and is taken to include members in the categories ‘honorary life membership’ and ‘purchased life membership’ but does not include an interested person or an applicant for membership but does not include an interested person or an applicant for membership or a familial candidate

fire plan means the Club’s emergency plan for dealing with fire or the threat of fire

former constitution means the revised constitution lodged with the registrar-general’s office on 7 October 1992 and each alteration to that document lodged with that office prior to the lodgement of this Constitution

general meeting – see section 58

general member means a member of the Club who belongs to the general membership category

guideline means a written instrument issued by the Committee giving guidance to good practice in doing specific acts and things so as to respect the Club’s Objects, Rules and by-laws and to further harmonious interaction between members

Immediate Past President means the Committee member who holds the position of President at the commencement of the annual general meeting, **provided** the President, if eligible, is not re-elected as President or to another position on the Committee

interested person – see section 14

lodgement date – see paragraph 15(5)(a)

member means a person falling within any of the categories of membership of the Club described in sub-section 13(1) and does not include an interested person or an applicant for membership or a familial candidate

National Privacy Principles – see *Privacy Act 1988* (Cth)

natural justice has the following elements—

- the ‘hearing rule’, which requires a decision-maker to hear a person before making a decision adversely affecting the person’s interests; and
- the ‘rule against bias’ (whether actual or apprehended bias), which requires that a particular decision-maker not make a decision where the circumstances would lead to reasonable doubt about the decision-maker’s impartiality; and
- a requirement to only take into account relevant information; and
- a requirement to not take into account irrelevant information; and
- a procedure for review of an adverse decision

nudist includes the term ‘naturist’ and ‘nudism’ has a corresponding meaning

personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion – see *Privacy Act 1988* (Cth), section 6 – and includes a photographic image of a person

personal records means records containing personal information, unless the information is information of a non-confidential nature about an individual published without objection in the Club's newsletter or otherwise communicated to members without objection

person's property in this document means property belonging to that person and includes any and all structures and movables located within the Club grounds, whether on a site that had been allocated to that person or elsewhere on the Club grounds

President means the Vice-President when the Vice-President is acting in the position of President

privilege means a benefit of membership that is not guaranteed by law or by this Constitution. For example, the opportunity to apply for a powered site is a privilege rather than a right because there may be insufficient powered sites at any one time to satisfy each application. However, once a member is allocated a site, the member has the right to enjoy it in accordance with the Constitution, by-laws and an agreement for use of the site.

Public Officer – see section 57 and, generally, Parts 4 and 11 of the Act – briefly, an officer having primary or residual responsibility for the receipt and lodgement, for regulatory purposes, of documents concerning the Club – the Public Officer must be a resident of the ACT and over 18 years of age and not otherwise disqualified from holding office – see section 63 of the Act

publish includes publication by electronic means including by e-mail and on the internet, including the Club's website

publishing – see 'publish'

records includes accounts, books and documents and includes records kept on a database or database media, whether or not the records, database or database media are kept on property or equipment belonging to the Club – also see the definition of 'document' above

relevant member – see paragraph 58(6)(a)

registrar-general – see *Registrar-General Act 1993*, sections 4 and 5

Regulation, the means the *Associations Incorporation Regulation 1991*

residential tenancy means a right to occupy or use land as a place of residence – see *Residential Tenancies Act 1997* (ACT), Part 1A

Returning Officer – see section 66

reviewing meeting – see section 44

right means a benefit of membership that is guaranteed by law or by this Constitution, for example, the right of a financial member to vote at a general meeting or to stand for a position on the Committee or to freely enter the Club grounds. A right may only be limited by law or as provided in this Constitution, including any relevant by-law made in accordance with the Constitution or an agreement for use of a site made in accordance with by-laws. An example of a limitation directly imposed by this Constitution is a limitation on a member's access to the Club's property as part of the disciplinary process – see section 38.

site – see section 84

site fee – see section 84

special resolution – see sections 30, 33 and 70 of the Act, and sub-section 59(3) and sections 83 and 87 of this Constitution – briefly, to pass a special resolution requires a minimum 21 days’ notice of the resolution to members and a vote in favour of the resolution of $\frac{3}{4}$ of the votes of those members of the Club who, being entitled to vote, vote in person or by proxy at the meeting

Territory means the Australian Capital Territory

transmit includes transmission by post, fax and e-mail

unfinancial member means a member whose membership subscription is due and has not been paid in full at the time that the member seeks to do an act or thing or to exercise a right (including the rights to stand for election or to be appointed to the Committee) or privilege

valid nomination – a nomination that complies with the requirements of sub-section 42(1)

valid proxy – a proxy that complies with the requirements of sub-sections 63(2), (3) and (6) and has not expired pursuant to sub-section 63(13)

visitor means a person who is not a member, including an interested person or an applicant for membership or a familial candidate or a former member or a participant in a nudist conference, meeting or social gathering at the Club’s grounds, and who lawfully enters the Club grounds or takes part in a Club activity at the discretion of and with the permission of the Committee (or its authorized delegate), whether or not that activity is held at the Club’s grounds.

ENDNOTES

1. Table of cross-references from sections of *Constitution 2011* to relevant provisions of legislation and former constitution of the ACTNC

Section of <i>Constitution 2011</i>	Section of legislation References to ‘Act’ are to the <i>Associations Incorporation Act 1991</i> unless stated otherwise References to ‘Reg’ are to the <i>Associations Incorporation Regulation 1991</i> References to ‘MR’ are to the Model Rules under the <i>Associations Incorporation Regulation 1991</i>	Clause number of former constitution described as ‘drawn up 17 August 1976 redrafted 19 September 1992’, as further amended to 6 September 1996
1	—	—
2	—	1
3	—	—
4	Act ss 30 and 33.	34(c)
5	—	—
6	—	2
7	—	3
8	—	—
9	—	—
10	—	4(a), (b)
11	MR s 1A.	4(c)
12	Act s 34; <i>Human Rights Act 2004</i> , s 30, by the application of the <i>Legislation Act 2001</i> to the Club Constitution; Act s 50; Act Parts 4, 5, 8, 9; Act s 48.	—
13	—	5(a), (b), (h), (m)
14	Act s 32(a), Sch 1, col 1, item 1; MR s 2.	5(a)
15	MR ss 2, 3.	5(a), (c), (d), (e)(ii)

16	—	5(e)(i)
17	—	5(f)
18	—	5(g)
19	—	5(h)
20	—	5(h)
21	—	5(h)(i)
22	—	—
23	—	5(b)
24	—	30(b)
25	Act s 32(a), Sch 1, col 1, item 2; MR s 7.	5(h), 30
26	—	5(l), 5(k)
27	MR s 6.	5(i)
28	MR s 5.	5(i), (j), (l)
29	MR s 4.	5(k), 18 (a)
30	—	—
31	Act s 32(a), Sch 1, col 1, item 3; MR s 8.	5(n), 30
32	—	6(e)
33	—	—
34	MR s 9; Act s 32(a), Sch 1, col 1, item 4(a), (c); s 50.	Originally cll 33(a)-(f), then by 1994 amendment, 33(a)-(b).
35	Act s 32(a), Sch 1, col 1, item 4(b), (c); s 50.	Originally cll 33(g)-(n), then by 1994 amendment, 33(c)-(i).

36	Act s 32(a), Sch 1, col 1, item 4(a), (c); s 50.	Originally cl 33(k); in 1994, a new cl 33(g) replaced it.
37	Act s 32(a), Sch 1, col 1, item 4(a); s 50.	Originally cl 33(o), then by 1994 amendment, 33(j).
38	—	33(n)
39	Act s 32(a), Sch 1, col 1, item 5(1); ss 50, 60; MR s 11.	21
40	Act s 32(a), Sch 1, col 1, items 5(2)(a), (b), (d); MR ss 12, 13(7)	22, 23
41	Act s 32(a), Sch 1, col 1, items 5(1), (2)(f).	22(a), 29(f), (g)
42	Act s 32(a), Sch 1, col 1, item 5(2)(a); MR s 13.	22(b), (f), 23(d), 24
43	Act s 32(a), Sch 1, col 1, items (9), (10); Act s 55(1); MR s 14.	—
44	Act s 32(a), Sch 1, col 1, item 5(2)(f); MR s 14(3).	—
45	Act s 32(a), Sch 1, col 1, item (10); MR s 15.	7(a), (b), (c), 8, 10(d)
46	Act s 32(a), Sch 1, col 1, item 8(2).	10(c)-(f)
47	Act s 32(a), Sch 1, col 1, item (10).	5(d)-(j)
48	Act s 32(a), Sch 1, col 1, item 5(2)(c); MR s 16.	25
49	Act s 32(a), Sch 1, col 1, item 5(2)(c); MR s 17.	26
50	Act s 32(a), Sch 1, col 1, items 5(2)(e), (f); MR s 18.	27
51	MR s 18(2), Act s 32(a); Sch 1, col 1, item 5(2)(f).	27(b), (c)
52	MR s 19.	29
53	Act s 65.	28
54	—	36

55	—	37
56	—	37(a)(ii)
57	Act s 32(a), Sch 1, col 1, items 6(a), (c); Act s 73; MR ss 22, 24(3).	11
58	Act s 32(a), Sch 1, col 1, items 6(a), (b), (c); MR s 23.	12
59	Act s 32(a), Sch 1, col 1, items 6(b), (f); MR s 24.	13
60	Act s 32(a), Sch 1, col 1, item 6(d); MR s 25.	14
61	Act s 32(a), Sch 1, col 1, item 6(c); MR s 26.	15
62	Act s 32(a), Sch 1, col 1, item 6(b); MR s 27.	16
63	Act s 32(a), Sch 1, col 1, item 6(e); MR ss 29, 30.	18
64	Act s 32(a), Sch 1, col 1, item 6(c); MR s 28.	17
65	Act s 32(a), Sch 1, col 1, item 6(c); MR s 28.	19, 20
66	Act s 32(a), Sch 1, col 1, item 6(c).	24(e)
67	Act s 74.	9
68	Act s 75.	10
69	Act s 64.	23(b)
70	Act ss 55(1), 57; Reg ss 6, 8, 9; MR s 1.	23(b), 35(b)-(c)
71	Act s 32(a), Sch 1, col 1, item (10).	7(c)
72	Act s 32(a), Sch 1, col 1, item (9); MR s 34.	35
73	—	—
74	MR s 36; Act ss 32(a), 67(2)(a), 76(6), Sch 1, col 1, item 11.	7(a)
75	—	—
76	Act s 32(a), Sch 1, col 1, item (10).	—

77	—	—
78	—	—
79	—	—
80	—	—
81	—	—
82	Act s 32(a), Sch 1, col 1, item 8(1), (2).	6(a)-(d)
83	—	2(c), 38
84	—	—
85	Act s 32(a), col 1, Sch 1, item 7.	31
86	<i>Legislation Act 2001 (ACT), Part 19.5; Service and Execution of Process Act 1992 (Cth).</i>	32
87	Act ss 30 and 33.	34(a)-(b)
88	Act ss 30(3), 33(5).	34(c)
89	Act Part 7.	39

2. Table of amendments to the Constitution

Section of Constitution 2011	Amendment	Date(s) of effect of amendment(s)
3	Amend s 3(b).	31 August 2017
4A	Insert section.	31 August 2017
5	Amend section heading and amend s 5(1) by inserting ss 5(1)(c), (d) and (e) and amend s 5(2) by inserting ss 5(2)(c) and (d).	31 August 2017
6	Amend s 6(a), replace s 6(b), insert new s6(c)(ii) and renumber former s 6(c)(ii) as s 6(c)(iii).	31 August 2017
7	Amend s 7(k).	31 August 2017
8	Amend s 8 by inserting pars (a) and (b) and adding to content of <i>Note</i> to section.	31 August 2017
9	Amend s 9.	31 August 2017
9A	Insert section.	31 August 2017
13	Amend, by deleting former s 13(1)(a), renumbering former ss 13(1)(b)-(d) as ss 13(1)(a)-(c), inserting new s 13(4) and renumbering former s 13(4) as s 13(5), and amending renumbered s 13(5).	31 August 2017
14	Amend s 14(1), insert ss 14(2) - (6). Replace former s 14 with new s 14.	6 September 2013 31 August 2017
15	Amend s 15(6) Replace former s 15 with new s 15.	6 September 2013 31 August 2017
16	Amend ss 16(1)(a), (2) and (4). Amend ss 16(1)-(3) and delete s 16(4).	6 September 2013 31 August 2017
17	Replace former s 17 with new s 17.	31 August 2017

18	Delete section.	31 August 2017
19	Delete section.	31 August 2017
20	Amend heading to section, amend s 20(1) and replace former ss 20(2)-(4) with new ss 20(2)-(8).	31 August 2017
21	Amend heading to section and amend ss 21(1)-(3).	31 August 2017
22	Amend s 22(c). Amend heading to section, replace former section with new ss 22(1)-(3)).	6 September 2013 31 August 2017
23	Amend s 23(3). Further amend s 23(3).	6 September 2013 31 August 2017
25	Amend ss 25(1)(a), (3) and (4). Amend ss 25(1), (3), (5) and former (6). Insert new ss 25(6) and (7) and renumber former s 25(6) as s 25(8).	6 September 2013 31 August 2017
26	Insert s 26(e). Amend chapeau to section, amend ss 26(c), (d) and (e); insert new s 26(d) and renumber former ss 26(c) and (d) as ss 26(e) and (f).	6 September 2013 31 August 2017
29	Insert new s 29(1)(e); renumber former s 29(1)(e) as s 29(1)(f) and amend renumbered s 29(1)(f); insert s 29(1)(g); amend ss 29(4)-(6) and insert ss 29(7)-(9).	31 August 2017
30A	Insert section.	31 August 2017
32	Amend ss 32(1(b)) and (2)(a).	31 August 2017
33	Amend s 33(1)(b).	31 August 2017
33A	Insert section.	31 August 2017
33B	Insert section.	31 August 2017
33C	Insert section.	31 August 2017

34	Amend ss 34(1) and 34(2)(d)(v), insert new s 34(4) and amend and renumber former s 34(4)-(12) as 34(5)-(13), insert s 34(5)(d) in renumbered s 34(5), amend renumbered ss 34(6)-(13).	31 August 2017
35	Amend ss 35(1) and (2).	31 August 2017
36	Amend ss 36 (1)(b) and (i) and s 36(2).	31 August 2017
37	Amend s 37.	31 August 2017
38	Amend s 38.	31 August 2017
39	Add <i>Note</i> to s 39(c).	31 August 2017
39A	Insert s 39A.	31 August 2017
40	<p>Insert s 40(4)(c), further amend s 40(4), insert new s 40(6), amend s 40(5); and renumber existing ss 40(6) - (10), consequently amending cross-references in ss 40(7) and (9).</p> <p>Amend ss 40(1) and (2), insert new s 40(3); amend and renumber former s 40(3) as s 40(6); replace former s 40(4) with s 40(7) and delete former s 40(4); insert new s 40(5); amend and renumber former ss 40(5)-(9) as ss 40(8)-(12); insert ss 40(13) and (14); amend and renumber former s 40(10) as s 40(15); amend and renumber former s 40(11) as s 40(16).</p>	<p>6 September 2013</p> <p>31 August 2017</p>
40A	Insert section.	31 August 2017
41	Insert new s 41(4) and renumber former s 41(4) as s 41(5).	31 August 2017
42	<p>Amend ss 42(1)(g) and (3)(a), delete s 42(4), renumber ss 42(5) - (19), consequently amending cross-references in ss 42(8), (12), (13) and (15).</p> <p>Amend ss 42(1)(a), (e) and (f); replace ss 42(8)-(15) with new ss 42(8)-(13); renumber former s 42(13) as s 42(14); and delete ss 42(17) and (18).</p>	<p>6 September 2013</p> <p>31 August 2017</p>
43	Amend s 43(1) and insert s 43(2)(d).	31 August 2017

44	Amend section.	31 August 2017
45	Amend section heading; amend s 45(2)(c)(ii); insert s 45(2)(i); insert new s 45(3) and amend and renumber former s 45(3) as s 45(4).	31 August 2017
46	Amend s 46(2). Insert s 46(1A) and amend ss 46(3), (4)(a) and (b).	31 August 2017 27 November 2020
47	Amend ss 47(1) and 47(2)(a); insert new ss 47(2)(b)-(d); renumber former ss 47(2)(b) and (c) as ss 47(2)(e) and (f) and consequently amend former s 47(2)(c); insert s 47(2)(g) and <i>Note</i> ; and amend s 47(3)(a)-(c); delete s 47(4) and amend s 47(5).	31 August 2017
48	Amend section heading, chapeau to section and s 48(g).	31 August 2017
49	Amend section heading; divide section into subsections and insert s 49(2).	31 August 2017
50	Amend s 50(1); insert new s 50(2); and renumber former ss 50(2)-(5) as ss 50(3)-(6) and former ss 50(8) and (9) as ss 50(7) and (8). <i>Note</i> : because of a numbering error in previous editions of the Constitution, there were no former ss 50(6) and (7).	31 August 2017
50A	Insert section.	31 August 2017
51	Amend s 51(3).	31 August 2017
52	Amend heading to section and insert s 52(10).	31 August 2017
53	Insert s 53(4) and <i>Examples</i> .	31 August 2017
54	Insert new ss 54(3) and (4); amend former ss 54(3)-(7) and renumber them as ss 54(5)-(9).	31 August 2017
55	Insert new s 55(2) and amend and renumber former ss 55(2)-(6) as ss 55(3)-(7).	31 August 2017
56	Amend ss 56(1) and (3) and former ss 55(4) and (5); insert new s 56(4) and renumber former	

	ss 56(4) and (5) as ss 56(5) and (6).	31 August 2017
57	Insert ss 57(1A) and (1B).	31 August 2017
58	Insert ss 58(1A) and (1B); insert new ss 58(2)(b) and (c) and renumber former ss 58(2)(b) and (c) as ss 58(2)(d) and (e); amend ss 58(3)-(7) and insert s 58(8).	31 August 2017
60	Amend section heading and ss 60(2), (3) and (5).	31 August 2017
63	Amend ss 63(6) and (7)(a), delete s 63(8), renumber ss 63(9) - (13), consequently amending cross-reference in s 63(12). Amend ss 63(1)-(3).	6 September 2013 31 August 2017
64	Amend s 64(1).	31 August 2017
65	Amend s 65(1).	31 August 2017
66	Amend s 66(1).	31 August 2017
67	Amend ss 67(4) and (5).	31 August 2017
70	Amend s 70(2).	31 August 2017
71	Amend s 71(2)(a); insert new s 71(2)(b) and renumber former s 71(2)(b) as s 71(2)(c).	31 August 2017
74	Amend section heading and amend ss 71(1), (2), (4) and (6).	31 August 2017
75	Amend s 75(2)(c).	31 August 2017
75A	Insert s 75A.	31 August 2017
77	Amend s 77.	31 August 2017
78	Amend ss 78(1) and (2).	31 August 2017
Part 3.7	Amend heading to Part 3.7.	31 August 2017
78A	Insert section.	31 August 2017
79	Amend section heading and s 79(1), insert	

	s 79(1)(f) and amend s 79(2)(a), delete s 79(2)(b) and amend and renumber former s 79(2)(c) as s 79(2)(b).	31 August 2017
80	Amend section heading; amend former chapeau and amend former s 80(a) – renumber former chapeau and amended s 80(a) as s 80(1)(a); insert new ss 80(1)(b) and (c); and renumber former ss 80(c)-(e) as ss 80(1)(d)-(f); and insert s 80(2).	31 August 2017
81	Amend ss 81(a) and (b); insert new s 81(c) and renumber former s 81(c) as s 81(d).	31 August 2017
82	Amend s 82(1)(a). Amend s 82(1)(e).	6 September 2013 31 August 2017
84	Amend ss 84(1)(d) and (e), amend chapeau to s 84(4), insert new s 84(4)(c), renumber former s 84(4)(c) as s 84(4)(d) and amend chapeau to s 84(5) and s 85(5)(b).	31 August 2017
88	Delete section (<i>cf</i> s 4A).	31 August 2017
Constitution Dictionary	Insert definitions of ‘applicant’, ‘applicant for membership’, ‘consultation period’, ‘familial candidate’, ‘Immediate Past President’, ‘interested person’, ‘personal records’, ‘relevant member’, ‘reviewing meeting’ and ‘visitor’. Delete definitions of ‘nominating member’ and ‘personal account records’. Amend definitions of ‘financial member’, ‘member’, ‘natural justice’ and ‘personal information’	31 August 2017