

(This is the annexure of seven (7) pages marked A referred to in Form 5 signed by me and dated 14 November 2009)

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## **CONSTITUTION of THE KUNUNURRA DRAGON BOAT CLUB (Inc.)**

### **1.0 NAME**

The name of this body shall be the Kununurra Dragon Boat Club (Inc.) and it shall hereafter be referred to as the “Club”.

### **2.0 OBJECTIVES**

- 2 (a) To promote interest in the sport and cultural activities associated with Dragon Boat Racing;
- 2 (b) To promote good fellowship among those interested in Dragon Boat Racing;
- 2 (c) To educate, train, coach and encourage members to the Club, and
- 2 (d) Assist in the activity and development of the representative peak body for dragon boat racing in the Northern Territory and/or Western Australia.

### **3.0 REGISTER OF MEMBERS OF THE CLUB**

- 3 (a) The Secretary shall on behalf of the Club keep and maintain the register of members and that register shall be kept and maintained at his or her place of residence.
- 3 (b) The Secretary shall cause the name of a person who dies or who ceases to be a member under rule 5 (c), or (e) to be deleted from the register of members referred to in rule 3 (a).

### **4.0 AFFILIATIONS**

The club may foster affiliation with:

- (i) The Dragon Boat Northern Territory (Inc.) and /or
- (ii) The Western Australian Dragon Boat Association (Inc.) and

- (iii) Any other organizations of benefit to the Club.

## **5.0 MEMBERSHIP**

- 5 (a) Any person who is interested in Dragon Boat Racing shall be eligible for membership.
- 5 (b) The Annual Membership Fee for all classes of membership shall be determined at the Annual General Meeting.
- 5 (c) Resignations from the Club must be forwarded to the Secretary of the Club.
- 5 (d) Upon any person ceasing to be a member of the Club for any reason whatsoever he/she shall not be entitled to the return of any portion of his/her membership fee.
- 5 (e) The Board of Management (as described in rule 8) may expel from the Club or otherwise penalise any member whose conduct, in the opinion of the Board of Management, is discreditable or injurious to the interests of the Club:
  - (i) Before any member is expelled or otherwise punished or penalised, he/she shall be given the opportunity to justify or explain his/her conduct to the Board of Management.
  - (ii) Should any member fail to appear at any inquiry conducted under rule 5e(i), the Board of Management may proceed in that member's absence to conduct the inquiry and its findings will be binding.

## **6.0 ANNUAL AND SPECIAL GENERAL MEETINGS**

- 6 (a) The Annual General Meeting of the members shall be held within four months after the end of the Club's financial year (which ends 30 June) and members shall be given notice at least fourteen (14) days prior to the meeting.
- 6 (b) The Annual Report and Balance Sheet of Financial Statement shall be submitted to members at the Annual General Meeting.
- 6 (c) The Annual General Meeting may make by-laws necessary for proper administration of the Club. Any by-law so made shall not be replaced, added to or amended unless and until:
  - (i) Notice of intention to propose such repeal, addition or amendment is first given in writing by a member of the Club not less than fourteen (14) days prior to the date of the Annual or Special General Meeting and is included in the

#### Agenda for the meeting and

- (ii) The repeal or addition is approved by not less than 75% of the members of the Club present at the meeting.
- 6 (d) Except as otherwise permitted in this constitution, Officers Bearers for the ensuing twelve (12) months shall be elected at the Annual General Meeting.
- 6 (e) Only members present shall be entitled to vote at all meetings.
- 6 (f) The quorum for an Annual and Special General Meeting shall be fifty (50) percent plus one (1) of the current registered members present at the meeting.
- 6 (g) The President of the Club shall be the Chairperson at the Annual General Meetings and all other meetings. Should he/she not be present, then the Vice President shall chair the meeting. Should the Vice President also not be present then the members present at the meeting shall elect a member to take the Chair.
- 6 (h) The Chairperson shall have a casting vote in addition to his/her deliberate vote at the Annual General Meeting and all other meetings.
- 6 (i) The Chairperson's decision on points of order shall be final at the Annual General Meeting and all other meetings.
- 6 (j) If there is no quorum at the Annual or Special General Meeting within thirty (30) minutes after the time appointed for the meeting, then the meeting shall be adjourned for a period not exceeding fourteen (14) days. If there is no quorum within thirty (30) minutes after the time appointed for the adjourned meeting, then the meeting shall proceed with those that are present.

## **7.0 GENERAL MEETINGS**

- 7 (a) A General Meeting of members shall be called at the request of the President or the Secretary or any three (3) members of the Board of Management or at the written request of two thirds of financial members of the Club. Such a meeting is to be held within thirty (30) days of such request and all members shall be notified not less than fourteen (14) days before the meeting.
- 7 (b) The quorum for a General Meeting shall be twenty five (25) percent of the current registered members present at the meeting.
- 7 (c) If at any General Meeting there is no quorum within thirty (30) minutes after the time appointed for the meeting, then the meeting shall be adjourned for a period not exceeding fourteen (14) days. If there be no quorum within thirty (30) minutes

after the time appointed for the adjourned meeting, then the meeting shall proceed with those that are present.

## **8.0 BOARD OF MANAGEMENT**

- 8 (a) The business and affairs of the club shall be under the management and control of a Board of Management. The Board of Management shall not take any action contrary to decisions made at a General Meeting.
- 8 (b) The Board of Management of the Club shall comprise the following Office Bearers:
- (i) President
  - (ii) Vice President
  - (iii) Secretary
  - (iv) Treasurer
  - (v) Team Manager / Coach
- 8 (c) The Executive Office Bearers of the club shall be:
- (i) President
  - (ii) Vice President
  - (iii) Secretary
  - (iv) Treasurer
- 8 (d) All Office Bearers must be financial members of the Club at the time of election/appointment.
- 8 (e) Office bearers are to be elected at the Annual General Meeting of the members, nomination for each candidate for office shall be proposed and seconded respectively by two (2) financial members present at the meeting. Contested positions shall be subject to ballot by the members present.
- 8 (f) Should any vacancy occur in the Board Of Management of the Club other than in the normal course of elections, the Board of Management shall fill such vacancy from the financial members of the Club and such members duly elected by the Board of Management shall hold office for the unexpired portion of his/her predecessor's term.
- 8 (g) The Board of Management shall meet as often as may be required to conduct the business of the Club.
- 8 (h) The Board of Management shall have the power to delegate any of its power or responsibilities to a club member or sub-committee.

## **9.0 DUTIES**

### **9 (a) President**

It shall be the duty of the President to exercise a general supervision of all affairs of the Club, the enforcement of all Rules and Regulations and to preside at all meetings of the Club members and Board of Management.

### **9 (b) Vice President**

It shall be the duty of the Vice President to assist the President and officiate in the President's absence.

### **9 (c) Secretary**

The Secretary shall carry out his/her duties under the direction of the Board of Management and keep a true record of all meetings, attend to correspondence, issue notices for meetings, keep registration records and carry out such duties as the Board of Management may from time to time direct.

### **9 (d) Treasurer**

It shall be the duty of the Treasurer to:

- (i) Administer the Club's finance in accordance with accepted accounting practices.
- (ii) Receive and issue receipts for all moneys payable to the Club. All moneys received shall be paid into the Banking Account of the Club.

### **9 (e) Team Manager / Coach**

It shall be the duty of the Team Manager to:

- (i) Co-ordinate training schedules.
- (ii) Ensure that Club boats and equipment are safely stored and adequately maintained.

## **10.0 FINANCE**

- 10 (a) All monies shall be paid into the account of the Club.
- 10 (b) No monies shall be drawn from the Club's account save by cheque signed by a minimum of two (2) of the Bank Signatories authorised by the Board of Management.

## **11.0 MEMBERS LIABILITY**

The liability of a member to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the dissolution of the Club is limited to the amount, if any, unpaid by the member in respect of membership to the Club as required by rule 5.0(b) of this Constitution.

## **12.0 COMMON SEAL OF INCORPORATED CLUB**

- 12 (a) The Club shall have a common seal on which its corporate name shall appear in legible characters.
- 12 (b) The common seal of the Club shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book.
- 12 (c) The affixing of the common seal of the Club shall be witnessed by any two of the Board of Management of the Club.
- 12 (d) The common seal of the Club shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

## **13.0 INSPECTION OF RECORDS OF THE CLUB**

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Club.

## **14.0 TRUSTEES**

- 14 (a) Unless otherwise determined, the members of the Board of Management of the Club for the time being shall be deemed to be Trustees of the Club, to hold any property belonging to the Club.

- 14 (b) The Property assets and income of the Club, wherever derived, shall be applied towards the Promotion of the objects of the Club, and no portion thereof shall be paid or transferred either directly or indirectly by way of dividend, bonus or otherwise by way of profit to members generally of the Club.

## **15.0 DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF THE CLUB**

- 15 (a) If upon the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members but shall be given or transferred –

(i) to another Club incorporated under the Act which has similar objectives; or

(ii) for charitable purposes

which association or purposes, as the case requires, shall be determined by resolution of the members.