

Associations Incorporation Act. 1987. Western Australia

Construction
Of
Bayswater Paddlesports Club Inc.
Formally Sorrento Kayak Club (Founded 12th October 1995)

Effective from date of incorporation being 17th day of December 2009.

1. NAME

The name of this body is the Bayswater Paddlesports Club Inc.

2. OBJECT

The objects of the Club are:

- (a) To encourage and facilitate competitive and recreational canoeing.
- (b) To recruit new members;
- (c) To protect and represent the interests of its members generally and in interaction with other organisations
- (d) To promote safe paddling practices
- (e) To promote high standards of paddling and equipment
- (f) To provide coaching and instruction to its members
- (g) To promote conservation of the environment
- (h) To do all things for the furtherance of these objects;
- (i) The property and income of the club shall be applied solely towards the promotion of the objects or purpose of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Club, except in good faith in the promotion of those objects or purposes.

3. MEMBERSHIP

Any person who is interested in canoeing is eligible for membership of the Club in one of the following classes:

General classes of membership

- (a) adult membership
- (b) over 55 membership for any person over 55 from the start of the season
- (c) over 70 membership for any person over 70 from the start of the season
- (d) junior membership for any person under 18 years for the whole

Special classes of membership – subject to approval by the committee

- (e) volunteer membership
- (f) one day “race” or “come and try” membership
- (g) family membership for parents with their children under 18 years;
(for the purpose of interpretation (of the constitution), family members shall be deemed to fall in the general class of members according to their age.)

The Membership Officer shall keep a register of members which shall be available for inspection (within a reasonable time) by any members upon request.

4. FEES

Annual membership fees (‘fees’) are payable to the club on the following basis;

- (a) the amount of fees for a year for each class of membership shall be determined by the committee prior to the start of the season;
- (b) fees for junior membership shall always be less than for senior membership;
- (c) fees are payable yearly from the start of the season;
- (d) the season is in line with that set by Canoeing Western Australia
- (e) if a member has not paid his or her fees within a period of two months after they become payable, he or she will cease to be a member.

5. CONDUCT

All members are subject to the following rules concerning conduct:

- (a) all members shall abide by this constitution
- (b) all members shall conduct themselves in a manner which doesn’t not discredit or injure the reputation or interests of the Club or canoeing.
- (c) If a members conduct is determined by the Committee to be contrary to (b) above then they maybe expel the member or suspend his or her membership or, alternatively, may impose such other penalty as the member agrees to suffer;
- (d) No expulsion, suspension or penalty shall be imposed by the Committee unless the member has been given an opportunity to present a defense or explanation of his or her conduct;
- (e) A member may appeal any expulsion or suspension on motion to the members of the Club in Annual General Meeting or Special General Meeting.

6. RESIGNATION

A member may resign from the Club, but:

- (a) that resignation must be in writing and sent to the Secretary;
- (b) that resignation does not entitle a member to a refund of all or parts of his or her fees for the year in which he or she resigns.

7. HONORARY LIFE MEMBERSHIP

A member may be appointed as an Honorary Life Member by resolution of the club at an Annual General Meeting in recognition of outstanding services to the club.

8. ANNUAL GENERAL MEETING

The Annual General Meeting of the Club ('AGM') shall be held between 1 July and 31 October each year subject to the following rules:

- (a) notice in writing of the AGM, shall be given to the members not less than twenty-eight clear days prior to the AGM, and shall include the name and current address of the Secretary;
- (b) a quorum for the AGM is seven financial members and in the absence of a quorum the AGM shall be adjourned for not more than fourteen days;
- (c) the President and Treasurer shall table reports to the AGM accompanied by or including an audited income and expenditure statement for the past financial year;
- (d) elections shall be held for the office of President, Secretary, Treasurer and four Committee members for a 2 year period.
- (e) When there is more than one candidate for the office of President, Secretary or Treasurer there shall be a secret ballot of the members present and the candidate who polls most votes is elected;
- (f) All senior members who are present and financial are eligible to vote at an AGM;
- (g) All senior member who are present and financial are eligible to be a candidate for office
- (h) The AGM shall consider and vote on all motions properly notified to the Secretary and to the members;
- (i) A motion at an AGM requires an affirmative majority of two thirds of the members present to be passed;
- (j) Any senior member wishing to propose a motion to the AGM shall deliver a written copy of the motion to the Secretary at least twenty-one clear days prior to the date of the AGM and the Secretary shall then give written notice of the motion to the members not less than fourteen clear days prior to the AGM

9. SPECIAL GENERAL MEETINGS

A special General Meeting of the Club ('Special Meeting') may be held at any time during the year subject to the following rules:

- (a) any senior member wishing to call a Special Meeting shall deliver a written notice to the Secretary requesting a Special Meeting signed by seven senior members and including at least one substantive motion to be put to the Special Meeting;
- (b) the Secretary shall set a date for the Special Meeting not less than 28 clear days after receiving the notice requesting the special meeting and shall give written notice of the special meeting to the members not less than 21 clear days prior to the Special Meeting, and such notice shall include the name and current postal address of the Secretary;
- (c) any senior member wishing to propose any additional motions at the Special Meeting shall deliver a written copy of the motion to the Secretary at least 14 clear days prior to the special meeting and the Secretary shall then give written notice of the members no less than 7 clear days prior to the Special Meeting.
- (d) A quorum for a special meeting is seven members and in the absence of a quorum all motions of which proper notice has been given shall be referred to the next Committee Meeting for resolution.
- (e) Sub-clause (g), (i) and (j) of Clause 8 above apply to special meetings as they apply to the AGM.

10. COMMITTEE

The Committee of the Club shall consist of the President, the Secretary, the Treasurer and 4 Committee members elected at the AGM and it shall have the following powers and duties;

- (a) to administer the general business of the Club subject to this constitution and to the resolutions of the members on motion in AGM and special Meetings;
- (b) to do all things reasonable necessary to pursue the objects of the Club;
- (c) to buy and sell personal property of a value less than \$10,000.00 in anyone year;
- (d) to buy and sell property both real and personal as directed by the resolutions of the members on motion in AGM or special meetings;
- (e) to enter into sponsorship agreements on behalf of the Club, but no such agreement may be made with a manufacturer of tobacco or alcohol products;
- (f) to pay such expenses as are reasonably required for the proper administration of the Club
- (g) to collect all fees and other debts owing to the club;

- (h) to elect a replacement President, Secretary, Treasurer or Committee member in the event that any of these officers resigns their office during the current year;
- (i) to appoint sub-committees of members for specific purposes;
- (j) to maintain banking accounts (excluding building/credit societies) for the proper administration of the financial affairs of the Club;
- (k) the President shall preside over the AGM, Special Meetings and Committee Meetings, shall be a member ex-officer of – and may preside over, - any sub-committee, in the event of any tied votes shall have a casting vote, and shall be authorized co-sign cheques on the banking accounts for the time of the club;
- (l) the secretary shall keep an accurate record of all proceedings of the Club, shall be authorized to co-sign cheques on the banking accounts for the time being of the Club, and shall have custody of all records, books and documents of the club, which shall be any member upon request.
- (m) the treasurer shall keep accurate books of accounts of the financial dealings of the club, which shall prepare annual income and expenditure statements, shall have those statements audited, shall be a member ex-officer of any sub-committee having authority to expend or receive money, and shall be authorized to co-sign cheques on the banking accounts for the time being of the Club.
- (n) each season, one other committee member, on election by the committee, shall be authorized to co-sign cheques on the banking accounts for the time being of the club.

11. PROCEEDINGS OF COMMITTEE

- (a) The committee must meet together for dispatch of business not less than 4 times in each income year;
- (b) The President or any 2 committee members may at any time convene a meeting of the committee;
- (c) Each committee member has a deliberate vote;
- (d) A question arising at a committee meeting must be decided by a majority vote. If there is no majority, the person chairing the meeting will have a casting vote in addition to his or her deliberate vote;
- (e) At a committee meeting, 3 committee members constitute a quorum;
- (f) A committee member having any direct or indirect interest in an issue or proposed issue of the club must:
 - i. as soon as he or she becomes aware of that interest, disclose the nature and extent of the interest to the committee; and
 - ii. not take part in any deliberations or decisions of the committee in respect of that issue.
- (g) The secretary or nominated person must ensure every disclosure made under 11(f) above is included in the minutes of the meeting.

12. CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member:

- (h) dies;
- (i) resigns by notice in writing delivered to the President, Treasurer or Secretary, and the resignation is accepted by resolution of the Committee;
- (j) is convicted of an offence under the ACT;
- (k) is permanently incapacitated by mental or physical ill-health;
- (l) is absent from more than:
 - i. 3 consecutive committee meetings;
 - ii. 3 committee meetings in the same financial year without tendering an apology;
- (m) ceases to be a member of the association; or
- (n) is subject to a resolution passed by a general meeting of members terminating his or her appointment as a committee member.

13. FINANCE

The financial affairs of the Club shall be conducted on the following basis:

- (a) the financial year shall be from 1st July in one year to the 30th June in the succeeding year;
- (b) all moneys of the Club shall be paid into the accounts of the Club at such bank as the Committee may from time to time direct;
- (c) no money shall be drawn from the accounts of the club save by cheque co-signed by two of the President, the Secretary or the Treasurer;
- (d) if deemed necessary by the committee, the books and accounts of the club shall be audited prior to the presentation of the income and expenditure statement at the AGM.

14. TRUSTEE

Unless otherwise determined in AGM or Special General Meeting, the members of the Committee for the time being shall be trustees of the Club to hold any property real or personal belonging to the club.

15. ALTERING THE RULES

This shall be the only constitution of the Club and shall come into force when adopted by the members of the Club AGM or special meeting and shall not be altered, varied, added to or repealed unless 75% of members present at an AGM or at a special Meeting are in favour of a motion proposing such alternation, addition or repeal.

16. DISBANDMENT

In the event of the Club disbanding, becoming defunct or remaining inoperative for a period in excess of 12 calendar months:

- (a) the treasurer for the time being of the Amateur Canoe Association of Western Australia (or its succeeding body) shall act as receiver for the club (“The Receiver”)
- (b) the receiver shall take possession of such real and personal property of the Club as is recoverable;
- (c) the Receiver shall take possession of such real and personal property of the Club as is recoverable;
- (d) the Receiver shall pay all the debts and satisfy all liabilities of the Club, whereupon such surplus assets as may remain shall, upon discretion of the Receiver, be donated to another similar association incorporated under the ACT which is not carried out for the purposes or profit or gain to its individual members;
- (e) in the even that the debts and liabilities exceed the available assets then the Receiver shall pay or satisfy those debts or liabilities on a pro rata basis.

17. COMMON SEAL

The Club shall have a Common Seal inscribed with the name of the Club which shall be held in the custody of the Secretary and it shall be affixed to any document intending to bind the Club after authority has been given by the Committee, such affixation to be witnessed by the President and either of the Secretary or Treasurer.

18. INSPECTION OF RECORDS

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

19. By-Laws

The Management Committee shall have the power to make, alter and rescind any by-laws that it considers necessary for the effective administration of the association, provided that no by-law may be inconsistent with the rules of the association.