

CALISTHENICS  
ACT



## CONSTITUTION



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### Version Control

Date	Version	Description
30/03/2015	1.0	Approved Version - Updated constitution to incorporate updated Model Rules.
31/10/2016	1.1	Initial Draft Version – Incorporating references to Protocols Documents, Updated for consistent document format, Clarification on Voting Procedure,
01/11/2016	1.2	Version addressing initial comments.
27/01/2017	2.0	Version approved by Special General Meeting
02/06/2019	2.1	Draft Version – Update to Reporting Year and changes to board positions. Remove Academy from logo page and updated to include new Cali ACT Logo. Life Membership updates.
14/08/2019	2.2	Update to section 32 regarding Skills.
14/10/2019	3.0	Final version for approval.

### Protocol Documents

- Board Protocols
- Coaches Protocols
- Competition Protocols
- Representative Team Protocols

## PART I – PRELIMINARY

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### 1. Formal Title

The name of the Association shall be Calisthenics ACT Incorporated.

### 2. Definitions

In these rules unless the contrary intention appears:

**“Abstain”** means to formally decline to vote either for or against a proposal or motion.

**“Annual General Meeting”** means the Annual Meeting of the Association, as required by Rule 32, which members of Registered Clubs may attend but voting is limited to delegates of the Registered Clubs.

**“Association”** means the body of calisthenic clubs who are members of Calisthenics ACT Incorporated.

**“ACF”** means the Australian Calisthenics Federation

**“Board”** means the Office Bearers, Directors and Convenors of sub-committees of the Association as described in Rule 18.

**“Club”** means a calisthenic club whose objects and activities entitle it to apply for membership with the Association.

**“Club Member”** means a financial member of a Registered Club.

**“Coach”** means a person accredited with the Australian Coaching Council to coach calisthenics and is registered as a calisthenics coach with the Association.

**“Cadet”** means a person enrolled into the cadet program with the ACF Coaching Committee and is registered with the Association.

**“Council”** means those persons described in Rule 18.

**“Delegate”** means the representative of a Registered Club as described in Rule 18.

**“General Meeting”** means a meeting which club members of Registered Clubs may attend and be heard, but at which voting is limited to delegates of Registered Clubs.

**“Life Member”** means persons who have given outstanding service to calisthenics shall become eligible for consideration for appointment as life members.

**“Office Bearers”** those who hold an office of the Association in accordance with Rule 18 and are collectively referred to as the Board.

**“Ordinary Council Meeting”** means a meeting of the Council of the Association as described in Rule 27.

**“Registered Club”** means a club qualified, and accepted for membership of the Association in accordance with Rules 6 and 7.

**“Representative Team”** means a team or teams chosen from registered participants of Registered Clubs from time to time to represent the Association.

**“the Act”** means the Associations Incorporation ACT 1991 or subsequent legislation.

**“the Regulation”** means the Associations Incorporation Regulation 1991.

### **3. Objects**

The objects and purposes of the Association shall be,

- a. to promote, develop, administer and co-ordinate calisthenics activity in the Australian Capital Territory in accordance with, and having regard to, this Constitution and associated rules and protocols and to the Constitution, Rules and Regulations of the ACF;
- b. to provide support for the formation, development, and preservation of Registered Clubs and the uniting of such Clubs for the protection and development of their separate and collective interests;
- c. to provide support and administration for the education and accreditation of calisthenics coaches within the Australian Capital Territory

### **4. Powers of the Association**

The Association shall have the following powers to pursue the objects and purposes of Calisthenics ACT Incorporated:

- a. To do all things necessary and lawful for the attainment of the objects of the Association and the management of its affairs;
- b. To borrow and raise money in such a manner and on such terms as may be approved by resolution passed at a Council meeting;
- c. Operate bank accounts and to invest all or any funds of the Association on any security for the time being authorised by law for the investment of trust funds and from time to time to vary such investments;
- d. To enter into such agreements, which may include but shall not be limited to contracts and leases, which are necessary for the operation of the Association.

### **5. Affiliation**

The Association may affiliate with the Australian Calisthenic Federation Incorporated and such other bodies whose activities are consistent with, and/or will assist the attainment of the Association's objects and purposes as outlined in Rules 3 and 4.

## PART II – MEMBERSHIP

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### **6. Membership Qualifications**

- a. Membership of the Association shall be open to calisthenic clubs with objectives similar to and compatible with, those of the Association;
- b. A club is qualified to be a Registered Club if the club:
  - i. has applied for membership in accordance with Rule 7; and
  - ii. has been approved for membership of the Association by the Council.

### **7. Application for Membership**

- a. An application by a club for membership of the Association:
  - i. must be made by the club in writing in the form set out in Appendix 1 to these rules; and
  - ii. must be lodged with the Secretary of the Association.
- b. As soon as practicable after receiving an application for membership, the Secretary must refer the application to the Council which shall determine, within a period of three months, whether to approve or reject the application.
- c. Where the Council determines to approve an application for membership, the Secretary shall as soon as practicable after the determination:
  - i. notify the applicant club of that approval;
  - ii. request the applicant club to pay, within 28 days after receipt of the notification, the determined registration fee; and
  - iii. on payment by the applicant club of the amount referred to in (ii) above, enter the applicant club's name in the register of Registered Clubs.
- d. Where the provisions in this Rule have been met and upon the name being entered in the register of Registered Clubs, the applicant club shall become a member of the Association.
- e. There shall be no entrance fee, other than the registration fee, payable by clubs making application to join the Association.

### **8. Membership Entitlements not Transferable**

A right, privilege or obligation that a club has by reason of being a Registered Club of the Association:

- a. is not capable of being transferred or transmitted to another club; and
- b. terminates upon cessation of the club's membership.

### **9. Registration Fee**

- a. The registration fee of the Association shall be the amount as determined from time to time by resolution of the Council;
- b. The annual membership fee is payable before 31 March in each calendar year.



## **10. Registered Clubs' Liabilities**

The liability of a Registered Club to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the Registered Club in respect of membership of the Association as required by Rule 9.

## **11. Cessation of Membership**

A club ceases to be a Registered Club of the Association if the club:

- a. is wound up, or otherwise ceases to provide instruction in calisthenics for a period exceeding six months;
- b. resigns from membership of the Association;
- c. is expelled from the Association; or
- d. fails to renew membership of the Association by payment of the registration fee within a period of three months.

## **12. Resignation of Registered Club**

- a. A club is not entitled to resign from membership of the Association except in accordance with this rule;
- b. A Registered Club which has paid all amounts payable to the Association may resign from membership of the Association by first giving notice (being not less than one month or, if the Council has determined a shorter period, that shorter period) in writing to the Secretary of the intention to resign and upon the expiration of the period of notice, the Club ceases to be registered;
- c. Where a club ceases to be registered, the Secretary shall make an appropriate entry in the register of Registered Clubs recording the date on which the club ceased to be registered.

## **13. Disciplining of Registered Clubs**

- a. If the Council is of the opinion that a Registered club
  - i. has persistently refused or neglected to comply with a provision of these rules; or
  - ii. has persistently and wilfully acted in a manner prejudicial to the interests of the association; or
  - iii. has brought disrepute to the Association; or
  - iv. the Registered Club is not financial and has made no attempt to pay the registration fee by the due date or requested and been approved an extension prior to the due date; or
  - v. the Registered Club has not provided delegates to the Council and Association sub-committee meetings as required, or has not been represented by delegates, without the consent of the Council, from three consecutive meetings.

the Council may, by resolution

- vi. expel the Club from the association; or
- vii. suspend the member from the rights and privileges of membership of the association that the Council may decide for a specified period.

- b. A resolution of the Council under subsection 13(a) is of no effect unless the Council, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection 13(c), confirms the resolution in accordance with this section.
- c. If the Council passes a resolution under subsection 13(a), the secretary must, as soon as practicable, serve a written notice on the Registered Club
  - i. setting out the resolution of the Council and the grounds on which it is based; and
  - ii. stating that the Registered Club may address the Council at a meeting to be held no earlier than 14 days and not later than 28 days after service of the notice; and
  - iii. stating the date, place and time of that meeting; and
  - iv. informing that the member may do either or both of the following:
    - 1) attend and speak at that meeting;
    - 2) submit to the Council at or before the date of that meeting written representations relating to the resolution.
- d. Subject to the Act, section 50, at a meeting of the Council mentioned in subsection 13(b), the Council must
  - i. give to the Registered Club mentioned in subsection 13(a) an opportunity to make oral representations; and
  - ii. give due consideration to any written representations submitted to the Council, by that Registered Club at or before the meeting; and
  - iii. by resolution decide whether to confirm or to revoke the resolution of the Council under subsection 13(a).
- e. If the Council confirms a resolution under subsection 13(d), the secretary must, within 7 days after that confirmation, by written notice inform the Registered Club of that confirmation and of the Registered Club's right of appeal under section 14.
- f. A resolution confirmed by the Council under subsection 13(d) does not take effect
  - i. until the end of the period within which the Registered Club is entitled to appeal against the resolution if the Registered Club does not exercise the right of appeal within that period; or
  - ii. if within that period the Registered Club exercises the right of appeal – unless and until the Association confirms the resolution in accordance with section 14(d).

#### **14. Right of Appeal of Disciplined Registered Club**

- a. A Registered Club may appeal to the Association in general meeting against a resolution of the Council that is confirmed under section 13(d) within 7 days after notice of the resolution is served on the Registered Club, by lodging with the secretary a notice to that effect.
- b. On receipt of a notice under subsection 14(a), the secretary must notify the Council which must call a general meeting of the Association to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.
- c. Subject to the Act, section 50, at a general meeting of the Association called under subsection 14(b)

- i. no business other than the question of the appeal may be transacted; and
  - ii. the Council and Registered Club must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - iii. the Registered Clubs present must vote by secret ballot on the question of whether the resolution made under section 13(d) should be confirmed or revoked.
- d. If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 13(d), that resolution is confirmed.

## **15. Life Members**

Persons who have given outstanding service to calisthenics shall become eligible for consideration for appointment as life members. Life members:

- a. may be nominated by an existing Life Member, Board member, or by a Registered Club (Nomination does not need to be seconded);
- b. nominations will be called in July each year. A template will be provided which includes the criteria;
- c. shall be distributed to Council delegates to advise their vote via e-mail. Successful nominations MUST receive a majority vote of the Council members eligible to vote as per section 30(b) of these rules;
- d. Successful Life Members will be presented at the Cali ACT Championship competitions in the most relevant session;
- e. may be permitted to contribute to discussions and express opinions at any meeting, but shall not have any voting rights unless they are a member of the Council; and
- f. shall not pay any fees but shall have free admission to any functions organised by the Association.

## PART III – THE COUNCIL

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### **16. Powers of the Council**

The Council, subject to the Act, the Regulations, these rules and to any resolution passed by the Association in a Council Meeting:

- a. control the affairs and strategic planning of the Association;
- b. may exercise all such functions as may be required by these rules to be exercised other than those functions that are required by these rules to be exercised by the Association in general meeting; and
- c. has power to perform all such acts and do all such things as appear to the Council to be necessary or desirable for the proper management of the affairs of the Association.

### **17. Constitution and Membership of the Council**

- a. The Council shall consist of:
  - i. the Board;
  - ii. the President of each Registered Club, or their appointed delegate; and
  - iii. a second delegate from each Registered Club elected or appointed by the Registered Club.
- b. The Board Membership comprises:
  - i. President;
  - ii. Treasurer;
  - iii. Secretary;
  - iv. Director of Coaching;
  - v. Director of Competitions;
  - vi. State Team Manager;
  - vii. Up to 3 general members. The Cali ACT Board will identify specific skill sets they require to meet their strategic initiatives for the preceding year. Each year nominations will be called for and detailing the needs being (Such as Potential successor for Board position, person to run a strategic program – marketing, policy review and update etc). The term of the position is for one year.

### **18. Appointment of Substitute Club Delegate**

- a. Each Registered Club shall be entitled to appoint a substitute delegate by notice given to the Secretary no later than the commencement of the meeting in respect of which the substitute delegate is appointed;
- b. The notice appointing the substitute delegate shall be in the form set out in Appendix 2 to these rules.

## **19. Election of Board Members**

- a. Board members will be elected by the Council members eligible to vote as per section 33 of these rules, except for the Director of Coaching, who will be elected by the Coaches' Sub-Committee.
- b. Nominations of candidates for election as Board members of the Association
  - i. Must be made in writing, bearing the signature of the nominator Registered club delegate and seconder Registered Club delegate, and signed and dated by the candidate as having accepted the nomination;
  - ii. Must be given to the Secretary of the Association from 28 days prior to the Annual General Meeting; and
  - iii. If no nominations are received for a role prior to the AGM then Council can decide if they will accept nominations from the floor during the AGM;
- c. Each Board member of the Association shall (Excluding General Members), subject to these rules, hold office until the conclusion of the second annual general meeting following the date of their election, but is eligible for re-election for a further two 2-year terms.
- d. A Board member may be re-appointed for a fourth and final 2 year term in the same office at the second annual general meeting following the date of their last appointment provided the following are satisfied:
  - a. there have been no other nominations for the position at the Annual General Meeting; and
  - b. a majority of Council members present who are eligible to vote as per section 30(b) of these rules consent to the appointment.
- e. For each 2-year interval, 3 Board Members shall be elected in odd years (President, Director of Coaches and State Team Manager), and 3 board members will be elected in even years (Treasurer, Secretary and Director of Competitions).
- f. In the event of a vacancy the Council may appoint a person to fill the vacancy and the person so appointed shall hold office, subject to these rules, until election of new Board Members at the next annual General Meeting.
- g. Each General member of the Association shall, subject to these rules, hold office until the conclusion of the next annual general meeting following the date of their election, but is eligible for re-election for a further one term.
- h. A person is not eligible to simultaneously hold more than 1 position on the Board.
- i. A Board member should not also hold a position as a club delegate

## **20. Powers of the Board**

The powers of the Board are to direct and manage the business and affairs of the Association, as set by the Council, subject to the rules contained herein

## **21. The Secretary**

- a. The Secretary of the Association shall, as soon as practicable after being appointed as Secretary, notify the Association of his or her contact details.
- b. The Secretary must keep minutes of:

- i. all elections and appointments of Board and Council members;
  - ii. the names of members of the Board present at Board meetings and Board and Council members present at a Council meeting or a general meeting, and
  - iii. all proceedings at Board, Council and general meetings.
- c. Minutes of proceedings at a meeting shall be distributed to Board and Council members within 14 days of the meeting, and shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding Council meeting.

## **22. The Treasurer**

The Treasurer of the Association shall:

- a. collect and receive all moneys due to the Association and make all payments authorised by the Association; and
- b. keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

## **23. Public Officer**

- a. The Council shall, in accordance with s.57 of the Act, appoint a member who is a resident of the ACT and at least eighteen years of age, to be the public officer;
- b. the Public Officer shall, subject to the residential and age requirements in (a. above, be the person for the time being discharging the duties of the Secretary;
- c. The duties and obligations of the Public Officer shall be as set out in the Act;
- d. The office of the Public Officer shall become vacant at the Annual General Meeting or as prescribed in s.64 of the Act.

## **24. Vacancies**

For the purposes of these rules, a vacancy in the office of a member of the Board occurs if the member:

- a. dies; or
- b. resigns from the Board; or
- c. is removed from office pursuant to Rule 26 (Removal of Council members); or
- d. becomes bankrupt or personally insolvent; or
- e. suffers from mental or physical incapacity that prevents them performing their duties effectively; or
- f. is disqualified from office under subsection 63 (1) of the Act; or
- g. is absent without the consent of the Council from three consecutive Council meetings.

## **25. Removal of Board or Council Members**

The Association in general meeting may by resolution, subject to section 50 of the Act, remove any member of the Council from the office of member of the Council before the expiration of the member's term of office.

## **26. Council Meetings**

- a. The Council shall meet at least 3 times in each calendar year at such place and time as the Council may determine;
- b. Additional meetings of the Council shall be convened on receipt of a request by any two Registered Clubs of the Association or a request from the President;
- c. Oral or written notice of a meeting of the Council shall be given by the Secretary to each nominated member of a Registered Club at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Council) before the time appointed for the holding of the meeting;
- d. Notice of a meeting given under this Rule shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Council members present at the meeting unanimously agree to treat as urgent business;
- e. The President, or in the absence of the President, the Treasurer, shall chair all general, special and Council meetings of the Association. If both President and Treasurer are absent from a general, special or Council meeting, the Council shall elect one of their members to chair the meeting.
- f. More than half the total number of eligible voting Council members as per section 30(b) of these rules constitutes a quorum for the transaction of the business of a meeting of the Council;
- g. No business shall be transacted by the Council unless a quorum is present. If within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week;
- h. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.

## **27. Board meetings**

- a. The Board will meet as often as required to conduct the business of the Association provided that the Board meet at least 3 times per calendar year.
- b. The President, Secretary, or any three members of the Board will have the power to call a meeting of the Board.
- c. The President, or in the absence of the President, the Treasurer, shall chair all Board meetings of the Association. If both the President and Treasurer are absent from a Board meeting the Board shall elect one of their members to chair the meeting.
- d. More than half the total number of the elected Board members constitutes a quorum for the transaction of the business of a meeting of the Board.
- e. Operating procedures for the Board are detailed in the "Board Operating Protocols" which are approved by Council at a Council Meeting.

## **28. Delegation by Council to Sub-Committees**

- a. The Council may, by instrument in writing, delegate to 1 or more sub-committees (consisting of one or more persons as the Council thinks fit) to exercise functions of the Council as specified in the instrument, other than:

- i. this power of delegation; and
  - ii. a function which is a function imposed on the Council by the Act, by any other law of the Territory, or by resolution of the Association in general or Council meeting;
- b. A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation;
- c. A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation;
- d. Notwithstanding any delegation under this rule, the Council may continue to exercise any function delegated;
- e. Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Council;
- f. The Council may, by instrument in writing, revoke wholly or in part any delegation under this rule;
- g. A sub-committee may meet and adjourn as it thinks proper.

## **29. Coaches Sub-Committee**

- a. There shall be a Coaches Sub-Committee of the Association;
- b. The purpose of the sub-committee is to provide a forum for coaches and cadets, ensure an effective means of communication with the Association's Council, and to provide and administer education and accreditation for coaches and cadets;
- c. Membership of which will be open to coaches and cadets as described in section 2;
- d. Operating procedures for the Coaches Sub-Committee are detailed in the "Coaches Operating Protocols" which are approved by Council at a Council Meeting.

## **30. Competitions Sub-Committee**

- a. There shall be a Competitions Sub-Committee of the Association;
- b. The purpose of the sub-committee is to be the administrative and interpretive body of the administration of the competitions in the ACT;
- c. Operating procedures for the Competitions Sub-Committee are detailed in the "Competitions Operating Protocols" which are approved by Council at a Council Meeting.

## **31. Representative Team Sub-Committee**

- a. There shall be a Representative Sub-Committee of the Association;
- b. The purpose of the sub-committee is to be the administrative and interpretive body of the administration of the Representative Teams in the ACT;
- c. Operating procedures for the Representative Team Sub-Committee are detailed in the "Representative Teams Operating Protocols" which are approved by Council at a Council Meeting.



**32. Skills Sub-Committee**

- a. There shall be a Skills Sub-Committee of the Association;
- b. The purpose of the sub-committee is to be the administrative and interpretive body of the calisthenics skills program in the ACT;
- c. Operating procedures for the Skills Sub-Committee are detailed in the "Administrators Handbook - ACF Skills Program" which is provided by the Director of Skills and the ACF Examiners Board.

**33. Voting and Decisions – Council Meetings**

- a. Issues arising at a meeting of the Council requiring a Vote or Decision shall be determined by a majority of the votes of the delegates of the Council present at the meeting;
- b. Each Registered Club and the Director of Coaching present at a meeting of the Council are each entitled to one vote;
- c. If a member choses to abstain from a vote a majority of the remaining votes is required for the vote / decision to take effect;
- d. In the event of an equality in the number of votes the President (Or Chair) in consultation with the Board will have a deciding vote.

*Note: Board members do not have a vote unless they are a Registered Club Delegate, however, they are able to move and second motions.*

## PART IV – GENERAL MEETINGS

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### **34. General Meetings – Calling Of**

The Council may, whenever it thinks fit, convene a general meeting of the Association.

### **35. Annual General Meetings – Holding of**

The Association shall, at least once in each calendar year and within the period of three months after the expiration of each financial year of the Association convene an annual general meeting of its Registered Clubs.

### **36. Annual General Meetings –Calling of and Business at**

- a. The annual general meeting of the Association shall, subject to the Act, be convened on such a date and at such a place as the Council thinks fit;
- b. An annual general meeting shall be specified as such in the notice convening it in accordance with this Rule;
- c. In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:
  - i. to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting;
  - ii. to receive from the Board and Council reports on the activities of the Association during the last preceding financial year;
  - iii. receive and consider the statement of accounts and reports that are required to be submitted to members pursuant to subsection 73(1) of the Act;
  - iv. set and approve budget for the following financial year; and
  - v. to elect Board members;
- d. An annual general meeting shall be conducted in accordance with the provisions of this part.

### **37. Special General Meetings – Calling of**

- a. The Council may, whenever it thinks fit, convene a special general meeting of the Association;
- b. The Council shall, on the requisition in writing of two or more Registered Clubs, convene a special general meeting of the Association;
- c. A requisition from two or more Registered Clubs for a special general meeting
  - i. shall state the purpose or purposes of the meeting;
  - ii. shall be signed by delegates of the Registered Clubs making the requisition;
  - iii. shall be lodged with the Secretary; and
  - iv. may consist of several documents in a similar form, each signed by one or more of the delegates of the Registered Clubs making the requisition;
- d. If the Council fails to convene a special general meeting within a month after the date on which a requisition of Registered Clubs is lodged with the Secretary, any one or more of the

Registered Clubs who made the requisition may convene a special general meeting to be held not later than three months after that date;

- e. A special general meeting convened by one or more of the Registered Clubs referred to in (d), above, shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Council and any Registered Club who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred.

### **38. Special General Meetings – Notice of**

- a. Except where the nature of business proposed to be dealt with at a special general meeting requires a special resolution of the Association, the Secretary shall, at least fourteen days before the date fixed for the holding of the special general meeting, cause to be sent by pre-paid post to each Registered Club at the address appearing in the register, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the special meeting;
- b. Where the nature of business proposed to be dealt with at a special general meeting requires a special resolution of the Association, the Secretary shall at least 21 days before the date fixed for the holding of the special general meeting cause notice to be sent to each Registered Club in the manner provided in (a), above, specifying, in addition to the matter required under this rule, the intention to propose the resolution as a special resolution;
- c. No business other than that specified in the notice convening a special general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to Rule 30;
- d. A Registered Club desiring to bring any business before a special general meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a special general meeting given after receipt of the notice from the Registered Club.

### **39. Special General Meetings – Procedure and Quorum**

- a. No item of business shall be transacted at a special general meeting unless a quorum of delegates entitled under these rules to vote is present during the time the meeting is considering the item;
- b. A quorum shall consist of more than half of the total number of eligible voting Council members as per section 30(b) of these rules for the transaction of the business of a special general meeting;
- c. If within half an hour of the appointed time for the commencement of a special general meeting a quorum is not present, the meeting, if convened upon the requisition of Registered Clubs shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to the Registered Clubs given before the day to which the meeting is adjourned) at the same place;
- d. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the special meeting, the Registered Clubs present (being not less than 3) constitute a quorum.

#### **40. Adjournment**

- a. The person chairing a special general meeting at which a quorum is present may, with the consent of the majority of delegates present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at the adjournment other than the business left unfinished at the meeting at which the adjournment took place;
- b. Where a special general meeting is adjourned for 14 days or more, the Secretary shall give written or oral notice of the adjourned meeting to each Registered Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting;
- c. Except as provided in this Rule, notice of an adjournment of a special general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

#### **41. Making Decisions**

- a. A question arising at a meeting of the Association shall be determined on a show of hands unless before or on the declaration of the shows of hands a poll is demanded. A declaration by the person presiding that a resolution, has on a show of hands or a poll, been carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against that resolution;
- b. At a general meeting of the Association, a poll may be demanded by the person chairing the meeting or by not less than 3 delegates;
- c. Where the poll is demanded at a general meeting, the poll shall be taken:
  - i. immediately in the case of a poll which related to the election of the person to chair the meeting or to the question of an adjournment; or
  - ii. in any other case, in such manner and in such time before the close of the meeting as the person chairing directs and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

#### **42. Voting and Decisions – Annual and Special General Meetings**

- e. Issues arising at an Annual or Special General Meeting of the Council requiring a Vote or Decision shall be determined by a majority of the votes of the delegates of the Council present at the meeting;
- f. All votes to be given personally, there will be no proxy votes.
- g. Each Registered Club and the Director of Coaching present at a meeting of the Council are each entitled to one vote;
- h. If a member choses to abstain from a vote a majority of the remaining votes is required for the vote / decision to take effect;
- i. In the event of an equality in the number of votes the President (Or Chair) in consultation with the Board will have a deciding vote.

*Note: Board members do not have a vote unless they are a Registered Club Delegate, however, they are able to move and second motions.*

## PART V – MISCELLANEOUS

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### **43. Funds – Source and Management**

- a. The funds of the Association shall be derived from registration fees, entrance and competition fees, sponsorship, gifts, donations and subject to any resolution passed by the Association in general meeting and subject to Section 114 of the Act, such other sources as the Council determines;
- b. All money received shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account; receipt;
- c. The Association shall, as soon as practicable after receiving any money, produce an appropriate receipt;
- d. Subject to any resolution passed by the Association in general meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Council determines;
- e. All electronic transfers, cheques, drafts, bills of exchange, promissory notes and negotiable instruments shall be signed / authorised (Using Electronic Tokens) by any two members of the Council authorised to do so by the Council.

### **44. Auditor**

- a. A suitably qualified auditor shall be appointed at each Annual General Meeting;
- b. The financial affairs of the Association shall be subject to audit at the end of each financial year. The Auditor's role obligations and powers will be in accordance with Part V of the Act, or subsequent legislation.

### **45. Financial Year**

The financial year of the Association shall start on the 1st day of October and end on the following 31st day of September.

### **46. Alteration of Rules and Objects**

Neither the objects of the Association referred to in section 29 of the Act nor these rules shall be altered except in accordance with the Act.

### **47. Common Seal**

- a. The common seal of the Association shall be kept in the custody of the Secretary;
- b. The common seal must not be attached to any instrument except by the authority of the Council and the affixing of the common seal shall be attested by the signatures either of two members of the Council or of one member of the Council and of the Secretary;
- c. The Secretary shall maintain a register of the use of the seal which shall note:
  - i. the date of seal was affixed;
  - ii. the nature of the document to which it was affixed; and
  - iii. the persons authorising the use of the seal.

#### **48. Custody and Inspection of Books**

- a. Subject to the Act, the regulations and these rules, the Secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the Association;
- b. The records, books and other documents of the Association shall be open to inspection at a place in the Territory, free of charge, by a Registered Club of the Association at any reasonable hour.

#### **49. Service of Notices**

- a. For the purpose of these rules, a notice may be served by or on behalf of the Association upon any Registered Club either personally or by sending it by post to Registered Club's address as shown in the register of Registered Clubs;
- b. Where a document is sent to a Registered Club by properly addressing, prepaying and posting to the club a letter containing a document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the club at the time at which the letter would have been delivered in the ordinary course of post.

#### **50. Dissolution of the Association**

- a. The Association may be dissolved by a resolution carried at a special general meeting expressly called for that purpose;
- b. The meeting may be convened by the Council or on the requisition of a two thirds majority of:
  - i. the Council; and
  - ii. the total of Registered Clubs;and due notice shall be given to all Registered Clubs;
- c. The resolution must be carried by a minimum of two thirds of the Council;
- d. If the resolution to dissolve the Association is duly carried, the Council shall forthwith liquidate the affairs of the Association; and
- e. If, after realisation of the assets and payments of all liabilities, there remains any surplus, then the Council shall divide such surplus as directed by a meeting of Registered Clubs called for that purpose and in accordance with Rule 45.

#### **51. Surplus Property**

- a. At the next general meeting of the Association, after the adoption of these rules, the Association shall pass a special resolution nominating:
  - i. another association or associations for the purpose of section 92 (1)(a) of the Act; or
  - ii. a fund, authority or institution for the act, section 92(1)(b); in which it is vest its surplus property in the event of the dissolution or the winding up of the Association.
- b. An association nominated under paragraph (1)(a) must fulfil the requirements specified in subsection 92(2) of the Act.

## Appendix 1

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(See Rule 7)

**CALISTHENICS ACT INCORPORATED**  
**APPLICATION FOR MEMBERSHIP OF ASSOCIATION**

The .....  
(full name of Club)

of .....  
(Official address)

hereby applies to become a member of Calisthenics ACT Incorporated. In the event of the Club being admitted to the Association the Club agrees to be bound by the rules of the Association for the time being in force.

The above Club is/is not\* incorporated in accordance with the ACT Associations Incorporation ACT 1991.

This application has been authorised by decision made at a Club General Meeting held on

..... (date)

.....  
Signature of Club President

.....  
Name of Club President

.....  
Signature of Club Secretary

.....  
Name of Club Secretary

\* Delete as applicable.

## Appendix 2

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(See Rule 19)

**CALISTHENICS ACT INCORPORATED**  
**APPOINTMENT OF REGISTERED CLUB SUBSTITUTE DELEGATE**

I.....  
(full name of substitute delegate)

of .....  
(full name of Registered Club)

is appointed as a substitute delegate of the club to the Council of Calisthenics ACT Incorporated for the period noted below:

.....  
(Date)

.....  
Signature of substitute delegate

.....  
Signature of Club Secretary or current delegate

.....  
Name of Club Secretary or current delegate

**NB: The substitute delegate shall not assume any Calisthenics ACT Incorporated appointment or office held by the current club delegate**