



# RULES OF ASSOCIATION

## St James Netball Club

These rules were accepted by Members of the St James Netball Club at the Annual General Meeting held on August 19<sup>th</sup> 2015

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## 1. Name of Association

The name of the Association is St James Netball Club, hereinafter referred to as "the Club". The Club is affiliated with the Melbourne East Netball Association.

## 2. Definitions

In these rules, unless the contrary intention appears:

- "Committee meeting" means a meeting of the elected Committee of the Club;
- "financial year" means each period of 12 months ending on 31<sup>st</sup> July;
- "general meeting" means a meeting to which all members are invited;
- "member" means member of the Club;
- "ordinary resolution" means resolution other than a special resolution;
- "poll" means voting conducted in written form (as opposed to a show of hands);
- "special general meeting" means a general meeting other than the annual general meeting;
- "special resolution" means a resolution that requires not less than three-quarters of the members voting at a general meeting to vote in favour of the resolution;
- "the Act" means the *Associations Incorporation Reform Act 2012* and subsequent amendments;
- "the Club" means the Association referred to in rule 1;
- "the Committee" means the Committee of Management of the Club referred to in rule 8;

## 3. Alteration of the rules

These Rules may only be altered by special resolution of a general meeting of the Club.

## 4. Purpose and Objectives

The purpose of the St James Netball Club is to provide an environment where participants from beginners through to advanced players, coaches, umpires and administrators can develop their skills and knowledge of the game of netball whilst maintaining a sense of fun and enjoyment.

## 5. Membership and Fees

- 5.1. A person who applies and is approved for membership as provided in these rules is eligible to be a member of the Club on completion of the registration form and payment of the club fees. Registration is required each season.
- 5.2. The club fees will be determined by the Committee prior to each netball season.
- 5.3. Any individual interested in playing netball in accordance with the affiliated Club requirements is eligible to apply for membership of the Club.
- 5.4. As the Club is primarily a junior netball club, participants under the age of 18 years will be represented as a member in the Club by one parent/guardian. Where a family has two junior netball players in the Club, the family will be deemed to have two members of the Club, one parent or guardian for each junior player. The maximum number of members in relation to junior players is two. In addition, a family may have additional members who are over 18 years old if they are a player or umpire or coach. One member only qualifies for one vote in the Club. If a parent is also a coach or umpire, they will only qualify for one membership and one vote.
- 5.5. Other individuals eligible for membership of the Club include umpires, coaches, team managers and committee members who support the activities of the Club. These individuals need to complete registration for membership but are not required to pay the club fees for themselves unless they are also players with the Club. Coaches over the age of 18 years old are required to have a current Working with Children check as per Government regulations.

- 5.6. An application for membership must be made in writing through completion of the Club Registration Form. The Club Registration Form will be designed and reviewed by the Committee on an annual basis. The Club Registration Form must be lodged with the Registrations Co-Ordinator of the Club. The Committee will determine whether to accept or reject applications for membership. The Secretary will notify applicants if they are not accepted as a member of the Club within 6 weeks of their registration being lodged. No reason need be given for the rejection of an application
- 5.7. Membership becomes valid when the registration has been accepted and fees are paid in full. Fees are payable at the same time registrations are submitted.
- 5.8. The rights of a member (including the right to vote) who has not paid their fees by the due date are suspended until the fees are paid in full.
- 5.9. All members have a responsibility to the Club and the Melbourne East Netball Association in which the Club participates. This includes:
  - Supporting Club activities;
  - Assisting with canteen duty, training supervision and other activities;
  - Reading and responding to Club communications
  - Notification of any change of personal details
  - Abiding by the Codes of Conduct of the Club, the Melbourne East Netball Association and Netball Victoria.
- 5.10. A member may cease membership by giving written notice to the Secretary of the Club. Any unpaid fees owing may be recovered as a debt due to the Club.
- 5.11. A member is taken to have resigned if-
  - a) the member's club fees is more than three months in arrears; or
  - b) where no annual subscription is payable-
    - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member: and
    - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member

## **6. Rights of Members**

- 6.1 A member of the Club has the right:
  - a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
  - b) to submit items of business for consideration at a general meeting; and
  - c) to attend and be heard at general meetings; and
  - d) to vote at a general meeting; and
  - e) to have access to the minutes of general meetings and other documents of the Club as provided for in these rules; and
  - f) to inspect the register of members.

## **7. Register of Members of Club**

- 7.1. The Secretary, or appointed Committee member, on behalf of the Club, will keep and maintain a register of the current members of the Club. The register will record the date individuals became a member, names and addresses of all current members.
- 7.2. The register will be available for inspection by individual members of the Club upon receipt of a written request to the Secretary. The Committee will meet to discuss the request prior to the register being made available.
- 7.3. The Committee will ensure that the privacy of individual members is respected in accordance with Government regulations.

## 8. Committee of Management

- 8.1. The Committee of Management will have the power and authority to carry out all the business of the Club.
- 8.2. The Committee will be elected annually by members at the Annual General Meeting ("AGM") and shall consist of:
  - a) President
  - b) Vice-President
  - c) Secretary
  - d) Treasurer
  - e) at least 2 extra committee members
- 8.3. All of the above must be members of the Club.
- 8.4. The Executive of the Club shall consist of:
  - a) President
  - b) Vice-President
  - c) Secretary
  - d) Treasurer
- 8.5. Committee members will be elected for a term of 12 months. Committee members can nominate for re-election at each AGM.
- 8.6. Committee members are expected to attend all Committee meetings or provide a valid reason and apology if they cannot attend.
- 8.7. The Executive is authorised to settle any urgent or unforeseen business that may occur from time to time subject to ratification at the next Committee meeting.
- 8.8. If a casual vacancy occurs due to resignation of the Committee member during the course of the year the Executive of the Club will appoint a suitable person to fill the vacancy. Any person so appointed will only hold office until the next AGM.
- 8.9. The Committee may continue to act despite any vacancy in its membership
- 8.10. A member is eligible to be elected or appointed as a committee member if the member-
  - (a) is 18 years or over; and
  - (b) is entitled to vote at a general meeting
- 8.11. The Chairperson of the annual general meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with these rules.
- 8.12. Nominations for the Committee may be made in writing to the Secretary at least 7 days prior to the AGM and must be signed by the nominator and nominee.
- 8.12. Prior to the election of each position, the Chairperson of the meeting will declare any nominations received in writing in accordance with subrule 8.12 and will call for nominations to fill that position from the floor of the AGM.
- 8.13. If only one member is nominated for a position, the Chairperson of the meeting must declare the member elected to the position on the Committee at the AGM.
- 8.14. If the number of nominations exceeds the number of vacancies the members at the AGM will vote by secret ballot to elect Committee members for each vacancy. Prior to the vote each nominee may speak to the floor of the AGM.
- 8.15. If the Chairperson is unable to declare the result of an election because 2 or more candidates received the same number of votes, the Chairperson, must-
  - (a) conduct a further election for the position in accordance with subrule 8.14; or
  - (b) with the agreement of those candidates, decide by lot which of them is to be elected (eg: toss of coin)
- 8.16. On his or her election, the new President may take over as Chairperson of the meeting.

## 9. Committee Roles

### 9.1 The **President** will:

- Preside at all general meetings, Committee meetings and meetings of the Executive Committee. In the absence of the President, the Vice-President or other elected representative will be the Chairperson.
- Ensure that the required quorum is present at meetings.

Conduct the meeting in accordance with the rules of the Club.

- Preserve order during the meeting.
- Give all members reasonable opportunity to speak at the meeting but ensure that no member speaks for undue length or is unnecessarily repetitive.
- Terminate any discussion that is not relevant to the business of the meeting.
- Determine that the minutes of the meeting are correct.

### 9.2 The **Vice-President** will:

- Assist other officers as required.
- Act on behalf of the President when the President is temporarily unable to undertake their duties.

### 9.3 The **Secretary** will:

- Act as the Public Officer of the Club.
- Receive all letters and correspondence addressed to the Club and submit these to the Committee.
- Coordinate correspondence of the Club.
- Keep full and correct minutes of the Club meetings. The minutes must record the following –
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote; and
  - (d) any material personal interest disclosed under rule 10
- Keep all official documents and records of the Club, including meeting agendas, minutes and other reports.
- Have the power to call a Special General meeting if needed.
- Set the date and provide at least 14 days' notice in writing to all members of the Annual General Meeting or any Special General Meeting called.
- Keep an up to date register of the members of the Club.

### 9.4 The **Treasurer** will:

- Receive all moneys paid to or received by the Club and issue receipts for those moneys in the name of the Club.
- Ensure that all moneys received are paid into the account of the Club as soon as practicable after receipt.
- Make any payments authorised by the Committee or by a general meeting of the Club from the Club's funds
- Ensure cheques are signed by at least 2 committee members.
- Ensure that the financial records of the Club are kept in accordance with the Act.
- Coordinate the preparation of the financial statements of the Club and their certification by the Committee prior to their submission to the Annual General Meeting of the Club
- The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Club.

## 10. Proceedings of Committee and Executive Meetings

- 10.1. The Committee must meet together for the conduct of business not less than three times in each year

- 10.2. The Executive will meet as required
- 10.3. The President, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- 10.4. Each Committee member or Executive member has a deliberative vote.
- 10.5. A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- 10.6. The quorum for a committee meeting is the presence (in person or as allowed under rule 11) of four Committee members holding office.
- 10.7. The quorum for an Executive meeting is the presence (in person or as allowed under rule 11) of three Executive members holding office
- 10.8. Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- 10.9. Notice of Committee meetings will be provided in writing electronically at least 5 business days prior to the date of the meeting.
- 10.10. A Committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee
- 10.11. The Committee member must not be present while the matter is being considered at the meeting; and must not vote on the matter.
- 10.12. A Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Club is established), must disclose the nature and extent of their interest and not take part in any deliberations or decisions of the Committee with respect to that interest.

## **11. Use of Technology**

- 11.1. A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other
- 11.2. For the purposes of this Part, a committee member participating in a committee meeting as permitted under 11.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person

## **12. Vacation of Office**

- 12.1. A Committee member may resign from the Committee by written notice addressed to the Committee.
- 12.2. A person ceases to be a Committee member if he or she:
  - (1) ceases to be a member of the Club; or
  - (2) fails to attend 3 consecutive Committee meetings (other than special or urgent Committee meetings) without leave of absence; or
  - (3) otherwise ceases to be a Committee member by operation of section 78 of the Act.

## **13. Removal of Committee Members**

- 13.1. A general meeting of the Club may remove a Committee member from office before the expiry of their term by special resolution.

- 13.2. A member who is the subject of a proposed special resolution under rule 11.1 may make representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.
- 13.3. The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

#### **14. Annual General Meetings**

- 14.1. The Committee will determine the date, time and place of the annual general meeting ("AGM") of the Club. The AGM must be held within 5 months of the end of the financial year, in accordance with the Act.
- 14.2. The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- 14.3. The ordinary business of the annual general meeting will be:
  - a) to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting;
  - b) to receive from the Committee reports of the transactions of the Club during the last financial year;
  - c) to receive and consider the financial statement submitted by the Club to members in accordance with the Act
  - d) to elect officers of the Club and the ordinary members of the Committee.
- 14.4. The annual general meeting may also conduct any special business of which notice has been given in accordance with these Rules.

#### **15. Special General Meetings**

- 15.1. In addition to the annual general meeting, any other general meeting may be convened by the Committee. All general meetings other than the annual general meeting are special general meetings.
- 15.2. If more than 15 months elapses between annual general meetings, the Committee must convene a special general meeting before the expiration of that period.
- 15.3. The Committee must, on the request in writing of members representing not less than 10 per cent of the total number of members, convene a special general meeting of the Club. This request must include the objects of the meeting, be signed by the members requesting the meeting and be put in writing to the Secretary. The request must be enacted within one month after the date of receipt of the request by the Secretary. If this does not occur, the members may convene the special general meeting themselves and the Club must pay reasonable costs for the meeting.
- 15.4. All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

#### **16. Notice of General Meetings**

- 16.1. The Secretary of the Club, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Club, must send to each member of the Club, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting. If a special resolution is to be proposed, the notice must state in full the proposed resolution and state the intention to propose the resolution as a special resolution.
- 16.2. Notice will be sent in electronic format to all members.

- 16.3. No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- 16.4. A member intending to bring any business before a meeting must notify in writing to the Secretary of that business prior to the notification requirements of the meeting as per 15.1. The Secretary must include that business in the notice calling the next general meeting.

### **17. Quorum at General Meetings**

- 17.1. No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- 17.2. The quorum for a general meeting is the presence physically of 10% of the members entitled to vote
- 17.3. If, within half an hour after the appointed time for the commencement of a general meeting called by the Committee, a quorum is not present, the meeting shall be adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 17.4. If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 5) shall be a quorum.
- 17.5. If the quorum is not present for a general meeting called by members other than the Committee, the meeting will be dissolved.

### **18. Presiding at General Meetings**

- 18.1 The President, or in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Club. If the President and the Vice-President are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

### **19. Adjournment of Meetings**

- 19.1. The Chairperson may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time.
- 19.2. No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- 19.3. If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given to Members two days prior.

### **20. Voting at Meetings**

- 20.1. The Club does not allow voting by proxy at any meeting. All motions and resolutions will be determined by a show of hands unless a secret ballot is either required or requested by the membership or President. Only members over the age of 18 are entitled to vote, including parents/guardians of junior players. One parent/guardian has one vote per junior player. Parents who are also coaches or umpires only have one vote per membership.
- 20.2. In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 20.3. A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Club have been paid.
- 20.4. A poll (secret ballot) on any question may be demanded at a general meeting by at least 5 members. A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.



## **21. Process for Resolutions**

- 21.1. If a question arising at a general meeting of the Club is determined on a show of hands, the Chairperson will declare that the resolution has been:
  - a) carried; or
  - b) carried unanimously; or
  - c) carried by a particular majority; or
  - d) lost.
- 21.2. The Secretary must note the declaration by the Chairperson in the minute book of the Club as evidence of the fact, without proof of the number or proportion of the votes recorded, in favour of, or against, that resolution.

## **22. Minutes of Meetings of the Club**

- 22.1. The Secretary must record proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.
- 22.2. The Chairperson must ensure that the minutes taken of a general meeting or Committee meeting are checked and signed as correct by the Chairperson of the general meeting or Committee meeting to which those minutes relate.

## **23. Discipline of members**

- 23.1. It is expected that all members will conduct themselves in a way that is within the interests, objectives and rules of the Club, Melbourne East Netball Association and its members.
- 23.2. The Committee may reprimand, suspend or expel any member who in its opinion has not acted in this way.
- 23.3. If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member. The members of disciplinary subcommittee may be Committee members, members of the Association or anyone else but must not be biased against, or in favour of, the member concerned.
- 23.4. Before disciplinary action is taken against a member, the Secretary must give written notice to the member
  - stating that the Club proposes to take disciplinary action against the member
  - stating the grounds for the proposed disciplinary action
  - specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action
  - advising the member that he or she may do one or both of the following (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting
- 23.5. The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.
- 23.6. At the disciplinary meeting, the disciplinary subcommittee must give the member an opportunity to be heard; and consider any written statement submitted by the member.
- 23.7. The disciplinary subcommittee may then take no further action against the member or reprimand the member or suspend the membership rights of the member for a specified period or expel the member from the Club.
- 23.8. The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

- 23.9. A person whose membership rights have been suspended or who has been expelled from the Club may give notice to the effect that he or she wishes to appeal against the suspension or expulsion
- 23.10. The notice must be in writing and given to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or to the Secretary not later than 48 hours after the vote
- 23.11. If a person has given notice under 23.10 a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received
- 23.12. Notice of the disciplinary appeal meeting must be given to each member of the Club who is entitled to vote as soon as practicable and must state
- the date, time and place of the meeting
  - specify the date, time and place of the meeting
  - the name of the person against whom the disciplinary action has been taken
  - the grounds for taking that action
  - that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked
- 23.13. At a disciplinary appeal meeting
- no business other than the question of the appeal may be conducted
  - the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action
  - the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked
- 23.14. A member may not vote by proxy at the meeting.
- 23.15. The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

## **24. Grievances, Disputes and Mediation**

- 24.1. The grievance procedure set out in this rule applies to disputes between:
- a) a member and another member; or
  - b) a member and the Club.
- 24.2. In the first instance, grievances or disputes should be brought to the attention of the Team Manager. If the Team Manager is unable to adequately resolve the grievance or dispute or if the member does not want to raise the issue with the Team Manager, then the member must contact the President or Vice President of the Committee.
- 24.3. If the President or Vice President are unable to resolve the matter informally through discussion and compromise, the parties to the grievance or dispute must meet to discuss the matter within 21 days with a mediator. The mediator must be a person chosen in agreement between all parties. The mediator cannot be a person who has a personal interest in the dispute or is biased in favour of or against any party.
- 24.4. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 24.5. The mediator, in conducting the mediation, must:
- a) give the parties to the mediation process every opportunity to be heard;
  - b) allow due consideration by all parties of any written statement submitted by any party; and
  - c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 24.6. The mediator must not determine the dispute.
- 24.7. The mediation must be confidential and without prejudice.

24.8. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **25. Notice to members**

25.1 Notices to members will be given in electronic format

## **26. Income and Property**

26.1. The funds of the Club may be derived from registration fees, subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee

26.2. The Treasurer will be responsible to manage the funds of the Club with approval of the Executive Committee including signing cheques.

26.3. Copies of Club bank account statements will be available to the Committee for inspection at any time.

26.4. The income and property of the Club will be applied solely towards the promotion of the objective and purpose of the Club and will not be paid or transferred directly or indirectly by way of dividend or bonus or profit to any members or relatives of members of the Club unless payment is required as remuneration for legitimate services provided to the Club or any member of the Club at a reasonable and proper rate.

## **27. Common Seal of the Club**

27.1 The common seal of the Club will include the Club name and registration number. The common seal of the Club must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides. The common seal will be used as authorised by the Committee. The fixing of the seal will be witnessed by two of the Executive.

## **28. Member's Access to Minutes**

28.1. Members of the Club may on request inspect and make copies of the Minutes of general meetings of the Club free of charge.

28.2. Members of the Club may request to access the Minutes of Committee meetings. Upon receiving such a request, the Committee may, at its absolute discretion, decide to permit or refuse the request.

## **29. Custody and Inspection of Records of the Club**

29.1. The Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Club.

29.2. A member may at any reasonable time inspect without charge the books, rules, documents, records and securities of the Club. Members may request an inspection in writing to the Secretary. The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.

29.3 The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

## **30. Dissolution of the Club**

30.1. The members may, by resolution passed by three-quarters of the members present at a Special General Meeting, resolve to dissolve the Club or amalgamate with any other Club or body as such resolution will decide.

30.2. If the Club is dissolved and there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another Club incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members. The members will decide which Club will receive this surplus property.