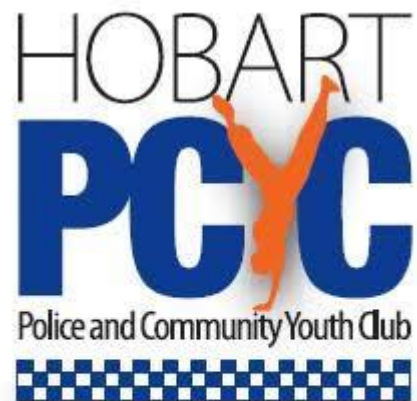
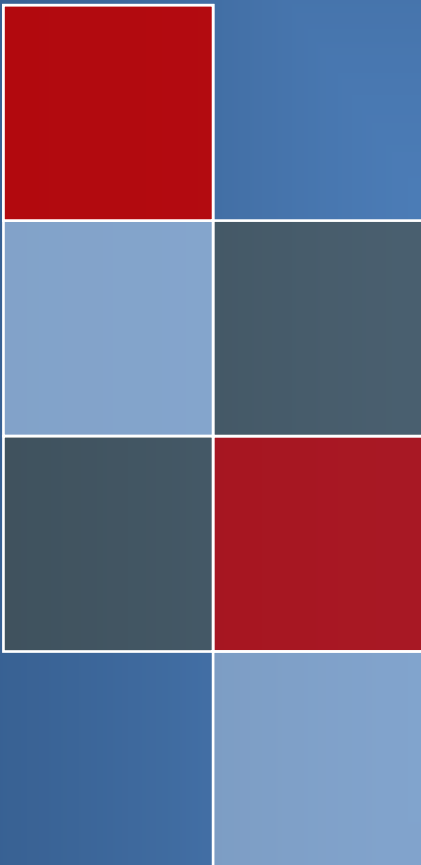


# Constitution Hobart PCYC

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# The Hobart Police and Community Youth Club Inc

## Rules of Hobart PCYC

### 1. Name of Association

The name of the Association is **The Hobart Police and Community Youth Club Inc.**

### 2. Interpretation

#### 2.1 Definitions

In this Constitution, unless the context otherwise requires:

“**Act**” means the *Association’s Incorporation Act 1964* (Tas), as may be amended from time to time; and shall also be taken to refer to any Act of the State of Tasmania which may replace the *Association’s Incorporation Act 1964* (Tas).

“**Annual General Meeting**” means a meeting of the members of the Hobart PCYC convened in accordance with rule 14 of this Constitution.

“**Annual Membership Subscription Fee**” means that fee fixed from time to time by the Management Committee in accordance with rule 5.3(2) of this Constitution.

“**Auditor**” means the person appointed as the auditor of the Hobart PCYC under rule 24.

“**Bank**” means a body corporate that is an authorised deposit-taking institution for the purposes of the *Banking Act 1959* (Cwlth).

“**Chairperson**” means a person who, as the case requires, chairs:

- a General Meeting in accordance with rule 16 of this Constitution; or
- a meeting of the Management Committee in accordance with rule 27(9) of this Constitution.

“**Commissioner's Representative**” means a person appointed as a member of the Management Committee by the Commissioner of Police.

“**Constitution**” means this Constitution, as may be amended from time to time.



“**Committee Member**” means a member of the Management Committee referred to in rule 24 of this Constitution.

“**Eligible Member**” means a member eligible in accordance with the requirements of rule 5.2 and 24 of this Constitution to be elected as a Committee Member.

“**Financial year**” means a year calculated in accordance with rule 7(5) of this Constitution.

“**General Meeting**” means either an Annual General Meeting or a Special General Meeting of the members of Hobart PCYC.

“**Hobart PCYC**” means Hobart Police and Community Youth Club (Incorporation Number: 00291C); an incorporated Hobart PCYC.

“**Management Committee**” means the Management of Hobart PCYC referred to in rule 24 of this Constitution.

“**Member**” means a member of Hobart PCYC.

“**Minutes**” means minutes of:

- General Meetings;
- meetings, including telecommunication meetings, of the Management Committee; and
- meetings of sub-committees.

“**Objects of Hobart PCYC Australia**” mean the objects of Hobart PCYC as specified in rule 4 of this Constitution.

“**Office Bearer**” means a Management Committee Member as described in rule 24 of this Constitution.

“**Ordinary Resolution**” means a resolution carried by a simple majority of those present and entitled to vote at, as the case requires:

- a General Meeting;
- a meeting of the Committee.

“**President**” means the person holding office under this Constitution as the President of Hobart PCYC.

**Public Officer** means the Secretary, or any other person that may be appointed from time to time by the Management Committee as the Public Officer.

“**Register of Members**” means the Register established in accordance with rule 5(9) of this Constitution.

**Relative** has the meaning given to that term in the *Corporations Act 2001* (Cwlth).



“**Resolution**” means, as the case requires, either an Ordinary Resolution or a Special Resolution.

“**Secretary**” means the person holding office under this Constitution as the Secretary of Hobart PCYC.

“**Special General Meeting**” means a meeting of the members of Hobart PCYC convened in accordance with rule 13 of this Constitution.

“**Special Resolution**” means a resolution carried at a General Meeting by not less than 75% of the members of Hobart PCYC entitled in accordance with this Constitution to vote on the motion for such Special Resolution.

**Spouse** has the meaning given to that term in the *Corporations Act 2001* (Cwlth).

“**Sub-committee**” means a sub-committee established by the Management Committee in accordance with rule 28 of this Constitution.

“**Telecommunications meeting**” means a meeting of the Members or the Management Committee conducted in accordance with rule 15(3) and rule 27(5) of this Constitution.

“**Treasurer**” means the person holding office under this Constitution as the Treasurer of Hobart PCYC.

“**Vice President**” means the person holding office under this Constitution as the Vice President of Hobart PCYC.

## 2.2 Interpretation

(1) In this Constitution, unless the context otherwise requires:

- (a) a reference to a member present at a General Meeting means the member present in person;
- (b) a reference to a document includes a reference to any amendment made to the same from time to time; and, unless the contrary intention is apparent, also includes a reference to a document or documents designed to replace the original document;
- (c) words importing any gender include all other genders;
- (d) a reference to a company, an incorporated Hobart PCYC or any other body includes a reference to its successors in law;
- (e) the singular includes the plural and vice versa;
- (f) a reference to a law incorporates references to all regulations, by-laws and other instruments made pursuant to such law;
- (g) a reference to a law, be it of the Commonwealth or of a State or Territory, includes references to any amendments to, or replacements of, such law;



- (h) the words “include”, “includes”, “including” and “for example” are not to be construed as words of limitation;
- (i) where, by any provision in this Constitution, a document (including a notice) is required to be signed, that requirement may be satisfied in relation to an electronic communication of such document in any manner:
- (j) permitted by any Commonwealth, State or Territory law relating to electronic transmissions; or
- (k) otherwise permitted by law; or in such other manner as the Management Committee may from time to time determine; and
- (l) “writing” and “written” include printing, typing and all other modes of reproducing words in a visible form; including, without any limitation, any representation of words in a physical document, or in an electronic communication or form, or otherwise.

### **2.3 Hobart PCYCs Act 1964 (Tas) Consistency**

In this Constitution, unless the context requires otherwise, an expression in a provision of this Constitution that deals with a matter dealt with by a particular provision of the *Associations Incorporation Act 1964 (Tas)* has the same meaning as in that provision of the *Association’s Incorporation Act 1964 (Tas)*.

### **2.4 Headings**

Headings are inserted in this Constitution for convenience only and do not affect the interpretation of the Constitution.

### **2.5 Severance**

- (1) If any provision, or any part of any provision, in this Constitution is invalid or unenforceable in the State of Tasmania, such provision or part shall, where possible, be read down for the purposes of that jurisdiction so as to be valid and enforceable in that jurisdiction.
- (2) If, for the purposes of clause 1.5(a) of this Constitution, a provision, or a part of a provision, cannot be so read down, then it shall be severed from this Constitution to the extent of the invalidity or unenforceability without affecting:
  - (a) the remaining provisions in this Constitution; or
  - (b) the validity or enforceability of that provision, or that part of that provision, in any other jurisdiction.

### **2.6 Model Rules**

The model rules prescribed under section 16 of the Act do not apply to the Hobart PCYC.



### **3. Incorporation of the Hobart Police and Community Youth Club Inc**

- (1) There shall be an Hobart PCYC incorporated in accordance with the Act and known as the Hobart Police and Community Youth Club Incorporated.
- (2) The office of the Hobart PCYC is to be at 300 Liverpool Street, Hobart or at such other place as the Management Committee may determine from time to time.

### **4. Objects and Powers of Hobart PCYC**

#### **4.1 Objects and Purposes**

The objects and purposes of the Hobart PCYC are to:

- (1) Provide young people, families and the community the opportunity to participate in a range of sporting, recreational, cultural and educational activities;
- (2) Assist youth in the development of self-esteem, confidence, social and leadership skills;
- (3) Assist young people to be successful participants in the social, cultural and economic life of the community;
- (4) Promote the physical, mental and social welfare of youth who may be regarded as disadvantaged, 'at risk' or marginalised;
- (5) Foster the attachment of young people to sound personal and social values;
- (6) Prevent young people becoming offenders or victims of crime;
- (7) Raise the awareness of the responsibilities towards young people that the community and Tasmania Police hold and exercise;
- (8) Provide linkages between the Tasmania Police and the Tasmanian community, especially young people, which foster mutual respect and understanding;
- (9) Assist to make safer communities through proactive partnerships and Community Policing programs; and
- (10) Enhance young peoples' ability to make positive life choices
- (11) otherwise pursuing and furthering the objects of Hobart PCYC within the State of Tasmania.

#### **4.2 Powers**

The powers of the Hobart PCYC include doing any lawful thing incidental or conducive to the attainment of its objects or purposes.



## **5. Membership of Hobart PCYC**

### **5.1 Membership**

Membership of the Hobart PCYC shall be restricted to individual persons and shall not be open to any:

- (1) companies;
- (2) incorporated associations;
- (3) unincorporated associations; or
- (4) other entities.

### **5.2 Eligibility for Membership of the Hobart PCYC**

A person shall be eligible for membership of the Hobart PCYC provided that such person:

- (1) is a resident of Australia;
- (2) is 18 years of age or older;
- (3) is of good character;
- (4) is not of unsound mind, or a person whose person or estate is liable to be dealt with in any way under a law of the State of Tasmania;
- (5) is not, at the time that he or she applies to become a Member of the Hobart PCYC, a person who is then suspended or expelled from:
  - (a) the Hobart PCYC; or
  - (b) any other Police and Community Youth Club; and
- (6) has provided the Management Committee with a notice in writing, signed by him or her, that such applicant agrees:
  - (a) to be bound by, and to observe, these Rules and the Hobart PCYC's Member Protection Policy, as each may be amended from time to time;
  - (b) that these Rules and the Hobart PCYC's Member Protection Policy, as each may be amended from time to time, may be enforced against him or her where appropriate; and
  - (c) that the Hobart PCYC may conduct investigations and hearings and, where appropriate, discipline him or her in accordance with these Rules, with the Hobart PCYC's Member Protection Policy and/or with any relevant policy or bylaw with respect to the determination of complaints which may be adopted from time to time by the Management Committee.

### **5.3 Application for Membership of the Hobart PCYC**

- (1) An application for Membership of the Hobart PCYC is separate and distinct from any application to join in any activities conducted by, or with the consent of, the Hobart PCYC, and any application to use any of the facilities of the Hobart PCYC.





- (2) An application to become a Member of the Hobart PCYC must be in a form approved by the Management Committee from time to time, signed by the applicant and accompanied by such fee or fees and other information as may be required by these Rules and/or by the Management Committee from time to time.

#### **5.4 Management Committee's Determination**

The Management Committee determines whether an applicant may become a Member. The Management Committee is not required to give any reason for the rejection of any application to become a Member.

#### **5.5 Accepted Applications**

On an application being accepted by the Management Committee, the Secretary or Club Membership Officer must:

- (1) notify the applicant in writing;
- (2) request payment of any amount owing for the annual subscription fees (being a *pro rata* sum if so determined by the Management Committee); and
- (3) upon receipt of that amount, enter the applicant's name in the Hobart PCYC's register of members.

#### **5.6 Rejected Applications**

On an application being rejected by the Management Committee, the Secretary or Club Membership Officer must:

- (1) notify the applicant in writing; and
- (2) refund in full any fees paid by the applicant.

#### **5.7 Resignation of Membership**

A Member may resign from the Hobart PCYC by delivering or sending by post to the Management Committee a written notice of resignation.

#### **5.8 Membership Non-Transferable**

Any right, privilege or obligation of a Member as a Member:

- (1) is not capable of being transferred or transmitted; and
- (2) terminates on the cessation of the membership.



## 5.9 Members on Adoption of These Rules

The Members immediately following the adoption of these rules are those persons listed on the Membership Register on the date of adoption. The Secretary shall be responsible to maintaining the accuracy of the Membership Register.

## 6. Income and Property of Hobart PCYC

### 6.1 Sole Purpose

The income and property of Hobart PCYC shall only be applied towards the promotion of the objects of Hobart PCYC.

### 6.2 Payments to Members

No income or property shall be paid or transferred, directly or indirectly, to any member except for payments to a member:

- (a) in return for any services rendered or goods supplied in the ordinary and usual course of business to Hobart PCYC;
- (b) of interest at a rate not exceeding current bank overdraft rates of interest for moneys lent;
- (c) of reasonable rent for premises or chattels leased to Hobart PCYC by such member; or
- (d) for any out-of-pocket expenses incurred by such member on behalf of Hobart PCYC.

## 7. Accounts of Receipts and Expenditure

1. The Hobart PCYC must keep true accounts which show all financial transactions and the financial position of the Hobart PCYC.
2. The accounts must be open to inspection by a Member at a reasonable time (which must be within 14 days of receipt by the Hobart PCYC of a relevant written request from the Member), place and manner as determined by the Management Committee.
3. The Hobart PCYC is to keep all accounting books, general records, and records of receipts and payments, connected with the operations and business of the Hobart PCYC in the form and manner the Management Committee determines.
4. The accounts, books and records are to be kept at the Hobart PCYC's office or at any other place the Management Committee determines.



5. The financial year of the Hobart PCYC is the period beginning on the 1<sup>st</sup> day of July in each year and ending on the 30<sup>th</sup> day of June next following year.

## **8. Banking and Finance**

- (1) The Hobart PCYC is to:
- (a) receive any money paid to the Hobart PCYC; and
  - (b) cause the money to be paid into the account opened under rule 8(2) as soon as practicable after it is received.
- (2) The Management Committee is to open with a Bank an account in the name of the Hobart PCYC.
- (3) All cheques, drafts, bills of exchange, promissory notes, online accounts and other negotiable instruments of the Hobart PCYC must be signed in accordance with delegations as set down by the Management Committee.


## **9. Deductible Gift Recipient Status**

### **9.1 Obligations Specifically Relating to DGR Status**

The Hobart PCYC must notify the Australian Tax Office in writing of any change to its entitlement to endorsement as a DGR.

### **9.2 Receipts**

- (1) Receipts issued for deductible gifts must state:
- (a) the name and ABN of the Hobart PCYC;
  - (b) that the receipt is for a gift;
  - (c) the amount of money donated and/or a description of any gifts of property that are not money; and
  - (d) the date of the gift.
- (2) Receipts issued for deductible contributions must state:
- (a) the name and ABN of the Hobart PCYC;
  - (b) that the contribution was made for:
    - i. a right to attend a specified fundraising event; or
    - ii. the purchase of goods or services as a successful bidder at a fundraising auction;
    - iii. any other form of contribution, including any form of gifting.

- 
- iv. the amount of the contribution (if money), or the GST inclusive market value of the right or the goods or services received in return for the contribution;
  - v. a description of the contribution if it was property that was not money; and
  - vi. the date the contribution was made.

## 10. Auditor

- (1) At each AGM the Members present are to appoint a person as the Auditor.
- (2) If an Auditor is not appointed at an AGM, the Management Committee is to appoint a person as Auditor as soon as practicable after that AGM.
- (3) Subject to rules 10 (4) and (5), the Auditor is to hold office until the next AGM and is eligible for re-appointment.
- (4) The Auditor may only be removed from office by special resolution.
- (5) If a casual vacancy occurs in the office of auditor, the Management Committee is to appoint a person to fill the vacancy until the next AGM.

## 11. Audit of Accounts

- (1) Unless the Hobart PCYC is exempted in accordance with the Act from the requirement to have its financial affairs for a financial year audited:
  - (a) the Auditor is to audit the financial affairs of the Hobart PCYC at least once in respect of that financial year; and
  - (b) the following provisions of this rule 11 apply.
- (2) The Auditor is to:
  - (a) certify as to the correctness of the accounts of the Hobart PCYC; and
  - (b) report to the next AGM.
- (3) In the report and in certifying to the accounts, the Auditor is to state if:
  - (a) he or she has obtained the required information;
  - (b) in his or her opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Hobart PCYC:
    - i. according to the information at his or her disposal; and
    - ii. as shown by the books of the Hobart PCYC; and
    - iii. the rules relating to the administration of the funds of the Hobart PCYC have been observed.



- (4) The Hobart PCYC is to provide to the Auditor a list of all the accounts, records, and books of the Hobart PCYC.
- (5) The Auditor may:
  - (a) have access to any accounts, records, books and documents of the Hobart PCYC;
  - (b) require from the servants of the Hobart PCYC any information the auditor considers necessary for the performance of his or her duties;
  - (c) employ any person to assist in auditing the financial affairs of the Hobart PCYC; and
  - (d) examine any Management Committee member or any servant of the Hobart PCYC in relation to the accounts, records, and books of the Hobart PCYC.

## **12. Annual General Meetings**

- (1) The Hobart PCYC is to hold an AGM each financial year.
- (2) The AGM is to be held on any day (being not later than five months after the financial year of the Hobart PCYC) the Management Committee determines.
- (3) The AGM is to be in addition to any other general meeting that may be held in the same year.
- (4) The notice convening an AGM is to specify the purpose of the meeting.
- (5) The ordinary business of an AGM is to:
  - (a) confirm the minutes of the last preceding AGM and of any general meeting held since that meeting;
  - (b) receive from the Management Committee and Auditor reports on the transactions of the Hobart PCYC during the last preceding financial year;
  - (c) appoint the auditor and determine his or her remuneration;
  - (d) elect the Management Committee of the Hobart PCYC;
  - (e) induct Members of the Hobart PCYC into the Order of Merit; and
  - (f) elect a Returning Officer (if necessary).

An AGM may transact special business of which notice is given in accordance with rule 14.

A quorum for an Annual General Meeting shall be seven (7) financial members.

## **13. Special General Meetings**

- (1) The Management Committee may convene a special general meeting at any time.



- (2) The Management Committee, on the requisition in writing of at least ten (10) financial members, is to convene a special general meeting.
- (3) A requisition for a Special General meeting:
  - (a) is to state the objects of the meeting;
  - (b) is to be signed on behalf of each of the requisitionists;
  - (c) is to be deposited at the office of the Hobart PCYC; and
  - (d) may consist of several documents in like form, each signed on behalf of one or more of the requisitionists.
- (4) If the Management Committee does not cause a Special General meeting to be held within 21 days after the day on which a requisition is deposited at the office of the Hobart PCYC, any one or more of the requisitionists may convene the meeting within 3 months after the day of the deposit of the requisition.
- (5) A Special General meeting convened by requisitionists is to be convened in the same manner, as nearly as practicable, as the manner in which a Special General meeting would be convened by the Management Committee.
- (6) All reasonable expenses incurred by requisitionists in convening a Special General meeting are to be refunded by the Hobart PCYC.

#### **14. Notices of General Meetings**

- (1) At least 14 days before the day on which a general meeting is to be held, the Secretary shall forward a written notice of the same to all of the Members of the Hobart PCYC, and shall display a copy of such notice for public display in the reception area at the Hobart PCYC's office.
- (2) Each notice of a general meeting shall specify:
  - (a) the place, day and time at which the general meeting is to be held; and
  - (b) the nature of the business that is to be transacted at the general meeting.

#### **15. Business and Quorum at General Meetings**

- (1) All business transacted at a general meeting, other than the ordinary business of an AGM, is special business.
- (2) Business is not to be transacted at a general meeting unless a quorum, being no less than seven (7) financial Members entitled to vote, is present at the time the meeting considers that business.
- (3) A general meeting may be held by the members communicating with each other by any technological means by which they are able simultaneously to hear each other and to participate in discussion. All ordinary business of a general meeting may be transacted utilising technological means with the exception of special business.
- (4) If a quorum is not present within one hour after the time appointed for the commencement of a general meeting, the meeting:
  - (a) if convened on the requisition of Members, is dissolved; or



- (b) in any other case, is to be adjourned to the same day in the next week at the same time and:
  - (c) at the same place; or
  - (d) at any other place specified by the chairperson at the time of the adjournment.
- (5) If at an adjourned general meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting is dissolved.

## **16. Chairperson at General Meetings**

At each general meeting, the chairperson is to be:

- (a) The President or Vice President if the President is unable or unwilling to do so; or
- (b) In the absence of the President and Vice President, a Management Committee member elected to preside as chairperson by the Members present and entitled to vote at the general meeting.

## **17. Adjournment of General Meetings**

- (1) The chairperson of a general meeting at which a quorum is present may adjourn the meeting with the consent of the Members present and entitled to vote at the meeting, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting is to be given in the same manner as the notice of the original meeting.
- (3) If a meeting is adjourned for less than 14 days, it is not necessary to give any notice of the adjournment or of the business to be transacted at the adjourned meeting.

## **18. Determination of Questions Arising at Annual General Meetings**

- (1) Save as provided in rules 20 and 21, a question arising at a general meeting shall be determined on a show of hands.
- (2) A declaration by the chairperson that a motion has, on a show of hands, been lost or carried, or carried unanimously or carried by a particular majority at a general meeting, together with an entry to that effect in the Minute Book of the



Hobart PCYC, is evidence of that fact unless a poll is demanded in accordance with rules 20 or 21 before or at the time of that declaration.

## **19. Votes**

- (1) Only Members of the Hobart PCYC who:
  - (a) are aged 18 years and over; and
  - (b) have been Members of the Hobart PCYC for not less than 365 consecutive days; shall be entitled to vote at general meetings and to hold any office under these Rules in the Hobart PCYC.
- (2) On any question arising at a general meeting, a Member has one vote only.
- (3) A Member entitled to vote at a general meeting may only vote at that general meeting in person (or by satisfying the provisions of rule 15.3 in relation to meetings held by technological means).
- (4) An objection to the qualification of any person to vote at a general meeting may only be made at that general meeting (or at any resumed meeting if that general meeting is adjourned) to the chairperson of the general meeting. Any such objection shall be determined by the chairperson, whose determination of it made in good faith is final and conclusive.
- (5) In the event of a tied vote on any question at a general meeting, then a second vote on the question shall be conducted. In the event that such second vote is also tied, then the chairperson shall have a second, or casting, vote to determine the question.

## **20. Taking of Poll**

If at a general meeting a poll on any question is demanded by a Member entitled to vote:

- (a) the poll is to be taken at that meeting in the manner the chairperson determines; and
- (b) the result of the poll is taken to be the resolution of the meeting on that question.

## **21. When Poll to be Taken**

- (1) A poll that is demanded by a Member entitled to vote on the election of a chairperson, or on a question of adjournment, is to be taken immediately.





- (2) A poll that is demanded by a Member entitled to vote on any other question is to be taken at any time before the close of the meeting as the chairperson determines.

## **22. Affairs of Hobart PCYC to be Managed by the Management Committee**

- (1) The affairs of the Hobart PCYC are to be managed by the Management Committee constituted in accordance with rule 24.
- (2) The Management Committee:
  - (a) Is to control and manage the business and affairs of the Hobart PCYC;
  - (b) May exercise all the powers and perform all the functions of the Hobart PCYC, other than those powers and functions that are required by these rules to be exercised and performed by Members at a general meeting; and
  - (c) Has power to do anything that appears to the Management Committee to be essential for the proper management of the business and affairs of the Hobart PCYC.

## **23. Duties of the Management Committee**

- (1) In managing the Hobart PCYC in accordance with these rules, the Management Committee must ensure:
  - (a) Their actions and decisions are made in good faith and remain consistent with the objects and purposes of the Hobart PCYC;
  - (b) They act in the interests of all Members and remain free of undue influence and conflicts of interest in accordance with rule 29;
  - (c) They exercise all reasonable care and diligence;
  - (d) They take all reasonable precautions to ensure the Hobart PCYC does not carry on its business while insolvent; and
  - (e) They use their best efforts to attend all meetings of the Management Committee.

## **24. Management Committee Members**

- (1) The Management Committee shall consist of:
  - President;
  - Vice-President;
  - Secretary (who shall be the Public Officer);
  - Treasurer;
  - The Commissioner's Representative (non-voting); and
  - 5 General Committee Members



- (2) Hobart PCYC shall have at all times a Public Officer whose office shall be filled consistent with the requirements of the Act.
- (3) A person who is employed by the Hobart PCYC, or who provides a service or services to it pursuant to contract, is ineligible to serve on the Management Committee.
- (4) Any Management Committee member, other than the Commissioner's Representative, is to hold office until the next Annual General Meeting following election, but is eligible for re-election.

## **25. Election of Management Committee Members and Returning Officer**

- (1) Nominations of candidates for election to the Management Committee shall be:
  - (a) in writing and including the written consent of the nominee and endorsed by one member of the Hobart PCYC eligible to vote; and
  - (b) delivered to the Secretary of the Hobart PCYC not less than 7 days before the date fixed for the holding of the general meeting at which the election is to be conducted.
- (2) If insufficient nominations are received to fill all vacancies the candidates nominated shall be deemed to be elected and further nominations may be received from the floor at the Annual General Meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (4) If there are more candidates for election to positions on the Management Committee than the number to be elected, then a single ballot for each vacancy shall be conducted at the General Meeting by a Returning Officer:
  - (a) who shall be elected by the members present at the General Meeting and entitled to vote;
  - (b) who may be, but need not be, a member of Hobart PCYC; and
  - (c) who shall not be a candidate for election to the Committee in the election.
- (5) The Returning Officer shall be provided with a list of eligible voters and may seek any information from the Public Officer considered necessary for conducting the ballot.
- (6) The Returning Officer shall prepare any necessary ballot papers for the election (including instructions on how to cast a formal vote) and shall provide each eligible voter with one signed ballot paper for each election.



## **26. Vacation of Office**

For the purpose of these rules, the office of a Management Committee member becomes casually vacant if the Management Committee member:

- (a) Dies; or
- (b) Becomes bankrupt, applies to take or takes advantage of any law relating to bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit;
- (c) Becomes of unsound mind;
- (d) Resigns office in writing addressed to the Management Committee;
- (e) Becomes a person who is employed by the Hobart PCYC, or who provides a service or services to it pursuant to contract; or
- (f) Is absent from 3 consecutive meetings of the Management Committee without the consent of the Management Committee.

## **27. Meetings of the Management Committee**

- (1) The Management Committee is to meet at least once in every 2-month period at any place and time the Management Committee determines.
- (2) A special meeting of the Management Committee (as distinct from a meeting referred to in rule 27(1)), may be convened by the President or any other 2 members of the Management Committee.
- (3) Written notice of each Management Committee meeting is to be served on each member of the Management Committee at a reasonable time before the meeting and is to specify the general nature of the business to be transacted.
- (4) A special Management Committee meeting may only transact business of which notice is given in accordance with rule 27(3).
- (5) A meeting of the Management Committee may be held by the members of the Management Committee communicating with each other by any technological means by which they are able simultaneously to hear each other and to participate in discussion.
- (6) A quorum for the transaction of the business of a meeting of the Management Committee is four (4) members of the Management Committee.
- (7) Business is not to be transacted at a meeting of the Management Committee unless a quorum is present (including by technological means satisfying the requirements of rule 27(5)).
- (8) If a quorum is not present within half an hour after the time appointed for a meeting of the Management Committee, the meeting is to be adjourned to the same day in the next week at the same time and at the same place unless the meeting was a special meeting in which case it is to be dissolved.
- (9) At a meeting of the Management Committee, the chairperson is to be:
  - (a) the President; or



- (b) if the President is absent or unwilling, the Vice-President or any one of the remaining members of the Management Committee as may be chosen by them.
- (10) Any question arising at a meeting of the Management Committee is to be determined:
  - (a) by discussion and resolution; or
  - (b) if demanded by a member of the Management Committee, by a poll taken in any manner the chairperson determines.
- (11) On any question arising at a meeting of the Management Committee, a member of the Management Committee (including the chairperson) has one vote only, save that if there is an equality of votes on a question the chairperson has a second or casting vote.
- (12) The Management Committee is to ensure that minutes of all meetings are documented, maintained and made available to any Member on request.

## **28. Sub-Committees**

- (1) The Management Committee may:
  - (a) appoint a sub-committee from the Management Committee; and
  - (b) prescribe the powers and functions of that sub-committee.
- (2) The Management Committee may co-opt any person as a member of a sub-committee without voting rights.
- (3) The chairperson of a sub-committee is to convene and preside over meetings of that sub-committee.
- (4) Save as otherwise specified in this rule, the provisions of rules 27 and 29 apply to a sub-committee as if references to the Management Committee were to the sub-committee.

## **29. Disclosure of Interests**

- (1) If a member of the Management Committee has a potential or actual conflict of interest in a matter being considered, or about to be considered, by the Management Committee, as soon as practicable after the relevant facts come to the member's knowledge the member is to disclose the nature of the interest to the Management Committee.
- (2) The disclosure may be standing or ongoing disclosure.
- (3) Those members of the Management Committee without a conflict will determine the appropriate treatment of the conflict.



### **30. Annual Membership Subscriptions**


- (1) Each Member shall pay in every year the relevant annual subscription as may from time to time be fixed by the Management Committee.
- (2) The annual subscription of a Member is due and payable on or before the expiry of 12 months since initial membership application or immediate last membership renewal date.
- (3) Members who have not paid their annual subscription fees in full shall not be entitled to take part in any deliberations whatsoever, or have power to vote.

### **31. Provision of Notices**

- (1) For the purposes of this Constitution, a notice may be validly forwarded or provided to a member:
  - (a) by delivering it personally to that member;
  - (b) by posting it by ordinary pre-paid post to the registered or last known postal address of that member; or
  - (c) by forwarding it by facsimile transmission, email or such other form of electronic transmission as may be nominated by that member.
- (2) For the purposes of this Constitution, a notice shall be presumed to have been received by a member, unless the contrary is proved:
  - (a) in the case of a notice delivered personally to that member, on the date on which it was so delivered;
  - (b) in the case of a notice posted by ordinary pre-paid post, on the date on which it would have been received in the ordinary course of such post; and
  - (c) in the case of a notice forwarded by facsimile transmission, email or some other form of electronic transmission, on the date it was so transmitted; save only that if the electronic instrument from which the notice was transmitted produced a written or electronic report indicating that the notice was transmitted on some later date, on that date.

### **32. Members' Ongoing Obligations & Return of Property**

- (1) Each Member must respond within a reasonable time to enquiries of the Management Committee including:
  - a. a request for copies of any documents relating to any involvement with the Hobart PCYC.


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- (2) In the event that a member ceases to be a member of Hobart PCYC, such member shall immediately return to Hobart PCYC all Hobart PCYC records, documents and other property then in the possession, power or control of the member.

### **33. Sanction, Suspension and Expulsion of Members**

- (1) The General Manager is authorised to sanction, suspend or cancel the membership of any Member when he/she considers that such action is justifiable, necessary and if, in the reasonable opinion of the General Manager the Member is guilty of any conduct that is detrimental or prejudicial to the interests of the Hobart PCYC; or
- (2) the Member has wilfully refused or neglected to comply with these rules or the Hobart PCYC's membership requirements (as adopted by the Management Committee from time to time).
- (3) If the General Manager sanctions, suspends or expels a Member from the Hobart PCYC, the action takes effect immediately and the General Manager is to cause to be served on the Member a notice in writing:
- stating that the General Manager has sanctioned, suspended or expelled the Member;
  - specifying the grounds for the action; and
  - informing the Member of the right to appeal under rule 34.

### **34. Appeal Against Sanction, Suspension and Expulsion**

- (1) A Member may appeal against a sanction, suspension or expulsion by serving on the Management Committee, within 14 days after the service of a notice under rule (3), a requisition in writing demanding the convening of a meeting of the Management Committee Meeting for the purpose of hearing the appeal.
- (2) On receipt of a requisition, a meeting of the Management Committee shall be held within 21 days after the day on which the requisition is received.
- (3) At the Management Committee meeting convened for the purpose of this rule:
- no business other than the question of the sanction, suspension or expulsion is to be transacted;
  - the General Manager shall place before the meeting details of the grounds of the sanction, suspension or expulsion; and
  - the sanctioned, suspended or expelled Member must be given an opportunity to be heard and to bring witnesses as appropriate.
- (4) If at the Management Committee meeting, a majority of the Members present vote in favour of lifting the sanction, suspension or expulsion:
- the sanction, suspension or expulsion is to be taken never to have taken effect; and

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- (b) the sanctioned, suspended or expelled Member is entitled to continue as a Member effective immediately.
  - (5) If at the Management Committee meeting a majority of the Members present vote in favour of confirming the sanction, suspension or expulsion, the decision takes effect immediately and is final.

### **35. Hobart PCYC Seal, Its Custody and Use**

- (1) Hobart PCYC shall have a Common Seal.
- (2) The seal of the Hobart PCYC is to be in the form of a rubber stamp inscribed with the name of the Hobart PCYC encircling the word "Seal".
- (3) The seal is not to be affixed to any instrument except by the authority of the Management Committee.
- (4) The affixing of the seal is to be attested by the signatures of:
  - (a) two members of the Management Committee; or
  - (b) one member of the Management Committee and the public officer or any other person the Management Committee may appoint for that purpose.
- (5) Attestation under rule 34(4) is sufficient for all purposes that the seal was affixed by authority of the Management Committee.
- (6) The seal is to remain in the custody of the Secretary.

### **36. Patron**

The Hobart PCYC may from time to time invite a person to hold the honorary title of Patron of the Hobart PCYC and such person may, at his or her discretion, attend any meeting of the Management Committee. The position of Patron does not attract voting rights.

### **37. Order of Merit**

- (1) Hobart PCYC in General Meeting may by Ordinary Resolution confer on any person Hobart PCYC may consider:
  - (a) has rendered outstanding service to the Hobart PCYC; or
  - (b) is otherwise deserving of such recognition;a Hobart PCYC Order of Merit.
- (2) The Committee may make such determinations as it may deem appropriate relating to Hobart PCYC Orders of Merit and their award.
- (3) Hobart PCYC in General Meeting may by Ordinary Resolution revoke from any person an Order of Merit.



## 38. Indemnities

- (1) To the extent permitted by law, the Hobart PCYC indemnifies every officer and Management Committee member of it out of the assets of the Hobart PCYC against any liability incurred by that person in his or her capacity as an officer or Management Committee member of the Hobart PCYC:
  - (a) to a person other than the Hobart PCYC or a related body corporate (as defined in the Corporations Act 2001) of it unless the liability arises out of conduct on the part of the officer or Management Committee member which involves a lack of good faith;
  - (b) in defending any proceedings, whether civil or criminal, in which judgment is given in his or her favour or in which he or she is acquitted; and
  - (c) in connection with any application, in relation to such proceedings, in which a court grants relief to the person.

## 39. Excess Property on Winding Up

- (1) If, on the winding up or dissolution of Hobart PCYC, and after satisfaction of all its debts and other liabilities, any property of Hobart PCYC remains unallocated, that property must be given or transferred to another body or bodies:
  - (a) which has or have objects similar to those of Hobart PCYC; and
  - (b) whose constitution or constitutions prohibits or prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed under this Constitution.
- (2) The bodies or body to whom property of Hobart PCYC shall be given or transferred in accordance with clause 39.1(a) and 39.1(b) of this Constitution shall be determined:
  - a. by the Hobart PCYC in General Meeting at or before the time of winding up or dissolution; or
  - b. failing a determination in accordance with clause 39.2(a) of this Constitution, by a Judge who has, or who may acquire, jurisdiction to make a determination in this matter.

## 40. Time

Subject to the requirements of the Act and with the other laws of the State of Tasmania, where this Constitution requires something to be done by a particular time, or within a particular period, or that an event is to occur or a circumstance is to change on or by a particular date, the Management Committee may, in its absolute and unfettered discretion, extend that time, period or date as it considers fit.





## **41. Binding Effect**

All persons who are members of Hobart PCYC, shall be subject to and bound by:

- (a) this Constitution; and
- (b) all By-Laws and other rules made pursuant to this Constitution.

## **42. Amendments**

No amendment shall be made to this Constitution unless pursuant to a Special Resolution carried at a General Meeting.

## **43. Transitional Provisions**

- (1) The Amendments made to these Rules at the annual general meeting of the Hobart PCYC held on 29 September 2020 (“these amendments”) shall enter into force immediately upon the approval of the same by the Commissioner of Corporate Affairs in accordance with section 18 of the Act.
- (2) Subject to these Rules, all persons who are Members of the Hobart PCYC immediately prior to these amendments entering into force shall continue without more to be Members of the Hobart PCYC until 1 February 2021.
- (3) Any Member referred to in rule 5 who seeks to continue his or her Membership of the Hobart PCYC uninterrupted must reapply for Membership of the Hobart PCYC in accordance with the requirements of these Rules, as amended, on or before 1 February 2021.