

**La Trobe University Snowsports Team (LUST)
Inc. (A0051108R)**

Constitution

**Based on the Model Rules for an
Incorporated Association**

**Associations Incorporation Reform Regulations
2012 Part 3**

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Rules for La Trobe University Snowsports Team (LUST) Inc.

Note

The persons who from time to time are members of LUST are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of LUSTs Incorporation Reform Act 2012, these Rules are taken to constitute the terms of a contract between LUST and its members.

PART 1—PRELIMINARY 1

Name

The name of the incorporated association is "La Trobe University Snowsports Team (LUST) Incorporated", hereafter 'LUST'.

Note

Under section 23 of the Act, the name of the Association and its registration number must appear on all its business documents. **2 Purposes** The purposes of LUST are— (1) Facilitate the involvement of the La Trobe University community in sport.

(2) To foster the development of snowsports within the University. (3) To provide snowsports opportunities to LUST members of all abilities.

(4) To provide pathways for LUST members to develop their sports skills. (5) To provide a social environment which will encourage the development of long lasting friendships between members. (6) To maintain LUST's financial viability.

3 Financial year

The financial year of LUST is each period of 12 months ending on 30 September.

4 Affiliation

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(1) While LUST is affiliated with the University, the club must abide by any decision of the University, which, in the opinion of the University directly affects LUST.

(2) If at any time the University disaffiliates LUST, LUST must account to the

University all funds granted to it by the University and must transfer to the University all assets acquired wholly or partly with grant funds and any unexpended grant funds.

(3) Upon termination of the Affiliation Agreement with La Trobe University, LUST must take immediate action to remove the words “La Trobe University” from its name.

5 Definitions

In these Rules—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting); ***associate member*** means a member referred to in rule 16(1);

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 49;

Committee means the Committee having management of the business of LUST;

committee meeting means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of LUST convened under rule 25(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 24;

disciplinary subcommittee means the subcommittee appointed under rule 22; ***financial year*** means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of LUST convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

member means a member of LUST;

member entitled to vote means a member who under rule 14(2) is

entitled to vote at a general meeting;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution; **the Act** means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act; **the Registrar** means the Registrar of Incorporated Associations; and

the University means La Trobe University.

5

PART 2—POWERS OF ASSOCIATION 6 Powers of

Association (1) Subject to the Act, LUST has power to do all things incidental or conducive to achieve

its purposes. (2) Without limiting subrule (1), LUST may—

- (a) acquire, hold and dispose of real or personal property; (b) open and operate accounts with financial institutions;
- (c) invest its money in any security in which trust monies may lawfully be invested;
- (d) raise and borrow money on any terms and in any manner as it thinks fit;
- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
- (f) appoint agents to transact business on its behalf; (g) enter into any other contract it considers necessary or desirable.
- (3) LUST may only exercise its powers and use its income and assets (including any surplus) for its purposes.

7 Not for profit organisation (1) LUST must not distribute any surplus, income or assets directly or indirectly to its

members. (2) Subrule (1) does not prevent LUST from paying a member—

- (a) reimbursement for expenses properly incurred by the member; or (b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES
Division 1—Membership

8 Minimum number of members

LUST must have at least 5 members.

9 Who is eligible to apply to be a member

Any person who supports the purposes of LUST is eligible for membership.

- 10 Application for membership** (1) To apply to become a member of LUST, a person must submit a written application to
a committee member (or via any other registration process approved by the Committee) stating that the person—

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- (a) wishes to become a member of LUST; and
- (b) supports the purposes of LUST; and
- (c) agrees to comply with these Rules.

- (2) The application—

- (a) must be signed by the applicant; and
- (b) may be accompanied by the joining fee. (3) The period of membership will be the membership year, from February 1 to January

31.

Note

The joining fee is the fee (if any) determined by LUST under rule 13(3). **11**

Consideration of application (1) The application is taken to have been accepted at the time the applicant paid the joining fee unless an objection is raised by the Committee in relation to the application for membership, within 14 days of the application. If the Committee decides to reject the application based on the objection, the Committee must notify the applicant in writing of its decision. (2) If the Committee rejects the application, it must return any money accompanying the application to the applicant. (3) No reason need be given for the rejection of an application.

12 New membership (1) If an application for membership is taken to be approved by the Committee—

(a) the Committee (normally undertaken by the Club Officer) must, as

soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.

(2) A person becomes a member of LUST and, subject to rule 14(2), is entitled to exercise

his or her rights of membership from the date, whichever is the later, on which—

(a) the Committee approves the person's membership; or (b) the person pays the joining fee.

(3) Those persons who were members of LUST immediately prior to the approval of this

Constitution shall continue to be members of LUST until the beginning of the next membership year in accordance with rule 10(3).

13 Annual subscription and fee on joining (1) At the first Committee meeting following the annual general meeting, the Committee must determine—

(a) the amount of the annual subscription (if any) for the following

membership year;

(b) sub-categories of membership; and (c) the date for payment of the annual subscription.

—and record this information in Appendix 1. This information must be made public.

7

(2) The Committee may determine that a discounted annual subscription is payable by

associate members or any of the sub-categories of members identified in Appendix

1. (3) LUST may determine that any new member who joins after the start of a membership

year must, for that membership year, pay a fee equal

to— (a) the full annual subscription; or

(b) a pro rata annual subscription based on the remaining part of the

membership year; or

(c) a fixed amount determined from time to time by LUST. (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

14 General rights of members (1) A member of LUST who is entitled to vote 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 LUST as provided under rule 78; and

(f) to inspect the register of members. (2)

A member is entitled to vote if—

(a) the member is a member other than an associate member; and (b) more than 10 business days have passed since he or she became a member of LUST; and (c) the member's membership rights are not suspended for any reason.

15 Life members (1) Life membership may be awarded to members who have shown outstanding

contribution towards the purposes of LUST, as nominated by the Committee.
Life membership will be granted by special resolution at a general meeting.

(2) Life members will have voting rights at any general meeting and will be eligible to be
a member of the Committee.

(3) Life members will be included in the total number of members of LUST and recorded
on the register of members.

16 Associate members (1) Associate members of LUST include—

- (a) any members under the age of 15 years; and (b) any other sub-category of member as determined by at the first
Committee meeting following the annual general meeting
and subsequently included in Appendix 1.

8

(2) An associate member must not vote but may have other rights as determined by the
Committee or by resolution at a general meeting.

17 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

18 Ceasing membership (1) The membership of a person ceases on resignation, expulsion or death. (2) If a person ceases to be a member of LUST, LUST (usually the Club Officer) must, as

soon as practicable, enter the date the person ceased to be a member in the register of members.

19 Resigning as a member (1) A member may resign by notice in writing given to LUST.

Note

Rule 77(3) sets out how notice may be given to LUST. It includes by post or by handing the notice to a member of the committee. (2) A member is taken to have resigned if—

(a) the member's annual subscription is more than 12 months in arrears; or (b) where no annual subscription is payable—

(i) LUST 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.

20 Register of members (1) LUST (usually the Club Officer) must keep and maintain a register of members that includes—

(a) for each current member—

(i) the member's name;

(ii) the address for notice last given by the member; (iii) the date of becoming a member;

(iv) if the member is an associate member, a note to that effect; (v) any other information determined by the Committee; and

(b) for each former member, the date of ceasing to be a member. (2)

Any member may, at a reasonable time and free of charge, inspect the register of

members. (3) LUST must ensure that the Secretary can easily access the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

21 Grounds for taking disciplinary action

LUST may take disciplinary action against a member in accordance with

this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of LUST; or (c) has engaged in conduct prejudicial to LUST or the University.

22 Disciplinary subcommittee (1) 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.

(2) The members of the disciplinary subcommittee—

- (a) may be Committee members, members of LUST or anyone else; but
- (b) must not be biased against, or in favour of, the member concerned.

23 Notice to member (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

(a) stating that LUST proposes to take disciplinary action against the member; and

(b) stating the grounds for the proposed disciplinary action; and
(c) specifying the date, place and time of the meeting at which the

disciplinary subcommittee intends to consider the disciplinary action (the disciplinary meeting); and

(d) 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;
and

(e) setting out the member's appeal rights under rule 25. (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

24 Decision of subcommittee (1) At the disciplinary meeting, the disciplinary subcommittee must—

(a) give the member an opportunity to be heard;
and

(b) consider any written statement submitted by the member.

(2) After complying with subrule (1), the disciplinary subcommittee may—

(a) take no further action against the member;
or

10

(b) subject to subrule (3)—

(i) reprimand the member; or (ii) suspend the membership rights of the member for a specified

period; or (iii) expel the member from LUST.

(3) The disciplinary subcommittee may not fine the member. (4) 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.

25 Appeal rights (1) A person whose membership rights have been suspended or who has been expelled from LUST under rule 24 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion. (2) The notice must be in writing and given—

(a) to the disciplinary subcommittee immediately after the vote to suspend
or expel the person is taken; or

(b) to the Secretary not later than 48 hours after the vote. (3) If a person has given notice under subrule (2), 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.

(4) Notice of the disciplinary appeal meeting must be given to each member of LUST who

is entitled to vote as soon as practicable and must—

(a) specify the date, time and place of the meeting; and (b) state— (i) the name of

the person against whom the disciplinary action
has been taken; and

(ii) the grounds for taking that action; and (iii) 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.

26 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be
conducted;
and

(b) the Committee must state the grounds for suspending or expelling
the
member and the reasons for taking that action;
and

(c) the person whose membership has been suspended or who has
been
expelled must be given an opportunity to be
heard.

(2) After complying with subrule (1), 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.

(3) A member may not vote by proxy at the
meeting.

- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure 27 Application (1)

The grievance procedure set out in this Division applies to disputes under these Rules between—

- (a) a member and another member; (b) a member and the Committee;
- (c) a member and LUST. (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

28 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

29 Appointment of mediator (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 28, the parties must within 10 days—

- (a) notify the Committee of the dispute; and (b) agree to or request the appointment of a mediator; and
- (c) attempt in good faith to settle the dispute by mediation.

(2) The mediator must be—

- (a) a person chosen by agreement between the parties; or (b) in the absence of agreement—

(i) if the dispute is between a member and another member—a

person appointed by the Committee;
or

(ii) if the dispute is between a member and the Committee
or

LUST—a person appointed or employed by the Dispute Settlement Centre of Victoria. (3) A mediator appointed by the Committee may be a member or former member of

LUST but in any case must not be a person who—

(a) has a personal interest in the dispute;

or

(b) is biased in favour of or against any party.

30 Mediation process (1) The mediator to the dispute, in conducting the mediation, must—

(a) give each party every opportunity to be heard;

and

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(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 throughout the

mediation process. (2) The mediator must not determine the dispute.

31 Failure to resolve dispute by mediation

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

PART 4—GENERAL MEETINGS OF LUST **32 Annual general meetings** (1) The Committee must convene an annual general meeting of LUST to be held within 5

months after the end of each financial year. (2) Despite subrule (1), LUST may hold its first annual general meeting at any time within

18 months after its incorporation. (3) The Committee may determine the date, time and place of the annual general meeting.

(4) The ordinary business of the annual general meeting is as follows—

(a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then; (b) to receive and consider—

(i) the annual report of the Committee on the activities of LUST

during the preceding financial year;
and

(ii) the financial statements of LUST for the preceding financial

year submitted by the Committee in accordance with Part 7 of the Act;
(c) to elect the members of the Committee.

(5) The annual general meeting may also conduct any other business of which notice has

been given in accordance with these
Rules.

33 Special general meetings (1) Any general meeting of LUST, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting. (2) The Committee may convene a special general meeting whenever it thinks fit.

(3) No business other than that set out in the notice under rule 35 may be conducted at the

meeting. **Note**

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 35 and the majority of members at the meeting agree. **34 Special general**

meeting held at request of members (1) The Committee must convene a special general meeting if a request to do so is made in

accordance with subrule (2) by at least 10% of the total number of
members.

13

(2) A request for a special general meeting must—

(a) be in writing; and (b) state the business to be considered at the meeting and any resolutions

to be proposed; and (c) include the names and signatures of the members requesting the meeting; and (d) be given to the Committee.

(3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting. (4) A special general meeting convened by members under subrule (3)—

(a) must be held within 3 months after the date on which the original request was made; and

(b) may only consider the business stated in that request. (5) LUST must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

35 Notice of general meetings (1) The Committee (or, in the case of a special general meeting convened under rule

34(3), the members convening the meeting) must give to each member of LUST—

(a) at least 21 days' notice of a general meeting if a special resolution is to

be proposed at the meeting;
or

(b) at least 14 days' notice of a general meeting in any other case. (2) The notice must—

(a) specify the date, time and place of the meeting; and (b) indicate the general nature of each item of business to be considered at the meeting; and (c) if a special resolution is to be proposed—

(i) state in full the proposed resolution; and (ii) state the intention to propose the resolution as a special resolution; and (d) comply with rule 36(5).

(3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 25(4) sets out the requirements for notice of a disciplinary appeal meeting. **36 Proxies**
(1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting. (2) The appointment of a proxy must be in writing and signed by the member making the appointment using the attached template (Appendix 2)

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(3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.

(4) If the Committee has approved a form for the appointment of a proxy, the member

may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member. (5) Notice of a general meeting given to a member under rule 35 must—

(a) state that the member may appoint another member as a proxy for the

meeting; and

(b) include a copy of any form that the Committee has approved for the

appointment of a proxy.

(6) A form appointing a proxy must be given to the Chairperson of the meeting before or

at the commencement of the meeting.

(7) A form appointing a proxy sent by post or electronically is of no effect unless it is

received by LUST no later than 24 hours before the commencement of the meeting.

37 Use of technology (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a member participating in a general meeting as permitted

under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

38 Quorum at general meetings (1) No business may be conducted at a general meeting unless a quorum of members is present.

(2) The quorum for a general meeting is the presence (physically, by proxy or as allowed

under rule 37) of 10% of the members entitled to vote.

(3) If a quorum is not present within 30 minutes after the notified commencement time of

a general meeting—

(a) in the case of a meeting convened by, or at the request of, members

under rule 34—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 34.

(b) in any other case—

(i) the meeting must be adjourned to a date not more than 21 days

after the adjournment; and

(ii) notice of the date, time and place to which the meeting is

adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a general meeting

has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

39 Adjournment of general meeting (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place. (2) Without limiting subrule (1), a meeting may be adjourned—

- (a) if there is insufficient time to deal with the business at hand;
- or (b) to give the members more time to consider an item of business.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting. (3) No business may be conducted on the resumption of an adjourned meeting other than

the business that remained unfinished when the meeting was adjourned. (4) Notice of the adjournment of a meeting under this rule is not required unless the

meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 35.

40 Voting at general meeting (1) On any question arising at a general meeting—

- (a) subject to subrule (3), each member who is entitled to vote has one vote; and

(b) members may vote personally or by proxy; and (c) except in the case of a special resolution, the question must be decided on a majority of votes. (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote. (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote. (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 26.

41 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of LUST.

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42 Determining whether resolution carried (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—

- (a) carried; or (b) carried unanimously; or
- (c) carried by a particular majority; or (d) lost—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

(2) If a poll (where votes are cast in writing) is demanded by three or more members on

any question— (a) the poll must be taken at the meeting in the manner determined by the

Chairperson of the meeting;
and

(b) the Chairperson must declare the result of the resolution on the basis of the poll.

(3) A poll demanded on the election of the Chairperson or on a question of an

adjournment must be taken immediately.

(4) A poll demanded on any other question must be taken before the close of the meeting

at a time determined by the

Chairperson.

43 Minutes of general meeting (1) The Committee must ensure that minutes are taken and kept of each general meeting.

(2) The minutes must record the business considered at the meeting, any resolution on

which a vote is taken and the result of the vote.

(3) In addition, the minutes of each annual general meeting must include—

(a) the names of the members attending the meeting;
and

(b) proxy forms given to the Chairperson of the meeting under rule 36(6);
and

(c) the financial statements submitted to the members in accordance with
rule 32(4)(b)(ii); and

(d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of LUST; and (e) any audited accounts and auditor's report or report of a review
accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE Division 1—Powers of Committee 44 Role and powers (1) The business of LUST must be managed by or under the direction of a Committee.

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(2) The Committee may exercise all the powers of LUST except those powers that these

Rules or the Act require to be exercised by general meetings of the members of LUST. (3) The Committee may—

(a) appoint and remove staff and deputies; (b) establish subcommittees

consisting of members with terms of reference it considers appropriate. (4) The Executive of LUST shall exercise executive powers to act on behalf of the committee during periods between meetings of the Committee.

45 Delegation (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—

(a) this power of delegation; or (b) a duty imposed on the Committee by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

(3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

46 Composition of Committee (1) The Executive of LUST shall consist of—

(a) a President; and (b) a Vice-President; and

(c) a Club Officer; and (d) a Treasurer; and

(2) Other members of the committee consist of

(a) a Secretary; and

(b) ordinary members (if any) elected under rule 56.

(3) The committee shall consist of:

(a) The Executive of LUST; (b) The Secretary; and

(c) No more than six ordinary members (4) At least four Committee positions shall be occupied, including the Secretary, and at

least two of the Executive roles. (5) In the event of a casual vacancy in any of the Executive positions referred to in sub- rule 46(1), the committee may appoint one of its members to the vacant position and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment. (6) In the event of a casual vacancy in any of the positions referred to in sub-rule 46(2),

except the Secretary, the committee may appoint a member of LUST to the vacant

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position and the member appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of the appointment.

47 General Duties (1) As soon as practicable after being elected or appointed to the Committee, each

committee member must become familiar with these Rules and the Act.

(2) The Committee is collectively responsible for ensuring that LUST complies with the

Act and that individual members of the Committee comply with these Rules.

(3) Committee members must exercise their powers and discharge their duties with

reasonable care and diligence.

(4) Committee members must exercise their powers and discharge their duties—

(a) in good faith in the best interests of LUST; and

(b) for a proper purpose. (5) Committee members and former committee members must not make improper use

of—

(a) their position; or

(b) information acquired by virtue of holding their position— so as to gain an advantage for themselves or any other person or to cause detriment to LUST.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association. (6) In addition to any duties imposed by these Rules, a Committee member must perform

any other duties imposed from time to time by resolution at a general meeting.

(7) The Committee shall maintain the register of members in accordance with rule 20. (8) The Committee may appoint “deputies” to undertake specific roles to achieve the

purpose of the club

48 Deputies (1) Deputies of LUST are appointed to assist the Committee in furthering the aims of LUST

(2) Deputies shall be appointed by the Committee at a Committee Meeting according to

the following process:

(a) Notice of the general nature of the position shall be made to LUST’s

members at least 7 days before the appointment.

(b) The specific responsibilities of the position shall be included in the

minutes as part of the question to appoint.

(c) The length of the appointment shall be set at the time of appointment,

and may not exceed 18 months.

(3) In their position as a Deputy of LUST, a person may not exercise a power reserved for the Officers of LUST, and may not exercise a vote at a meeting of the committee. The Deputy, also may not act in a way contrary to the duties of the Committee under the Act.

(4) A Deputy may be dissolved by the Committee at any time.

(5) A Deputy may resign by providing notice to the Committee.

49 President and Vice-President (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President

is the Chairperson for any general meetings and for any committee meetings.

(2) If the President and the Vice-President are both absent, or are unable to preside, the

Chairperson of the meeting must be—

(a) in the case of a general meeting—a member elected by the other

members present; or

(b) in the case of a committee meeting—a committee member elected by

the other committee members present.

50 Secretary (1) The Secretary must perform any duty or function required under the Act to be

performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of LUST with the Registrar. (2) The Secretary must—

(a) keep custody of the common seal (if any) of LUST and, except for the

financial records referred to in rule 73(3), all books, documents and securities of LUST in accordance with rules 75 and 78; and

(b) subject to the Act and these Rules, provide members with access to the

register of members, the minutes of general meetings and other books and documents; and (c) perform any other duty or function imposed on the Secretary by these

Rules. (3) The Secretary must give to the Registrar notice of his or her appointment within 14

days after the appointment. (4) The Secretary may hold more than one position on the Committee, but is entitled to

only one vote. (5) The Secretary will not be voted for at the Annual General Meeting.

(6) In the first Committee meeting after the Annual General Meeting the position of

Secretary may be declared vacant and voted on by the members of the Committee, in accordance with the procedure set out in rule 57. (7) The Committee should advertise the process for filling the position of Secretary and

may receive nominations prior to the first Committee meeting after the Annual General Meeting.

51 Treasurer (1) The Treasurer must—

- (a) receive all moneys paid to or received by LUST and issue receipts for those moneys in the name of LUST; and

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- (b) ensure that all moneys received are paid into the account of LUST within 5 working days after receipt; and (c) make any payments authorised by the Committee or by a general meeting of LUST from LUST's funds; and (d) ensure cheques are signed by at least 2 committee members.

(2) The Treasurer must—

- (a) ensure that the financial records of LUST are kept in accordance with the Act; and (b) coordinate the preparation of the financial statements of LUST and their certification by the Committee prior to their submission to the annual general meeting of LUST; and
- (c) ensure that financial statements, once received, are submitted as requested to the University.

(3) The Treasurer must ensure that at least one other committee member has access to the

accounts and financial records of LUST.

Division 3—Election of Committee members and tenure of office

52 Who is eligible to be a Committee member (1) 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.

(2) A member may only hold one position on the committee, with the exception of the position of the Secretary – see rule 50(4).

53 Positions to be declared vacant

(1) This rule applies to—

(a) the first annual general meeting of LUST after its incorporation; or (b) any subsequent annual general meeting of LUST, after the annual report and financial statements of LUST have been received. (2) The Chairperson of the meeting must declare all positions on the Committee vacant (except the Secretary) and hold elections for those positions in accordance with rules 54 to 57.

54 Nominations (1) Nominations for positions must be received by the Executive Committee in writing

prior to the commencement of the meeting. The Executive committee must present all nominations for positions to the Chairperson prior to the commencement of the meeting. (2) An eligible member of LUST may—

(a) nominate himself or herself; or (b) with the member's consent, be nominated by another member; and

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(c) may be nominated for multiple positions. If this occurs, the member

must give the Chairperson an order of preference

55 Election of President etc. (1) At the annual general meeting, separate elections must be held for each of the following positions—

- (a) President; (b) Vice-President;
(c) Club Officer; (d) Treasurer.

(2) All other positions other than ordinary members. (3) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position. (4) If more than one member is nominated, a ballot must be held in accordance with rule 57. (5) On his or her election, the new President may take over as Chairperson of the meeting.

56 Election of ordinary members (1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.

(2) A single election may be held to fill all of those ordinary member positions. (3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.

(4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 57.

57 Ballot (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot. (2) The returning officer must not be a member nominated for the position.

(3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.

(4) The election must be by secret ballot. (5) The returning officer must give a blank piece of paper to—

- (a) each member present in person; and (b) each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

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(6) If the ballot is for a single position, the voter must write on the ballot paper the name

of the candidate for whom they wish to vote.

(7) If the ballot is for more than one position—

(a) the voter must write on the ballot paper the name of each candidate for

whom they wish to vote;

(b) the voter must not write the names of more candidates than the

number to be elected.

(8) Ballot papers that do not comply with subrule (7)(b) are not to be counted. (9) Each ballot paper on which the name of a candidate has been written counts as one

vote for that candidate. (10) The returning officer must declare elected the candidate or, in the case of an election

for more than one position, the candidates who received the most votes. (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—

(a) conduct a further election for the position in accordance with subrules

(4)(4) to (10) to decide which of those candidates is to be elected; or

(b) with the agreement of those candidates, decide by lot which of them is

to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat. **58 Term of office** (1) Subject to subrule (3), rule 59 and rule 50, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.

(2) A committee member may be re-elected. (3) A general meeting of LUST may—

- (a) by special resolution remove a committee member from office; and (b) elect an eligible member of LUST to fill the vacant position in accordance with this Division. (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of LUST (not exceeding a reasonable length) and may request that the representations be provided to the members of LUST. (5) The Secretary or the President may give a copy of the representations to each member of LUST 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.

59 Vacation of office (1) A committee member may resign from the Committee by written notice addressed to the Committee. (2) A person ceases to be a committee member if he or she—

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- (a) ceases to be a member of LUST; or
(b) fails to attend 3 consecutive committee meetings (without giving a written apology with at least 3 days notice) (other than special or urgent committee meetings) without leave of absence under rule 70; or (c) otherwise ceases to be a committee member by operation of section

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of the Act.

Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

60 Filling casual vacancies (1) The Committee may appoint an eligible member of LUST to fill a position on the Committee that—

- (a) has become vacant under rule 59; or (b) was not filled by election at the last annual general meeting.

(2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy

arises.

(3) Rule 58 applies to any committee member appointed by the Committee under subrule

(1) or (2).

(4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee 61 Meetings of

Committee (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.

(2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of LUST at which the members of the Committee were elected. (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

62 Notice of meetings (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.

(2) Notice may be given of more than one committee meeting at the same time. (3) The notice must state the date, time and place of the meeting.

(4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.

(5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

63 Urgent meetings (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 62 provided that as much notice as practicable is given to each committee member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the

Committee. (3) The only business that may be conducted at an urgent meeting is the business for

which the meeting is convened.

64 Procedure and order of business (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

65 Use of technology (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.

(2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

66 Quorum (1) No business may be conducted at a Committee meeting unless a quorum is present. (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 65) of a majority of the committee members holding office, including a majority of the Executive.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—

(a) in the case of a special meeting—the meeting lapses; (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 62.

67 Voting (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.

(2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.

(3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.

(4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

68 Conflict of interest (1) 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.

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(2) The member— (a) must not be present while the matter is being considered at the meeting; and
(b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter. (3) This rule does not apply to a material personal interest—

(a) that exists only because the member belongs to a class of persons for whose benefit LUST is established; or (b) that the member has in common with all, or a substantial proportion of, the members of LUST.

69 Minutes of meeting (1) The Committee must ensure that minutes are taken and kept of each committee meeting.

(2) 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;
- (d) any material personal interest disclosed under rule 68.

70 Leave of absence (1) The Committee may grant a committee member leave of absence from committee

meetings for a period not exceeding 3 months.

(2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS 71

Source of funds

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

72 Management of funds (1) LUST must open an account with a financial institution from which all expenditure of

LUST is made and into which all of LUST's revenue is deposited.

(2) Subject to any restrictions imposed by a general meeting of LUST, the Committee may

approve expenditure on behalf of LUST.

(3) The Committee may authorise the Treasurer to expend funds on behalf of LUST

(including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

(4) All cheques, drafts, bills of exchange, promissory notes and other negotiable

instruments must be signed by 2 committee members. (5) All funds of LUST must be deposited into the financial account of LUST no later than 5 working days after receipt. (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

73 Financial records (1) LUST must keep financial records that—

- (a) correctly record and explain its transactions, financial position and performance; and
- (b) enable financial statements to be prepared as required by the Act. (2) LUST must retain the financial records for 7 years after the transactions covered by the records are completed. (3) The Treasurer must keep in his or her custody, or under his or her control—
 - (a) the financial records for the current financial year; and (b) any other financial records as authorised by the Committee.

74 Financial statements (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of LUST are met. (2) Without limiting subrule (1), those requirements include—

- (a) the preparation of the financial statements; (b) if required, the review or auditing of the financial statements;
- (c) the certification of the financial statements by the Committee; (d) the submission of the financial statements to the annual general meeting of LUST; (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS 75

Common seal (1) LUST may have a common seal.

(2) If LUST has a common seal—

- (a) the name of LUST must appear in legible characters on the common

seal; (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;

(c) the common seal must be kept in the custody of the Secretary.

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76 Registered address

The registered address of LUST is—

(a) the address determined from time to time by resolution of the Committee; or if the Committee has not determined an address to be the registered address— the address of LUST at the University.

77 Notice requirements (1) Any notice required to be given to a member or a committee member under these

Rules may be given—

(a) by handing the notice to the member personally; or (b) by sending it by post to the member at the address recorded for the member on the register of members; or (c) by email or facsimile transmission.

(2) Subrule (1) does not apply to notice given under rule 63. (3) Any notice required to be given to LUST or the Committee may be given—

(a) by handing the notice to a member of the Committee; or (b) by sending the notice by post to the registered address; or

(c) by leaving the notice at the registered address; or (d) if the Committee determines that it is appropriate in the circumstances—

by email to the email address of LUST or the Secretary.

78 Custody and inspection of books and records (1) Members may on request inspect free of charge—

- (a) the register of members; (b) the minutes of general meetings;
- (c) subject to subrule (2), the financial records, books, securities and any other relevant document of LUST, including minutes of Committee meetings.

Note

See note following rule 20 for details of access to the register of members. (2) The Committee may refuse to permit a member to inspect records of LUST that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of LUST. (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge. (4) Subject to subrule (2), a member may make a copy of any of the other records of LUST referred to in this rule and LUST may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

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relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of LUST and includes the following—

- (a) its membership records; (b) its financial statements;
- (c) its financial records; (d) records and documents relating to transactions, dealings, business or property of LUST.

79 Winding up and cancellation (1) LUST may be wound up voluntarily by special resolution. (2) In the event of the winding up or the cancellation of the incorporation of LUST, the surplus assets of LUST must not be distributed to any members or former members of LUST.

(3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to LUST and which is not carried on for the profit or gain of its individual members. (4) Subject to sub-rule (3), if immediately preceding the winding up or the cancellation of

the incorporation of LUST, LUST is affiliated with the University, any assets remaining after all liabilities of LUST have been met shall be transferred to another body nominated by the University provided that body:

- (a) has purposes similar to those of LUST; and
- (b) whose constitution prohibits the distribution of its property among its members to an extent at least as great as is imposed on LUST under this Constitution.

80 Alteration of Rules

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

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, LUST is taken to have adopted its own rules, not the model rules. _____

General Membership Sub-categories of membership under rule 13(1):

| Category | Description | Price |
|-----------------|--------------------|--------------|
|-----------------|--------------------|--------------|

Note

Insert membership category title, description and fee

Associate Membership Sub-categories of associate members under rule 16(1)(b):

Category Description Price

Note

Insert membership category title, description and fee

being a member of the La Trobe University Snowsports Team (LUST)
Inc appoint

(name of proxy holder) Of

(address of proxy holder)

being a member of La Trobe University Snowsports Team (LUST) Inc, as
my proxy to vote for me on my behalf at the annual/special* general
meeting of La Trobe University Snowsports Team (LUST) Inc to be held
on-

(date of meeting)

and at any adjournment of that
meeting.

My proxy is authorised to vote in favour or/against* following
resolution

(insert details of resolution.)

Signed

Date

*Delete if not applicable