

RULES OF THE AUSTRALIAN CAPITAL TERRITORY ULTIMATE ASSOCIATION (INCORPORATED)

Under the Associations Incorporation Act 1991

NAME:

1. The name of the Association is the AUSTRALIAN CAPITAL TERRITORY ULTIMATE ASSOCIATION (INCORPORATED).

INTERPRETATION:

2. In this constitution, and in Association by-laws made hereunder, the following words and expressions shall have the meanings hereby assigned to them (except where or to the extent that the contrary indication appears), that is to say:
 - a) "Association" shall mean the Association as constituted under this Constitution.
 - b) "Committee" shall mean the Committee of the Association as constituted under this Constitution.
 - c) "Executive" shall mean the Executive of the Association as constituted under this Constitution.
 - d) "AFDA" shall mean "The Australian Flying Disc Association Incorporated".
 - e) "ACTUA" shall mean the "Australian Capital Territory Ultimate Association Incorporated".
 - f) "The Act" means the Associations Incorporation Act 1991.
 - g) "The Regulations" means regulations under the above mentioned Act.
 - h) "AGM" shall mean Annual General Meeting.

OBJECTS AND POWERS:

3.
 - a) The objects of the Association shall be to encourage, establish, foster, promote, develop and extend the sport of FLYING DISC on an amateur basis throughout the Australian Capital Territory.
 - b) Affiliate with the AFDA.
 - c) The Association shall have the power only to carry out the objects of the Constitution in such a way as provided by the Constitution and Articles of the AFDA.
 - d) Conduct at least one (1) tournament per year.
 - e) Have a Constitution and be Incorporated under the Act.
 - f) The Constitution to be acceptable to the AFDA.

MEMBERSHIP:

4.
 - a) No person shall be entitled to take part in a sport as a member of the Association, if such participation may jeopardise the amateur status of the other competitors as determined by the AFDA.
 - b) A member shall be defined as a member of the Association provided the committee of the ACTUA has no objections if she/he:
 - i) notifies the Honorary Secretary of the Association to this effect in writing;
 - ii) pays the fees required under rule 15; and
 - iii) is accepted as a Member by the Committee of the ACTUA.
 - c) The secretary or his/her delegate shall, on the acceptance of the new member, enter his/her name in the Register of Members and, upon the name being so entered, the nominee shall become a member of the Association.
 - d) Membership rights shall cease upon receipt by the Honorary Secretary of the Association of a written resignation.
 - e) Honorary or Life membership of the Association may be conferred on any person upon recommendation of a two-thirds majority of the Committee.
 - f) A right, privilege or obligation of a person by reason of his membership of the Association:

- i) is not capable of being transferred or transmitted to another person; and
- ii) terminates upon the cessation of their membership whether by death, resignation or otherwise.

RESIGNATION AND EXPULSION OF A MEMBER:

5. a) A member of the Association who has paid all moneys due and payable by them to the Association may resign from the Association by first giving one months notice in writing to the Secretary of their intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- b) Upon the expiration of a notice given under sub-rule 5(a), the Secretary shall make in the Register of Members an entry recording the date on which the member by whom the notice was given ceased to be a member.
6. a) Subject to these rules, the Executive may by resolution:
 - i) expel a member from the Association
 - ii) suspend a member from membership of the Association for a specified period; or
 - iii) fine a member in accordance with the AFDA's Articles of Association, if the Executive is of the opinion that the member
 - 1) has refused or neglected to comply with these rules
 - 2) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association
- b) A resolution of the Executive under sub-rule 6(a):
 - i) does not take effect unless the Executive, at a meeting held not earlier than fourteen (14) and not later than twenty-eight (28) days after the service on the member of a notice under sub-rule 6(c) confirms the resolution in accordance with this rule; and
 - ii) where the member exercises a right of appeal to the Association, this rule does not take effect unless the Association confirms the resolution in accordance with this rule.
- c) Where the Executive passes a resolution under sub-rule 6(a), the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing :
 - i) setting out the resolution of the committee and the grounds on which it is based.
 - ii) stating that the member may address the Executive at a meeting to be held not earlier than fourteen (14) and not later than twenty-eight (28) days after the service of the notice;
 - iii) stating the date, place and time of the meeting;
 - iv) informing the member that they may do one or more of the following:
 - 1) Attend the meeting
 - 2) give to the Executive before the date of said meeting a written statement seeking the revocation of the resolution
 - 3) Not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that they wish to appeal to the Association in a Special General Meeting against the resolution.
- d) At a meeting of the Executive, held in accordance with sub-rule 6(b), the Executive:
 - i) shall give to the member an opportunity to be heard;
 - ii) shall give due consideration to any written statement submitted by the member: and
 - iii) shall by resolution determine whether to confirm or to revoke the resolution.
- e) Where the Secretary receives a notice under sub-rule 6(c), they shall notify the Executive and the Executive shall convene a Special General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- f) At a Special General Meeting of the Association convened under sub-rule 6(e):
 - i) No business other than the question of the appeal shall be transacted
 - ii) The Executive must place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution.
 - iii) The member shall be given a opportunity to be heard. Their statement is to last no more than fifteen (15) minutes.
 - iv) The members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- g) If at the Special General Meeting:

- i) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
- ii) in any other case, the resolution is revoked.
- h) If a member is expelled from the ACTUA then their membership of the AFDA also stops.
- i) If a member resigns from the ACTUA but is then going to take up membership with another affiliated State Association then their membership of the AFDA does not cease. In all other cases the membership of the AFDA ceases.

OFFICE BEARERS AND THE ELECTION PROCESS:

- 7. a) All office bearers shall be members of the Association, except that the Patron need not be a member. Any person elected or appointed under this rule shall, subject to the Constitution, hold office until a successor has been elected.
- b) The office bearers of the Association shall be elected at every Annual General Meeting of the Association.
- c) The Office Bearers shall include:
 - a President;
 - an Honorary Treasurer;
 - obligatory members
- d) The Office bearers may include
 - a Patron
- e) A Special General Meeting may, by resolution of seventy five percent (75%) of the members present and eligible to vote, remove any office bearers from office before an Annual General Meeting.
- f) Office bearers shall hold office until the following elections at which they shall not be disqualified as candidates by reason only of previous office.
- g) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the AGM.
- h) 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
- i) If the number of nominations exceed the number of vacancies to be filled, a ballot shall be held.

COMMITTEE:

- 8. a) The control and management of the Association shall be vested in a Committee consisting of a maximum of 17 people, including a President, Honorary Treasurer, Honorary Secretary and a Committee member.
- b) No person shall fill more than one place on the Committee at any one time.
- c) The President shall be the Chairperson of all meetings of the Committee. In the absence or unwillingness of the President to act, the Committee shall choose a Chairperson from its own number.
- d) Every matter submitted to the Committee shall be decided by a simple majority of the votes of the Committee members present. Every member of the Committee shall be entitled to one (1) vote except that in the case of an equality of votes, the Chairperson shall have a casting vote in addition to the vote to which the Chairperson is entitled as a member of the Committee. All voting shall be by show of hands unless the meeting decides otherwise.
- e) A quorum of the Committee shall be three (3). If a quorum is not achieved within fifteen (15) minutes from the notified time of the meeting, the meeting shall be postponed to a date to be fixed by the Executive.
- f) The Committee, notwithstanding any vacancy thereon, may proceed to the dispatch of business at any properly constituted meeting.
- g) At least three (3) clear days notice in writing of each meeting of the Committee shall be given to each member thereof.
- h) The Committee may declare vacant the place of any member who has been absent from more than one (1) meeting of the Committee without the leave of the Committee.
- i) The Honorary Secretary shall convene a meeting of the Committee at least every three months of the Associations playing season.

- j) The Honorary Secretary upon the written request of two (2) members of the Committee shall convene a meeting of the Committee in addition to the meetings convened under (i).
- k) Minutes of every meeting of the Committee shall be signed by the Chairperson at the next succeeding meeting, subject to their being adopted by the meeting as a true record of the proceedings of the previous meeting.
- l) The Committee may appoint such delegate or delegates to represent the Association as may be required, with powers as it may think fit. Each delegate of the Association shall submit to the following meeting of the Committee, a report on each meeting, which the delegate was eligible to attend.
- m) The Committee may appoint from its own number or from outside its number, sub-committees for any purpose whatsoever which from time-to-time the Committee thinks desirable, and may delegate to such sub-committees such powers as the Committee thinks fit.
- n) The Committee shall have the power to make, alter, and repeal Association by-laws not being consistent with this Constitution and the Constitution and by-laws of the AFDA. Notice of any proposal to make, alter or repeal any such Association by-law shall be given to the Honorary Secretary of the Association not less than seven (7) clear days before the meeting of the Committee at which it is intended to present such proposal. Any such Association by-law made, altered or repealed by the Committee shall be binding upon all members of the Association.
- o) Every resolution of the Committee shall be binding upon all members of the Association.
- p) Subject to this Constitution and to the Constitution and Articles of AFDA, the Committee shall have the power to do all such acts and things as may be incidental or conducive to the attainment of any of the objects of the Association.
- q) The Committee, at any time, may elect additional members from among the Association members to the Committee to bring up to its maximum or to fill a vacancy.

EXECUTIVE:

- 9. a) The Executive shall consist of the President, Secretary, Treasurer and a Committee member.
- b) The Executive in cases of emergency may act for the Committee provided that it submits its decision for ratification at the next meeting of the Committee.
- c) The Committee, at any time, may elect additional members from its numbers to the Executive to bring it up to its maximum or to fill any vacancy.

FINANCE AND PROPERTY:

- 10. a) Any two of the President, the Treasurer, and one designated committee member shall sign and endorse on the Association's behalf, contracts, receipts, acceptances, cheques, postal notes and other documents.
- b) All assets and property of the Association shall be vested in the Committee. The Association shall operate Association accounts with approved financial institutions provided statements of accounts are lodged annually with the AFDA.
- c) The income and property of the Association, howsoever derived, shall be applied solely towards the promotion of the objects of the Association as set out in this Constitution. No claim shall be made on the property and income of the Association by any member, previous member or any person claiming through them, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member or any other person in return for any service actually rendered to the Association or prevent payment of, or the payment of interest on money borrowed from any member for the purposes of the Association.
- d) Accounts to be closed annually as at 30 June.

DUTIES OF THE TREASURER:

- 11. The Treasurer shall:
 - a) receive and disburse the moneys of the Association as authorised by a General Meeting, the Committee or the Executive;
 - b) keep correct account of all such transactions, lodge in approved financial institution(s) all moneys received, and present to each meeting of the Committee an up-to-date financial statement;

- c) present a report and financial statement to the Annual General Meeting;
- e) make a written request to the AFDA when any such approved budgeted equipment or material is required by the Association. All such equipment and materials shall remain the property of the AFDA.
- f) send a copy of the Annual Financial Statement to the AFDA.

DUTIES OF THE PUBLIC OFFICER:

- 12. a) The Committee shall ensure that a person is appointed as Public Officer.
- b) The first Public Officer shall be the person who completed the application for incorporation of the ACTUA.
- c) The Committee may at any time remove the Public Officer and appoint a new Public Officer provided:
 - i) the person appointed is eighteen (18) years of age or older;
 - ii) is younger than seventy one (71) years of age; and
 - iii) is a resident of the Australian Capital Territory.
- d) The Public Officer shall be deemed to have vacated their position in the following circumstances:
 - i) death
 - ii) resignation
 - iii) removal by committee or at a General Meeting
 - iv) bankruptcy or financial insolvency
 - v) mental illness
 - vi) residency outside the Australian Capital Territory.
- e) When a vacancy occurs in the position of Public Officer, the Committee shall within fourteen (14) days notify the Registrar-General's Office by the prescribed form and appoint a new Public Officer.
- f) The Public Officer is required to notify the Registrar-General's Office by the prescribed form in the following circumstances:
 - i) appointment (within 14 days).
 - ii) a change of residential address (within 14 days).
 - iii) a change of the ACTUA's constitution rules (within 28 days).
 - iv) a change of the ACTUA's financial affairs (within 28 days after the AGM).
 - v) a change in the ACTUA's name (within 28 days).
- g) The Public Officer may be an office bearer, committee member, or any other person regarded as suitable for the position by the committee.

GENERAL MEETINGS:

- 13. a) The Committee shall summon an Annual General Meeting of all members of the Association once in every calendar year to be held as early as practicable after the closing of accounts.
- b) The business of the Annual General Meeting shall be to receive and consider the Annual Report and Financial Statement, to elect office bearers, and to transact any other business that under this Constitution may be transacted by the Association at a meeting of the Committee. All voting shall be by show of hands unless the meeting decides otherwise. The ordinary business of the AGM shall be:
 - i) to confirm the minutes of the last preceding AGM and of any special general meeting held since that meeting
 - ii) to receive from the Executive reports upon the transactions of the Association during the last preceding financial year
 - iii) to elect officers of the Association and the ordinary members of the Executive; and
 - iv) to receive and consider the statement submitted by the Association in the Act.
- c) A Special General Meeting of the Association may be called by the Committee. At least six (6) members or 25% of the total membership (whichever is the less) may submit to the Honorary Secretary a requisition in writing for a Special General Meeting, provided that such a requisition states the object of the meeting. On receipt of such a requisition the Honorary

Secretary shall within seven (7) days and in accordance with 14 (e) call a Special General Meeting.

- d) The President shall be the Chairperson at all General Meetings of the Association. In the absence or unwillingness of the President to act, the members of the Association, present, shall choose a Chairperson from among their number.
- e) Notice of every Annual and Special General Meeting of the Association shall be advertised where practicable, and, in addition, each member of the Association shall be given notice of 21 days before such a meeting. All such notifications and advertisements shall specify the nature of the business to be dealt with thereat.
- f) Members of the Association only shall be eligible to vote at General Meetings of the Association. Excepting as provided for in rule 5, 6, 7 and 9 all matters being voted on at a General Meeting shall be decided by a simple majority of votes of those members present. In the event of an equal number of votes being recorded, the Chairperson shall have the casting vote in addition to the vote to which the Chairperson is entitled to as a member.
- g) At any General Meeting of the Association the presence of fifteen (15) members or ten percent (10%) of the total membership of the Association (whichever is the least) shall constitute a quorum. If a quorum is not achieved within thirty (30) minutes from the notified time of the meeting, the meeting shall be postponed for at least seven (7) and not more than twenty one (21) clear days having been given, the postponed meeting shall then be held and, in the case of an Annual General Meeting, the meeting shall be empowered to transact legally the business for which the General Meeting was called.
- h) Every resolution passed at any General Meeting of the Association shall be binding on all members thereof, whether present there or not.
- i) A member is not entitled to vote at any General Meetings unless all moneys payable by them to the Association have been paid.

ALTERATION TO THE CONSTITUTION:

- 14. a) Motions to amend this Constitution are to be put to a General Meeting convened in accordance with rule 13 of the Constitution. This notification is also to be sent immediately to the President of the AFDA.
- b) No alteration in, addition to, or deletion from this Constitution shall be made except by a vote of at least seventy five percent (75%) of those present and entitled to vote at a duly convened General Meeting and subsequently ratified by the AFDA.

ENTRANCE FEE AND ANNUAL SUBSCRIPTION:

- 15. a) The Committee, unless otherwise directed by any General Meeting, shall determine the Annual subscription.
- b) Where an Annual subscription is determined, the Committee shall determine the date by which the annual subscription shall be paid and until so determined, such fee shall be paid by the 30th June in each year. Where an entrance fee is determined such entrance fee shall be paid on the application of membership.

SEAL:

- 16. a) The Association shall have a Common Seal on which its corporate name shall appear in legible letters
- b) The Common Seal of the Association shall be kept in the custody of the Secretary
- c) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures of two (2) members of the Committee.
- d) The Common Seal of the Association shall not be used without the express authority of the Executive Committee and every use of that Common Seal shall be recorded in the Associations records.

LIABILITY:

17. a) Neither the Association, its members, its Executive, its Committee nor any of its officers or officials shall be liable for or responsible for any death, injury, debt, damage, cost, expense or liability whatsoever suffered by any member taking part in the activities of the Association whether in the Australian Capital Territory or elsewhere.
- b) The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by rule 15.

CUSTODY AND INSPECTION OF BOOKS:

18. a) Subject to the Act, the Regulations and these rules, the secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the Association, including the Register of Members.
- b) The records, books and other documents of the Association shall be open to inspection at a place in the Territory, free of charge, by a member of the Association at any reasonable hour.

COMPETITIONS:

19. a) Shall be held in accordance with the Articles of Association of the AFDA
- b) Only AFDA approved discs may be used in any competition organised under the authority of the AFDA.

DISSOLUTION OF THE ASSOCIATION:

20. a) Notice of motion to dissolve the Association shall be given to the Honorary Secretary by at least twenty five percent (25%) of the members of the Association in writing not less than fourteen (14) clear days prior to a General Meeting which shall be convened in accordance with rule 13 with the item "Dissolution of the Association" the only item on the agenda. Such a notification is also to be immediately sent in writing to the President of AFDA stating the reasons for the dissolution. Provided that such General Meeting meets the requirements of the Rules and the motion for dissolution is agreed to by at least seventy five percent (75%) of those present and entitled to vote, this decision shall be referred to the AFDA for ratification.
- b) If on the dissolution of the Association there remain after the satisfaction of all its debts and liabilities, any moneys or properties whatsoever, the same shall be paid to or transferred to the AFDA to be used as deemed fit by the AFDA.

RATIFIED BY THE ACT ULTIMATE ASSOCIATION ON 11 DECEMBER, 1998

AMENDED AT SPECIAL GENERAL MEETING 18 MAY, 1999