

Constitution – BLACK DRAGONS DRAGON BOAT CLUB.

This is the annexure marked “A” referred to in the statutory declaration of **Ann-Marie Richardson** made on the *15th* day of *June 2010* before me

Signature _____
Heather Thompson Justice of the Peace

CONSTITUTION

Black Dragons Dragon Boat Club Inc.

Constitution – BLACK DRAGONS DRAGON BOAT CLUB.

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1. Name

The Name of the Club will be the “Black Dragons Dragon Boat Club”, hereinafter called “the Club”

2. Objects and Aim

The objects and aims of the club shall be:

- a. To promote an interest in Dragon Boat Racing, at minimum expense to the Club members.
- b. To cooperate with any other club, having similar objects to this Club and formed for the purpose of promoting and fostering those activities.
- c. To raise, hold and expend monies and sponsorship for the furtherance of this club’s aims.
- d. To participate in all races during the designated season of the Dragon Boat Association of South Australia.
- e. To accept national and international invitations to participate in events whilst providing financial assistance to members to attend as a complete team.
- f. To uphold the constitution and aims of any governing body with which this club is affiliated.

3. Affiliation

The Club shall affiliate with the Dragon Boat Association of South Australia (D.A.S.A.) and any other organisation that the Committee may from time to time determine.

4. Powers

- a. The association shall have all the powers conferred by section 25 of the Association Incorporation Act 1985.
- b. The Committee shall have the power to appoint such persons as deemed necessary to fulfil all club obligations.

5. Subscriptions

- a. Members of the Club shall be required to pay such fees as agreed at the previous Annual general Meeting.
- b. Subscriptions fall due on the 1 July each year. Un financial members may not able to participate in club training activities/
- c. No subscription or registration fee shall be refunded to any retiring member.

6. Membership

- a. Membership is open to all individuals who accept the objects and aims of the club.
- b. Application for membership shall be on the appropriate form and submitted to the Secretary. The relevant subscription fee to be forwarded to the treasurer.
- c. In exceptional circumstances the committee may consider pro-rata fees for members registering after the commencement of the season. Any application for pro-rata fees needs to be made to the Secretary in writing.
- d. All applicants shall have admission or rejection determined by the Committee. In no case will there be a requirement for a reason for the rejection of an applicant.

7. Conduct

- a. Club members shall at all times abide by the constitution and all rulings made by the committee.
- b. Any member who is charged with misconduct shall stand before the committee. If the charge is proven, that member may be expelled, penalized or dealt with as the Committee sees fit.

8. Committee

- a. The management of the assets and affairs of the Club shall be under the control of the Committee.
- b. Any team member may nominate for election to any office in the club. These elections to take place annually, at the Annual General Meeting, or at a Special General Meeting convened for that purpose.

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- c. The committee shall consist of a President, Vice-President Secretary, Treasurer, Captain, Coach and not less than two other persons.
- d. The incumbents will not take office until the termination of the General Meeting at which they are elected.
- e. The Committee may, from time to time, appoint one or more sub Committees for the purpose of carrying out, or supervising, all or any of the objects or activities of the club.
- f. All officers in the club shall be on an honorary basis.
- g. All officers in the club must be financial members.

9. Quorums

Quorums for the club shall consist of the following:

Committee meetings - four (4) Committee members.

General meetings – twenty (20) or two thirds of the of the current year's financial members, with ever is the lesser.

10. Duties of the Office Bearers.

10.1 Duties of the secretary

The secretary shall:

- a. Keep all records and minutes of the Club
- b. Keep a record of the names and addresses of all members.
- c. Give notice of all meetings in accordance with these rules.
- d. Conduct all general correspondence and keep copies of such correspondence.
- e. Keep all minutes of general and committee meetings.
- f. In case of suspension, expulsion and protest, to notify all parties concerned.

10.2 Duties of the Treasurer

The Treasurer shall:

- a. Keep proper books of account
- b. Receive all monies for and on behalf of the Club, and thereupon pay them into such financial institutions as the committee, from time to time, deem appropriate, to the credit of the Black Dragons Dragon Boat Club.
- c. Pay all accounts approved by he committee meetings.
- d. Submit statement of the club's financial position to monthly convened Committee meetings.
- e. Provide audited statement of accounts, together with a balance sheet, prior to, and for presentation at the Annual General Meeting.

10.3 Duties of the President.

The President shall:

- a. Keep the common seal.
- b. At any meeting, have a personal vote and in addition, have a casting vote if votes are equal. This vote shall be used to defeat the motion or maintain the status quo.
- c. Act as Chairman at both committee and general meetings, except in the absence of the President, or at the request of the President, another member may be elected as that meeting's Chairman.
- d. Together with the secretary, prepare the agenda for the committee and general meetings.
- e. Encourage full and balanced participation in meetings by all members and shall decide on matters of order.
- f. Act as spokesperson for the club unless an alternative spokesperson has been appointed by a General Meeting.

10.4 Duties of the vice President

The Vice-President shall:

- a. In the absence of the President and with the consent of committee, shall fulfil the duties of the President.

11. Meetings

11.1 Committee meetings

- a. The chairman shall open and close committee meetings and conduct them in accordance with the rules ordinarily observed in the conduct of meetings.
- b. Only elected committee members shall be eligible to vote at committee meetings.
- c. All motions must be clearly formulated, proposed and seconded, to be voted on.
- d. Voting shall be by show of hands, unless a secret vote is demanded. Decision shall be by simple majority.
- e. The Chairman shall have the right, and without assigning any reason for doing so, to adjourn a matter of particular importance, the ensuing meeting.
- f. Any committee member, who shall be absent from two (2) consecutive meetings without consent, may be removed from office by the Committee. (A prior forwarded apology is deemed consent.)
- g. Committee meetings will be convened monthly unless decided otherwise, from time to time, by the Committee.

11.2 Annual General Meetings.

- a. The annual general meeting of the Club shall be held no later than 30TH September each year.
- b. Fourteen (14) days clear notice shall be given in writing prior to any such meeting. This notice to include the time and place of said meeting.
- c. The business of the Annual General Meeting, shall among other transactions, include the following:
 - i. Attendance
 - ii. Confirmation of minutes
 - iii. Presentation of reports and the balance sheet
 - iv. General business
 - v. Confirmation of fees for the next season
 - vi. Election of officers
- d. any notice of motions are to be lodged in writing and received by the secretary not less than seven (7) days prior to the Annual General Meeting.
- e. Notice of any General business items are to be lodged with the Secretary not less than seven (7) days prior to the Annual general Meeting.
- f. The accidental omission to give to any member, or the non-receipt by any Member of any notice of meeting, required to be given by this constitution, shall not invalidate or effect any proceedings or elections at such meetings.
- g. Voting at general meetings shall be by show of hands unless a secret ballot is demanded. Decisions shall be by simple majority.
- h. A financial member of the club who is unable to attend a general meeting may elect to record their vote on any proposed motion outlined in the agenda, in writing to the secretary. Such vote must be signed by the financial member and received by the Secretary prior to the commencement of the meeting.

11.3 Special General Meetings

The secretary may convene these by giving not less than seven (7) days notice to all members, stating the proposed business. This to be done at (a) the request of the Committee or (b) upon receipt of a requisition stating the object of such a meeting signed by no fewer than seven (7) financial members.

12 Finance

- a. The financial year of the club shall commence on the 1st day of June each year, and end on the 31st day of May the following year.
- b. All monies received shall be paid to the credit of the club, at the approved financial institution.
- c. All accounts shall be passed by a general meeting or by the committee.
- d. An auditor engaged at the Treasurer's discretion shall audit the accounts of the Club. The Auditor shall not hold any office within the Club.
- e. Any annual affiliation fee is to be paid upon receipt of request.

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- f. Any member whose subscriptions remain unpaid at the 1st July will be deemed unfinancial and will forfeit any associated rights.
- g. The income and capital of the club shall be applied exclusively to the promotion of the club's aims and objects and no portion shall be paid or distributed directly or indirectly to members or their associates except as bona fide remuneration of a member for service rendered or expenses incurred on behalf of the club.

13. Amendments.

This Constitution may be amended by a $\frac{3}{4}$ majority of those financial members present and voting thereon at any Annual or Special General Meeting.

14. Winding Up.

The Association may be wound up in the manner provided for in the Associations Incorporation Act 1985.

15. Application of surplus assets.

- a. If after the winding up of the association there remains 'surplus assets' as defined by the Act, such surplus assets shall be distributed to any organisation which has similar objects and has rules which prohibit the distribution of its assets and income to its members.
- b. Such organisation or organisations shall be identified and determined by a resolution of members in general meeting.

16. Solicitors.

The solicitors for the Club shall be those appointed by the Committee or the members at a general meeting.

17. Rules

These rules may be altered (including an alteration to the association's name) by special resolution of the members of the Association. This includes rescision or replacement by substitute rules.

The alteration shall be registered with the Office of Consumer and Business Affairs, Corporate Affairs and Compliance Branch as required by the Act.

The registered rules shall bind the association and every member to the same extent as if they have respectively signed and sealed them, and agreed to be bound by all of the provisions there of.

Ends

CONSTITUTION

Black Dragons Dragon Boat Club Inc.