



## Tasmanian Jet Sports Boating Club Inc

### Explanatory Notes - Amendments to Constitution

August 2023

The Committee of the Tasmanian Jet Sports Boating Club Inc proposes that members amend the Club's Constitution at the Annual General Meeting to be held on Saturday 5 August 2023 at Tamar Valley Resort, Launceston.

A copy of the proposed Constitution in full is available under the **AGM tab** on the Club's website: [www.jetskitas.com](http://www.jetskitas.com)

#### **BACKGROUND**

The Club's Constitution was last amended in 2015. Since then, a number of changes have been identified to ensure the Constitution keeps pace with the needs of the Club. As well, the *Associations Incorporations Act 1964* (Tas) (the Act) has been amended and these amendments should be taken into account in our Constitution so that it stays relevant to the governing legislation.

#### **PROCESS**

Amendments to the Constitution can only be passed by a special resolution at a general meeting of members. A special resolution requires the approval by 75% or more of members present at the meeting and eligible to vote. To be eligible, members must be financial members for 2023-24 and in attendance at the annual general meeting. The AGM is to be held in Launceston on Saturday 5 August, followed by the Annual Dinner.

If either or both the special resolutions are passed, the new Constitution will be submitted to the Commissioner, Community Business and Occupational Services and, provided the Commissioner has no objections, will then come into effect.

The Committee proposes to recommend the changes to members, in two parts, as explained below.

#### **Special Resolution 1: Change Name of Association (Rule 1 in Constitution)**

While all changes to the Constitution are important, the Committee specifically proposes to change the name of the Association (Club) from the Tasmanian Jet Sports Boating Club Incorporated to **JetskiTas Incorporated**. This change is reflected in Rule 1 of the Constitution.

The Club's legal name has been the Tasmanian Jet Sports Boating Club Inc for some 20 years. Since at least 2013, however, the predominant activities of the Club have related to the ownership and use of personal watercraft (PWCs) rather than other forms of jet boats or jet sports. In 2016, the Club adopted a new logo

referring to jetskitas, and changed the name of its Facebook page and its website domain name to jetskitas. This occurred after the brand name 'jet ski' became synonymous with PWCs and the term 'jet ski' became available for public use.

The Club is now widely known as jetskitas, despite this not being its legal name. However, under the Act, the Club is obliged to refer to its legal name in many instances, including bank accounts and invoices. The Committee is concerned that the Club could be perceived to be deliberately aiming to deceive stakeholders or breaching the Act unless it formally changes its name.

If the name is changed, its incorporated association number (IA10095) will remain the same, and therefore, the history of the Club is legally retained.

Besides the legal requirements, the Committee considers it is sensible to operate under the name that most clearly reflects what it does and for whom.

*Resolution: That members approve, by special resolution, the name of the Association to be JetskiTas Incorporated.*

**Moved:**

**Seconded:**

**Decision:**

### **Special Resolution 2: Other Changes to the Constitution**

Due to their integrated nature, the following changes will be proposed as one resolution.

Section headings are provided for context only.

Clause	Proposed Change	Reason for Change
<b>Add new rule 2A</b>	<b>2A. Model Rules do not apply</b>	
<b>Add new rule:</b>	<b>To the extent permitted by the Act, the model rules, as amended from time to time, do not apply to the Association, unless formally adopted through a special resolution of the Association.</b>	Required to ensure that the Club's Constitution reflects exactly what the Club needs, rather than the generic template provided by the Act.
<b>Amend rule 3</b>	<b>Association's office</b>	
Current:	The office of the Association is to be <b>a</b> the following place or at any other place the committee determines. .....	Correct typing mistake
<b>Replace with amended rule:</b>	<b>The office of the Association is to be <b>at</b> the following place or at any other place the committee determines.</b> .....	
<b>Amend rule 4(1)</b>	<b>Objects and purposes of Association</b>	
Current:	The basic object of the Association is to provide a club where members can come together to participate in family fun days and ride tours on their jet skis.	<ul style="list-style-type: none"> <li>• Less focus on specific types of events (eg family fun days) and to include promotion of safe and responsible usage.</li> <li>• Revert to generic term of personal watercraft to ensure inclusive of all brands</li> </ul>
<b>Replace with amended rule:</b>	<b>4. The basic object of the Association is to provide a club where members can come together to:</b> <b>(a) participate in tours and events related to personal watercraft and associated social activities; and</b> <b>(b) Promote safe and responsible usage and ownership of personal watercraft.</b>	
<b>Amend Rule 5</b>	<b>Membership of the Association</b>	
Current:	A person who is nominated and approved for membership in accordance with this rule is eligible to be a member of the Association on payment of the annual subscription specified in rule 30.	1. Recognises that the Club offers (has long offered) individual and family memberships.

<p><b>Replace with amended rule:</b></p>	<p><b>(1) (a) The Association may provide membership to natural persons, either as an individual membership or as a family or a sponsor group membership.</b></p> <p><b>(b) A person, family or sponsor group who is nominated and approved for membership in accordance with this rule is eligible to be a member of the Association on payment of the first annual subscription specified in rule 30.</b></p> <p><b>(c) Family membership is limited to a maximum of two adults and any number of dependent children who are regarded as part of the family unit.</b></p> <p><b>(d) The committee may set terms and conditions to qualify as a sponsor group membership, which may include, but not be limited to, the number of persons to be included in the sponsor group membership, the connection required between persons to form a group and the number of votes allocated to the group.</b></p> <p><b>(2) (a) A family or sponsor group applying membership shall provide to the Association the names and addresses of each person constituting the family or sponsor group, together with any other information reasonably required by the committee to verify the application.</b></p> <p><b>(b) The Association may make any other enquiries deemed appropriate before determining the application.</b></p> <p><b>(c) If approved the Association will maintain a list of each approved family or sponsor group and its constituent members.</b></p> <p><b>(3) A person, family or sponsor group who is not a member of the Association at the time of the incorporation of the Association is not to be admitted as a member of the Association unless –</b></p> <p><b>(a) the person, family or sponsor group is nominated for membership in accordance with <a href="#">subrule (4)</a>; and</b></p> <p><b>(b) the person, family or sponsor group is approved for membership by the committee.</b></p> <p><b>(4) A nomination of a person, family or sponsor group for membership is to –</b></p> <p><b>(a) be made in writing and signed by 2 members of the Association; and</b></p>	<p>2. Also introduces sponsor group as voting member instead of granting them membership as if they were a family.</p> <p>3. Definition of family kept loose and flexible to accommodate various structures</p> <p>4. New clauses intended to limit number of people who can apply under a family membership and vote. Two adults can vote but any number of dependant children can be members, but cannot vote</p> <p>5. Allows the committee to set terms of sponsor groups to ensure, amongst other things, that:</p> <ul style="list-style-type: none"> <li>• "a fair and reasonable number" of people can join through a sponsor group,</li> <li>• they must be listed on the membership form,</li> <li>• Manage votes to be cast by a sponsor group so that no group can out-vote the entire membership.</li> </ul> <p>6. The process of applying for membership remains the same as before, regardless of the type of membership applied for</p> <p>7. Amendment to rule 5(7)(b) permits the introduction of a one-off joining fee to the Club – at some time in the future – if the Committee determines it necessary or useful. Also covered in changes to rule 30.</p> <p>8. Amendment to rule 5(8) to allow resignation of membership to be sent to the committee via post or email</p> <p>9. Introduce subrule 11A to be consistent with the Act. This becomes important in other changes to the Constitution.</p> <p>10. Corrected reference in subrule (14) to subrule (13).</p>
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	<p>(b) be accompanied by the written consent of the nominated person or adults within the family group or each person to be included in the sponsor group; and</p> <p>(c) indicate, for a sponsor group, two individuals who are each authorised to cast one vote on behalf of the sponsor group; and</p> <p>(d) be lodged with a committee member appointed by the committee from time to time as the membership officer of the Association.</p> <p>(5) The consent referred to in subrule (4)(b) may be endorsed on the nomination.</p> <p>(6) As soon as practicable after the receipt of a nomination, the membership officer is to refer the nomination to the committee.</p> <p>(7) If a nomination is approved by the committee, the membership officer is to –</p> <p>(a) notify the nominee, in writing to the person or family group or sponsor group’s nominated email or postal address, that the nominee has been approved for membership of the Association; and</p> <p>(b) on receipt of the amount payable by the nominee as the first annual subscription under rule 30, enter the name of the new member or each member of a family or sponsor group in a register of members.</p> <p>(8) A member of the Association may resign by serving written notice of resignation to the committee at the Association’s postal address or email address.</p> <p>(9) On receipt of a notice from a member of the Association under subrule (8), the membership officer is to remove the name of the member from the register of members and advise the committee as soon as practicable.</p> <p>(10) If the committee has not appointed a membership officer, the public officer shall be responsible for completing the membership duties as contained in rule 5.</p> <p>(11) A person –</p> <p>(a) becomes a member of the Association when his or her name is entered in the register of members; and</p>	
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	<p>(b) ceases to be a member of the Association when his or her name is removed from the register of members under subrule (9) or rule 30(5).</p> <p>(11A) The membership officer is to maintain, or establish and maintain, a register of members containing –</p> <ul style="list-style-type: none"> <li>(a) the name of each member of the Association and the date on which he or she became a member; and</li> <li>(b) the member's postal or residential address or address of business or employment; and</li> <li>(c) an email address, if any, that the member has nominated as the email address to which notices from the Association may be sent; and</li> <li>(d) the name of each person who has ceased to be a member of the Association and the date on which the person ceased to be a member of the Association.</li> </ul> <p>(12) Any right, privilege or obligation of a person as a member of the Association –</p> <ul style="list-style-type: none"> <li>(a) is not capable of being transferred to another person; and</li> <li>(b) terminates on the cessation of the membership.</li> </ul> <p>(13) If the Association is wound up, each member of the Association, and each person who was a member of the Association within the period of 12 months immediately preceding the commencement of the winding-up, is liable to contribute –</p> <ul style="list-style-type: none"> <li>(a) to the assets of the Association for payment of the liabilities of the Association; and</li> <li>(b) for the costs, charges and expenses of the winding-up; and</li> <li>(c) for the adjustment of the rights of the contributors among themselves.</li> </ul> <p>(14) Any liability under subrule (13) is not to exceed the amount of any unpaid annual subscription fee for the current year.</p> <p>(15) Despite subrule (14), a former member of the Association is not liable to contribute under that subrule in respect of any liability of the Association incurred after he or she ceased to be a member.</p>	
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<b>Amend rule 8</b>	<b>Banking and finance</b>	
Current:	<p>(4) Except with the authority of the committee, a payment of an amount exceeding \$20 is not to be made from the funds of the Association other than by cheque drawn on the Association's account.</p> <p>(6) A cheque is not to be drawn on the Association's account except for the purpose of making a payment that has been authorised by the committee.</p> <p>(8) The committee may authorise the treasurer and another officer of the Association to transact electronically on the Association's account and such authorisation will:  (a) override rules (4), (6) and (7); and  (b) be recorded in the minutes of the meeting at which the authorisation is granted.</p>	<p>The original Constitution only allowed cheque transactions (under sub rule4). The changes to the Constitution in 2015 allowed electronic transactions through subrule (8)..</p> <p>The Act has now changed to permit electronic transactions so the Club's rules are being changed to keep pace with the Act.  So, subrules (4) and (6) are amended and subrule (8) is deleted.  The rest of rule 8 remains the same.</p>
Replace with amended rule:	<p><b>(4) Except with the authority of the committee, a payment of an amount exceeding \$20 is not to be made from the funds of the Association other than –</b>  <b>(a) by cheque drawn on the Association's account; or</b>  <b>(b) by the electronic transfer of funds from the Association's account to another account at an authorised deposit-taking institution.</b></p> <p><b>(6) A cheque is not to be drawn on the Association's account, and an amount is not to be electronically transferred from the Association's account to another account at an authorised deposit-taking institution, except for the purpose of making a payment that has been authorised by the committee.</b></p>	
<b>Amend rule 10</b>	<b>Audit of accounts</b>	
Current:	<p>(2) The auditor, after auditing the financial affairs of the Association for a particular financial year of the Association, is to –  (a) certify as to the correctness of the accounts of the Association; and  (b) at the net annual general meeting, provide a written report to the members of the Association present at the meeting.</p>	<p>Minor amendment in subrule (2) to align with wording of the Act.</p> <p>Amendment to subrule (4) formally assigns the responsibility to provide the auditor with accounts and records to the</p>

	(4) The public officer is to deliver to the auditor a list of all the accounting records, books and accounts of the Association.	treasurer, with the public officer required to do so if the treasurer does not.
Replace with amended rule:	<p><b>(2) The auditor, after auditing the financial affairs of the Association for a particular financial year of the Association, is to –</b></p> <p><b>(a) certify as to the correctness of the accounts of the Association; and</b></p> <p><b>(b) at the net annual general meeting, provide a written report to the members of the Association who are present at the meeting.</b></p> <p><b>(4) The treasurer of the Association, or public officer if the treasurer is unable or unwilling to do so, is to deliver to the auditor a list of all the accounting records, books and accounts of the Association.</b></p>	
Add new rule 10A	Exemption from audit under the Act	
New rule:	<p><b>(1) For any financial year that the Association is exempt from the requirement to be audited by virtue of section 24(1B) or (1C) of the Act –</b></p> <p><b>(a) An auditor is not required to be appointed for that financial year under rule 10 unless the Association elects to have the financial affairs of the Association for that financial year audited in accordance with the Act and these rules; and</b></p> <p><b>(b) If an auditor is not appointed for a financial year by virtue of paragraph (a) –</b></p> <p><b>(i) rules 10 and 10A do not apply in respect of the Association for that financial year; and</b></p> <p><b>(ii) rule 11(5)(b), to the extent that it relates to an auditor, does not apply in respect of the annual general meeting held by the Association in respect of that financial year; and</b></p> <p><b>(iii) rule 11(5)(d) does not apply in respect of the annual general meeting held by the Association in respect of that financial year.</b></p> <p><b>(2) For any financial year that the Association is exempt from the requirement to provide an annual return by virtue of section 24(1B), the committee must provide, as part of the ordinary business of the annual general meeting for that financial year, a copy of the annual financial report given</b></p>	<p>This change to the Act was introduced in 2015, after the last round of changes to the Club's Constitution.</p> <p>The new rule means that an auditor does not need to be appointed to audit the accounts IF:</p> <ul style="list-style-type: none"> <li>- the Club's revenue is less than \$250,000 in that financial year (this is the current amount but the Commissioner may change it from time to time); AND</li> <li>- the annual general meeting doesn't request an audit for the next year.</li> </ul> <p>The Committee would still be required to provide the members at the AGM with a financial report. Essentially, it would be reported by the Committee rather than reviewed and reported by the auditor.</p> <p>For reference: current revenue for the Club each year is around \$5000 - \$10,000 p.a, depending on membership and</p>



	<b>under the Australian Charities and Not-for-profits Commission Act 2012 of the Commonwealth in respect of that financial year.</b>	sponsorship numbers, and whether any large events are held.
<b>Amend Rule 11</b>	<b>Annual general meeting</b>	
<b>Add new subrule (7)</b>	<b>(7) Minutes of proceedings of an annual general meeting are to be kept, in the minutes book of the Association, by the public officer or, in the absence from the meeting of the public officer, by an officer of the Association who is nominated by the chairperson of the meeting.</b>	New requirement in the Act/Model Rules to formalise the keeping of minutes.
<b>Amend Rule 13</b>	<b>Notices of general meeting</b>	
<b>Add new subrule (2)</b>	<b>(2) A notice is published for the purposes of subrule (1) if the notice – (a) is contained in an advertisement appearing in at least one newspaper circulating in Tasmania; or (b) appears on a website, or at an electronic address, of the Association; or (c) is sent to each member of the Association at – (i) the member’s postal or residential address or address of business or employment; or (ii) an email address that the member has nominated as the email address to which notices from the Association may be sent; or (d) is given by another means, determined by the public officer, that is reasonably likely to ensure that the members of the Association will be notified of the notice.</b>	Added to keep pace with changes to the Act and the Model Rules.  Very useful for the Club to be able to post notices of meetings in the same place all our other events are posted, ie our Facebook page, or to allow the Committee to email the notice to members directly.  It is far more likely that our statewide membership would see a notice about a meeting on Facebook or in their email, rather than in a single newspaper.
<b>Amend Rule 18</b>	<b>Votes</b>	
Current:	(1) On any question arising at a general meeting of the Association, a member of the Association (including the chairperson) has one vote only. (2) All votes are to be given personally. (3) Despite <a href="#">subrule (1)</a> , in the case of an equality of votes, the chairperson has a second or casting vote.	Addition of subrules (2) and (3) to reflect the introduction of family and sponsor group memberships.  The purpose is to ensure that the votes of these groups remain relative to those of individual members.

<p>Replace with amended rule:</p>	<p>(1) On any question arising at a general meeting of the Association, a member of the Association (including the chairperson) has one vote only.</p> <p>(2) In accordance with rule 5(7), each adult member of a family group included on the Association’s membership register is entitled to one vote. The family group has no additional vote as if it was a separate member.</p> <p>(3) Despite subrule (1), up to two adult members of a sponsor group included on the Association’s membership register are entitled to one vote each. The sponsor group has no additional vote as if it was a separate member.</p> <p>(4) All votes are to be given personally.</p> <p>(5) Despite <a href="#">subrule (1)</a>, in the case of an equality of votes, the chairperson has a second or casting vote.</p>	<p>For instance, allowing a family or sponsor group to have a vote for every person listed on their membership form could lead to voting that was far more powerful than desirable. In a worst case scenario, unlimited voting could also open up a situation where a small number of family or sponsor group s- who had large numbers of people listed on their membership application - voted together to outvote every other member.</p> <p>The Committee firmly believes the Club is about individuals and families first and foremost.</p>
<p>Amend rule 22</p>	<p><b>Officers of the Association</b></p>	
<p>Current:</p>	<p>(1) The officers of the Association are as follows:</p> <ul style="list-style-type: none"> <li>(a) one president;</li> <li>(b) one vice-president;</li> <li>(c) one treasurer;</li> <li>(d) one secretary;</li> <li>(e) one further position to be decided by the committee, or else to be known as a general officer.</li> </ul> <p>(2) <a href="#">Rule 24(2)</a>, <a href="#">(3)</a> and <a href="#">(4)</a> applies, with all necessary modifications, to the election of persons to any of the offices referred to in <a href="#">subrule (1)</a>.</p> <p>(3) Each officer of the Association is to hold office until the next annual general meeting after that at which he or she is elected and is eligible for re-election.</p> <p>(4) If a casual vacancy in an office referred to in <a href="#">subrule (1)</a> occurs, the committee may appoint one of its members to fill the vacancy until the next annual general meeting after the appointment.</p>	<p>The current Constitution requires all officers and ordinary committee positions to be declared vacant at each AGM and nominations and elections to be held for every position (see current rules 22, 23 24).</p> <p>This tends to encourage turnover in positions every year but can come at the expense of continuity.</p> <p>In many large Associations, this rule has been changed to permit terms of more than one year. Often, this is combined with the requirement to change a certain number of committee members each year so that terms are staggered within the Committee.</p> <p>The Committee is recommending that <u>officers</u> have a two year term (new rule 22(3)) and all other ordinary committee positions remain with a term of one year (rule 23(3)). In the first year of this clause being implemented, new subrule</p>
<p>Replace with</p>	<p>(1) <b>The officers of the Association are as follows:</b></p> <ul style="list-style-type: none"> <li>(a) <b>one president;</b></li> </ul>	

<p><b>amended rule:</b></p>	<p>(b) one vice-president;  (c) one treasurer;  (d) one secretary;  (e) one further position to be decided by the committee, or else to be known as a general officer.</p> <p>(2) <a href="#">Rule 24(2)</a>, <a href="#">(3)</a> and <a href="#">(4)</a> applies, with all necessary modifications, to the election of persons to any of the offices referred to in <a href="#">subrule (1)</a>.</p> <p>(3) Each officer of the Association is to hold office until the end of the second annual general meeting after the annual general meeting at which he or she is elected and is eligible for re-election.</p> <p>(4) To avoid the terms of all officers ending at the same annual general meeting, in the first year that subrule (3) applies to the term of officers of the Association, the officers elected are to decide amongst themselves - at the first committee meeting election - three officers to have terms of two years and two officers to have terms of one year. The decision is to be recorded in the minutes of the committee meeting.</p> <p>(5) Subrule (4) will also apply if, at any other time, the terms of all officers of the Association will end at the same annual general meeting.(6) If a casual vacancy in an office referred to in <a href="#">subrule (1)</a> occurs, the committee may appoint one of its members to fill the vacancy until the next annual general meeting after the appointment.</p> <p>(6) If a casual vacancy in an office referred to in <a href="#">subrule (1)</a> occurs, the committee may appoint one of its members to fill the vacancy until the next annual general meeting after the appointment.</p>	<p>22(4) requires the officers to resolve amongst themselves which three of five officers will hold a term of two years, with the other two to have a term of one year. After that, two year terms will apply.</p> <p>Subrule 22(5) requires the committee to monitor this throughout the year and reorganise the terms of officers, if needed, to ensure the required mix of one and two year terms is preserved. This may be needed, for instance, if an officer resigns mid year.</p> <p>This new approach still allows fresh ideas and perspectives to join the committee each year but also allows for stability and continuity over several years. The advantages of this approach include:</p> <ul style="list-style-type: none"> <li>• greater opportunity to coach or mentor future office holders so that the Club’s compliance obligations, policies and procedures are understood and managed;</li> <li>• less risk of an inadvertent breach of Club safety policies and processes that may lead to a serious incident, noting that failure to comply with its own policies may lead to any insurance claim being denied;</li> <li>• the ride calendar is produced by at least some of the committee members and officers who will deliver it in the following year;</li> <li>• terms of two years can encourage a longer term view of what might be achieved through the Club compared to one year terms;</li> <li>• two year terms can assist the implementation of longer term initiatives and goals which can be quite difficult when officers and committee members tend to be working full time and have other busy lives.</li> </ul>
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		Despite the longer term, officers still have the option to resign if they need or want to at anytime. Subrule (6) is not new, but has ben renumbered from sub rule (4).
<b>Amend rule 23</b>	<b>Membership of the committee</b>	
Subrule 23(1)(b) Current:	(1) The committee consists of – (a) the officers of the Association in accordance with rule 22; and (b) up to four other members elected at the annual general meeting.	Addition of text to remain consistent with changes to the Model Rules. This addition allows those who may be appointed to fill a casual vacancy on the committee to be recognised as a committee member.
<b>Replace with amended rule:</b>	<b>(2) The committee consists of – (a) the officers of the Association in accordance with rule 22; and (b) up to four other members elected at the annual general meeting or appointed in accordance with this rule.</b>	
<b>Amend rule 25</b>	<b>Vacation of office</b>	
Current:	For the purposes of these rules, the office of an officer of the Association, or of an ordinary committee member, becomes casually vacant if the officer or committee member – (a) ....(g).... (h) fails to pay all arrears of subscription within 14 days after receiving a notice in writing signed by the public officer of the Association stating that the officer or committee member has ceased to be a financial member of the Association.	New wording to be consistent with the Model Rules. Likely wording changed in the Model Rules as a consequence of other changes related to payment of overdue subscriptions.
<b>Replace with amended rule:</b>	<b>(h) fails to pay within 14 days after receiving a notice in writing signed by the public officer stating that the officer or committee member has failed to pay one or more amounts of annual subscriptions, all such amounts due and payable by the officer or member.</b>	
<b>Amend rule 26</b>	<b>Meeting of the committee</b>	

<p>Current:</p>	<p>(1) ...</p> <p>(2) One of the meetings referred to in subrule (1) is to be held a reasonable time before the annual general meeting to:</p> <ul style="list-style-type: none"> <li>(a) prepare for the conduct of the annual general meeting,</li> <li>(b) determine the annual membership for the ensuing financial year if not already done so in the financial year; and</li> <li>(c) draft the event calendar for the ensuing year.</li> </ul> <p>(3) A meeting of the committee, other than a meeting referred to in <a href="#">subrule (1)</a>, may be convened by the President or any 4 of the members of the committee.</p> <p>(4) Written notice of any special committee meeting is to be served on members of the committee and is to specify the general nature of the business to be transacted.</p> <p>(5) A special committee meeting may only transact business of which notice is given in accordance with <a href="#">subrule (3)</a>.</p> <p>(6) – (15) ...</p>	<p><b>Additional wording added to subrule (2)(b) to accommodate the proposed amendments to rule 30 which allows the committee – if required at some time in the future – to introduce a one-off joining fee.</b></p> <p><b>Correction of typing error in subrule (2)(c): ...“ensuing financial year....” should be “...ensuing financial year....”.</b></p> <p><b>Amend subrule (5) to correct reference to subrule (4) rather than (3).</b></p>
<p><b>Replace with amended subrule</b></p>	<p><b>(2) One of the meetings referred to in subrule (1) is to be held a reasonable time before the annual general meeting to:</b></p> <ul style="list-style-type: none"> <li><b>(a) prepare for the conduct of the annual general meeting,</b></li> <li><b>(b) determine the <b>first annual membership subscription under Rule 30(1) and the annual membership subscriptions under Rule 30(2)</b> for the ensuing financial year if not already done so in the financial year; and</b></li> <li><b>(c) draft the event calendar for the <b>ensuing</b> year.</b></li> </ul> <p><b>(3) A meeting of the committee, other than a meeting referred to in <a href="#">subrule (1)</a>, may be convened by the President or any 4 of the members of the committee.</b></p> <p><b>(4) Written notice of any special committee meeting is to be served on members of the committee and is to specify the general nature of the business to be transacted.</b></p> <p><b>(5) A special committee meeting may only transact business of which notice is given in accordance with <a href="#">subrule (4)</a>.</b></p>	

<b>Amend rule 28</b>	<b>Subcommittees</b>	
Current:	(1) – (3) ... (4) When determining the powers and functions of the subcommittee, the Association committee will determine who can convene meetings of a subcommittee. (5) .....	Subrule (4): While the rules allow the formation of subcommittees, good governance specifies that the Club's committee appoints the chair of the subcommittee and determines who can convene subcommittee meetings.
Replace with amended subrules:	(1) – (3) ... (4) When determining the powers and functions of the subcommittee, the Association committee will determine who <b>will chair meetings of the subcommittee and</b> who can convene meetings of a subcommittee.	
<b>Amend rule 30</b>	<b>Annual subscription</b>	
Current:	(1) The annual subscription payable by members of the Association is the following amount: \$35.00 for family or other group applications accepted by the committee or \$20.00 for single members. (2) (a) A family or other group applying to pay the family or group subscription shall provide to the Association the names and addresses of each person constituting the family or other group together with any other information reasonably required from time to time to verify the application. (b) The Association may make any other enquiries deemed appropriate before determining the application. (c) If approved the Association will maintain a list of each approved family or other group and its constituent members. (3) (a) The committee may resolve to alter the annual subscription at a duly constituted meeting held no later than that specified under rule 26(2). (b) Before the election of the officers of the Association and the ordinary committee members at the annual general meeting under rule 11(5), the committee will report to the meeting, either verbally or in writing, on the reasons for the alteration of the membership subscription and such explanation shall be recorded in the minutes of the meeting.	<b>It is proposed to amend this rule significantly.</b>  Subrule 30(1) is no longer relevant as it related to the amounts payable at the original incorporation of the Club. The subscriptions have been increased in recent years so this rule no longer applies.  Sub rule (1) has been replaced with the option to allow a future committee to introduce a joining fee if needed. The sub-rule addresses how such a joining fee would be administered if it was ever introduced.  Subrule 30(2)(a) –(c) has been moved to Rule 5 Membership where it better relates to membership types and applications for membership.  Subrule (3) is retained but has been split into two subrules: now subrule 3(3) and subrule 3(4).

<p>Replace with amended rule:</p>	<p><b>(4) The annual subscription of a member of the Association is due and payable on or before the first day of each financial year of the Association.</b></p> <p><b>(5) Where it is necessary for the financial viability or risk management of the Association, and agreed unanimously by the committee, the committee may impose an additional fee on each Association member representing the direct cost to the Association of an appropriate mitigation provided that:</b></p> <p><b>(a) the amount of this additional fee is no greater than the annual subscription;</b></p> <p><b>(b) the amount is clearly explained and shown separately on each member’s invoice (or other notification of amount owing);</b></p> <p><b>(c) the additional fee is imposed only until the next annual general meeting; and</b></p> <p><b>(d)</b></p> <p><b>(d) no more than one additional fee applies in any one financial year.</b></p>	<p>Subrule (4) is retained, unchanged.</p> <p>New subrule 30(5)(1) - The Model Rules were changed in 2017 to allow the removal of non-financial members from the member register. This has always proved difficult for the Club and neither the Act nor the Model Rules provided a simple solution until 2017.</p> <p>It has been open to interpretation to determine a quorum at a general meeting. It could have been interpreted that any person who had been a financial member at any time in the past (ie, even ten or fifteen years ago) might still be a voting member, regardless of when they last paid a membership fee or participated in a club event. The Club had engaged with the Office of Construction, Business and Occupational Services (CBOS) in the past to try to clarify this.</p>
	<hr/> <p><b>(1) (a) The first annual subscription payable by newly admitted members may include a joining fee.</b></p> <p><b>(b) The Committee may determine a joining fee to be paid if the Committee accepts the nomination of a person or family group or sponsor group under Rule (5).</b></p> <p><b>(c) Any joining fee is payable at only at the time the person or family group or sponsor group is approved to be a member of the Association, provided that the person or family group or sponsor group remains on the membership register in accordance with these Rules.</b></p> <p><b>(d) If the member’s name is removed from the register of membership under rule 30(5), the committee may determine that a further joining fee is payable when that member nominates and is approved to re-join the Association again in accordance with rule 5.</b></p>	<p>The new Rule allows a non-financial member to be removed from the members register after proper notice is given unless subscriptions are brought up to date. These provisions have been included in the Club’s new subrule 30(5).</p> <p>However, <b>the Committee proposes a different timeframe</b> in recognition of our Club’s renewal trends over the last eight or nine years.</p> <p>The Model Rule has been further adapted to take into account the possibility that a joining fee may be introduced in the future.</p> <p>The Committee proposes some discretion should be available as to when a new joining fee needs to be paid by a member who has overdue membership fees. New subrules</p>

	<p><b>(e) The joining fee is not refundable if the member is removed from the membership register in accordance with rule 5(8) or rule 30(5) or rule 32.</b></p> <p><b>(2) At a meeting convened in accordance with rule 26(2)(b), the committee will determine the first annual subscription and annual subscription payable by all other members of the Association. A different annual subscription may be determined for single, family or sponsor group members.</b></p> <p><b>(3) Before the election of the officers of the Association and the ordinary committee members at the annual general meeting under rule 11(5), the committee will report to the meeting, either verbally or in writing, on the reasons for the alteration of the annual membership subscription and such explanation shall be recorded in the minutes of the meeting.</b></p> <p><b>(4) The annual subscription of a member of the Association is due and payable on or before the first day of each financial year of the Association.</b></p> <p><b>(5) (1) The public officer may remove the name of the member from the register of members maintained under rule 5(10) if –</b></p> <ul style="list-style-type: none"> <li><b>(a) a member of the Association has not paid his or her annual subscription for a financial year of the Association within 5 months after the first day of the financial year; and</b></li> <li><b>(b) there has been sent to the member, after the first day of the financial year, a notice in writing, signed by the public officer, stating that the member’s name may be removed from the register of members if the member has not, within 14 days after receiving the notice, paid all annual subscriptions due and payable by the member; and</b></li> <li><b>(c) the member has not, within 14 days after receiving the notice, paid all annual subscriptions due and payable by the member.</b></li> </ul> <p><b>(2) (a) If the members name has not been removed from the register of members in accordance with subrule (5)(1), the committee may permit the member to repay annual subscriptions due and</b></p>	<p>(5)(1) – (5)(2) are designed to allow a lapsed member to repay a maximum of two years overdue membership fees, before they needed to reapply for membership. If a joining fee applies at that time a lapsed member would need to be paid as part of rejoining.</p> <p>The reason for this is to encourage members to continue membership and avoid any incentive to game the system.</p> <p>New subrule (5)(3) is introduced to align with the Model Rules. It clarifies who is eligible to attend and vote at an AGM.</p> <p>New subrule (6) - Current subrule (5) is retained but renumbered to subrule (6). The typing error that included two parts numbered (d) has been removed.</p>
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	<p>payable up to a maximum of two years. After two years of non-payment of subscriptions, the member's name will be automatically removed from the register of members.</p> <p>(b) A member whose name has been removed from the register of members in accordance with subrule (5)(1) is eligible to renominate for membership under Rule 5 and, if accepted, will pay the first annual subscription applying at the time.</p> <p>(3) If a member of the Association has not paid his or her annual subscription for a financial year of the Association within 5 months after the first day of the financial year, or within 14 days after receiving a notice under subrule (1b), whichever is the later day, he or she is not entitled to attend, or vote at, the next annual general meeting of the Association.</p> <p>(6) Where it is necessary for the financial viability or risk management of the Association, and agreed unanimously by the committee, the committee may impose an additional fee on each Association member representing the direct cost to the Association of an appropriate mitigation provided that:</p> <p>(a) the amount of this additional fee is no greater than the annual subscription;</p> <p>(b) the amount is clearly explained and shown separately on each member's invoice (or other notification of amount owing);</p> <p>(c) the additional fee is imposed only until the next annual general meeting; and</p> <p>(d) no more than one additional fee applies in any one financial year.</p>	
<b>Other minor amendments throughout</b>		
<b>Amend various rules</b>	<p>Amend "servants" to <b>employees</b> throughout the Constitution.</p> <p>Affects rules:</p> <p>2 (j);</p> <p>6(3)(a)(i) – 6(3)(a)(iv)</p>	<p>Updates the wording to be consistent with changes to the <i>Associations Incorporation Act 1964</i> (Tas)</p>

	10(5)(b); 10(5)(d); 11(5)(b) and 11(5)(f); 29(2)	
<b>Amend</b>	<b>Contents</b> Table updated.	

*Resolution: That members approve, by special resolution, the changes to the Constitution.*

**Moved:**

**Seconded:**

**Decision:**