

Club Rules & History

Coffs Harbour Cycle Club Incorporated

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Constitution

As adopted at the Special General Meeting on 22 September, 2007 immediately after the Resolution to change the name of the Club from Coffs Coast Cycling Club to Coffs Harbour Cycle Club

1. Name [\[top\]](#)

The name of the incorporated association is the Coffs Harbour Cycle Club Incorporated (The Club).

2. Interpretation and Dispute Resolution[\[top\]](#)

(a) This Constitution

Any unresolved question about the interpretation of this Constitution shall be settled by New South Wales Cycling Federation Inc. (Cycling N.S.W) and Mountain Biking Australia (MTBA) as appropriate.

(b) Resolution of Internal Disputes

(1) Disputes between members (in their capacity as members) of the Club, and disputes between members and the Club are to be referred to Cycling N.S.W. for mediation.

(2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

3. Aims and Objectives of the Club [\[top\]](#)

The objects for which the Club is established are:

- (a) To promote cycling as a sport within the Coffs Coast Region and surrounding district;
- (b) To promote and hold, either alone or jointly with others, bicycle races in accordance with the rules adopted by the Committee from time to time;
- (c) To offer, give or contribute towards prizes medals and awards for bicycle races promoted and held by the Club;
- (d) To apply for, and apply grants from any governmental or other entity for the development of the sport of cycling;
- (e) To establish and promote, or assist any other association, entity or corporation having objectives similar to the aims and objectives of the Club;
- (f) To acquire (or Lease), hold and develop land for the purposes of the Club;
- (g) To buy, sell and supply goods and services for the purposes of the Club;
- (h) To borrow money or raise advances with or without security for the purposes of the Club;
- (i) To do all other lawful things as are incidental or conducive to the attainment of these objectives or any of them which may be calculated to advance directly or indirectly the interests of the Club ; and
- (j) To ensure best practice in governance, management and administration of the Club

4. Affiliation [\[top\]](#)

The Club shall be affiliated with Australian Cycling Federation Incorporated (Cycling Australia) and Mountain Biking Australia (MTBA).

5. Members [\[top\]](#)

5.1 Members [\[top\]](#)

The Members of the Club in addition to Life members, are those persons the Club admits to

membership on a year to year basis in accordance with the Rules.

5.2 Classes of Members [\[top\]](#)

Subject to the Rules, the Committee may:

- (a) Establish any new class of Member and prescribe the qualifications, rights, restrictions and obligations of Members in that class; and
- (b) Vary the qualifications, rights, restrictions or obligations of Members in any new or existing class, with the consent in writing of at least 60 % of those Members, or with the sanction of a special resolution passed at a separate meeting of those Members, and the provisions of the Constitution relating to general meetings apply so far as they are capable of application and with the necessary changes to every such separate meeting.
- (c) Transfer a Member, with the Member's written consent, from membership in one class to membership in another class.

5.3 Application for Membership [\[top\]](#)

An application for membership must be made in the form approved by Cycling N.S.W or Mountain Biking Australia (MTBA), and endorsed by the Committee from time to time, provided that each such application contain:

- (a) An undertaking on the part of the applicant to be bound by the Rules;
- (b) The postal address of the applicant;
- (c) Adequate particulars of the applicant's qualifications for membership; and
- (d) The signature of the applicant.
- (e) Club members joining through Mountain Biking Australia (MTBA) and whose primary activity is off-road riding shall be represented within Coffs Harbour Cycle Club by the MTB sub-committee (see section 6.12).

5.4 Lodging of Application [\[top\]](#)

- (a) An application for membership, accompanied by the applicable membership fee, must be lodged with the Club in the form and at the place approved by the Committee from time

to time. Such application may be made by personal delivery by the Applicant to the Secretary of the Club.

5.5 Determination of Application by Membership Secretary [\[top\]](#)

(a) The Membership Secretary must determine whether or not to approve each application for membership;

(b) The Membership Secretary may require the applicant to give such further information as he or she desires before approving or refusing the admission of an applicant for Membership;

(c) An applicant is taken to be admitted as a Member upon the Membership Secretary approving the application and the name, address and email address of the applicant being entered in the Register;

(d) The Membership Secretary shall determine the category of membership appropriate for each membership application.

(e) If a membership application is rejected by the Membership Secretary, the Membership Secretary shall provide the application and written reasons for doing so to the Committee;

(f) If a membership application is referred to the Committee for a decision, the Committee must determine whether or not to approve the application for membership within 30 days.

5.6 Membership Entitlements Not Transferable [\[top\]](#)

A right, privilege or obligation which a person has by reason of being a member of the Club:

(a) Is not capable of being transferred or transmitted to another person; and

(b) Terminates upon cessation of the person's membership.

5.7 Cessation of Membership [\[top\]](#)

A person ceases to be a member of the Club if the person:

(a) Dies or, in the case of a body corporate, is wound-up;

- (b) Resigns as a member of the Club;
- (c) Is expelled from the Club; or
- (d) Fails to renew his or her membership of the Club by the due date.

5.8 Resignation of Membership [\[top\]](#)

(a) A Member is not entitled to resign from membership of the Club except in accordance with this rule.

(b) A Member who has paid all amounts payable by the member to the Club may resign from membership of the Club by giving notice writing to the Membership Secretary of the member's decision to resign.

(c) Where a person resigns as a member, the Membership Secretary shall make an appropriate entry in the Register recording the date on which the member resigned and provide the Member with a Clearance Form.

5.9 Membership Fees [\[top\]](#)

The Membership Fee payable by members of the Club shall be such amount and paid in such manner as prescribed by the Committee from time to time. Life members shall be exempt from the payment of club fees.

5.10 Members Liabilities [\[top\]](#)

The liability of a member to contribute towards the payment of debts and liabilities of the Club or the costs, charges and expenses of winding up of the Club is limited to the amount, if any, unpaid by the member in respect of his or her membership of the Club as required by rule 5.9.

5.11 Disciplining Members [\[top\]](#)

(a) The Committee may by resolution censure, suspend or expel a Member from the Club if, in the opinion of the Committee, the Member:

(i) Has persistently refused or neglected to comply with a provision of the Constitution; or

(ii) Has wilfully acted in a manner detrimental to the interests of the Club (together "Disciplining Events").

(b) Where the Committee is of the opinion that a Member has committed a Disciplining Event, the Committee must notify the Member and convene a Disciplinary Hearing.

5.12 Notice of Disciplinary Hearing [\[top\]](#)

Where the Committee passes a resolution convening a Disciplinary Hearing, the Committee must as soon as practicable cause a notice in writing to be served on the Member:

- (a) Stating the date, time and place of the Disciplinary Hearing;
- (b) Setting out the resolution of the Club and the grounds on which it is based;
- (c) Informing the Member that the Member may attend and speak at that meeting and submit to the Committee at or prior to that meeting written submissions on the resolution.

5.13 Proceedings at Disciplinary Hearing [\[top\]](#)

- (a) At a Disciplinary Hearing, the Committee must:
 - (i) Give the Member an opportunity to make oral submissions;
 - (ii) Give due consideration to any written submissions of the Member; and
 - (iii) By resolution determine the action (if any) to be taken under rule 5.11.
- (b) Where the Committee passes a resolution at a Disciplinary Hearing, the Committee must within 7 days after the date of that resolution, give written notice to the member of that resolution and of the member's right of appeal under rule 5.14.
- (c) A resolution passed by the Committee at a Disciplinary Hearing does not take effect until:
 - (i) The expiration of 14 days from the date of the Disciplinary Hearing; or
 - (ii) The Club confirms the resolution in accordance with rule 5.14.

5.14 Right of Appeal of a Disciplined Member [\[top\]](#)

- (a) A Member may appeal to the Club in general meeting against a resolution of the Committee which is passed at a Disciplinary Hearing, within 14 days of the Disciplinary

Hearing, by lodging with the Club a notice to that effect.

(b) Upon receipt of a notice under rule 5.14(a), the Club will notify the Committee who will convene a general meeting of the Club to be held within 21 days after the date on which the Club received the notice or as soon as possible after that date.

(c) At a general meeting of the Club convened under rule 5.14(b):

(i) No business other than the question of the appeal will be transacted;

(ii) The Committee and the Members will be given an opportunity to make submissions in relation to the appeal orally and in writing; and

(iii) The Members present will vote by secret ballot on the question of whether the resolution made under clause 5.13(c) should be confirmed or revoked.

6. The Committee [\[top\]](#)

6.1 Powers of the Committee [\[top\]](#)

The Committee shall:

(a) Manage the business and affairs of the Club;

(b) Exercise all such functions as may be exercised by the Club other than those functions that are required by these rules to be exercised by the Club in general meeting;

(c) Has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club, provided such acts shall be consistent with the Aims and Objectives of the club.

6.2 Composition of the Committee [\[top\]](#)

(a) The Committee shall comprise:

(i) The office-bearers of the Club; and

(ii) Two (2) other Members as required to constitute a quorum, each of whom shall be elected pursuant to rule 6.4 or appointed in accordance with rule 6.5.

(b) The office-bearers of the Club are:

(i) The President;

(ii) Vice-President;

(iii) The Treasurer;

(iv) The Secretary (who shall also be the Public Officer providing that he or she is a person resident in the Coffs Coast Region and is at least 18 years of age), and delegate;

(v) The Club Captains (senior and junior);

(vi) The Handicapper;

(vii) The Race Director and delegates;

(viii) Publicity officer;

(iv) Canteen officer;

(x) Coach and junior development officer;

(xi) Property officer ;

(xii) Chief commissaire;

(c) An officer of the Club may hold more than one office at the same time.

6.3 Term of Appointment [\[top\]](#)

Each officer of the Club shall hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

6.4 Election of Committee Members [\[top\]](#)

(a) A Member present at an annual general meeting may nominate himself or herself for election as an office-bearer of the Club or as an ordinary committee member.

(b) A Member who is not able to attend an annual general meeting may nominate himself or herself for election as an office-bearer of the Club or as an ordinary committee member provided the nomination is:

- (i) In writing and signed by the candidate; and
 - (ii) Tendered to the President not less than 5 days before the annual general meeting.
- (c) The ballot for the election of office-bearers and ordinary committee members shall be conducted at the annual general meeting in such manner as the Committee may direct.

6.5 Vacancies [\[top\]](#)

(a) If a vacancy occurs in the membership of the Committee for any reason, the Committee members may appoint a Member to fill the vacancy and the Member so appointed will hold office subject to the Rules. The person filling the vacancy shall retire at the next occurring annual general meeting.

(b) The continuing Committee members may act despite any vacancy in the Committee. If however the number of Committee members falls below the minimum number fixed by the Constitution, the Committee members may only act:

- (i) For the purpose of increasing the number of Committee members to the minimum by convening a general meeting of the Club; or
- (ii) In emergencies, but for no other purpose.

6.6 Disqualification of Committee Members [\[top\]](#)

The office of a Committee member is automatically vacated if the Committee member:

- (a) Dies;
- (b) Ceases to be a Member;
- (c) Ceases to be a member of the Committee by virtue of, or becomes prohibited from being a Committee member because of a criminal conviction.
- (d) Becomes bankrupt or insolvent or makes an arrangement or composition with creditors of the Member's joint or separate estate generally;
- (e) The period for which the Committee member is appointed expires;
- (f) Resigns office by providing 14 days written notice to the Club or refuses to act;

(g) Is not present without the consent of the Committee for three consecutive meetings of the Committee;

(h) Becomes of unsound mind; and

(i) Is removed from office by a resolution passed at a general meeting of the Club.

6.7 Removal of Committee Members [\[top\]](#)

(a) The Members in general meeting may by resolution remove any Committee member from office subject to rule 6.7(b).

(b) No resolution for the removal of a Committee member from office is to be put to a general meeting unless a notice signed by a Member duly qualified to vote at that meeting and signifying the intention of that Member to propose that resolution and briefly stating the reasons for the proposed resolution is received by the Club not less than 14 clear days before the date appointed for the holding of the meeting.

6.8 Minutes [\[top\]](#)

(a) The members of the Committee must cause minutes to be kept, including:

(i) The names of members of the Committee present at each meeting of the Committee; and

(ii) All resolutions and proceedings of general meetings and of meetings of the Committee.

(b) The minutes must be signed by the person presiding at the meeting or by the person presiding at the next meeting.

6.9 Committee meetings and Quorum [\[top\]](#)

(a) The Committee shall meet at least once in each month at such place and at such times as the Committee may determine.

(b) Any 5 members of the Committee constitute a quorum at a Committee meeting.

(c) Oral or written notice of a meeting of the Committee shall be given by the Secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed upon by the Committee members) before the time appointed for the

holding of the meeting.

(d) Notice of a meeting given under rule 6.9(c) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at that meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business.

(e) An item of business may not be transacted at a Committee meeting unless a quorum is present.

(f) If within 30 minutes after the time appointed for a Committee meeting a quorum is not present, the meeting stands adjourned to the same day in the next week at the same time and place unless the Committee agrees otherwise.

(g) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the adjourned meeting, the meeting is dissolved.

(h) Additional meetings of the Committee may be convened by the President or any 3 of its members.

6.10 Chair of Meetings [\[top\]](#)

At meetings of the Committee:

(a) The President or in the absence of the President, a Vice-President; or

(b) If the President and the Vice-Presidents are absent, one of the remaining members of the Committee may be chosen by the members present to preside.

6.11 Sub-Committees [\[top\]](#)

(a) The Committee may delegate any of its powers to sub-committees consisting of such Members or other persons as the Committee thinks fit and may revoke that delegation. Any sub-committee so formed must comply with the regulations that may be imposed on it by the Committee in exercising the sub-committee's delegated power.

(b) Meetings of sub-committees consisting of more than one person are governed by the Rules regulating meetings of the Committee so far as they are applicable and are not superseded by any regulations made by the Committee under these Rules.

6.12 Mountain Bike Sub-Committee [\[top\]](#)

(a) The MTB sub-committee will operate and promote itself under the title “Coffs Coast Mountain Biking”.

(b) MTB members will appoint as officers a minimum of Vice-President (MTB) who will sit on the club committee; a Captain; and a Race Director.

(c) Meetings will be chaired by the Captain or, in his or her absence, by one of the other officers.

(d) In all other ways, the MTB sub-committee will operate as a sub-committee of the club as described in this constitution in section 6.11.

6.13 Executive [\[top\]](#)

The President, Vice-Presidents, Treasurer and Secretary constitute an executive committee, which may issue instructions to the public officer and the servants of the Club in matters of urgency connected with management of the Club during intervals between meetings of the Committee, and where any such instructions are issued shall report therein to the next meeting of the Committee.

6.14 Voting and Decisions [\[top\]](#)

(a) Questions arising at a meeting of the Committee or any sub-committee shall be determined by a majority of the votes of members of the Committee or sub-committee present at the meeting and entitled to vote.

(b) Each member present at a meeting of the Committee or any sub-committee (including the person presiding) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(c) Any act done by any meeting of the Committee or sub-committee will be valid even if it is later discovered:

(i) That there was some defect in the appointment or continuance in office of a Committee member or such other person; or

(ii) That any of them was disqualified or had vacated office or was not entitled to vote.

6.15 Disclosure of Committee Member’s Interest [\[top\]](#)

(a) A member of the Committee who is interested in a contract or arrangement made or proposed to be made with the Club shall disclose his or her interest at the first meeting of the Committee at which the contract or arrangement is first taken into consideration, if his or her interest then exists, or, in any other case, at the first meeting of the Committee after the acquisition of his interest.

(b) If a member of the Committee becomes interested in a contract or arrangement after it is made or entered into shall disclose his interest at the first meeting of the committee after

he becomes so interested.

(c) No member of the Committee shall vote as a member of the Committee in respect of any contract or arrangement in which he is interested and if he does so vote, his vote shall not be counted.

7. General Meetings [\[top\]](#)

7.1 Annual General Meeting [\[top\]](#)

(a) The Club shall, at least once in each calendar year and within 3 months after the expiration of the Club's financial year, convene an annual general meeting.

(b) The annual general meeting shall be convened on such date and at such place and time as the Committee thinks fit.

(c) An annual general meeting shall be specified as such in the notice convening it.

(d) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:

(i) To confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;

(ii) To receive and consider the statement of accounts and any financial reports that have been prepared by the Treasurer and/or Auditor of the Club.

(iii) To elect the officers of the Club and the ordinary Committee members;

(iv) To appoint the auditor and determine his remuneration; and

(v) To determine the remuneration (if any) of servants of the Club.

(e) An annual general meeting shall be conducted in accordance with the provisions of this Part.

7.2 General Meetings [\[top\]](#)

(a) The Committee may, whenever it thinks fit, convene a general meeting of the Club.

(b) The Committee shall, on the requisition in writing of not less than five per cent of the total number of Members of the Club, convene a general meeting of the Club.

(c) A requisition for a general meeting

- (i) Shall state the objects of the meeting;
 - (ii) Shall be signed by the Members making the requisition;
 - (iii) Shall be lodged with a member of the Committee; and
 - (iv) May consist of several documents in a similar form, each signed by one or more of the Members making the requisition.
- (d) If the committee fails to convene a general meeting within 21 days from the date on which a requisition is lodged with a member of the Committee, any one or more of the Members who made the requisition may convene a general meeting to be held no later than 3 months from the date of the deposit of the requisition.
- (e) A general meeting convened by requisition shall be covered in the same manner as general meetings are convened by the Committee so far as they are applicable, all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the persons incurring them.

7.3 Conduct of General Meetings [\[top\]](#)

- (a) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Committee shall, at least 21 days before the date fixed for the holding of the general meeting, cause to be inserted in a newspaper published daily in Coffs Harbour an advertisement specifying the place, day and time of the general meeting and the nature of business to be transacted at that meeting.
- (b) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to rule 7.1(d).
- (c) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

7.4 Procedure and Quorum at General Meetings [\[top\]](#)

- (a) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (b) 8 members present in person and entitled to vote constitute a quorum for the transaction of the business of a general meeting.
- (c) If within 30 minutes after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the

following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(d) If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

7.5 President to Preside at General Meetings [\[top\]](#)

(a) The President, or in his absence, a Vice-President, shall preside at each general meeting of the Club.

(b) If the President and the Vice-Presidents are absent from a general meeting, the members present shall elect one of their members to preside at the meeting.

7.6 Adjournment [\[top\]](#)

(a) The person presiding at a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(b) Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.

(c) Except as provided in rules 7.6(a) and (b), it is not necessary to give any notice of an adjourned meeting.

7.7 Making of Decisions [\[top\]](#)

(a) A question arising at a general meeting of the Club shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority or lost, and on entry to that effect in the minute book at the Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against that resolution.

(b) At a general meeting of the Club a poll may be demanded by the person presiding or by not less than 3 members present in person and entitled to vote.

(c) Where the poll is demanded at a general meeting, the poll shall be taken:

(i) Immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or

(ii) In any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

7.8 Voting [\[top\]](#)

(a) Subject to rule 7.8(b), upon any question arising at a general meeting of the association a member has one vote only.

(b) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.

(c) In the case of an equality of votes on a question the chairman is entitled to exercise a second or casting vote.

(d) Members must have attained the age of junior under 19 division (the year they turn 17) to be able to vote.

(e) Valid proxies must be delivered to the secretary not later than 24 hours prior to the start of the general meeting.

7.9 Constitutional Change [\[top\]](#)

(a) The Club Constitution and Rules of the Club may only be amended by resolution of at least sixty percent (60 %) of the Club Members present (or properly represented by proxy) at an Annual General Meeting or at a General meeting of the Club voting in favour of such a motion.

(b) Any proposed changes or additions to the Club Constitution and Rules must be published and mailed (which may include email) to all of the Club Members and Life Members (at their last recorded address as recorded in the Club Register) not less than 14 days preceding the relevant Annual General Meeting or General Meeting.

7.10 Special Resolution [\[top\]](#)

A resolution of the Club is a special resolution if it is passed by a majority which comprises at least 60% of such members of the Club as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules.

8. Accounts and Banking [\[top\]](#)

8.1 Accounts [\[top\]](#)

The Treasurer shall keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.

8.2 Banking [\[top\]](#)

(a) The Committee shall cause to be opened with such bank as the Committee selects, a bank account in the name of the Club into which all moneys received shall be paid as soon as possible after receipt.

(b) All money received by the Club shall be deposited as soon as practicable and without deduction to the credit of the Club's bank account.

(c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer, or in the Treasurer's absence, by such other member or members of the Committee as the Committee may nominate for that purpose and shall be countersigned by either the Secretary or the President, or the Vice President.

8.3 Funds Management [\[top\]](#)

The funds of the Club, however derived, shall be applied towards the objects of the Club in such manner as the Committee determines.

8.4 Auditor [\[top\]](#)

(a) At each annual general meeting of the Club, the Members present shall appoint a person who is not a Member of the Committee or the public officer of the Club as the Auditor.

(b) The Auditor shall hold office until the annual general meeting following the Auditor's appointment, and is eligible for re-appointment.

(c) If an appointment is not made at an annual general meeting the Committee shall appoint an auditor of the Club for the then current financial year of the Club.

(d) If a casual vacancy occurs in the office of Auditor during the course of a financial year of the Club, the Committee may appoint a person as the Auditor and the person so appointed shall hold office until the next annual general meeting.

8.5 Audit of Accounts [\[top\]](#)

(a) Once at least in each financial year of the Club, the accounts of the Club shall be examined by the Auditor.

(b) In his report, and in certifying to the accounts, the Auditor shall state:

- (i) Whether he had obtained the information required by him;
 - (ii) Whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Club according to the information at his disposal and the explanations given to him and as shown by the books of the Club; and
 - (iii) Whether the rules relating to the administration of the funds of the Club have been observed.
- (c) The public officer of the Club shall cause to be delivered to the auditor a list of all the accounts, books and records of the Club.
- (d) The Auditor:
- (i) Has a right of access to the accounts, books, records, vouchers, and documents of the Club;
 - (ii) May require from the servants of the Club such information and explanations as may be necessary for the performance of his duties as Auditor;
 - (iii) May employ persons to assist him in investigating the accounts of the Club; and
 - (iv) May, in relation to the accounts of the Club, examine any member of the Committee or any servant of the Club.

8.6 Financial Year [\[top\]](#)

The financial year of the Club is the period of 12 months beginning on 1 January in each year and ending on 31 December in each year.

9. Miscellaneous [\[top\]](#)

9.1 Notices [\[top\]](#)

The Club may give notice to a Member:

- (a) Personally;
- (b) By sending it by pre-paid post to the Member at his or her registered address;
- (c) By sending it to the fax number or electronic mail address (if any) nominated by the Member; or
- (d) In any other way agreed by resolution of the Committee.

9.2 Alteration of the Rules [\[top\]](#)

(a) The Club may by special resolution amend the Rules.

(b) An alteration of the Rules is of no effect until a copy of the alteration, including a declaration by at least 2 members of the Committee to the effect that the special resolution was duly passed by the Club, is lodged with the Office of Fair Trading (or its successor)

9.3 Custody of Books [\[top\]](#)

The Secretary shall keep in his or her custody or under his or her control all records, books and other documents relating to the Club.

9.4 Inspection of Books [\[top\]](#)

The records, books and other documents of the Club shall be open to inspection at a place in Coffs Harbour, free of charge, by a member of the Club at any reasonable hour, provided he or she gives reasonable notice to the Secretary.

9.5 Dissolution [\[top\]](#)

The Club may be dissolved by the resolution of not less than three-quarters of those members present (or represented by proper proxies) at a properly constituted General Meeting of the Club summoned for this sole purpose. Any Club funds existing at the time of dissolution shall not become the property of any member or members, but shall be devoted to furthering the aims and objectives defined in Clause 3 of this Constitution.

9.6 Funds Source [\[top\]](#)

(1) The funds of the Club are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the committee determines.

(2) All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank account.

(3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

9.7 Common Seal [\[top\]](#)

(1) The common seal of the Club must be kept in the custody of the public officer.

(2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

10. Definitions [\[top\]](#)

10.1 Definitions [\[top\]](#)

In this document unless the context otherwise requires:

“Auditor” means the auditor appointed pursuant to rule 8.4.

“Club” means the Coffs Coast Cycling Club Incorporated.

“Committee” means the Committee formed pursuant to rule 6.1.

“Disciplinary Hearing” means the disciplinary hearing described in rule 5.11.

“Member” means a person admitted as a member of the Club pursuant to these rule 5.

“Membership Fee” means the membership fee payable pursuant to rule 5.9.

“Register” means the register of Members of the Club.

10.2 Construction [\[top\]](#)

In this Constitution, unless the contrary intention appears:

(a) Words importing:

(i) The singular include the plural and vice versa; and

(ii) Any gender includes the other gender;

(b) If a word or phrase is defined, cognate words and phrases have corresponding definitions;

(c) “Includes” means includes without limitation;

(d) A reference to:

(i) A person includes a partnership, joint venture, unincorporated association, corporation and a government or statutory body or authority;

(ii) A person includes its legal personal representatives, successors and assigns;

(iii) A statute, ordinance, code or other law includes regulations and other statutory instruments under it.

(iv) A right includes a benefit, remedy, discretion, authority or power;

(v) An obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;

(vi) Provisions or terms of this document or another document, agreement understanding or arrangement include a reference to both express and implied provisions and terms;

(vii) “\$” or “dollars” is a reference to the lawful currency of Australia;

(viii) This or any other document includes the document as varied or replaced, and notwithstanding any change in the identity of the parties;