

PERTH HASH HOUSE HARRIERS INC

CONSTITUTION AND RULES

1. NAME

The name of the association shall be the PERTH HASH HOUSE HARRIERS INC (hereinafter referred to as “the association”).

2. OBJECTIVES

- 2.1. The objectives of the association shall be -
 - 2.1.1. To promote interest in social running.
 - 2.1.2. To promote good fellowship among those interested in social running.
 - 2.1.3. To educate, train, coach and encourage members of the association.
 - 2.1.4. To do all such things and acts conducive to the furtherance of the objects and interests of the association.
- 2.2. The association shall be known as a “not for profit” body. The property and income of the association must be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the association, except in good faith in the promotion of those objects or purposes.
- 2.3. The association shall be apolitical and non-sectarian.

3. MEMBERSHIP

- 3.1. Any person with an interest in the objectives of the association shall be eligible for membership.
- 3.2. Membership shall become effective upon payment of the subscription which shall fall due on 31st December of each year for the following 12 month period from 1 January to 31st December.
- 3.3. All members shall be of equal status in the association, and each member shall be entitled to one vote at all general meetings.
- 3.4. A member who wishes to inspect the register of members must contact the secretary.
- 3.5. A person ceases to be a member when any of the following takes place:
 - 3.5.1. a member dies;
 - 3.5.2. the person resigns from the association under Rule 7
 - 3.5.3. the person is expelled from the association under rule 19; and
 - 3.5.4. the person ceases to be a member under rule 5(6).
- 3.6. A person who runs casually and does not pay a membership fee in accordance with rule 5.4 does not qualify as a financial member of the association.
- 3.7. A member is entitled to inspect the register of members (see rule 6.10.2). Under the association rules he is required to contact the secretary to make the necessary arrangements.
Where a member -
 - 3.7.1. wishes to make a copy of the register; or
 - 3.7.2. take an extract from the register; or
 - 3.7.3. A member makes a written request to be provided with a copy of the register of members-

The committee will require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the association.

4. APPLYING FOR MEMBERSHIP

- 4.1. A person who wants to become a member must apply in person to the president of the association.
- 4.2. The applicant must include a current member's recommendation of the applicant for membership.
- 4.3. Any current member may object to an applicant becoming a member within two weeks of that applicant's nomination. He must communicate his reason/s behind the objection to the president in camera at the time the objection is raised.
- 4.4. If a current member raises an objection as per rule 4(3) the committee shall meet in a reasonable period of time after the president has received the objection to make a determination on the objection. A decision of the Committee is final and where the objection is disallowed the applicant may then become a member.
- 4.5. The member raising the objection under rule 4.3 will be advised of the committee's decision and reasons supporting said decision. The committee must communicate their decision within a reasonable time after the committee meeting in which the decision was taken.
- 4.6. An applicant for membership of the association becomes a member when –
 - 4.6.1. The committee accepts the application; and
 - 4.6.2. The applicant pays any membership fees payable to the association under rule 5.

5. MEMBERSHIP FEES

- 5.1. The committee must determine the annual membership fee (if any) to be paid for membership of the association.
- 5.2. A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the due date 31STDecember or a date otherwise determined by the committee.
- 5.3. The financial year of the association shall be 1ST January to 31ST December of each calendar year.
- 5.4. A member may pay the membership fee in full or seek committee approval to pay a membership fee quarterly or by another pro rata variation of the year. The pro rate variation cannot be less than three (3) months.
- 5.5. Where a member receives approval to pay the membership fee for a period less than the full twelve (12) months as per sub-rule 4 that member will retain full membership entitlements.
- 5.6. If a member has not paid the membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.
- 5.7. A new member will pay a pro rata membership fee based on the remaining weeks in the financial year calculated from his date of membership acceptance in accordance with rule 4.6.1.
- 5.8. If a person who has ceased to be a member under sub rule (6) offers to pay the membership fee after the period referred to in that sub rule has expired –
 - 5.8.1. the committee may, at its discretion, accept that payment; and
 - 5.8.2. If the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

6. COMMITTEE

- 6.1. The management of the association shall be vested in a management committee (the committee) with such powers and subject to such limitations as are hereinafter prescribed.
- 6.2. The committee shall be elected for a period of twelve (12) months at the annual general meeting of the association as hereinafter provided, and shall comprise:
 - President (Grand Master - GM)
 - Secretary (On Sec)
 - Treasurer (Hash Cash)
 - Four to six other committee Members
- 6.3. A person will be prohibited from sitting on the committee (without prior approval by the Commissioner for Consumer Protection) if they:
 - 6.3.1. are an undischarged bankrupt or their affairs are under insolvency laws;
 - 6.3.2. have been convicted of an offence in connection with promotion, formation or management of a body corporate;
 - 6.3.3. have been convicted of an offence involving fraud or dishonesty punishable on conviction by at least three months or more imprisonment; or
 - 6.3.4. have been convicted of an offence under Division 3 (the duties of officers provisions) or section 127 (the duty with respect to incurring of debt) of the Associations Incorporation Act 2015 (the act).
- 6.4. Where a person is prohibited to sit on the committee because they have been convicted of an offence they cannot be a committee member for a period of five (5) years from their conviction, except where the conviction resulted in imprisonment, in which case they cannot be a committee member for the five (5) years from their release from custody.
- 6.5. The committee shall meet as often as it may deem necessary.
 - 6.5.1. Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting.
 - 6.5.2. The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
 - 6.5.3. Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.
- 6.6. An attendance of at least four (4) members of the committee shall constitute a quorum.
- 6.7. At a committee meeting the members shall be entitled to one vote each with the exception of the chairperson who shall have a casting vote only.
- 6.8. The president shall:
 - 6.8.1. Be chairperson of all meetings of the association and of all meetings of the committee and shall conduct those meetings in accordance with the constitution and rules;

6.8.2. Prepare an annual report and present it to the annual general meeting.

6.9. The secretary shall:

6.9.1. In the absence of the president or at his request, the secretary shall assume all the duties of the president pro tempore.

6.9.2. Convene, with adequate notice, all meetings of the association and its committee

6.9.3. Keep a full and complete record of all proceedings of the association and of the committee and a register of financial members of the association, and shall give effect to the resolutions of the association and of the committee and to the requirements of the president or his substitute;

6.9.4. Have charge of all papers and books pertaining to the association.

6.9.5. Provide an electronic copy of the rules to;

6.9.5.1. New members within a reasonable time of their membership acceptance.

6.9.5.2. Existing members when so requested within a reasonable time of their request.

6.10. The treasurer shall:

6.10.1. Receive and issue receipts for all monies paid to or for the benefit of the association, and shall deposit all such monies within a reasonable time in an account of the association at a bank or other financial institution or like institution as the committee shall from time to time direct.

6.10.2. Shall keep an up to date register of members and each member's contact details which should include a residential address, mobile telephone number and email address (if available).

6.10.3. Pay outstanding accounts duly authorized by the committee or at a general or annual general meeting of the association;

6.10.4. Verify the reimbursement of reasonable expenses properly incurred by the member on behalf of the association.

6.10.5. Keep correct records of the financial affairs of the association and prepare annually a statement of receipts and expenditure and a balance sheet to 31st December in each year which shall be presented to the annual general meeting.

6.11. The committee shall review all claims for disbursement from association funds, and where approved, make payment in a timely manner.

6.12. Any casual vacancy on the committee may be filled by the committee on its own motion.

6.13. A member of the committee who has a material personal interest in a matter being considered at a committee meeting must:

- As soon as they become aware of that interest, disclose the nature and extent of their interest to the committee;
- Disclose the nature and extent of the interest at the next general meeting of the association.

- 6.14. Rule 6.13 does not apply in respect of material personal interest; that exists only because the member-
- Is an employee of the incorporated association; or
 - Is a member of a class of persons for whose benefit the association is established; or
- that the member has in common with all, or a substantial portion of, the members of the association.
- 6.15. A member of the committee who has a material personal interest in a matter being considered at a meeting of the committee must not be present while the matter is being considered at the meeting or vote on the matter.
- 6.16. The committee shall retire at the annual general meeting but any members, if nominated, shall be eligible for election to any office.

7. RESIGNATION

- 7.1. A member may resign from membership of the association by giving written notice of the resignation to the secretary.
- 7.2. The resignation takes effect —
- 7.2.1. When the secretary receives the notice; or
 - 7.2.2. If a later time is stated in the notice, at that later time.
- 7.3. A member who has resigned from membership of the association may not seek reimbursement for any membership subscription, or part there-of, paid in that year.

8. POWERS AND RESPONSIBILITIES OF THE COMMITTEE

- 8.1. The committee shall implement the resolution of a special general meeting, and generally do all things necessary for the proper and effective carrying out of the objects of the association in accordance with the Constitution and Rules.
- 8.2. The committee shall control and manage all property of the association and use the financial resources of the association in a manner consistent with the objectives of the association.
- 8.3. The committee shall appoint sub-committees and delegate such powers as the committee considers necessary, but not exceeding the powers of the committee; any sub-committee shall have power to co-opt one or more members to act with it in the furtherance of its purposes.
- 8.4. The committee shall refer questions of general or specific importance to the members at a special general meeting.
- 8.5. All members of the committee or any sub-committee are free to debate with other members any matters coming before a special general meeting.
- 8.6. The committee may appoint any person to assist the secretary or treasurer with their duties, as deemed necessary.
- 8.7. The committee shall determine the time within which, and manner in which, notices of special general meetings and notices of motion are to be given, published or circulated.

9. DUTIES OF COMMITTEE MEMBERS AND OFFICERS

The duties provisions of the act will apply to committee members and to those persons who have the ability to influence the committee but do not hold a formal committee position.

A committee member or member delegated by the committee to discharge a service to the association;

- 9.1. must exercise their powers and discharge their duties with a degree of care and diligence that a reasonable person would exercise in a similar capacity.
- 9.2. must exercise their powers and discharge their duties;
 - 9.2.1. in good faith and in the best interests of the association; and
 - 9.2.2. for a proper purpose.
- 9.3. must not improperly use their position to –
 - 9.3.1. gain an advantage for the member or another member or person; or
 - 9.3.2. cause detriment to the association.
- 9.4. A person who obtains information because the person is, or has been, a committee member or member delegated by the committee to discharge a service to the association, must not improperly use the information to -
 - 9.4.1. gain an advantage for the member or another member or person; or
 - 9.4.2. cause detriment to the association.

10. ANNUAL GENERAL MEETING

- 10.1. There shall be an annual general meeting of the association in the month of February in each year on a date and at a place to be determined by the committee.
- 10.2. The committee shall send out an electronic notice to all members specifying the date, time of meeting and venue at which the meeting will be held. The notice will include an agenda of business to be addressed at the annual general meeting.
- 10.3. The quorum at annual general meetings shall be 20% of current membership.
- 10.4. The order of business at the annual general meeting shall be:
 - Opening
 - Apologies
 - Welcome to visitors
 - Minutes of previous annual general meeting
 - Matters arising from minutes
 - President's report
 - Treasurer's report
 - Election of office bearers and the committee
 - Motions on notice
 - Notice of motion
 - Any other business
 - Closure

- 10.5. No person may be elected to the committee at an annual general meeting or special general meeting unless a financial member and either is present at the meeting or has given a verbal acceptance of nomination to the president and secretary prior to the election.

11. SPECIAL GENERAL MEETING

- 11.1. The president shall call a special general meeting:
- 11.1.1. By a requisition in writing to the secretary and signed by at least 20% of members;
 - 11.1.2. By a resolution of the committee.
- 11.2. The committee shall send out an electronic notice to all members seven days prior to the special general meeting specifying the date, time of meeting and venue at which the meeting will be held. The notice will included the wording of the proposed special resolution/s.
- 11.3. Such special general meeting shall be held within fourteen (14) days of request.
- 11.4. The quorum at annual general meetings shall be 20% of current membership.
- 11.5. A special resolution requires a 75% majority of members attending the meeting.
- 11.6. The only business that may be dealt with at a special general meeting is that business for which it was convened by the president.

12. THE CONSTITUTION

The interpretation of the constitution and rules of the association shall be in the sole determination of the committee whose decisions shall, unless set aside by a special general meeting, be binding on all members. The committee will be guided by the principles and guideline notes associated with the act.

13. ALTERATION OF CONSTITUTION AND RULES

- 13.1. Amendments to the constitution and rules of the association must be notices of motion to the annual general meeting or a special general meeting convened for that purpose.
- 13.2. Any such motion to be carried must obtain a two-thirds majority of the members present at the meeting and forming a quorum.

14. COPY OF CONSTITUTION AND RULES

An electronic copy of the constitution and rules of the association shall;

- 14.1. Be given to each person who becomes a new member of the association.
- 14.2. Be given to an existing member of the association when requested

15. SUBSCRIPTIONS

The rate of subscriptions for each ensuing year shall be determined by the current committee which

will submit it for approval at the next annual general meeting. The members present at each annual general meeting of the association will vote on the rate struck by the committee.

16. FINANCE

- 16.1. Cheques or electronic transfers effected upon the association's banking or other account shall be signed by any two signatures of the president, secretary or treasurer.
- 16.2. Except with the authority of the committee, no person shall purchase goods for the association, or incur any debt on behalf of the association.
- 16.3. The property and income of the association shall be applied solely towards the promotion of the objectives of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the association, except in good faith in the promotion of those objectives.

17. MEMBER REIMBURSEMENT AND PROTECTION

The members of the committee, and other members of the association, where authorised by the committee, shall be indemnified and rendered harmless out of the funds of the association from and against all charges, costs, losses, damages and expenses which they or any of them shall or may incur or sustain in or about the execution of their respective offices or in or about any contracts or agreements made by them, for or on behalf of the association or in furtherance of the objectives of the association except such charges or expenses as shall be incurred or sustained by or through their own wilful default.

18. INSURANCE

The association may purchase any form of Insurance cover deemed necessary in the interests of the association. The extent of such insurance cover shall be determined by the committee.

19. REMOVAL AND RESIGNATION FROM OFFICE

- 19.1. A member of the committee may be removed from office by a majority vote of a special general meeting called for that purpose. Prior notice must be served on the said officer giving full particulars.
- 19.2. A member of the committee may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the president. The resignation takes effect —
 - 19.2.1. when the notice is received by the secretary or president; or
 - 19.2.2. If a later time is stated in the notice, at the later time.
- 19.3. At a special general meeting, the association may by resolution —
 - 19.3.1. remove a member of the committee from office; and
 - 19.3.2. elect a member who is eligible under rule 3(3) and rule 10(3) to fill the vacant position.
 - 19.3.3. A member of the committee who is the subject of a proposed resolution under rule 18.1 may make written representation (of a reasonable length) to the secretary or

chairperson and may ask that the representation be provided to the members prior to any special general meeting called to consider their removal from office.

- 19.4. The secretary or president may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the special general meeting at which the resolution is to be considered.

20. SUSPENSION OR EXPULSION

- 20.1. The committee may decide to suspend a member's membership or to expel a member from the association if —
- 20.1.1. the member contravenes any of these rules; or
 - 20.1.2. the member acts detrimentally to the interests of the association.
 - 20.1.3. The member brings the association into disrepute
- 20.2. The secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- 20.3. The notice given to the member must state —
- 20.3.1. when and where the committee meeting is to be held; and
 - 20.3.2. the grounds on which the proposed suspension or expulsion is based; and
 - 20.3.3. that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;
- 20.4. At the committee meeting, the committee must —
- 20.4.1. give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - 20.4.2. give due consideration to any submissions so made; and
 - 20.4.3. decide —
 - 20.4.3.1. whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - 20.4.3.2. whether or not to expel the member from the association.
- 20.5. A decision of the committee to suspend the member's membership or to expel the member from the association takes immediate effect.
- 20.6. The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- 20.7. A member whose membership is suspended or who is expelled from the association may, within 14 days after receiving notice of the committee's decision under subrule (6), give written notice to the secretary requesting the appointment of a mediator selected in accordance with rule 21.

- 20.8. If notice is given under sub rule (7), the member who gives the notice and the committee are the parties to the mediation.

21. DISSOLUTION

- 21.1. The association shall be dissolved upon the vote of a two-third majority of the members present at a special general meeting called for that purpose.
- 21.2. Upon dissolution of the association if there remains after payment or discharge of all debts and liabilities any money whatsoever, the same shall be distributed to some institution, society or association having objectives similar to the objectives of the association to be determined by the committee at the dissolution.
- 21.3. Subject to sub rule (2), the books and any securities of the association must be kept in the secretary's custody or under the secretary's control.
- 21.4. The financial records and, as applicable, the financial statements or financial reports of the association must be kept in the treasurer's custody or under the treasurer's control.
- 21.5. Sub rules (1) and (2) have effect except as otherwise decided by the committee.
- 21.6. The books of the association must be retained for at least 7 years.

22. MEDIATION OF DISPUTES

The association committee will appoint a mediator in accordance with the current recommended guidelines of the state governing body for "Not for Profit" incorporated bodies. The model rules found in Schedule 2, Division 3 - "Resolving Disputes" - of the Associations Incorporation Regulations 2016, rules 17-25 contain the dispute resolution procedure. Procedural fairness are to apply in the resolution of any dispute brought before the committee of the association.