

# Ivanhoe Northcote Canoe Club Incorporated

Registration No. A0008830P

ABN 35 350 725 748

## Club rules

### **1 Name**

- 1.1 The name of the Club is 'Ivanhoe Northcote Canoe Club Incorporated' (the Club).

### **2 Purposes**

- 2.1 The purposes of the Club are to:
- a. promote and develop competitive and non - competitive canoeing
  - b. promote canoeing values and the implications for canoeing in recreational and natural resource planning and management
  - c. represent and promote the interests of Members to Australian Canoeing and Canoeing Victoria
  - d. pursue high standards of safety, education and training in all aspects of canoeing.
- 2.2 The Club has power to do all things that help it to achieve these Purposes.
- 2.3 The Club and its Committee may only exercise their powers and use the income and assets of the Club for the Purposes of the Club.

### **3 Financial year**

- 3.1 The financial year of the Club starts on 1 July of each year.

### **4 Members' rights, obligations and liabilities**

- 4.1 Members have rights and liabilities as set out in the Act and in these rules.
- 4.2 The rights of members are not transferable, and end when the member ceases to be a member in accordance with rules 8 and 17.
- 4.3 Members must at all times comply with the rules and by-laws.
- 4.4 Each member's liability is limited to the joining and annual subscription fees (if any).
- 4.5 Members can choose to stop being a member of the Club at any time by writing to the Secretary. The Club will not refund any joining and subscription fees already paid.

### **5 Membership categories**

- 5.1 The Members of the Club shall consist of:
- a. Life members, who may attend General Meetings, and have the right to vote at General Meetings / Special General Meetings;
  - b. Individual members, who may attend General Meetings, and have the right to vote at General Meetings / Special General Meetings;

- c. Organisation members, who may attend General Meetings, and have the right to a single vote at General Meetings / Special General Meetings;
- d. Junior members, who are under 18 years of age and may attend and speak at General Meetings, however, have no voting rights;
- e. Such new categories of members, as are created in accordance with rule 5.2.

5.2 The Committee has the right and power from time to time to create new categories of membership with such rights, privileges and obligations as are determined applicable (other than voting rights), even if the effect of creating a new category is to alter rights, privileges or obligations of an existing category of Members. No new category of membership may be granted voting rights.

## **6 Life Members**

- 6.1 Members may nominate any person who has rendered distinguished or special service to the Club, for life membership. The nomination must be on the prescribed form (if any) and must be submitted to the Secretary at least 60 days before the date set down for the Annual General Meeting.
- 6.2 The nomination for Life Member shall be considered at the Annual General Meeting. A resolution of the Annual General Meeting to confer life membership must be passed by Special Resolution. The vote on such resolution will be taken by secret ballot.

6.3 Conditions, obligations and privileges of life membership shall be as prescribed in the By-Laws.

## **7 Application for Membership**

- 7.1 An application for membership by an individual will be:
  - a. in writing on the form prescribed from time to time by the Committee, from the applicant and lodged with the Club;
  - b. accompanied by the appropriate fee, if any.
- 7.2 The Club may accept or reject an application. If the application for membership is rejected, the Committee must provide in writing an explanation to the applicant within 28 days of the rejection, as to the reasons for the rejection.
- 7.3 A rejected member has the option to present their case to the next General Meeting of the Club, where the decision to accept or reject is ratified by a vote of the members at that meeting
- 7.4 Where the Club accepts an application, the applicant shall become a Member. Membership of the Club shall be deemed to commence upon acceptance of the application by the Club.
- 7.5 Where the Club rejects an application, the Club shall refund any fees forwarded with the application and the application shall be deemed rejected by the Club.

## **8 Membership Renewal**

- 8.1 Individual members must reapply for membership with the Club in

accordance with the procedures set down by the Club in the By-Laws or policies from time to time.

- 8.2 The annual membership subscription (if any), fees and any levies payable by Members (or any category of members) to the Club, the basis of, the time for and manner of payment shall be as determined by the Committee from time to time.
- 8.3 If a member does not renew their membership within one (1) month of the start of the membership year, their membership will be suspended
- 8.4 When membership is suspended, a member cannot exercise their members' rights such as access to club facilities and equipment and voting at the Annual General Meeting.

## **9 Register of members**

- 9.1 The Secretary shall keep and maintain a register of Members in which shall be entered such information as is required under the Act and Club By-Laws from time to time.
- 9.2 Upon reasonable request, the Club shall provide to Canoeing Victoria a copy of the register of all Members of the Club in a mutually acceptable form.

## **10 Members' access to documents**

- 10.1 A member may, subject to rules 21 to 23, inspect the rules of the Club, general meeting minutes, relevant documents (as defined in the Act) and the members register at a reasonable time.
- 10.2 A member can write to the Secretary asking for copies of these documents (with the exception of the members

register). The Secretary can charge a reasonable fee for providing copies.

- 10.3 The Secretary can refuse a request to inspect or get copies of relevant documents, or provide only limited access, if the documents contain confidential, personal, employment, commercial or legal matters, or if granting the request would breach a law or may cause damage or harm to the Club.
- 10.4 Members can inspect or get copies of Committee meeting minutes or parts of the minutes, unless the Committee specifically disallows it.
- 10.5 Members can write to the Secretary to ask that the Secretary restrict access to their details on the members register if they have special circumstances. The Secretary will decide if there are special circumstances, and will write to the member outlining their decision.

## **11 The Committee**

- 11.1 The Club is governed by a management committee (the Committee) that is made up of committee members (Committee Members).
- 11.2 The Committee can exercise all powers and functions of the Club (consistently with these Rules and the Act), except for powers and functions that the members are required to exercise at a general meeting (under these Rules or the Act).
- 11.3 The Committee can delegate any of its powers and functions to a committee member, a sub-committee, a staff member or a member other than the power of delegation or a duty imposed by the Act. The delegation must be in

- writing and can be revoked by the committee in writing.
- 11.4 Committee Members are elected by members of the Club at the AGM by ballot.
- 11.5 The Committee is made up of the following roles:
- a. President
  - b. Deputy President
  - c. Treasurer
  - d. Secretary
- (these are the Offices)
- e. Up to ten Ordinary Committee Members.
- 11.6 At the first Committee meeting after each AGM, the Committee will elect Committee Members to each Office and will decide the responsibilities of each Office.
- 11.7 The Secretary must be over 18 years of age, and live in Australia.
- 11.8 If the Secretary stops living in Australia, they cannot remain the Secretary.
- 11.9 If the Secretary stops being the Secretary, the Committee must appoint a new Secretary within 14 days.
- 11.10 Each Committee Member finishes their time on the Committee (term) at the next AGM after they were appointed, but they can be elected again.
- 11.11 A member can nominate to be on the Committee by writing to the Secretary, and another member must support their nomination in writing. The supported nomination must be received at least 1 day before the AGM.
- 11.12 If the number of members nominated to be Committee Members is equal to the number of Committee Members, the AGM Chair may declare the positions filled without holding a ballot.
- 11.13 If the number of applicants for the Committee is less than the number of positions, other members of the Club can nominate themselves at the AGM.
- 11.14 A Committee Member stops being on the Committee if they:
- a. resign, by writing to the Committee or the Secretary
  - b. are unable to maintain the attendance record required under rule 12.7
  - c. are removed by a special resolution of members of the Club
  - d. become insolvent (as the term is used in the *Corporations Act 2001*)
  - e. become a represented person (under the *Guardianship and Administration Act 1986*), or
  - f. die.
- 11.15 If a Committee Member stops being on the Committee before the end of their term in accordance with rule 11.4, the Committee can temporarily appoint a member of the Club to fill the vacancy on the Committee until the next AGM.
- 11.16 Among its other responsibilities, the Committee is responsible for making sure that:
- a. accurate minutes of general meetings and Committee meetings of the Club are made and kept, and
  - b. all records, securities and relevant documents of the Club are kept properly.

## **12 Committee Meetings**

- 12.1 The Secretary must give 7 days' notice of a Committee meeting to Committee Members unless the meeting is an urgent meeting.
- 12.2 The Committee can decide how often it meets.
- 12.3 Committee Members may attend meetings through technology (such as phone or video conferencing) so long as everyone can hear and be heard at the same time.
- 12.4 The Chair of Committee Meetings is the President, or if the President cannot attend, the Deputy President, and if the President and Deputy President cannot attend or are unable to preside, the Committee Members can choose who will be Chair for that meeting.
- 12.5 If a vote of the Committee is tied, the Chair of the meeting has the deciding vote.
- 12.6 The majority (more than half) of Committee Members must be present (either in person or through the use of technology) for the meeting to be validly held (the quorum).
- 12.7 An attendance record of 50 percent is required to remain a Committee member.
- 12.8 Committee Members unable to attend committee meetings due to illness or extended absence for three or more consecutive meetings shall request leave of absence from committee duties. During that period they are not considered part of the committee.

## **13 Conflict of Interest**

- 13.1 A Committee member shall declare his or her interest in any matter in which a conflict of interest arises or may arise, and shall, unless otherwise determined by the Committee, absent himself/herself from discussions and shall not be entitled to vote on the matter.
- 13.2 The nature of the interest of such Committee Member must be declared by the person at the Committee meeting at which the matter is first taken into consideration if the interest then exists or in any other case at the first meeting of the Committee after the acquisition of the interest. If a Committee Member becomes interested in a matter the declaration of the interest must be made at the first meeting of the Committee held after the member becomes so interested.
- 13.3 It is the duty of the Secretary to record in the minutes any declaration made or any general notice given by a Committee Member.

## **14 Policies**

- 14.1 The Committee may formulate, approve, issue, adopt, interpret and amend regulations and policies for the proper advancement, management and administration of the Club, the advancement of the objects of the Club and of canoeing as it thinks necessary or desirable.

## **15 General Meetings**

- 15.1 The Club must hold an Annual General Meeting (AGM) within five months of the end of the Club's financial year.

- 15.2 The ordinary business of the AGM is to confirm the minutes of the previous AGM, receive reports and statements on the previous financial year, and elect Committee Members.
- 15.3 The notice of AGM must include any special business or motions to be considered.
- 15.4 The Committee or a group of at least 10% of all members may call a Special General Meeting.
- 15.5 At least 10% of the members (a quorum) must be present at a general meeting (either in person or through the use of technology, [or by proxy]) for the meeting to be held.
- 15.6 Members may vote by proxy at general meetings. Proxy forms must be received by the Secretary 48 hours before a meeting.
- 15.7 Notice of general meetings must be provided to members at least 21 days before the meeting in writing to each member's postal or email address listed on the members register (in the case of email addresses, so long as the email address was provided for receiving notices).
- 15.8 Notices of general meetings must include proposed matters to be dealt with at that meeting and 'other business' as an item for consideration.
- 15.9 Notice of proposed special resolutions must be provided to members at least 21 days before the meeting.
- 15.10 Members may propose items to be considered 'other business' in writing to the Secretary at least 14 days before the meeting.
- 15.11 The Chair of a general meeting will be the President, or if the President is not in attendance, the Deputy President, or

if the President and Deputy President are not in attendance or are unable to preside, the members at the meeting can choose another Committee Member to be Chair.

- 15.12 Votes may be held by a show of hands or written ballot, or another method determined by the Chair that is fair and reasonable in the circumstances. If a vote is held initially by show of hands, any member may request a vote be held again by written ballot.
- 15.13 If a vote of the members is tied, the Chair of the meeting has the deciding vote.
- 15.14 To pass a special resolution, 75% of votes cast by members present at a meeting and eligible to vote must be in favour of the resolution.
- 15.15 The Chair may adjourn the meeting if there are not enough members at the meeting (see rule 15.5) within 30 minutes of the meeting time, or if there is not enough time at a meeting to address all business. A new notice must be sent to members before the adjourned meeting (but does not have to comply with time for notice requirements, unless the adjourned meeting is more than 21 days after the original meeting date).

## **16 Grievance disputes**

- 16.1 If there is a dispute between a member and another member, a member and the Club, or a member and the Committee, the parties involved must first attempt to resolve the dispute between themselves for at least 14 days from the date that the dispute becomes known to all parties involved.

- 16.2 If the dispute cannot be resolved between the people involved, the following grievance procedure must be followed:
- a. the party with a grievance must write to the Club and any other people affected, and explain what they are unhappy about
  - b. the Committee must appoint an unbiased mediator to hear from all the parties involved and try to find a solution. The Committee must give the people involved reasonable notice of the time and place of the hearing
  - c. at the hearing, each party must have an opportunity to be heard and agrees to do their best to resolve the dispute, and
  - d. if the parties cannot resolve the dispute with the assistance of the mediator, then an unbiased decision-maker must determine the outcome of the dispute.

## **17 Disciplining members**

- 17.1 The Committee can discipline a member of the Club if it considers the member has:
- a. breached these Rules;
  - b. breached Club By-Laws;
  - c. used or interfered with club or other members' property without authorisation;
  - d. or if the member's behaviour is causing (or has caused) damage or harm to the Club.
- 17.2 The Committee must write to the member to tell them why disciplinary action is proposed to be taken.

- 17.3 The Committee must arrange a disciplinary procedure that meets these requirements:
- a. the outcome must be determined by a unbiased decision-maker;
  - b. the member must have opportunity to be heard, and
  - c. the disciplinary procedure must be completed as soon as reasonably practicable.
- 17.4 The outcome of a disciplinary procedure can be that the member must
- a. meet the cost of repair or replacement of club boats or other equipment;
  - b. not use club boats or other equipment; or
  - c. leave the Club, for a period of time or indefinitely.
- 17.5 The Club cannot fine a member.

## **18 Funds**

- 18.1 The Club must not distribute funds, income or assets to members except as reasonable compensation for services provided or expenses incurred on behalf of the organisation.
- 18.2 The Club may derive or generate funds from joining and annual subscription fees, donations, grants, fundraising, interests, and any other sources approved by the Committee that are consistent with furthering the Club's Purposes.
- 18.3 Cheques, electronic fund transfers or cash payments made from the Club's funds must be authorised by two members of the Committee.

18.4 Financial records must be kept and stored for 7 years, and in accordance with any other applicable laws.

18.5 The Club does not have a common seal.

## **19 Affiliation with Canoeing Victoria**

19.1 The Members acknowledge and agree the Club shall:

- a. be incorporated in Victoria;
- b. elect or appoint one Delegate to represent it at General Meetings of Canoeing Victoria in accordance with this Constitution and the Canoeing Victoria Constitution;
- c. provide Canoeing Victoria with copies of the latest accounts and annual report within thirty days of a request by Canoeing Victoria;
- d. recognise Canoeing Victoria as the state peak body for Canoeing in Victoria and Australian Canoeing as the national peak body of Canoeing in Australia;
- e. adopt, in principle, the objects of Australian Canoeing and adopt rules which reflect and which are, to the extent permitted or required by the Act, generally in conformity

with the Australian Canoeing Constitution and the constitution of Canoeing Victoria;

- f. at all times act on behalf of the interests of the Members and the sport of canoeing.

## **20 Alteration of Rules and By-Laws**

20.1 These Rules may be changed, added to, or replaced by special resolution of the Club's members at a general meeting.

20.2 Club By-Laws may be changed, added to, or replaced by resolution of the Club's members at a general meeting.

## **21 Winding Up**

21.1 The members may vote by special resolution at a general meeting to wind up the Club.

21.2 If the Club is wound up, any surplus assets must not be distributed to the members or former members of the Club, and (subject to the Act and any Court order) must be distributed to another organisation or organisations, so long as that other organisation or organisations are not carried on for the profit or gain of its members.



# By-Laws

## **1 Life members**

- 1.1 Life members are not required to pay annual membership subscriptions.

## **2 Online membership application and registration**

- 2.1 All new applications for membership and membership renewals will be made via an online registration system as determined by the committee from time to time.
- 2.2 Members without access to the online system must advise an appropriate member of the committee and make alternative arrangements for their application or renewal.

## **3 Orientation for new members**

- 3.1 All new members must attend an orientation session to ensure safety and familiarity with club rules and procedures.

## **4 Clubhouse keys**

- 4.1 Adult members can obtain a clubhouse key. Parents/guardians of junior members may request a key, subject to approval of an appropriate committee member.
- 4.2 A clubhouse key is provided for the member's personal use alone or for family members who have joined as a family.
- 4.3 If a clubhouse key is lost or not returned at the end of the membership year, a fee will be charged to the member for a replacement.

- 4.4 The clubhouse door must be kept closed and locked at all times when unattended and when members are using the downstairs change room facilities.

## **5 Club boat, paddle and personal floatation device use**

- 5.1 Members who have demonstrated that they can paddle safely may use club boats, paddles and personal floatation devices (PFD).
- 5.2 Junior members must be supervised by an adult when paddling club boats.
- 5.3 Participants in school programs are not entitled to use club boats unless they are registered as full junior members.
- 5.4 Except if required for a club sanctioned event, club boats are available for use by members on a 'first come - first served' basis for paddling on the Yarra from the clubhouse.
- 5.5 Club boat and paddle use must be recorded in the club boat register, including the date and time the boat was taken and returned to the clubhouse.
- 5.6 Any damage to a club boat or paddle must be recorded in the club boat register.
- 5.7 If a boat is damaged to the point it is unsuitable for safe use or likely to become damaged further if used, a 'repair' sign should be attached to the boat immediately.
- 5.8 A guest of a member may paddle three times in a club boat before joining the club. The member is responsible for the actions and safety of their guest(s) and

must be present when guests use club boats and facilities. Guests using club boats must be recorded in the club boat register.

- 5.9 Club boats, equipment and clubhouse facilities cannot be used by members for private commercial gain.
- 5.10 Boats must be cleaned, dried and the original seat replaced (if changed) before being returned to the correct rack position.
- 5.11 Members wishing to use club boats in Canoeing Victoria events must record their booking in the club boat register in the clubhouse at least 3 days before the event.
- 5.12 Members wishing to use club boats for other events or away from the Fairfield area of the Yarra must obtain permission from the Boat Captain or President before the boat is removed from the clubhouse.
- 5.13 Members must take all reasonable care to avoid damage to club boats during transit and competition.
- 5.14 In the case where a boat is damaged and the use is in breach of these by-laws, the person in breach will be charged for the repair or replacement of the club boat.
- 5.15 Further detail and procedures are set out in the *INCC Club Boat Use* policy, which is available on the club's website.

## **6 Private equipment**

- 6.1 Members' paddles are stored in the clubhouse at the owner's risk.
- 6.2 Subject to availability of space, members may store a private boat on the racks in the clubhouse. The Clubhouse co-ordinator will maintain a

waiting list of members seeking rack space.

- 6.3 If a member who has a private boat stored in the clubhouse has not renewed their membership within three (3) months of the start of the membership year, their rack position will be forfeited and their boat will be removed from the clubhouse. Once forfeited, the member will need to re-join the club and the waiting list for a rack space.
- 6.4 Boats belonging to non-financial members will be removed from the racks and temporarily stored in a locked shed. Non-financial members will be contacted at their last known address or by telephone to arrange collection of their boat. Should the member not renew their membership and not collect their boat within twelve (12) months of the start of the membership year, the club will sell the boat and retain any money collected.
- 6.5 Private boats are stored in the clubhouse at the owner's risk, subject to the insurance cover described in By-Laws 6.7 and 6.8.
- 6.6 The Club will provide insurance for private boats stored in the clubhouse with a market value greater than or equal to a minimum determined by the committee from time to time.
- 6.7 Any insurance claim for damage to a private boat stored in the clubhouse or damaged in transit to events is subject to an excess equivalent to the minimum market value described in By-Law 6.6.
- 6.8 Further detail and procedures are set out in the *INCC Private Boat* policy, which is available on the club's website.

## **7 Use of other clubhouse facilities**

- 7.1 Members can use clubhouse facilities at any time, including weight training equipment and ergometers.
- 7.2 Any damage or maintenance required to equipment or clubhouse facilities should be reported to the Clubhouse Co-ordinator.

- 7.3 Lockers are available for temporary use. Members should bring a padlock to secure the locker for the time they are paddling. Lockers are not to be locked at other times.
- 7.4 Any clothing or other items left in the clubhouse are left at the owner's risk.