

## Rules of Clubs Victoria Inc.

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## 1 - NAME

- 1.1 The Association shall be known as Clubs Victoria Inc.

## 2 - DEFINITIONS

- 2.1 In these Rules:-

"Associations Incorporation Act" means the Associations Incorporation Act 1981 (Victoria).

"Central Business District" means the area defined by (and including) Flinders, Spring, La Trobe and Spencer Streets in Melbourne.

"Council" means the committee of persons established under Rule 14.

"Councillor" means a member of the Council.

"Country Areas" means all of the Country Areas details of which are set out in the Annexure to these Rules and a reference to "Country Area" is to any one of such areas.

"Election Date" has the meaning as is set out in Rule 17.1.

"Executive" means the executive committee established under Rule 15.

"Financial member" means a member of a Member who has paid all membership fees and other amounts owing to that Member in accordance with its constitution.

"Industry" has the meaning set out in Rule 4.

"Metropolitan Area" means the State of Victoria excluding the Central Business District and the Country Areas.

"Member" means a member of the Association.

"Statutes" means the Associations Incorporation Act and the Workplace Relations Act.

"Workplace Relations Act" means the Workplace Relations Act 1996 (Commonwealth).

- 2.2 A reference to a statute (including the Statutes) or a statutory provision shall be deemed to include any statute or statutory provision which amends, extends, consolidates or replaces the same or which has been amended, extended, consolidated or replaced by the same and any orders, regulations, instruments or other subordinate legislation made thereunder.

## 3 - OBJECTS

- 3.1 The objects of the Association are as follows:-

3.1.1 To promote and protect the interests of Members in all matters affecting their welfare.

3.1.2 To discuss and consider at meetings of Members, questions concerning and affecting the common and separate interests of Members of the members thereof, and to collect and disseminate from time to time information on matters affecting such interests.

- 3.1.3 To communicate the opinions of Members separately or unitedly to any government or to the various departments thereof, by letter, memorial deputation or otherwise.
- 3.1.4 To petition Parliament or any matters affecting Licensed Clubs collectively or individually, or any of the members thereof.
- 3.1.5 To originate and promote improvements in the law affecting the interests of Members and to support or oppose alterations therein, to effect improvements in administration, to promote or oppose legislation and other measures affecting Licensed Clubs and to take such other steps and proceedings as may be deemed expedient.
- 3.1.6 To diffuse information on all matters affecting Members or the interests of members thereof, and to collect and circulate statistics and other information in regard to Licensed Clubs or any legislation affecting them.
- 3.1.7 To take such action as may be necessary or advisable to regulate and determine the rates of pay and conditions of employment of employees of Members or of employees in the Industry or allied industries either under the Workplace Relations Act or under any other law of the Commonwealth, the States or the Territories and to advise, assist and represent Members in industrial matters.
- 3.1.8 To enter into any amalgamation, affiliation, fusion or alliance with or co-operate or make any arrangement for the amalgamation or co-operation in whole or in part with any association or body corporate (whether registered under the Workplace Relations Act or not) having objects altogether or in part similar to any of the Association or calculated to benefit the interests of employers of labour generally.
- 3.1.9 To do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

#### **4 - INDUSTRY**

The Association is formed in or in connection with the industry of Licensed Clubs.

#### **5 - ELIGIBILITY FOR MEMBERSHIP**

The Members shall consist of:

- (a) any Licensed Club which at the date of adoption of these Rules is a member of the Association and which employs or usually employs labour in Victoria; and
- (b) any Licensed Club which employs or usually employs labour in Victoria and is approved for membership in accordance with these Rules and pays the annual subscription payable under these Rules; and
- (c) any Racing Club which holds an On-Premises Licence pursuant to Section 50 of the Liquor Control Act 1987 and is approved for the membership in accordance with these Rules and pay the annual subscription under these Rules.

In these Rules, "Licensed Club" means a body corporate or unincorporate which is the holder of a club licence which permits the sale and disposal of liquor on the club's premises to a member of the club for consumption on or off the club's premises and to a guest of a member for consumption on the club's premises in accordance with the Liquor Control Act 1987 (Victoria).

In these Rules, a "Racing Club" means the holder of a Racing Club Licence pursuant to Section 24A of the Racing Act 1958 (Victoria).

## **6 - APPLICATION FOR MEMBERSHIP**

- 6.1 Applications for membership shall be in writing in a form approved by the Council and shall be sent to the Executive Director of the Association, and applicants must agree to be bound by the Rules and by-laws or orders made by the Council from time to time upon admission to membership.
- 6.2 The Association shall inform applicants for membership in writing of the financial obligations arising from membership and the circumstances, and the manner, in which a Member may resign from the Association.
- 6.3 Applications shall be considered by the Executive at their next or some subsequent meeting, when the majority of the members of the Executive then present may resolve to admit the applicant as a Member. The Executive Director shall thereupon notify the applicant in writing that it has been approved for membership of the Association and request payment of the first year's annual subscription or such other amount as the Council may decide within seven (7) days of receipt of such notice.
- 6.4 Upon payment of the amount referred to in rule 6.3 within the period referred to therein, the Executive Director shall enter the applicant's name in the register of Members kept by him and, upon the Member being so entered, the applicant becomes a Member.

## **7 - SUBSCRIPTIONS AND LEVIES**

- 7.1 The annual subscription shall be determined by the Council.
- 7.2 The annual subscription shall be payable on the 1st day of July in each calendar year and shall be payable to the Executive Director.
- 7.3 The Council may from time to time impose upon Members a levy for any special project or matter but such levy shall not for any year, exceed the annual subscription payable in that year.
- 7.4 All monies due by any Member (or in the case of a former Member, all monies due in relation to a period before the date the former Member ceased to be a Member) may be sued for and recovered from such Member in the name of the Association, in a court of competent jurisdiction, as a debt due to the Association. Any such proceedings shall be taken on the determination of the Council.

## **8 - OBSERVANCE OF RULES**

- 8.1 Every Member shall be bound to further to the best of it's ability the objects, interests and influence of the Association and shall at all times observe these Rules.

## **9 - REGISTERS**

- 9.1 The Executive Director shall keep or cause to be kept:-
  - 9.1.1 a register of Members in which shall be recorded the name, postal address and date of entry of every Member of the Association;
  - 9.1.2 a list of the names, postal addresses and occupations of persons holding office in the Association; and
  - 9.1.3 Such other details as may be required by the Council from time to time.

## **10 - RESIGNATION**

- 10.1 A Member may resign from the Association by written notice addressed and delivered to the Executive Director.
- 10.2 A notice of resignation from membership takes effect:-
- 10.2.1 where the Member ceases to be eligible to become a Member of the Association:
- 10.2.1.1 on the day on which the notice is received by the Association; or
  - 10.2.1.2 on the day specified in the notice, which is a day not earlier than the day when the Member ceases to be eligible to become a Member;
- whichever is later; or
- 10.2.2 in any other case:
- 10.2.2.1 at the end of 2 weeks after the notice is received by the Association; or
  - 10.2.2.2 on the day specified in the notice;
- whichever is later.
- 10.3 A notice delivered to the Executive Director shall be taken to have been received by the Association when it was delivered.
- 10.4 A notice or resignation that has been received by the Association is not invalid because it was not addressed and delivered in accordance with rule 10.1.
- 10.5 A resignation from membership is valid even if it is not effected in accordance with this Rule if the Member is informed in writing by or on behalf of the Association that the resignation has been accepted.

## **11 - DISCIPLINE**

- 11.1 If the Council is of the opinion that a Member has:-
- 11.1.1 refused or neglected to comply with these Rules;
  - 11.1.2 refused to obey any lawful resolution of the Association or the Council;
  - 11.1.3 become bankrupt or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors compounded with his creditors or made an assignment of his remuneration for their benefit;
  - 11.1.4 being a corporation, gone into liquidation otherwise than for the purpose of reconstruction or a meeting has been called for the purpose of considering liquidation; had a receiver or a receiver and manager appointed over any of its property; proposed to enter into any scheme of arrangement or a composition with its creditors; or had an official manager or inspector appointed pursuant to any applicable law;
  - 11.1.5 being an incorporated association, been wound up or its incorporation cancelled;

11.1.6 been convicted of any fraud or crime in a court of law;

11.1.7 ceased to be a Licensed Club;

11.1.8 been dissolved;

11.1.9 been party to conduct which is in the opinion of the Council contrary to the objects of the Association set out in Rule 3; or

11.1.10 if the Member is a Racing Club, ceased to be a Racing Club and/or ceased to hold an On-Premises Licence;

the Council may, by resolution suspend the Member from Membership for a specified period or subject to rule 11.2, expel the Member from the Association.

In these Rules, a "Racing Club" means the holder of a racing club licence pursuant to Section 24A of the Racing Act 1958 (Victoria).

- 11.2 Except where a Member has failed to pay monies due for three (3) months or an event specified in rules 11.1.3 to 11.1.8 inclusive has occurred, a resolution of the Council to expel a Member shall not take effect unless the Council summons the Member to show cause why it should not be expelled and the Member fails to attend the hearing or in the opinion of the Council, fails to show cause why it should not be expelled.
- 11.3 If the Member attends the hearing and the Council confirms the resolution to expel the Member, it may within fourteen (14) days of the hearing give notice in writing to the Council that it intends to appeal against the decision of the Council at the next general meeting of the Association.
- 11.4 If at the general meeting two-thirds of the Members present or by proxy, vote in favour of the confirmation of the resolution, the resolution is confirmed; in any other case, the resolution is revoked.
- 11.5 A Member which is expelled from membership shall be eligible to apply for membership after twelve (12) months from the date of expulsion but the Council shall have an absolute discretion as to whether or not the Member will then be admitted to membership.
- 11.6 Where the Council resolves to expel a Member in accordance with this Rule, the resolution shall not take effect until the appeal procedure set out in this Rule has been complied with but the Council may resolve to suspend the Member until such time as the appeal procedure is complete.

## **12 – DISPUTES AND MEDIATION**

- 12.1 The grievance procedure set out in this rule applies to disputes under these Rules between:-
- 12.1.1 a Member and another Member; or
- 12.1.2 a Member and the Association.
- 12.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

- 12.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 12.4 The mediator must be:-
- 12.4.1 a person chosen by agreement between the parties; or
- 12.4.2 in the absence of agreement:-
- 12.4.2.1 in the case of a dispute between a Member and another Member, a person appointed by the Council; or
- 12.4.2.2 in the case of a dispute between a Member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 12.5 A member of the Association can be a mediator.
- 12.6 The mediator cannot be a financial member or a secretary or a manager of the Member who is a party to the dispute.
- 12.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 12.8 The mediator, in conducting the mediation, must:-
- 12.8.1 give the parties to the mediation process every opportunity to be heard; and
- 12.8.2 allow due consideration by all parties of any written statement submitted by any party; and
- 12.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process; and
- 12.8.4 not determine the dispute.
- 12.9 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Associations Incorporation Act or otherwise at law.

### **13 - CESSATION OF MEMBERSHIP**

- 13.1 Upon a Member ceasing for any reason to be a Member:-
- 13.1.1 the Executive Director shall make an entry in the register of Members recording the date of such cessation; and
- 13.1.2 from the date of cessation such Member shall have no claim (monetary or otherwise) against the Association or its assets.

### **14 - COUNCIL**

- 14.1 The policies of the Association shall be determined by a committee constituted in accordance with rule 14.2 ("the Council").
- 14.2 The Council shall comprise fifteen (15) Councillors, eight (8) such Councillors

being Financial members or a secretary or manager of a Member being situated within the Metropolitan Area and elected by such Members, one (1) such Councillor being a Financial member or a secretary or manager of a Member situated in the Central Business District and elected by such Members and six (6) such Councillors being Financial members or a secretary or manager of a Member being situated in the Country Areas and elected by such Members.

- 14.3 The Councillors shall consist of only one representative (whether a Financial member, secretary or manager) of any particular Member and the candidates for election shall be nominated by the Member whom they represent. The Councillors to be elected by Members situated in the Country Areas shall be elected in the following way - each such Councillor shall represent one Country Area (and be a Financial member or a secretary or manager of a Member situated in that area) and shall be elected by Members situated in that area.
- 14.4 If a person elected to the Council ceases at any time during his term of office to be a Financial member, secretary or manager of the Member whom he represented at the date of his election, or if the Member of which a person elected to the Council was a Financial member, secretary or manager at the date of his election ceases to be a Member, the Council may by resolution remove that person from office.
- 14.5 Councillors shall be elected in accordance with Rule 17.
- 14.6 Subject to Section 146 of Schedule 1B of the Workplace Relations Act, the Council shall have the power to appoint any Financial member or secretary or manager of a Member to the council where a position falls vacant provided that the person so appointed must retire at the next Election Date or in the case of a person appointed to the Executive, at the next Annual General Meeting where such persons will be eligible for re-election but only in accordance with these Rules. Such persons if re-elected or such other persons who may then be elected in their place shall conform to the tenure of office specified in rule 17.1.
- 14.7 The Council may from time to time resolve to invite persons not being Councillors to attend a particular meeting or meetings of the Council or any part thereof but such persons shall not have any voting rights.

## **15 - EXECUTIVE**

- 15.1 An executive committee consisting of the following persons shall be established and known as "the Executive":
- 15.1.1 President;
  - 15.1.2 Metropolitan Vice President;
  - 15.1.3 Country Vice President;
  - 15.1.4 Treasurer; and
  - 15.1.5 The Executive Director.
- 15.2 The Council shall elect the President and the Treasurer from their number. Those Councillors representing Members situated in the Central Business District and the Metropolitan Area shall elect the Metropolitan Vice President and those Councillors representing members situated in the Country Areas shall elect the Country Vice President. The Council shall have the right to appoint and remove the Executive Director on such terms as it determines.

15.3 The elections referred to in rule 15.2 shall take place each year after the Election Date and before the Annual General Meeting of Members. The election procedure will be as follows:-

15.3.1 The Council shall appoint a Returning Officer not being a member of the Council, an officer or employee of the Association to conduct the elections. The Returning Officer shall call for nominations for candidates by written notice to the Councillors having the right to vote in accordance with rule 15.2 at least ten (10) days before the date fixed by him for the closing of nominations. Such closing date shall be not less than fourteen (14) days prior to the annual general meeting of the Association. Every nomination shall be in writing and shall be signed by the Councillor making the nomination and the Councillor nominated.

15.3.2 If no more than the requisite number of nominations is received for the positions available the Returning Officer shall declare the persons nominated to be elected to such positions (to assume office at the close of the following Annual General Meeting of Members). Should there be fewer than the requisite number of nominations received, the Returning Officer shall declare the persons nominated to be elected to such positions (to assume office at the close of the following Annual General Meeting of Members) and the Returning Officer shall again call for nominations for candidates for the balance of positions available in accordance with rule 15.3.1 except that the closing date for nominations shall be not less than seven (7) days prior to the annual general meeting of the Association. Should there be more than the requisite number of nominations, the Returning Officer shall conduct an election by secret postal ballot for such positions, and then declare the results at the annual general meeting.

15.3.3 A candidate in any election under rule 15.3 may nominate as his scrutineer a Councillor being entitled to vote at the election but not being a candidate at such election;

15.3.4 Every scrutineer shall, so far as is possible having regard to the time of his appointment, have the following rights and duties;

15.3.4.1 to be present with the Returning Officer when the ballot papers are being forwarded; and

15.3.4.2 to watch the interests of the person whom he represents;

15.3.5 Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall subject to the Workplace Relations Act be final.

Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

15.3.6 It shall be the duty of the Returning Officer to examine all nominations for validity. If the Returning Officer finds any nomination to be defective he shall, before rejecting the same notify the person concerned of the defect, and where it is practicable to do so, shall give the person concerned the opportunity of remedying the defect within a period of not less than seven (7) days of receipt of his notice.

15.3.7 Notice that an election will be held and of the closing time and date for voting (which shall be not later than 24 hours before the time of the commencement of the annual general meeting) shall be given at least fourteen days before the closing date for voting.

- 15.3.8 The Returning Officer shall issue the necessary ballot papers, one for the offices of President and Treasurer, one for the Metropolitan Vice President and one for the Country Vice President. Ballot papers shall be initialled by the Returning Officer, placed in a sealed envelope and sent by pre-paid post to each Councillor not less than seven (7) days before the closing date of voting. Such sealed envelopes shall also contain a declaration envelope and a prepaid envelope, both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003, that may be posted without expense to the voting member.
- 15.3.9 The ballot papers shall set out:-
- 15.3.9.1 The description and number of offices to be filled;
  - 15.3.9.2 The name of the candidate;
  - 15.3.9.3 Instructions that the voter is to place on the ballot paper issued to him a cross opposite the name of the candidate whom he desires to be elected, the number of crosses on each ballot paper to equal the number of offices to be filled;
  - 15.3.9.4 The closing date and time for receipt of votes, and instruction to place the ballot paper in the declaration envelope provided to the voter. The declaration envelope must then be placed in a prepaid envelope provided to the voter, to seal the envelope and return it to the Returning Officer before the time of the close of the ballot.
- 15.3.10 The ballot paper shall be returned in a sealed envelope to the Returning Officer on or before the closing date fixed for voting;
- 15.3.11 All elections shall be conducted by the first-past-the-post system;
- 15.3.12 The non-receipt of a ballot paper by a Councillor or the non- return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot. Any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal;
- 15.3.13 The Returning Officer shall arrange for votes to be counted and shall at the Annual General meeting declare the result of the ballot to the Members of the Association and thereupon the candidate or candidates declared elected shall assume office.
- 15.3.14 The candidate receiving the highest number of formal votes shall be the successful candidate.
- If two or more candidates receive the same number of votes the Returning Officer shall determine by lot who shall be successful candidate.
- 15.4 Subject to these Rules, the members of the Executive, shall hold office until the Annual General Meeting of Members following the Annual General Meeting of Members held on the date on which they assumed office. Any casual vacancy will be filled in accordance with rule 14.5.
- 15.5 The members of the Executive at the date of adoption of these Rules shall be as follows:

- 15.5.1 the President, the Metropolitan Vice President and the Country Vice President shall be the same persons as who hold those respective offices in the Association immediately prior to the date of adoption of these Rules;
- 15.5.2 the position of Treasurer shall be vacant and hence subject to rule 14.5.
- 15.5.3 the Executive Director shall be the same person as who holds the office of Secretary of the Association immediately prior to the date of adoption of these Rules.
- 15.6 The Executive shall:
- 15.6.1 implement the policies determined by the Council from time to time and administer the day-to-day affairs of the Association; and
- 15.6.2 carry out such other functions and exercise such other powers as are delegated to it by the Council from time to time.
- 15.7 The procedure at meetings of the Executive shall be as follows:
- 15.7.1 the members of the Executive may meet together for the despatch of business and adjourn and otherwise regulate their meetings as they think fit;
- 15.7.2 the President or in his absence a Vice President may and the Executive Director shall on the requisition of any two (2) members of the Executive, convene a meeting of the Executive;
- 15.7.3 reasonable notice of all meetings of the Executive shall be given to all members of the Executive;
- 15.7.4 a quorum of the Executive shall consist of three members of the Executive (excluding the Executive Director);
- 15.7.5 wherever the Chairman, or in his absence a Vice President, is not present at any meeting of the Executive within thirty (30) minutes of the time for which the meeting was called, those members of the Executive present shall elect one of their members to act as Chairman of the meeting but such member shall not have a casting vote in addition to his own vote.
- 15.8 If a member of the Executive (other than the Executive Director) ceases at any time to be a Councillor, he shall immediately cease to be a member of the Executive (except where his term of office expires and he ceases to be re-elected as a Councillor in which case he shall continue to be a member of the Executive until the date on which the next Annual General Meeting of Members is held from which date the new members of the Executive take office).
- 15.9 The Executive may from time to time resolve to invite persons not being members of the Executive to attend a particular meeting or meetings of the Executive or any part thereof but such persons shall not have any voting rights.

## **16 - OFFICE BEARERS**

### **16.1 PRESIDENT**

The President shall take precedence over all other Members in all official relations of the Association. He shall be entitled to take the Chair when present at any meeting of the Members, Council or other committee of the Association (including the Executive). Whilst

in the Chair of any such meeting he shall have a casting vote in addition to his own in all cases of equality in the voting or ballot on any question.

## 16.2 VICE-PRESIDENTS

In the absence of the President from any meeting of the Members, Council or any other committee of the Association (including the Executive) of which the President is a member, the persons present at the relevant meeting and entitled to vote shall appoint one of the Vice-Presidents to take the Chair for the meeting. While in the chair of any such meeting, the Vice-President shall have a casting vote in addition to his own in all cases of equality in the voting or ballot on any question. The Vice- Presidents shall give the President such assistance in carrying out the President's duties as the President shall require.

## 16.3 TREASURER

16.3.1 The Treasurer shall cause:-

- 16.3.1.1 all collection and receipt of all moneys due to the Association and the making of all payments authorized by the Association;
- 16.3.1.2 the keeping of correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association; and
- 16.3.1.3 the paying forthwith of all amounts received on behalf of the Association into some bank specified by the Council to the credit of the Association.

## 16.4 EXECUTIVE DIRECTOR

16.4.1 The Executive Director shall perform the following duties but shall not in any case have any voting rights at meetings of, or elections for positions on, the Council or the Executive:-

- 16.4.1.1 Keep charge of all books and records of the Association and shall be responsible for their safe custody and also for the safe custody of such other papers and property belonging to the Association as the Council shall direct and be responsible for the same to the Council.
- 16.4.1.2 Keep minutes of all meetings of the Association, Council and other committees (including the Executive) of the Association.
- 16.4.1.3 Attend, unless excused or directed, all meetings of the Council and the Executive.
- 16.4.1.4 Be responsible for the general administration of the Association.
- 16.4.1.5 The duties of the Executive Director shall be determined from time to time by the Council but the Council may delegate any such duties to any Councillor or Councillors.

16.4.2 Notwithstanding anything else in these Rules, the Executive Director shall attend to the above duties only in accordance with directions given by the Council or the Executive or any Councillor authorised by the Council or the Executive from time

to time, for the purpose of implementing existing policy of the Association or decisions concerning the Association.

## 17 - ELECTIONS

- 17.1 There shall be an annual election for the positions of the Council falling vacant and persons elected to fill such vacancies shall hold office for a term of three (3) years from the Election Date or until their successors have been elected and shall be eligible for re-election. The Election Date shall be nominated by the Council and shall be not more than three months nor less than one month prior to the Annual General Meeting. The roll of voters for any ballot is to be closed 7 days before the day on which nominations for the election open.
- 17.2 At the date of adoption of these Rules, the persons (if any) who immediately prior to that date were elected to represent the areas defined in the Rules of Association as then in force such areas being listed in the left column below, are deemed to be Councillors representing the areas nominated adjacent to those first-mentioned areas in the right column below. The term of three (3) years referred to in rule 17.1 shall run from the respective dates of each person's election to office prior to the adoption of these Rules. To the extent that any new position is vacant (which includes the representative for Country Area 5, such area being a new area) that position will be subject to rule 14.5.

<b>Area (prior to adoption of these Rules)</b>	<b>Area (after adoption of these Rules)</b>
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Metropolitan Area
Metropolitan Area	Central Business District
Country Areas 1 & 2	Country Area 1
Country Areas 3 & 5	Country Area 2
Country Area 4	Country Area 3
Country Area 6	Country Area 4
	Country Area 5
Country Area 7	Country Area 6

- 17.3 The Council shall appoint a Returning Officer not being a member of the Council, and officer or employee of the Association to conduct such elections. The Returning Officer shall give notice of a forthcoming election and call for nominations for candidates by written notice to Members which are eligible to vote at least twenty-eight (28) days before the date fixed by him for the closing of nominations. Such closing date shall be not less than one (1) month prior to the Election Date. Every nomination shall be in writing, and shall be signed by the President of the Member or other authorised officer of the Member making the nomination and by the person nominated.
- 17.4 If no more than the requisite number of nominations is received for the positions available the Returning Officer shall declare the persons nominated to be elected to such positions (to assume office on the date of such declaration). Should there be fewer than the requisite number of nominations received, the Returning Officer shall declare the persons nominated to be elected to such positions (to assume office on the date of such declaration), and the Returning Officer shall again call for nominations to the balance of positions available in accordance with rule 17.4 except that the closing date for

nominations shall be not less than twenty-one (21) days prior to the Election Date. Should there be more than the requisite number of nominations, the Returning Officer shall conduct an election by secret postal ballot for such positions, and then declare the results by notice in writing to each Member and candidate who has been elected.

17.5 A candidate in any election under these Rules may nominate as his scrutineer a delegate of a Member being entitled to vote at the election but not being a candidate at such election;

17.6 Every scrutineer shall, so far as is possible having regard to the time of his appointment, have the following rights and duties;

17.6.1 to be present with the Returning Officer when the ballot papers are being forwarded; and

17.6.2 to watch the interests of the person whom he represents;

17.7 Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall subject to the Workplace Relations Act be final.

Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

17.8 It shall be the duty of the Returning Officer to examine all nominations for validity. If the Returning Officer finds any nomination to be defective he shall, before rejecting the same notify the person concerned of the defect, and where it is practicable to do so, shall give the person concerned the opportunity of remedying the defect within a period of not less than seven (7) days of receipt of his notice.

17.9 Notice than an election will be held and of the closing time and date for voting (which shall be not later than 24 hours before the Election Date) shall be given at least fourteen days before the closing date for voting.

17.10 The Returning Officer shall issue the necessary ballot papers, one for the Metropolitan Area and one for each of the Country Areas and the Central Business District respectively. Ballot papers shall be initialled by the Returning Officer, placed in a sealed envelope and sent by pre-paid post to each financial Member not less than seven (7) days before the closing date of voting. Such sealed envelopes shall also contain a declaration envelope and a prepaid envelope, both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003, that may be posted without expense to the voting member.

17.11 The ballot papers shall set out:-

17.11.1 The description and number of offices to be filled;

17.11.2 The name of the candidates;

17.11.3 Instructions that the voting member is to place on the ballot paper issued to him a cross opposite the name of the candidate whom he desires to be elected, the number of crosses on each ballot paper to equal the number of offices to be filled;

17.11.4 Instructions that the Member shall provide the Executive Director with notice of the name of its voting member, being a financial member or a

secretary or manager of a Member, duly authorised by an office bearer of the Member on a form prescribed by the Association from time to time.

- 17.11.5 The closing date and time for receipt of votes, and instruction to place the ballot paper in the declaration envelope provided to the voter. The declaration envelope must then be placed in a prepaid envelope provided to the voter, to seal the envelope and return it to the Returning Officer before the time of the close of the ballot.
- 17.12 The ballot paper shall be returned in a sealed envelope to the Returning Officer on or before the closing date fixed for voting;
- 17.13 All elections shall be conducted by the first-past-the-post system;
- 17.14 The non-receipt of a ballot paper by a Member or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal;
- 17.15 The Returning Officer shall arrange for votes to be counted and shall on the Election Date declare the result by forthwith sending notice in writing to each Member and candidate who has been elected. The candidates who have been elected shall assume office on the day which is three (3) days following the Election Date.
- 17.16 Where only one candidate is to be elected the candidate receiving the highest number of formal votes shall be the successful candidate.
- If two or more candidates receive the same number of votes the Returning Officer shall determine by lot who shall be the successful candidate.
- 17.17 Where two or more candidates are to be elected all votes shall be counted as primary votes of equal rank.
- The candidate receiving the highest number of votes shall be the first successful candidate;
- the candidate receiving the second highest number of votes shall be the next successful candidate, and so on according to the number of candidates to be elected.
- If two or more candidates receive the same number of votes the Returning Officer shall determine by lot the successful candidate or candidates.
- 17.18 All ballot papers and other documents used in connection with, or relevant to, any election under these Rules shall be preserved and kept for a period of one (1) year after the completion of the election.
- 17.19 All Returning Officers, assistants to the Returning Officer and Scrutineers in any election held under these Rules shall do all things necessary to preserve the secrecy of the ballot as prescribed by these Rules.
- 17.20 The Returning Officer for each election conducted under these rules shall, within fourteen (14) days of the declaration of the ballot, submit to the Council a written report on such election. This report shall include full details of the conduct, the voting and the result of the election.

- 17.20 Notwithstanding anything else contained in these Rules, no person shall be nominated for, elected to or hold office or position in the Association if he is or becomes the holder of an office or position in any other organisation registered under the Workplace Relations Act.

## **18 - POWERS OF THE COUNCIL**

- 18.1 The Council may subject to these Rules and the Statutes, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the Members. Without limiting the generality of the foregoing, the powers of the Council include the following:-
- 18.1.1 To direct the policy of the Association in all matters affecting the interests of Members.
- 18.1.2 From time to time to make such by-laws and regulations and issue such orders consistent with the Rules for the time being of the Association as shall appear to it conducive to the good management and effective working of the Association and all such by-laws, regulations and orders shall be proposed to the Members at the Annual General Meeting of the Association after the making thereof and may be repealed or altered by that Annual General Meeting with effect from that meeting but all such by-laws, regulations and orders shall come into force immediately they are made and shall be binding on all members and officers of the Association.
- 18.1.3 To exercise powers specifically conferred on the Council by these Rules.
- 18.1.4 To deal with matters referred to it by the Members.
- 18.1.5 To refer any matter to a committee or committees consisting of such members of its body or of the Association or other person that would be eligible under these Rules for election to the Council as it thinks fit for investigation and report.
- 18.1.6 The decision of the Council of the Association on question of policy shall be binding on all Members.
- 18.1.7 To remove from office any member of the Council who has ceased to be eligible to hold office or whom the Council has by resolution of three- quarters of the members present at a meeting found guilty of:-
- 18.1.7.1 misappropriation of the funds of the Association;
  - 18.1.7.2 a substantial breach of the Rules;
  - 18.1.7.3 gross misbehaviour; or
  - 18.1.7.4 gross neglect of duty.
- 18.1.8 Any officer charged with any of the offences set out above shall be given twenty-one (21) days notice in writing by the Executive Director under registered post of the charge and of the time and place of the meeting at which the charge is to be dealt with, and shall be entitled to be heard in his own defence before any motion for removal from office is put. This Rule does not preclude the Council from taking action under Rule 11 and any officer charged under this paragraph shall not be entitled to attend or vote at meetings of the Council during the period of time from the date of the laying of the charge until the hearing of his defence.

- 18.1.9 To hear and determine any charge made against a Member.
- 18.1.10 To adopt such measures as it from time to time deems expedient for the purposes of giving effect to the objects of the Association, or any of them.
- 18.1.11 To put into effect the powers and authorities hereby vested in the Council for regulating the conduct and proceedings of the Association and of meetings of the Council and generally to provide for all such matters and things relating to the management of all funds and property of the Association and to the conduct of its business as are not inconsistent with or repugnant to these Rules.
- 18.1.12 To purchase, take on lease or licence or otherwise acquire, hold, sell, lease, mortgage, exchange or otherwise own, possess or deal with any real or personal property and renovate, alter, improve or erect buildings on any property including power to mortgage, charge or encumber same for the purposes of the Association.
- 18.1.13 to act on behalf of the Association in all matters relevant to bankrupts and insolvents, assignments for the benefits of creditors or liquidators.

## **19 - MEETINGS OF THE COUNCIL**

- 19.1 The Council shall meet when determined by the President or in his absence by a Vice-President, or upon the application of three (3) Councillors to the Executive Director.
- 19.2 Unless the Council otherwise resolves, not more than one (1) calendar month shall elapse between any two meetings of the Council provided that a meeting of the Association shall be regarded as a meeting of the Council for the purposes of this Rule.
- 19.3 The Executive Director shall give not less than seven (7) days notice of all meetings of the Council to all Councillors provided that where an emergency meeting is in the opinion of the President required, less notice may be given.
- 19.4 A quorum of the Council shall consist of eight Councillors.
- 19.5 If at any meeting of the Council a quorum is not present within thirty (30) minutes of the time for which the meeting was called the meeting shall ipso facto stand adjourned until a time determined by the Chairman of the meeting.
- 19.6 The Council may adjourn its proceedings for such period and from place to place as it deems fit. If the proceedings are adjourned for more than seven (7) days, notice of the adjourned meeting shall be given to all Councillors in accordance with rule 19.3.
- 19.7 Whenever the Chairman, or in his absence a Vice-President, is not present at any meeting the Council within thirty (30) minutes of the time for which the meeting was called, those Councillors present shall elect one of their number to act as Chairman of the meeting but such Councillor shall not have a casting vote in addition to his own vote.

## **20 - GENERAL MEETINGS OF MEMBERS**

- 20.1 The Council may where it appears advisable convene a general meeting of Members to dispose of special business of the Association ("a special general meeting").
- 20.2 Upon the written application of fifty (50) Members the Executive Director shall call such a meeting.

- 20.3 A general meeting shall be held not less than fourteen (14) days (or where a special resolution is required by the Associations Incorporation Act, not less than twenty-one (21) days) nor more than thirty-five (35) days after written notice to all Members of the Association shall have been given by the Executive Director.
- 20.4 Written notice of a general meeting of Members shall be given to all Members by posting a copy of the notice together with a paper stating the matter or matters for consideration by the special general meeting.
- 20.5 Subject to rule 20.6, a quorum of Members shall consist of twenty-five (25) Members but shall not include any Member present only through a proxy appointed in accordance with these rules.
- 20.6 If at any meeting of Members a quorum is not present within thirty (30) minutes of the time for which the meeting was called, the meeting shall ipso facto stand adjourned until the date which is seven (7) business days after the date of the meeting, or such other date as the Members present shall nominate in which case notice of the adjourned meeting shall be given to all Members in accordance with rule 20.3. At the adjourned meeting, a quorum of Members shall consist of those Members present.
- 20.7 At any general meeting of Members a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded:-
- 20.7.1 by the Chairman; or
- 20.7.2 by at least ten (10) Members present in person (by authorised delegate) or by proxy.
- The demand for a poll may be withdrawn.
- 20.8 If a poll is duly demanded, it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the Chairman directs, and the result of the poll shall be the resolution of the meeting at which the poll was demanded.

## **21 - ANNUAL GENERAL MEETINGS**

- 21.1 There shall be an Annual General Meeting of the Association, which shall be held in each year within a period of fifteen (15) months after the previous Annual General Meeting on a date to be fixed annually by the Council, for the purposes of:-
- 21.1.1 Receiving the report of the Council;
- 21.1.2 Receiving the statement submitted to the Members in accordance with Section 30(3) of the Associations Incorporation Act such statement containing the following particulars:-
- 21.1.2.1 The income and expenditure of the Association during its last financial year;
- 21.1.2.2 The assets and liabilities of the Association at the end of the financial year;
- 21.1.2.3 The mortgages, charges and securities of any description affecting any of the property of the Association at the end of its last financial year; and

21.1.2.4 In respect of each trust of which the Association was trustee during a period, being the whole or any part of the last financial year of the Association:-

21.1.2.4.1 the income and expenditure of the trust during that period;

21.1.2.4.2 the assets and liabilities of the trust during that period;

21.1.2.4.3 the mortgages, charges and securities of any description affecting any of the property of the trust at the end of that period.

21.1.3 Declaring the results of the poll for election of the members of the Executive;

21.1.4 Considering and, if necessary, taking action with reference to any business or motion of which due notice shall have been given.

21.2 Notice of the annual meeting and of the business to be transacted thereat shall be given at least fourteen (14) days previously to all Members.

## **22 - VOTING RIGHTS**

22.1 A Member may be represented at general meetings of Members by such number of representatives as the Notice of meeting shall specify all of whom shall be Financial members or the secretary or manager of the Member whom they represent and one of whom shall be entitled to vote on behalf of the Member (in this Rule called "the delegate").

22.2 Before exercising voting rights, Members shall give the Executive Director notice of the names of its representatives and the delegate duly signed by an office bearer of the Member, not less than 48 hours before each meeting. The delegate shall have power to exercise all the voting rights of the Member whom it represents including those votes to be exercised as proxy for another Member.

22.3 Whenever a general meeting of Members is to be convened under these Rules for the purposes of submitting a matter to a vote, the Council may determine to conduct the voting by postal ballot. In this event, the Executive Director shall notify every Member of the arrangements for the ballot. A quorum of votes shall consist of the votes of twenty-five (25) Members.

22.4 Whenever a Member votes on any matter, the Member may except in a postal ballot, vote by proxy in accordance with this paragraph:-

22.4.1 the proxy must be a Member;

22.4.2 the instrument appointing the proxy shall be in the form required by the Council from time to time; and

22.4.3 the instrument appointing the proxy shall not be treated as valid unless received not less than 48 hours before the time of the meeting (or in the case of a ballot, with the ballot paper) by the Executive Director.

## **23 - PAYMENTS**

- 23.1 All payments on behalf of the Association shall be made by credit card, cheque, or any other means authorised by the Council, signed by such persons duly authorised by the Council from time to time.

## **24 - INVESTMENTS**

- 24.1 Without prejudice to Rule 17, the Council may invest any money for the time being in their hands in the name of the Association:-
- 24.1.1 in any investment for the time being authorised by law as an investment of trust money provided that not more than thirty per cent (30%) of the Association's funds shall unless authorised by a general meeting of the Association at any time be invested in accordance with paragraph (q) of sub-section 4(1) of the Trustee Act 1958 (Victoria); and
- 24.1.2 in such other manner (whether or not within the range of trustee investment authorised by law) in such part of the world as may from time to time be authorised by a general meeting of the Association.
- 24.2 The Council shall have power at its discretion to vary or transpose any investments into or for any other or others of any nature hereinbefore authorised to vary the terms of or property comprised in any security.
- 24.3 The Council shall not incur any responsibility (except for wilful default or dishonesty) by investing in securities not authorised by law as trust securities.

## **25 - LOANS, GRANTS AND DONATIONS**

- 25.1 Notwithstanding anything else contained in these Rules,
- 25.1.1 a loan, grant or donation exceeding One Thousand Dollars (\$1,000.00), shall not be made unless the Council:
- 25.1.1.1 is satisfied that the making of the loan, grant or donation would be in accordance with these Rules;
- 25.1.1.2 is satisfied in the case of a loan, that arrangements for security and repayment of the loan are satisfactory and adequate; and
- 25.1.13 has approved the making of the loan, grant or donation; and
- 25.1.2 a grant or donation exceeding Five Thousand Dollars (\$5,000.00) shall not be made unless the requirements set out in rule 25.1.1 are met and the approval of the Members in general meeting is obtained.

## **26 - AUDITOR**

- 26.1 The Council shall appoint an auditor in accordance with Division 3 of Part 3 of the Workplace Relations Act and such person shall have full and complete access to the books and accounts of the Association.
- 26.2 A duly signed financial statement of accounts, covering the period from the presentation of the last statement of accounts, up to the date of closing of the Association's financial year, being the 30th day of June, together with a balance sheet at that date shall be prepared by the Auditor and presented to the Annual General Meeting of the Association.

## **27 - ARBITRATION PROCEEDINGS**

- 27.1 The Council may by resolution give the consent of the Association to the submission of an industry dispute which affects Members generally to conciliation or arbitration under the Workplace Relations Act. Thereupon such disputes shall be so submitted and the Association may be represented by such persons as are determined by the Council. The council may by resolution agree that the Association shall assist Members or otherwise participate in the conciliation or arbitration of industrial disputes which affect only one or several Members and the Executive Director or such person authorised by the Executive from time to time may act on behalf of the Association in this regard without first obtaining the approval of the Council (subject always to the powers of the Council under these Rules).

## **28 - EXECUTION OF DOCUMENTS**

- 28.1 Industrial Agreements and other documents may be entered into and executed by or on behalf of the Association by the Executive Director acting under the authority of the Council. In the absence of the Executive Director, the Council may appoint one of its number to fulfil all or any of his duties.

## **29 - SEAL**

- 29.1 The seal of the Association shall be kept in the custody of the Executive Director and shall not be affixed to any instrument except by the authority of a resolution of the Council in the presence of two Councillors or the Executive Director and one Councillor.

## **30 - HONORARIUMS**

- 30.1 The Council may if it sees fit authorise an honorarium to be paid to any office bearer or representative of the Association.

## **31 - NOTICE**

- 31.1 A notice may be served on a Member by either delivering it personally to the secretary of that Member or by sending it through the post or by facsimile transmission addressed to such secretary at the address or the facsimile number (as the case may be) appearing in the register of Members. A notice shall be deemed to be served in the case of delivery, at the time of receipt, in the case of post, twenty-four hours after the time of posting and in the case of facsimile transmission, when receipt acknowledged.

## **32 - INDEMNITY**

- 32.1 Every Councillor and every office bearer of the Association and any other officer or servant of the Association shall be indemnified by the Association against all costs, losses and expenses which any such member, office bearer, officer or servant may incur or become liable to pay by reason of any contract entered into or act or thing done by him in the exercise of his duties in any of those capacities respectively (except where such costs, losses and expenses arise out of such person's negligence or fraud) and it shall be the duty of the Council out of the funds of the Association to pay all such costs, losses and expenses.

## **33 - AMENDMENT TO THE RULES**

- 33.1 No repeal or amendment or addition to these Rules and purposes shall be made except by means of a special resolution at a special general meeting of Members where twenty-eight (28) days written notice of the intention to propose the resolution has been forwarded to each Member.
- 33.2 The resolution of the special general meeting shall be passed by a majority of three-quarters of the Members present and entitled to vote.

## **34 - DISSOLUTION**

- 34.1 In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Associations Incorporation Act.

## **35 - SOURCES OF FUNDS**

- 35.1 The funds of the Association shall be derived from annual subscriptions, levies, donations and such other sources as the Council determines from time to time.

## **36 - INSPECTION**

- 36.1 Subject to Section 265 of Schedule 1B the Workplace Relations Act, the Association shall furnish to a Member upon a request in writing being made by the Member to the Association, subject to rule 36.2, as soon as practicable and without charge, a copy of the last financial statements laid before the Association at its Annual General Meeting in accordance with Section 30(3) of the Associations Incorporation Act (see Rule 21) together with any other relevant documents required to be furnished to Members in accordance with the Workplace Relations Act and the Associations Incorporation Act.
- 36.2 For the purposes of rule 36.1, a written request by the Member to the Association shall be made by a duly authorised representative of the Member, appointed by a resolution of the committee of the Member, and shall state the purpose for which the inspection is required.

### **37 - SALE OF BUSINESS BY MEMBER**

- 37.1 In the event of a Member assigning or transferring its business or a part thereof to a person who is not a Member or such a person succeeding to a Member's business or a part thereof, the Member shall within fourteen (14) days notify the Association of the assignment, transfer or succession.

### **38 - AFFILIATES**

- 38.1 In this Rule "Affiliates" covers:-
- 38.1.1 a club being the holder of a limited licence pursuant to section 14 of the Liquor Control Reform Act 1998;
  - 38.1.2 a club being the holder of a restricted club licence pursuant to section 10(3) of the Liquor Control Reform Act 1998;
  - 38.1.3 an unlicensed club being a voluntary association of persons who maintain for their common personal benefit and not for profit an establishment whose management is entrusted to a committee chosen by themselves; and
  - 38.1.4 any person, firm or company carrying on any business in or in connection with the industry of Licensed Clubs and not inconsistent with the objects of the Association.
- 38.2 An Affiliate shall be entitled to such services and enjoy such benefits provided by the Association as may be prescribed from time to time by the Executive and subject to the Rules of the Association but an Affiliate shall not at any time have the right to vote at any meeting of Members or in any election held pursuant to these Rules.
- 38.3 Applications shall be in writing in a form approved by the Executive and shall be sent to the Secretary of the Association. Each application shall be considered by the Executive at its next or some subsequent meeting when the Executive may approve such application or otherwise dispose of it.
- 38.4 An Affiliate shall pay an annual subscription which shall be determined from time to time by the Executive and payable to the Secretary on the date the application is approved and thereafter on the 1st day of the annual subscription period. The Executive may from time to time determine that the annual subscription payable by Affiliates falling within one or more of the categories listed in rule 38.1 shall be greater than that payable by Affiliates falling within another of such categories.
- 38.5 The Executive may at any time determine that any one or more of the Affiliates shall cease to be Affiliates.



### **39 - TRANSITIONAL ARRANGEMENTS**

- 39.1 Notwithstanding anything else contained in these Rules to the contrary, L. Sommerfield shall be an additional Councillor (having all of the rights and obligations of Councillors under these Rules) representing Country Area 1, his term of office having commenced in 1989. Upon expiration of his term of office or any earlier vacation of his office, the office of such an additional Councillor shall cease to exist.

**ANNEXURE TO RULES OF  
CLUBS VICTORIA INC.**

There are six Country Areas. They are defined by reference to the Divisions contained in the Commonwealth Electoral Division-Redistribution 1988 a map of each such division being attached hereto.

Country Area 1 - Mallee

Country Area 2 - Bendigo, Ballarat, Burke

Country Area 3 - Murray, McEwen, Indi

Country Area 4 - Casey, McMillan, Gippsland

Country Area 5 - Flinders, Corinella

Country Area 6 - Corio, Corangamite, Wannon.

Note: The Country Areas will at all times be defined by reference to the areas constituting the above mentioned divisions and any alterations or redistribution of divisions made to the Commonwealth Electoral Divisions after 1988 shall be disregarded for the purposes of these Rules.

**\*\*\*END OF RULES\*\*\***