MANLY JUNIOR RUGBY UNION

INCORPORATED

RULES OF THE

ASSOCIATION

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PART 1 PRELIMINARY

1. Name

The name of the association shall be **"MANLY JUNIOR RUGBY UNION INCORPORATED"**, referred to in these rules as "the Association".

2. Definitions

(1) In these rules:

Commissioner means the Commissioner of the Office of Fair Trading.

Secretary means:

a) the person holding office under these rules as secretary of the Association; or
b) where no such person holds that office – the public officer of the Association

Special general meeting means a general meeting of the Association other than an annual general meeting.

The Act means the Associations Incorporation Act 1984 (as amended)

The Regulation means the Associations Incorporation Regulation 1999.

Junior means a player under the age of 18 years at January 1.

Member Club means any club which is a Member of the association in accordance with these rules.

Member Person means any person holding life membership of the Association in accordance with these rules.

Member means a Member club or member Person

Committee means the Management Committee of the Association

(2) In these rules:

a reference to a function includes a reference to a power, authority and duty, and a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the Interpretation Act 1987 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

PART 2 – THE ASSOCIATION

3. Objectives

The objectives of the Association are:

(1) to encourage, foster and promote the game of Rugby Football to be always conducted in an environment of enjoyment, safety, sportsmanship and fair play.
(2) To foster, promote and control junior rugby football and its associated activities throughout the Manly area and elsewhere as approved by the Association from time to time.
(3) To administer and control representative and touring junior rugby teams from the Associations area;
(4) To promote such other objects as may advance or benefit the interests of junior rugby football; and
(5) To adjudicate on disputes referred to it

4. Affiliation

The Association may affiliate with other bodies as determined by the Committee in order to advance the objectives in (3) .

5. Code of Conduct

In addition to the Rules of this Association all Member clubs shall also be required to uphold the Australian Rugby Union Code of Conduct including any future amendments that may be made to that Code of Conduct. The Code of Conduct sets out guidelines for Administrators, Managers, Coaches, Players, Referees, Parents and Spectators. All Member clubs are expected to abide by all aspects of the Code of Conduct and are to use their best endeavours to ensure their members do the same.

PART 3 – MEMBERSHIP

6. Membership qualifications

(1) A club is qualified to be a member club if:

(a) the club is one formed within the Association's area and has been approved for membership of the Association by the committee;

(b) the club maintains a team or teams playing in a competition approved by the Association.

(c) The club pays the annual affiliation fee as determined by the committee of the Association; and

(d) The club applying for membership demonstrates to the satisfaction of the Association that the members of the club agree to be bound and acknowledge that they are bound by these Rules and By- Laws hereunder.

(2) An individual is qualified to be a Member Person if that person is an existing life member of the previously unincorporated body or is a person upon whom life membership is conferred pursuant to Rule 14.

7. Nomination for membership

(1) A club may apply for membership to the Union by delivering written application to the Secretary.

(2) As soon as practicable after receiving an application for membership, the Secretary shall refer the application to the Committee which is to determine whether to approve or reject the application.

(3) As soon as practicable after the Committee makes that determination, the Secretary must:

(a) notify the applicant in writing, that the Committee approved or rejected the application, and

(b) if the Committee approved the application, request the applicant to pay (within 28 days after receipt by the applicant of notification) the sum payable for annual affiliation fee.

(4) The Secretary must, on payment by the nominee of amounts referred to in clause (3) (b) within the period referred to in that provision, enter the nominee's name in the register of members and , on the name being so entered, the nominee becomes a member of the Association.

8. Cessation of membership

A club or member person ceases to be a member of the Association if the club or person:

(a) dies, or

(b) resigns membership, or

(c) is expelled from the Association

(d) fails to pay any fee, fine or subscription within 1 (one) month of it becoming due for payment, unless the Committee considers there is a satisfactory reason for non-payment.

9. Membership entitlements not transferable

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

(a) is not capable of being transferred or transmitted to another club, person or other entity, and

(b) terminates on cessation of the membership.

10. Resignation of membership

(1) A member of the Association is not entitled to resign that membership except in accordance with this rule.

(2) A member of the Association who has paid all amounts payable by the member to the Association in respect of the member' s membership may resign from membership of the Association by first giving to the Secretary written notice of at least one month (or such other period as the Committee may determine) of the member' s intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

(3) If a member of the Association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the Secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

11. Register of members

(1) The Secretary of the Association must establish and maintain a register of
- (a) Members of the Association
- (b) Office bearers of the Association.
- (c) Committee Members
- (d) President and Secretary of Member Clubs

(2) The Register will specifying the name address, telephone number and email address of each club or person who is a listed in section 11 (1).

(3) The register of members must be kept at the principal place of administration of the Association and must be open for inspection, free of charge, by any member of the Association at any reasonable hour.

(4) A member of the Association may obtain a copy of any part of the register on payment of a fee of $1 for each page copied or, if some other amount is determined by the Committee, that other amount.

12. Fees and subscriptions

(1) A Member Club shall pay to the Association such affiliation fees as the Committee shall determine on an annual basis.

(2) The determination of affiliation fees shall be based on an annual budget presented to the Committee

(3) A Member Club shall pay to the Association such levies and other charges as the Committee shall from time to time deem necessary.

(4) A Member Club whose Association fees are not paid by the May Committee meeting in each year, may be suspended by the Committee and shall not a have a vote at any association meeting until such fees are paid.

(5) A Member person shall not be required to pay any amount to the Association by way of subscription unless otherwise determined by a special resolution of the Association.

13. Patron

(1) The Committee may invite any person to accept the title of Patron of the Association subject to the ratification of such invitation and acceptance by the majority of voting members at an Annual General Meeting.

(2) Patrons will hold office for 12 month s and are eligible to continue at the decision of the Committee, ratified and accepted by the majority voting at an Annual General Meeting.

(3) There can be more than one Patron of the Association at a given time.

(4) The Patron may attend Committee meetings, Annual general meetings or special meetings of the Association and may address such meetings and take part in discussions but shall have no vote as Patron of the Association.

(5) The person ceases to Patron when:

(a) The Patron dies
(b) The Patron resigns
(c) The Patron is removed in accordance with provisions of Rule 27
(d) at expiration of 12 months is Patron the title is not renewed for that person by the Committee and voting members at an Annual General meeting. The Secretary is to notify Patron in writing within 28 days that they are no longer referred to as Patron of the Association.

14. Life Members

(1) The Committee of the Association may nominate to the Annual General Meeting that Life membership be conferred to any person whose services have been of outstanding value to Manly Junior Rugby Union

(2) No person shall be nominated unless that person held the position of President, Vice-President, Honary Secretary or Honorary Treasurer for a period of three consecutive years, or has in some other position performed outstanding service.

(3) Election of a life member shall be by ballot at the Annual general Meeting requiring approval by three-fourths of the members being present and voting. The Secretary shall enter the Life Members details into the register within 28 days of election.

(4) Notwithstanding preceding clauses, Life members shall have the right to attend and vote at all Annual General Meetings and Special General Meetings. They are entitled to speak at Committee meetings but shall not have vote be reason of such life membership.

(5) A life member is not prevented from being elected to an executive position of the Association.

15. Members' Liabilities

The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by rule 12.

16. Resolution of internal disputes

Disputes between members (in their capacity as members) of the Association, and disputes between members and the Association, at the request of either of the disputing parties, are to be referred by the Committee to another association to which the Association is affiliated should both parties agree to mediation by that incorporated body, or the community justice centre for mediation in accordance with the Community Justice Centres Act 1983 in the event that the parties cannot agree to mediation by another body.

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

17. Disciplining of members

(1) A complaint may be made to the Committee by any Member or organization to which the Association is affiliated that a member of the Association:

- (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
- (b) has persistently refused or neglected to comply with the Code of Conduct, or
- (c) has persistently and wilfully acted in a manner prejudicial to the interests of the Association.

(2) On receiving such a complaint, the Committee

- (a) must cause notice of the complaint to be served on the Member concerned, and
- (b) must give the member at least 14 (fourteen) days from the time the notice is served within which to make written submissions to the Committee in connection with the complaint, and
- (c) must take into consideration any submissions made by the member in connection with the complaint.

(3) The Committee may, by resolution, fine, expel the member from the Association, suspend the Member from membership of the Association or impose another penalty if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proven and that these facts constitute sufficient grounds for fine, expulsion, suspension or other penalty as per clause 17 (1) above.

(4) If the Committee imposes a penalty of any kind on a member, the Secretary must, within 7 (seven) days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Committee for having taken that action and of the member' s right of appeal under rule 17.

(5) The penalty does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or if within that period the member exercises the right of appeal, unless and

(b) until the Committee confirms the resolution, whichever is the later.

18. Right of appeal of disciplined member

(1) A member may appeal to the Sydney Junior Rugby Union against a resolution of the Committee under Rule 17, within 7 days after notice of the resolution is served on the member, by lodging with the secretary of Sydney Junior Rugby Union a notice to that effect and a fee of $100.00

(2) A copy of the appeal to be lodged the same day with the Secretary

(3) Any appeal under this Rule shall be invalid if not lodged and paid within prescribed time.

(4) The Committee shall be bound by the decision made by the Sydney Junior Rugby Union with regard to any penalty imposed on a Member under rule 17.

PART 3 - THE COMMITTEE

19. Powers of the Committee

The general affairs of the Association shall be managed by the Management Committee of the Association.

The Committee subject to the Act, the Regulation and these rules and to any resolution passed by the Association in general meeting:

(a) is to control and manage the affairs of the Association, and
(b) may exercise all such functions as may be exercised by the Association, other than those functions that are required by these rules to be exercised by a general meeting of members of the Association, and
(c) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.
(d) may admit or exclude strangers at its meetings.

20. Constitution and membership

(1) The Committee is to consist of:

(a) the Office-Bearers of the Association, and
(b) two delegates from each of the Member clubs
(c) three Vice Presidents
i. Minis Rugby
ii. Rugby Development
iii. Representative Football and Touring teams
[amended by unanimous vote at the AGM on 18th November 2008]

(2) The Office-Bearers of the Association are to be:

(a) the President,
(b) the Secretary
(c) the Treasurer
(d) the Gear Steward
[amended by unanimous vote at the AGM on 18th November 2008]

(3) (a) Each member of the Committee is, subject to these rules, to hold office until the election of members of the Committee at the annual general meeting following the date of the member's selection or appointment., but is eligible for re-election or re-appointment.

(b) The term of the office of Office Bearers shall be a maximum of three (3) consecutive years.

(4) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member from a Member Club to fill the vacancy and the person so appointed is to hold office, subject to these rules, until the election of members of the Management Committee at the annual general meeting next following the date of the appointment.

21. Election of Committee members

(1) Nominations of candidates for election as Office-Bearers of the Association or as Vice-Presidents of the Committee may be made:
(a) in writing to the Secretary prior to the Annual General meeting at which election is to be held.

(b) In writing or verbally at the election of members of the Committee at the annual General Meeting.

(2) All nominations must be seconded at the Annual General meeting.

(3) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected. For the unfilled positions further nominations may be received at the annual general meeting.

(4) If a sufficient number of further nominations are not received at the annual general meeting, any vacant positions remaining on the Committee are taken to be casual vacancies.

(5) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected**.**

(6) If the number of nominations received for any role exceeds the number of vacancies to be filled, a ballot is to be held.

(7) The ballot for the election of office bearers and Vice-Presidents of the Committee is to be conducted at the annual general meeting in such usual and proper manner as the club delegates may direct.

(8) Office bearers and Vice-Presidents shall take office immediately upon completion of the meeting at which they were elected.

22. Appointment of Delegates

(1) Two (2) Delegates from each Member club are appointed by the Member club to the committee.

(2) Delegates are advised by Member Club Secretaries either in writing prior , or minuted at , the Associations Annual General meeting.

(3) In the event a member club nominates more than two (2) delegates at any one time only the most recent two (2) nominations will be accepted as delegates.

(4) A person cannot be a delegate for more than one club simultaneously. This does not act to prevent them being delegates for different clubs at different times.

(5) Delegates take office once notification of appointment is received.

23. Casual vacancies

For the purposes of these rules, a casual vacancy in the office of the Committee occurs if the delegate or office holder:

(a) dies, or
(b) becomes an insolvent under administration within the meaning of the Corporations Law, or
(d) resigns office by notice in writing given to the Secretary, or
(e) is removed from office under rule 26, or
(f) becomes a mentally incapacitated person, or
(g) is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 (six) months
(h) in the case of Club delegate has their appointment withdrawn by the Member Club by notification in writing from the Member Club Secretary to the Association Secretary.

24. Secretary

(1) The Secretary of the Association must, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.

(2) It is the duty of the Secretary to keep minutes of:

(a) all appointments of Office-Bearers and members of the Committee,
(b) the names of members of the Committee present at a Committee meeting or a general meeting, and
(c) all proceedings at Committee meetings and general meetings.

(3) The Secretary must ensure that Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

(4) The Secretary is to act as Public Officer for the Association.

25. Treasurer

It is the duty of the Treasurer of the Association to ensure that:

(a) all money due to the Association is collected and received and that all payments authorised by the Association are made, and

(b) correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association

(c) the books and accounts showing the financial affairs of the Association are independently reviewed by a suitably qualified person once per calendar year and, if possible, prior to the Annual General Meeting.

26. Registrar

The registrar shall

(a) witness correctly completed and accredited player cards on behalf of Member clubs.

(b) maintain player records on behalf of the Association.

27. The Executive

(1) The Office bearers shall constitute the executive.

(2) the executive shall be empowered to act on behalf of the management Committee between Committee meetings on all urgent matters. All such acts must be notified to and ratified by the Committee at the next Committee meeting.

28. Removal of Committee Member

(1) The Association in general meeting may by special resolution remove from office any member of the Committee, the Patron, Life Member, or member of any Sub-committee before the expiration of the member' s term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

(2) Where a person to whom proposed resolution referred to in clause (1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

29. Meetings and quorum

(1) The Committee must meet at least 4 (four) times in each period of 12 (twelve) months at such place and time as the Committee may determine. At least one Committee meeting is to be held in each of the four quarters of the calendar year.

(2) Additional meetings of the Committee may be convened by the President or by any member of the Committee.

(3) Oral or written notice of a meeting of the Committee must be given by the Secretary to each member of the Committee at least 48 (forty eight) hours (or such other period as may be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.

(4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business.

(5) Any seven (7) members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee

(6) No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.

(7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

(8) At a meeting of the Committee:

(a) the President or, in the President' s absence, a Vice-President is to preside, or

(b) if the President or a Vice-President are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members present at the meeting is to preside.

30. Delegation by Committee to Sub-Committee

(1) The Committee may, by instrument in writing, delegate to one or more Sub-Committees (consisting of such member or members of the Association as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:

(a) this power of delegation, and
(b) a function which is a duty imposed on the Committee by the Act or by any other law.

(2) A function the exercise of which has been delegated to a Sub-Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the Sub-Committee in accordance with the terms of the delegation.

(3) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Despite any delegation under this rule, the Committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a Sub-Committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.

(6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A Sub-Committee may meet and adjourn as it thinks proper.

31. Voting and decisions

(1) Questions arising at a meeting of the Committee or of any Sub-Committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or Sub-Committee present at the meeting;

(i)The presiding Committee member shall have no vote , excepting in the event of an equality of votes on any question. In the event of an equality of votes the person presiding may exercise a deciding vote.

(ii) Subject to 31(1)(i) each member of the Committee present at a meeting of the Committee or of any Sub-Committee appointed by the Committee is entitled to one vote.

(2) Each delegate or office holder to the Committee is to be entitled to appoint another delegate or office holder as proxy by notice given to the Secretary at the meeting.

(3) Subject to rule 29(6), the Committee may act despite any vacancy on the Committee.

(4) Voting is by a show of hands but any member of the Committee may request a ballot, which will be taken immediately with the Secretary wording the question and counting returned votes as cast on paper.

(5) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a Sub-Committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub-Committee.

Part 4 - GENERAL MEETINGS

32. Annual general meetings - holding of

(1) The Annual General Meeting shall be held not later than the third week in November.

(2) The Association must hold its first annual general meeting within the period of 18 (eighteen) months after its incorporation under the Act.

(3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26 (3) of the Act.

33. Annual general meetings - calling of and business at

(1) The annual general meeting of the Association is, subject to the Act and to Rule 32, to be convened on such date and at such place and time as the Committee thinks fit.

(2) The ordinary business to be transacted at the Annual General meeting shall be:-
(a) reading of apologies
(b) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
(c) to receive notice of Member Clubs delegates to the Committee.
(d) to elect Office-Bearers of the Association
(e) to receive and consider the financial statements which are required to be submitted to members under section 26 (6) of the Act.
(f) appoint Honorary Auditor

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

34. Special general meetings - calling of

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

(2) The Committee must, on the requisition in writing from not less than three (3) secretaries of Member Clubs, convene a special general meeting of the Association.

(3) A requisition of members for a special general meeting:

(a) must state the purpose or purposes of the meeting, and
(b) must be signed by the members making the requisition, and
(c) must be lodged with the Secretary, and
(d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

(4) If the Committee fails to convene a special general meeting to be held within 1 (one) month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 (three) months after that date.

(5) A special general meeting convened by a Member club(s) referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee

and any member who consequently incurs an expense is entitled to be reimbursed by the Association for any expense so incurred.

35. Notice

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary must, at least 14 (fourteen) days before the date fixed for the holding of the general meeting give a notice to each Member Club secretary and delegate specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

(2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary must, at least 14 (fourteen) days before the date fixed for the holding of the general meeting, cause notice to be given to each Member Club secretary and delegate specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.

(3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 32 (2).

(4) A Member club desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the Member Club.

36. Procedure

(1) No item of business is to be transacted at a general meeting unless a quorum of delegates from Member clubs and office bearers entitled under these rules to vote is present during the time the meeting is considering that item.

(2) Seven (7) Member Club delegates and Office bearers present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

(a) if convened on the requisition of Member clubs, is to be dissolved, and
(b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the delegates and office holders present (being at least 4 (four)) is to constitute a quorum.

37. Presiding member

(1) The President or, in the President' s absence, a Vice-President, is to preside as chairperson at each general meeting of the Association.

(2) If the President or a Vice-President are absent or unwilling to act, the delegates and office bearers present must elect one of their number to preside as chairperson at the meeting.

(3) The chairperson at any meeting may alter the order in which business is taken.

38. Adjournment

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

(2) If a general meeting is adjourned for 14 (fourteen) days or more, the Secretary must give written or oral notice of the adjourned meeting to each Member club, delegate and office holder of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

39. Making of decisions

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

(2) At a general meeting of the Association, a formal count may be demanded by the chairperson or by at least 3 (three) persons entitled to vote present at the meeting.

(3) At a general meeting of the Association, a secret ballot may be demanded by any single person present and entitled to vote at the meeting. The ballot shall be held immediately with the Secretary counting the ballots. In the event of the Secretary being unable, unwilling or vacant the ballots will be counted by a person chosen from those present at the meeting.

40. Special resolution

A resolution of the Association is a special resolution:

(a) if it is passed by a majority which comprises at least two thirds of such persons, being entitled under these rules to vote in person or by proxy at a general meeting of which at least 14 (fourteen) days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

(b) where it is made to appear to the Commissioner that it is not practicable for the resolution to be passed in the manner specified in paragraph (a), if the resolution is passed in a manner specified by the Commissioner.

41. Voting

(1) On any question arising at a general meeting of the Association a Member Club delegate or Office holder has one vote only.

(2) All votes must be given personally or by proxy but no member may hold more than 3 (three) proxies.

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

(4) A Delegate or proxy is not entitled to vote at any general meeting of the Association unless all money due and payable by the Member club or proxy to the Association has been paid to the Association.

(5) At an Annual General meeting only the two recognised delegates from each club and Office holders from the previous year will be entitled to vote.

42. Appointment of proxies

(1) Each delegate or office holder is to be entitled to appoint another delegate or office holder as proxy by notice given to the Secretary no later than 24 (twenty four) hours before the time of the meeting in respect of which the proxy is appointed.

(2) The notice appointing the proxy is to be in the form set out in Appendix 1 to these rules.

Part 5 Miscellaneous

43. Insurance

The Association may effect and maintain insurance.

44. Funds - source

(1) The funds of the Association are to be derived from annual affiliation fees of Member clubs, player fees, fund raising, donations, sponsorship, grants and, subject to any resolution passed by the Association in general meeting, such other sources as the Committee determines.

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

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

45. Funds - management

(1) Subject to any resolution passed by the Association in general meeting, the funds of the Association are to be used in pursuance of the Objectives of the Association in such manner as the Committee determines.

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed jointly by any two (2) of the following Committee members:

(a) President
(b) Honorary Secretary
(c) Honorary Treasurer

(3) Prior to committing the Association to any item of expense greater than $10,000 the Committee must gain the consent of the members of the Association at a general meeting.

(4) Prior to borrowing any monies in the name of the Association that exceed the amount of $3,000 the Committee must gain the consent of the members of the Association at a general meeting. This clause shall not operate in the situation where the Committee obtains short term trade credit from a supplier of goods and / or service to the Association.

(5) The Financial year of the Association shall end on the 30th September each year.

(6) The accounts of the Association shall be audited by an Honorary Auditor appointed at the Annual General meeting.

46. Rugby Competitions and Players

(1) Teams from affiliated clubs shall participate in Competition organised by Manly Junior Rugby Union or other Rugby Union bodies approved by the Committee. The competition rules of the organising bodies will apply to teams and players.

(2) The Association may create and field teams to represent as Manly Junior Rugby Union teams at approved competitions, tours or other events.

(3) The criteria and eligibility for selection as player, coach or other official to Manly Junior Rugby Teams shall be determined by the Committee and may differ between competitions tours and events.

(4) The Association may levy such fees as the Committee deems appropriate from players or officials engaged to represent in Manly Junior Rugby Union teams .

(5) Where players or officials have not paid fees prior to the competition or event the Member Club to whom that player is registered shall be liable for payment of unpaid player fees.

(6) Manly Rugby Union team uniform shall be Blue and Red

(7) In all competitions run by the Association the Office Bearers shall act as Judiciary and shall have powers to investigate, decide and deal with all appeals, protests, disputes and proceedings referred to it in connection with the competitions.

(a) All matters must be notified to the Secretary in writing within three (3) days of the incident.
(b) Judiciary meetings are to be held not later than three (3) days after notification of incident.
(c) The Secretary will notify decision in writing to parties concerned within 48 hours of meeting.
(d) There shall be a right of appeal from any decision to Sydney Junior Rugby Union. Such appeal to be lodged with the Secretary of the Sydney Junior Rugby Union within fourteen days of the date of decision with a deposit of $100 . On the same day a copy of the appeal is to be lodged with the Secretary of the Association. The appeal shall be invalid if not lodged and paid as prescribed. The appeal procedure will be determined by Sydney Junior Rugby Union.
(e) Pending outcome on appeal the decision of the Judiciary shall be operative unless otherwise determined by the Office Bearers.

(8) The Office Bearers may fine or suspend player , team and/ or club from competition, or impose another penalty if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proven and that these facts constitute sufficient grounds the penalty.

(9) If the necessity arises for any club to submit a written report to any organisation to which the Association is affiliated, or to the organising body of an approved competition ,a copy shall be forwarded to the Secretary of the Association.

47. Procedures for players wishing to transfer to another member club

(1) The rules of competition in which the team(s) are entered shall apply.

(2) Where no specific competition rules apply a player wishing to transfer to a Member club other than the one to which he or she first registered shall obtain written clearance from the first club. This clearance shall consist of a letter to the Secretary advising approval has been granted.

(3) If clearance is not given under clause (2) the parent or guardian of the player may submit such documentation as is appropriate requesting a such transfer and reason for it to the Secretary . The transfer will be considered at the next scheduled meeting of the Committee, whose decision shall be final.

(4) Until determination under this section a player cannot play for another club other than the one to which he or she first registered.

48. Alteration of Objectives and Rules

The statement of Objectives and these Rules may be altered, rescinded or added to only by a special resolution of the Association.

49. Common Seal

(1) The common seal of the Association must be kept in the custody of the Secretary.

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

50. Custody of books

Except as otherwise provided by these rules, the Secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

51. Inspection of books

The records, books and other documents of the Association must be open to inspection, free of charge, by a member of the Association at any reasonable hour.

52. Service of notices

(1) For the purpose of these rules, a notice may be served on or given to a person:

(a) by delivering it to the person personally, or
(b) by sending it by pre-paid post to the address of the person, or
(c) by sending it by electronic mail, facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or

(2) For the purpose of these rules, a notice may be served on or given to a Member Club by serving or giving notice to the Secretary or President of the Member Club as in clause (1).

(3) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:

(a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
(b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
(c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

53. Winding Up

In the event of the winding up or cancellation of the incorporation of the Association and there remains after the satisfaction of all its debts and liabilities any property or assets whatsoever, then those assets and / or

property shall NOT be paid to or distributed amongst the members of the club. Such property and / or assets shall be given or transferred to some other organisations (s) having objectives similar (or, in part, similar) to the objectives of the Association provided that the receiving organisation(s) also prohibit the distribution of its or their property among its or their members.
The receiving organisation(s) shall be chosen by the members of the Association at or before the time of dissolution or, if the Association is in default, the property and / or assets will be disposed of in a manner provided for in the legislation under which the Association is incorporated.

Appendix 1 (Rule 41 (2))

FORM OF APPOINTMENT OF PROXY

I, _____
(full name)

of _____
(address)

being a Delegate or Office Bearer of Manly Junior Rugby Union hereby appoint

_____
(full name of proxy)

of _____
(address)

being a delegate or Office Bearer of Manly Junior rugby Union, as my proxy to vote for me on my behalf at the
general meeting of the Association (annual general meeting or special general meeting, as the case may be) to be held on the

_____ day of _____
(month and year)

and at any adjournment of that meeting.

* My proxy is authorised to vote at their discretion / in favour of / against (delete as appropriate) the resolution
(insert details of the resolution).
* To be inserted if desired.

_____-
(full name)

of _____
(address)

_____
(Signature of member appointing proxy)

Date _____

NOTE: A proxy vote may not be given to a person who is not entitled to a vote in their own right.