

# GEELONG BMX CLUB Inc

## STATEMENT OF PURPOSES

AND

## STATEMENT OF RULES

### In conjunction with THE AUSTRALIAN PROCEDURES MANUAL

#### STATEMENT OF PURPOSES

The purposes of the Association are:

- (a) To promote bicycle sport generally and B.M.X. in particular;
- (b) To raise the funds necessary to pursue the above in such manner as decreed possible and necessary by the members.
- (c) To affiliate with BMX Victoria Inc., and abide by its rules.

THE STATEMENT OF RULES: is contained in the attached sheets as indexed below.

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# Geelong BMX Club Inc, Statement of Rules

## **1. NAME**

- 1.1 The name of the Incorporated Association is Geelong BMX Club Inc.  
In these rules called "The Association"

## **2. INTERPRETATION**

- 2.1 In these rules, unless the contrary intention appears:-  
"Committee" means the committee of management of the association.  
"Financial Year" means the year ending the last day of June each year.  
"General Meeting" means a general meeting of members convened in accordance with Rule 11.  
"Member" means a member of the Association.  
"Ordinary member of the Committee" means a member of the committee who is not an officer of the Association under Rule 21.  
"The Act" means the Associations Incorporation Act 1981.  
"The Regulations" means the regulations under the Act.
- 2.2 In these rules, a reference to the Secretary of the association is a reference:-  
i. where a person holds office under these rules as Secretary of the association - to that person; and  
ii. in any other case, to the public officer of the Association.
- 2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 and the Act as in force from time to time.

## **3. MEMBERSHIP**

- 3.1 Membership shall be open to all bicycle riders and any person interested in the furtherance of the purposes of the Association.
- 3.2 Application for membership shall be made in writing and shall be in such form as the committee shall determine.
- 3.3 A natural person shall be approved for membership as provided in these rules upon the payment of the Annual subscription payable under these rules, following the approval of at least two officers of the Association.
- 3.4 The secretary shall, upon payment of the amounts referred to in clause 4, enter the members name in the register of members kept by him and, upon the name being so entered, the nominee becomes a member of the association.
- 3.5 Any natural person may be nominated as a life member of the Association, such nomination must be made in writing and decided at the next general meeting following the nomination.
- 3.6 Members will be held accountable for the actions of their parents, team managers and any other persons in their company at a BMX competition, event or official training sessions. Any misconduct on the part of any of these persons may, at the discretion of the Chief Race Commissaire, Race Director or Committee, result in a disqualification, suspension or expulsion of the rider and the removal of the offending person(s) from the track area or the Association.

## **4. ANNUAL SUBSCRIPTION & ENTRANCE FEES**

- 4.1 The entrance fee shall be determined at the annual general meeting for riders and is payable on application to join the club or at the renewal of licence.
- 4.2 The annual subscription shall be determined at the annual general meeting for ordinary members and is payable in advance or as at the same date each year being the anniversary of joining.
- 4.3 The annual subscription shall be waived for all life members of the association.
- 4.4 Subscription to the Association entitles members to a monthly newsletter, weekly training night(s) with an accredited Association appointed coach as well as an end of year celebration with Association recognition and awards.  
i. As we provide coaching as part of Association subscription, group or private **paid** coaching is at the discretion of members and shall not be run in conjunction with any other Association training or event.  
ii. Coaches who wish to conduct coaching as stated in section 4.4i **MUST** provide the Association with a written proposal, proof of own insurance and a copy of written council approval. The Association also requires a disclaimer forfeiting the Association of any liability in the event of personal injury or damages.

## Geelong BMX Club Inc, Statement of Rules

### **5. REGISTER OF MEMBERS**

- 5.1 The secretary shall keep and maintain a register of members in which shall be entered the full name, address, date of entry and status of each member. The register shall be available for inspection by the members at the address of the Public Officer.

### **6. RESIGNATION OF MEMBER**

- 6.1 A member of the association who has paid all moneys due and payable to the association may resign from the association by first giving one months notice in writing to the secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- 6.2 Upon the expiration of a notice given under clause 6.1, the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

### **7. DISPUTES AND MEDIATION**

- 7.1 The grievance procedure set out in this rule applies to disputes under these Rules between-
- i. a member and another member; or
  - ii. a member and the Association.
- 7.2 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.
- 7.3 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.
- 7.4 The mediator must be-
- i. a person chosen by agreement between the parties; or
  - ii. in the absence of agreement -
    - a. in the case of dispute between a member and another member, a person appointed by the committee of the Association; or
    - b. 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 or Victoria (Department of Justice).
- 7.5 A member of the Association can be a mediator.
- 7.6 The mediator cannot be a member who is a party to the dispute.
- 7.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 7.8 The mediator, in conducting the mediation, must-
- i. give the parties to the mediation process every opportunity to be heard; and
  - ii. allow due consideration by all parties of any written statement submitted by any party; and
  - iii. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 7.9 The mediator must not determine the dispute.
- 7.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

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### **8. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBER**

- 8.1 Subject to these rules, the committee may by resolution:-
- i. expel a member from the association;
  - ii. suspend a member from membership of the association for a specified periods; or
  - iii. fine a member in accordance with The Regulations, if the committee is of the opinion that the member -
    - i. has refused or neglected to comply with these rules; or
    - ii. has been guilty of conduct unbecoming a member or prejudicial to the interests of the association.
- 8.2 A resolution of the committee under clause 7.1:-
- i. does not take effect unless the committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under clause 7.3 confirms the resolution in accordance with this clause; and
  - ii. where the member exercises a right of appeal to the association under this clause does not take effect unless the association confirms the resolution in accordance with this clause.
- 8.3 Where the committee passes a resolution under clause 7.1, the secretary shall, as soon as practicable, cause to be served on the member a notice in writing:-
- i. setting out the resolution of the committee and the grounds on which it is based;
  - ii. stating that the member may address the committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice.
  - iii. stating the date, place and time of that meeting;
  - iv. informing the member that he may do one or more of the following -
    - i. Attend that meeting
    - ii. forward to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
    - iii. Not later than 24 hours before the date of the meeting, lodge with the secretary a notice to the effect that he wishes to appeal to the association in general meeting against the resolution.
- 8.4 At a meeting of the committee held in accordance with clause 7.1, the committee:-
- i. shall give to the member an opportunity to be heard;
  - ii. shall give due consideration to any written submission by the member; and
  - iii. shall by resolution determine whether to confirm or revoke the resolution.
- 8.5 Where the secretary receives a notice under clause 7.3, he shall notify the committee and the committee shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice.
- 8.6 At a general meeting of the association convened under clause 7.5:-
- i. no business other than the question of the appeal shall be transacted;
  - ii. the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - iii. the member shall be given an opportunity to be heard; and
  - iv. the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 8.7 If at the general meeting:-
- i. two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
  - ii. in any other case, the resolution is revoked.

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### **9. ANNUAL GENERAL MEETING**

- 9.1 The association shall in each calendar year convene an annual general meeting of its members.
- 9.2 The annual general meeting shall be held on such day as the committee determines, on or before the last day of July in each year.
- 9.3 The annual general meeting shall be specified as such in the notice convening it.
- 9.4 The ordinary business of the annual general meeting shall be:-
- i. to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting.
  - ii. to receive from the committee reports upon the transactions of the association during the last preceding financial year;
  - iii. to elect officers of the association and the ordinary members of the committee; and
  - iv. to receive and consider the statement submitted by the association in accordance with section 30 (3) of the Act.
- 9.5 The annual general meeting may transact special business of which notice is given in accordance with these rules.
- 9.6 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

### **10. GENERAL MEETING**

- 10.1 All general meetings other than the annual general meeting shall be called special general meetings.

### **11. SPECIAL GENERAL MEETING**

- 11.1 The committee may, whenever it thinks fit, convene a special general meeting of the association and, where, but for this clause, more than 15 months would elapse between annual general meetings shall convene a special general meeting before the expiration of that period.
- 11.2 The committee shall, on the requisition in writing of members representing not less than 20% of the total number of members, convene a special general meeting of the association.
- 11.3 The requisition for a special general meeting shall state the objective of the meeting and shall be signed by the members making the requisition and be sent to the address of the secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 11.4 If the committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- 11.5 A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee and all reasonable expenses incurred in convening the meeting shall be refunded by the association to the persons incurring the expenses.

### **12. NOTICE OF MEETING**

- 12.1 The secretary of the association shall, at least (7) seven days for committee meetings or, if a special general meeting has been proposed, at least (30) thirty days before the date fixed for holding a general meeting of the association, a notice by prepaid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 12.2 No business other than that set out in the notice convening the meeting shall be transacted at a special general meeting.
- 12.3 A member desiring to bring any business before the meeting may give notice of that business in writing to the secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

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### **13. PROCEEDINGS AT MEETINGS**

- 13.1 All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
- 13.2 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- 13.3 (5) five members personally present (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.
- 13.4 If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present (being not less than 5) shall be a quorum.

### **14. CHAIRMAN**

- 14.1 The President, or in his absence, the Vice-President, shall preside as Chairman at each general meeting of the association.
- 14.2 If the President and the Vice-President are absent from a general meeting, the members shall elect one of their number to preside as Chairman at the meeting.

### **15. ADJOURNMENT**

- 15.1 The chairman of a general meeting at which a quorum is present may, with the consent of the meeting adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 15.2 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- 15.3 Except as provided in clause 14.1 and 14.2, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

### **16. RECORDING OF RESOLUTIONS**

- 16.1 A question arising at a general meeting of the association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on the show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry in the Minutes 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.

### **17. MEMBERS ENTITLED TO VOTE**

- 17.1 Upon any question arising at a general meeting of the association, a member has one (1) vote only, providing that, that member has attained the age of (14) fourteen prior to the day of the meeting.
- 17.2 All votes shall be given personally or by proxy.
- 17.3 In the case of an equality of voting on a question, the chairman is entitled to exercise a second or casting vote.

### **18. VOTING**

- 18.1 If at a meeting a poll on any question is demanded by not less than 5 or 50% members present (whichever is the lesser), it shall be taken at that meeting in such a manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 18.2 A poll that is demanded on the election of a chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairman may direct

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### **19. MEMBERS NOT ENTITLED TO VOTE**

- 19.1 A member is not entitled to vote at any general meeting unless all moneys due and payable by him to the association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.
- 19.2 A member is not entitled to vote if he has not attained the age of (14) fourteen prior to the date of the meeting.

### **20. VOTING BY PROXY**

- 20.1 Each member shall be entitled to appoint another member as his proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

### **21. COMMITTEE POWERS**

- 21.1 The affairs of the association shall be managed by a Committee of Management constituted as provided in Rule 22.
- 21.2 The committee:-
- i. shall control and manage the business and affairs of the association.
  - ii. may subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the association other than those powers and functions that are by these rules to be excised by general meetings of the members of the association; and
  - iii. subject to these rules, the regulations and the Act, has the power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the association.

### **22. OFFICERS OF THE ASSOCIATION**

- 22.1 The officers of the Association shall be:-
- i. a President;
  - ii. a Vice President;
  - iii. a Secretary;
  - iv. a Treasurer
- 22.2 The provisions of Rule 23 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause (1).
- 22.3 Each officer of the association shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.
- 22.4 In the event of a casual vacancy in any office referred to in sub-clause (1), the committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.

### **23. COMMITTEE OF MANAGEMENT**

- 23.1 Subject to section 23 of the Act, the committee shall consist of:-
- i. the officers of the association; and
  - ii. (8) eight ordinary members
- each of whom shall be elected at the annual general meeting of the association in each year.
- 23.2 Each ordinary member of the committee shall, subject to these rules, hold office until the annual general meeting next after the date of his election but is eligible for re-election.
- 23.3 In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of the association to fill the vacancy and the member such appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his appointment.

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### **24. ELECTION OF OFFICERS**

- 24.1 Nominations of candidates for election as officers of the association or as ordinary members of the committee:-
- i. shall be made in writing, signed by one member of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - ii. shall be delivered to the secretary of the association not less than (7) seven days before the date fixed for the holding of the annual general meeting.
- 24.2 If less than (3) three nominations are received to fill a vacancy on the committee, further nominations shall be received at the annual general meeting.
- 24.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 24.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 24.5 The ballot for the election of officers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

### **25. COMMITTEE VACANCY**

- 25.1 For the purposes of these rules, the office of an officer of the association or of an ordinary member of the committee becomes vacant if the officer or member:-
- i. ceases to be a member of the association;
  - ii. becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
  - iii. resigns his office by notice in writing given to the secretary.

### **26. PROCEEDINGS OF COMMITTEE**

- 26.1 The committee shall meet at least 4 times in each year at such place and such times as the committee may determine.
- 26.2 Special meetings of the committee may be convened by the (2) two Officers or by any (4) four of the members of the committee.
- 26.3 Notice shall be given to members of the committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 26.4 (50) fifty% of the committee shall constitute a quorum for the transaction of the business of a meeting of the committee.
- 26.5 No business shall be transacted 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 shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- 26.6 At meetings of the Committee:-
- i. the President or in his absence the Vice President shall preside; or
  - ii. if the President and the Vice-President are absent, one of the remaining members of the committee as may be chosen by the members present shall preside.
- 26.7 Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such a manner as the person presiding at the meeting may determine.
- 26.8 Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote in favour of the status quo.
- 26.9 Subject to sub-clause (4) the committee may act notwithstanding any vacancy on the committee.

### **27. SECRETARY**

- 27.1 The secretary of the association shall keep minutes of the resolutions and proceedings of each general meeting and each committee meeting in books provided for that purpose together with a record of the names of persons present at committee meetings.
- 27.2 The secretary shall receive all correspondence on behalf of the association.

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### **28. TREASURER**

- 28.1 The Treasurer of the association:-
- i. shall collect all moneys due to the association and make all payments authorized by the association; and
  - ii. shall keep 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.
  - iii. shall provide the public officer and President the financial records at the completion of the financial period for full inspection.
- 28.2 The accounts and books referred to in sub-clause (1) shall be available for inspection by members.
- 28.3 Shall provide a details financial report at each meeting of the committee of management.
- 28.4 In the event of the resignation of the Treasurer during the currency of the term in office, all accounts shall be subject to a full inspection by the public officer and President.

### **29. THE PUBLIC OFFICER**

- 29.1 The Public officer of the association:-
- i. shall within 14 days after the appointment notify the change of officer to Consumer Affairs Victoria;
  - ii. shall notify any change of address within 14 days of the change to Consumer Affairs Victoria;
  - iii. shall within one month of the AGM, lodge the Annual Statement, financial documents and prescribed fee to Consumer Affairs Victoria;
  - iv. shall within 28 days after the passing of a special resolution, apply to Consumer Affairs Victoria to alter the statement of purposes or rules;
  - v. shall within one month after the passing of a special resolution, apply to Consumer Affairs Victoria to change the name of the Association.
  - vi. shall apply to Consumer Affairs Victoria for an extension of time for lodging an annual statement if required.

### **30. REMOVAL OF MEMBER OF COMMITTEE**

- 30.1 The association in general meeting may by resolution remove any member of the committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first-mentioned member.
- 30.2 Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the secretary or President of the association (not exceeding a reasonable length) and requests that they 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 they are not sent, the member may require that they be read out at the meeting.

### **31. CHEQUES**

- 31.1 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by (2) two officers of the association.

### **32. COMMON SEAL**

- 32.1 The Common seal of the association shall be kept in the custody of the Public Officer.
- 32.2 The Common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the Common seal shall be attested by the signatures either of two members of the committee or of one of the committee and of the Public Officer of the association.

### **33. ALTERATION OF RULES AND STATEMENT OF PURPOSES**

- 33.1 These rules and the statement of purposes of the association shall not be altered except in accordance with the Act.

### **34. NOTICES**

- 34.1 A notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at his address shown in the Register of Members.
- 34.2 Where a document is properly addressed prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

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### **35. WINDING UP OR CANCELLATION**

35.1 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 Act. Unless otherwise provided for in the Act assets after dissolution shall be entrusted for the use of local sporting bodies.

### **36. CUSTODY OF RECORDS**

36.1 Except as otherwise provided in these rules, the secretary shall keep in his/her custody or under his control all books and documents of the association.

36.2 The Public Officer shall keep in his custody or under his control all securities of the association.

### **37. FUNDS**

37.1 The funds of the association shall be derived from entrance fees, annual subscriptions, donations, sponsorships and such other sources as the committee determines.

### **38. INDEMNITY OF OFFICERS**

38.1 All officers and trustees of the association shall be indemnified by the association from losses and expenses incurred by them in or about the discharge of their respective duties for the association except where such loss or expense is incurred by way of extravagance, culpable negligence, willful default or dishonesty. No officer or trustee of the association shall be liable for any loss or expense incurred by the association except where the same happens by way of such officer or trustee's willful negligence, default or dishonesty.

### **39. AMENDMENTS**

39.1 In accordance with motions passed at the Special General Meeting on Wednesday 9<sup>th</sup> April 2008 and recorded in the Associations minutes, the following policies have been put in place.

- i. Smoking is not permitted in the grounds of the Association and a distance of no less than 5 meters from Association boundaries and amenities.
- ii. In accordance with the Geelong Local Industry Accord of 1991. The City of Greater Geelong has established local by-laws that prohibit persons from having open containers of alcohol in public places.