

STATEMENT OF RULES

OF

BENDIGO VOLLEYBALL ASSOCIATION INCORPORATED

- 1) The name of the incorporated association is the BENDIGO VOLLEYBALL ASSOCIATION INCORPORATED (“the Association”).
- 2) The purposes for which the incorporated association is established are:
 - a) To be responsible to the controlling body of the sport in Victoria for the organisation and control of Volleyball Competitions in Bendigo, in any and all Divisions as determined from time to time.
 - b) To encourage and promote the game of Volleyball in Bendigo and Surrounding Areas.
 - c) To promote, control and manage competition matches played between Clubs affiliated with the Association.
 - d) To assist in supplying coaches where required.
 - e) To encourage the formation of new Volleyball Clubs in Bendigo and surrounding areas.
 - f) To arbitrate and settle disputes between Clubs that are members of the Association.
 - g) To affiliate and maintain affiliation with and register all players with the governing body of volleyball in the State of Victoria from time to time.
 - h) To promote and maintain contact with other Volleyball Associations in Victoria.
 - i) To deal with any other matter deemed to be in the interests of the game of Volleyball in the Bendigo and surrounding areas.

Solely for the purpose of furthering the purposes set out above the Association shall have power:

- a) To take over the funds and other assets and liabilities (if any) of the present incorporated association known as the Bendigo YMCA Volleyball Association Inc.
- b) To indemnify any person for any loss or damage incurred as a result of having on behalf of the unincorporated Association or the incorporated Association become liable to pay any amount by way of damages or otherwise.
- c) To subscribe to, become a member of and Co-operate with any other Association, Club or Organisation, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any Club, Association or Organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of the Rules of the Association.

- d) To buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid for the members of the Association or persons frequenting the Association's premises.
- e) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Association PROVIDED THAT in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- f) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the object and the exercise of the powers of the Association; may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights privileges and concessions.
- g) To appoint, employ, remove or suspend such managers, clerks, secretaries, administrators, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association.
- h) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
- i) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit.
- j) To take, or otherwise acquire, and hold shares debentures or other securities of any company or body corporate.
- k) To lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
- l) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to

represent or secure any monies and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the Association's property or assets present or future and to purchase, redeem or pay-off any such securities.

- m) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- n) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association.
- o) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others.
- p) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association but subject always to the proviso in paragraph 5 hereof.
- q) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise.
- r) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
- s) To amalgamate with any one or more incorporated Associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association under or by virtue of the Rules of the Association.
- t) To purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated Associations with which the Association is authorised to amalgamate.
- u) To transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated Associations with which the Association is authorised to amalgamate.
- v) To make donations for patriotic, charitable or community purposes.

- w) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

3. INTERPRETATION

- a) In these rules, unless the contrary intention appears: -
- i) **“Club”** means a club playing the Game.
 - ii) **“Board”** means the Board of Management of the Association.
 - iii) **“Financial Year”** means the year ending 30th September.
 - iv) **“Game”** means the game of Volleyball.
 - v) **“General Meeting”** means a general meeting of members in accordance with Rule 12.
 - vi) Subject to Rule 9 hereof **“Member”** means a member of the Association.
 - vii) **“The Act”** means the Associations Incorporation Reform Act 2012
 - viii) **“The Regulations”** means regulations under the Act.
 - ix) **“Ordinary Member”** of the committee” means a member of the committee who is not an officer of the Association under Rule 21;
 - x) **“Relevant Documents”** has the same meaning as the Act.
- b) Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

4. APPLICATION FOR MEMBERSHIP

- a) Clubs and natural persons who are nominated and approved for membership as provided in these rules are eligible to be a member of the Association if:
- i) the club or person nominated for membership agrees to abide by the Association’s Statement of Purposes, these rules and any By-Laws and playing rules of the Association;
 - ii) the club or person nominated for membership agrees to enforce and abide by all decisions of the Association made in conformity with its Statement of Purposes, these rules and any By-Laws and playing rules of the Association;

- iii) the players of the club nominated for membership are amateur Volleyball players as defined from time to time by the governing body of Volleyball in the State of Victoria;
 - iv) The club or person nominated for membership pay the entrance fees and registration fees and game fees (if any) payable under these rules.
- b) A club or person who is not a member of the Association at the time of the Incorporation of the Association (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership:-
 - i) Unless it or he/she is nominated as provided in sub-clause (c);
And
 - ii) The admission as a member is approved by the Board.
- c) A nomination of a club or person for membership of the Association:-
 - i) shall be made in writing in the form set out in Appendix 1;
or
 - ii) shall be nominated by a player via the player registration form;
and
 - iii) shall be lodged with the Senior Competition Director of the Association.
- d) As soon as is practicable after the receipt of a nomination, the Senior Competition Director shall refer the nomination to the Board.
- e) Upon a nomination being referred to the Board, the Board shall determine whether to approve or reject the nomination.
- f) The Senior Competition Director shall, upon payment of the applicable fees enter the nominee's name in the register of members kept by him/her and, upon the name being so entered, the nominee becomes a member of the Association.
- g) A right, privilege, or obligation of a club or person by reason of its or his/her membership of the Association:-
 - i) is not capable of being transferred or transmitted to another person;
 - ii) terminates upon the cessation of its or his/her membership whether by death or resignation or otherwise.

5. ENTRANCE FEE AND ANNUAL SUBSCRIPTION

The entrance fee, registration fees and game fees (if any) shall be determined by the Board from time to time and shall be payable at such times as determined by the Board.

6. GENERAL RIGHTS OF MEMBERS

- a) A member of the Association who is entitled to vote has the right-
 - i) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by the Rules; and
 - ii) to submit items of business for consideration at a general meeting; and
 - iii) to attend and be heard at general meetings; and
 - iv) to vote at a general meeting (subject to any restrictions imposed by these rules); and

- v) to have access to the minutes of general meetings and other documents of the Association as provided for under these Rules; and
- vi) to inspect the register of members.

7. RESIGNATION OF MEMBERS

- a)
 - i) A member of the Association who has paid all monies due and payable by it to him/her to the Association may resign from the Association by first giving one (1) months notice in writing to the Finance Director of his/her intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
 - ii) A member who does not renew there player registration in the following season shall be deemed to have resigned.
- b) Upon the expiration of a notice given under sub-clause (a), the Finance Director 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.

8. DELEGATES OF MEMBER CLUBS

- a) Each Club that is a member of the Association may from time to time, to appoint one (1) delegate from each of its senior teams competing in competitions conducted by the Association.
- b) Subject to the following sub-rule and unless inconsistent with the context of any particular rule hereof, each delegate appointed pursuant to this rule shall for the purposes of all succeeding rules hereof only be deemed and treated as a member of the Association in substitution for the Club he represents.
- c) Each Club represented by a delegate under this rule shall inform, in writing, the Senior Competition Director of the Association within seven (7) days of appointment of such delegate of the name and address of such delegate.

9. REGISTER OF MEMBERS

The Senior Competition Director of the Association shall keep and maintain a register of: -

- a) members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.
- b) The name of a member shall be removed from the register of members-
 - i) Upon the resignation of the member in accordance with these rules;
 - ii) Upon expulsion from the Association in accordance with these rules;
 - iii) When membership fees in arrears for a period in excess of 90 days;
 - iv) Upon the death of a member;

10. EXPULSION OF MEMBERS

- a) Subject to these rules, the Board may by resolution:-

- i) expel a member from the Association;
 - ii) suspend a member from membership of the Association for a specified period; or
 - iii) fine a member in accordance with the Regulations, if the Board is of the opinion that the member:-
 - (1) has refused or neglected to comply with these rules; or
 - (2) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.

- b) A resolution of the Board under sub-clause (a):-
 - i) does not take effect unless the Board, at a meeting held not earlier than fourteen (14) and not later than twenty-eight (28) days after the service on the member concerned of a notice under sub-clause 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.

- c) Where the Board passes a resolution under sub-clause (a), the Secretary shall, as soon as practicable, cause to be served on the member concerned a notice in writing:-
 - i) setting out the resolution of the Board on the grounds on which it is based;
 - ii) stating that the member concerned may address the Board at a meeting to be held not earlier than fourteen (14) and not later than twenty-eight (28) days after service of the notice;
 - iii) stating the date, place and time of that meeting;
 - iv) informing the member concerned that he may do one or more of the following:-
 - (1) Attend the meeting;
 - (2) Give to the Board before the date of that meeting a written statement seeking the revocation of the resolution;
 - (3) Not later than twenty-four (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.

- d) At a meeting of the Board held in accordance with sub-clause (b), the Board:-
 - i) shall give to the member concerned an opportunity to be heard;
 - ii) shall give due consideration to any written statement submitted by the member concerned;
 - and
 - iii) shall by resolution determine whether to confirm or revoke the resolution.

- e) Where the Secretary receives a notice under sub-clause (c) (iv) (3), he shall notify the Board and the Board shall convene a General Meeting of the Association to be held within twenty-one (21) days after the date on which the Secretary received the notice.

- f) At a General Meeting of the Association convened under sub-clause e):-
 - i) no business other than the question of the appeal shall be transacted;
 - ii) the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - iii) the member concerned 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.

- g) If at the General Meeting:-
 - i) two-thirds of the members present vote in person in favour of the confirmation of the resolution, the resolution is confirmed; and
 - ii) in any other case, the resolution is revoked.

11. DISPUTES AND MEDIATION

- a) 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.
- b) 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.
- c) 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.
- d) The mediator must be-
 - i) A person chosen by agreement between the parties; or
 - ii) In the absence of agreement-
 - (1) In the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (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).
- e) A member of the Association can be a mediator.
- f) The mediator cannot be a member who is a party to the dispute.
- g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- h) 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.
- i) The mediator must not determine the dispute.
- j) 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 or otherwise at law.

12. ANNUAL GENERAL MEETING

- a) The Association shall in each calendar year, not more than fifteen months apart, convene an Annual General Meeting of its members.

- b) The Annual General Meeting shall be held at such time, day and place as the Board determines.
- c) The Annual General Meeting shall be specified as such in the notice convening it.
- d) The ordinary business of the 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 Board reports upon the transactions of the Association during the last preceding financial year;
 - iii) to elect the elected officers of the Association and an Auditor (if required) for the ensuing year; and
- e) The Annual General Meeting may transact special business of which notice is given in accordance with these rules.
- f) The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same year.

13. SPECIAL GENERAL MEETING

All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

- a) The Board may, whenever it thinks fit, convene a Special General Meeting of the Association.
- b) The Board shall, on the requisition in writing of members representing not less than twenty per cent (20%) of the total number of members, convene a Special General meeting of the Association.
- c) The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Association and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- d) If the Board does not cause a Special General Meeting to be held within one (1) month after the date on which the requisition is sent, the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three (3) months after that date.
- e) A Special General Meeting convened by the 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 Board and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

14. NOTICE OF MEETING

- a) The Secretary of the Association shall, at least twenty-one (21) days before the date fixed for holding a General Meeting of the Association, cause to be sent to each member who is a

natural person and each Club that is a member at the member's address appearing in the register of members, a notice by pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting and cause a copy of such notice to be posted on the Association's notice board, wherever that notice board shall be from time to time.

- b) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- c) A member desiring to bring any business before a 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.

15. PROCEEDINGS AT MEETINGS

- a) 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 specifically referred to in these rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.
- b) 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 an item.
- c) Fifteen (15) 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.
- d) 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 Chairperson at the time of the adjournment or by written notice to each delegate of Clubs that are members and posted on the Association's notice board, wherever that notice board shall be from time to time, prior to the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than ten (10) shall be the quorum).

16. PRESIDING AT GENERAL MEETINGS

- a) The President, or in his/her absence, the Vice President, shall preside as Chairperson at each General Meeting of the Association.
- b) If the President, and Vice President are absent from the General Meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.

17. ADJOURNMENT OF MEETINGS

- a) The Chairperson 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.

- b) Where a meeting is adjourned for fourteen (14) days or more, a like notice of the adjourned meeting shall be given as in the case of the General meeting.
- c) Except as provided in sub-clauses (a) and (b), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

18. Voting at general meetings

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 Chairperson that a resolution has, on a show of hands, been carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number of the votes recorded in favour of, or against, that resolution.

- a) Upon any question arising at a General Meeting of the Association, a member has one vote only.
- b) All votes shall be given personally or by proxy.
- c) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- d) A member is not entitled to vote at any General meeting unless all monies due and payable by it or him/her to the Association have been paid, other than the amount of any registration fees and the games fees that are current and payable.

19. PROXIES

- a) Each member shall be entitled to appoint another member as its or his/her proxy to the Finance Director no later than twenty-four (24) hours before the time of the meeting in respect of which the proxy is appointed.
- b) The notice appointing the proxy shall be in the form set out in Appendix 2.

20. BOARD OF MANAGEMENT

- a) The affairs of the Association shall be managed by a Board of Management constituted as provided in Rule 23.
- b) The Board :-
 - 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 required by these rules to be exercised by general meetings of the members of the Association;

- iii) subject to these rules, the Regulations and the Act, has power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association;
- iv) shall make the final interpretation of these rules and any By-Laws of the Association;
- v) shall have power to decide on any matter, not specifically covered in these rules or any By-Laws of the Association;
- vi) shall have the power to appoint Directors on a contract basis. The terms and conditions of any such appointment shall be determined by the Board and shall be recorded in the Contract of Appointment. The Appointed Directors shall have the same authority and power as an elected Board member;
- vii) shall be responsible for the efficient conduct of any competition organised under the auspices of the Association;
- viii) shall make available to each member who is a natural person and each Club that is a member of the Association, on initial registration, a copy of the Statement of Purposes, these rules, By-Laws (if any) of the Association. This shall be sufficient proof that such members are aware of all incurred responsibilities.
- ix) may appoint sub-committees of members for any purpose, and may grant special powers for specific, but temporary purposes. The Board shall have the power to over-rule any act or decision of any sub-committee;
- x) shall have the power to bestow Honorary Membership on any person for a period not exceeding twelve (12) calendar months; and
- xi) may empower the President, Vice President and Secretary to deal with matters of urgency between Board Meetings and General Meetings.

21. OFFICE HOLDERS

Subject to the Act, the Board shall consist entirely of the officers of the Association as referred to in the next succeeding rule.

- a) The officers of the Association shall be:-
 - i) a President;
 - ii) a Vice President;
 - iii) a Secretary;
 - iv) three ordinary members
 - v) Senior Competition Director pursuant to Rule 23 (e);
 - vi) Junior Competition Director pursuant to Rule 23 (f);
 - vii) Finance Director pursuant to Rule 23 (g);
 - viii) Promotions Director pursuant to Rule 23 (h);
 - ix) Technical Director pursuant to Rule 23 (i)
- b) The officers of the Association, except for the Directors shall be elected at the Annual General Meeting of the Association or a Special General Meeting held for this purpose, by a simple majority of the eligible members present. No more than two (2) persons from any one (1) club that is a member of the Association may be elected to hold office at the same time.

- c) Nominations for all elected positions may be in writing deposited with the Secretary prior to the Annual meeting or Special Meeting called for the purpose or made from the members present at such meeting. Should any positions be unfilled at the conclusion of the meeting a Special General Meeting shall be called within one (1) month to fill these positions. Should this meeting fail to fill these positions, the competition may be suspended until a successful nomination is received.
- d) All elected officers of the Association shall continue to hold office until the next Annual General Meeting of the Association unless their office becomes vacant in accordance with Rule 21 (e). Retiring officers of the Association shall be eligible for re-election.
- e) Except for the Directors the office of an Officer of the Association becomes vacant if the Officer:-
 - i) ceases to be a member of the Association;
 - ii) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code;
 - iii) resigns his office by notice in writing given to the Secretary;
 - iv) without reasonable excuse is absent from two consecutive meetings of the Board; or
 - v) dies.
- f) Should an office of an Officer of the Association become vacant, for whatever reason, the Board may appoint any member of the Association to fill the office provided that four (4) months or more have elapsed since the meeting at which the office was filled. Should this period not have elapsed, the Board shall call a Special General Meeting to fill the office.
- g) The Directors who are officers of the Association need not be members of the Association.

22. PROCEEDINGS OF COMMITTEE

- a) The Board shall meet as deemed necessary for the management of the Association's affairs, but at least once every two (2) months at such place and such times as the Board may determine.
- b) Special meetings of the Board may be convened at any time by the President or by any four (4) of the members of the Board.
- c) At least 3 elected Officers and at least 2 Appointed Directors must be in attendance to constitute a quorum for the transaction of the business for a meeting of the Board.
- d) 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.
- e) At meetings of the Board:-
 - i) The President, or in his/her absence, the Vice-President, shall preside; or
 - ii) if the President, and the Vice-President are absent, such one of the remaining members of the Board as may be chosen by the members present shall preside and carry out the President's duties as defined in the next succeeding rule.

- iii) Questions arising at a meeting of the Board or of any sub-committee appointed by the Board shall be determined on a show of hands or by a poll if the Chairperson so desires.
- iv) Each member present at a meeting of the Board or of any sub-committee appointed by the Board 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.

23. DUTIES OF THE OFFICERS OF THE ASSOCIATION

The duties of the Officers of the Association shall be:-

- a) President:
 - i) shall call Board meetings and General Meetings in accordance with these rules;
 - ii) shall, unless for good reason, preside at all meetings of the Board and the Association and will have the power to conclude a debate and sum up relevant points.
 - iii) shall have absolute authority on all points of order and rules of debate.
 - iv) shall have a deliberate vote on any matter, (and also a casting vote if votes are equal when simple majority is required).
 - v) shall become an ex-officio member of all sub-committees formed within the Association.
 - vi) in case of disagreement at any meeting, members may take a vote of no confidence in the Chairperson, and if carried, appoint a new Chairperson for the remainder of that meeting.
 - vii) may be one of the two required signatories on the Association's Bank Account(s).
- b) Vice President:
 - i) shall assist the President.
 - ii) shall deputise for the President in his/her absence, and shall have his/her full powers.
- c) Secretary:
 - i) shall record minutes of the resolutions and proceedings of all Board and General Meetings in books provided for that purpose together with a record of the names of persons present.,
 - ii) shall act as Secretary to the Association for matters of meeting agendas, meeting notification and correspondence not specifically dealt with by Appointed Directors.
 - iii) shall be responsible for notifying all Clubs that are members of the Association of any relevant decisions of the Board.
 - iv) may be one of the two required signatories on the Association's Bank Account(s).
- d) Ordinary Members:
 - i) shall be responsible to assist the others Officers of the Association in the execution of their duties, when requested.
 - ii) shall assist in the conduct of the regular competition, and any special competitions, run by the Association.
 - iii) in the event that an Appointed Director's position is not filled, the Board may request that the elected members take on the necessary duties of such position until a reasonable alternative is obtained.
 - iv) any other duties as determined by the Board from time to time.
- e) Senior Competition Director:

- i) shall administer all Senior Competitions from calling for entries through posting of competition ladders.
 - ii) shall be responsible to ensure the recording of Senior registration and playing statistics and the application of penalties relating to registrations and affiliations in accordance with the By-Laws (if any).
 - iii) details of duties are contained in the Position description specific to this position.
- f) Junior Competition Director:
 - i) shall administer all Junior Competitions from calling for entries through posting of competition ladders.
 - ii) shall be responsible for the promotion of volleyball in schools.
 - iii) shall be responsible to ensure the recording of Junior Registration and playing statistics and the application of penalties relating to registrations and affiliations in accordance with the By-Laws (if any).
 - iv) details of duties are contained in the Position Description specific to this position.
- g) Finance Director:
 - i) shall receive or pay all monies due to or payable by the Association.
 - ii) shall pay all monies received into the Association's Bank Account(s).
 - iii) shall keep accounts of all monies received and paid by the Association, and present the statement to be submitted to each Annual General Meeting of the Association in accordance with the Act. This Annual General Meeting Statement may be subject to audit.
 - iv) may be one of the two required signatories on the Association's Bank account(s).
 - v) details of duties are contained in the Position Description specific to this position.
- h) Promotions Director:
 - i) shall be responsible to the Board for affairs dealing with all aspects of promotion relevant to Volleyball.
 - ii) shall provide regular Volleyball reports for the media.
 - iii) details of duties are contained in the Position Description specific to this position.
- i) Technical Director:
 - i) shall be responsible for the maintenance of all equipment and uniforms.
 - ii) shall be responsible for the Co-ordination of all squad coaches.
 - iii) details of duties are contained in the Position Description specific to the position.

24. REMOVAL OF MEMBERS OF THE BOARD

- a) The Association in a General Meeting may by resolution remove any elected member of the Board before the expiration of his term of office and appoint another member in his/her stead to hold office until the expiration of the term of the first mentioned member.
- b) Where the member to whom a proposed resolution referred to in sub-clause (a) 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 who is a

natural person and each club that is a member of the Association or, if they are not so sent, the member may require that they be read out at the meeting.

25. CHEQUES

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of the Board that hold a position allowing them to be a signatory on the Association's Bank Account(s) as referred to in Rule 26.

26. SEAL

- a) The Common Seal of the Association shall be kept in the custody of the Secretary.
- b) The Common Seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the Common Seal shall be attested by the signatures either of two members of the Board or of one member of the Board and of the Public Officer of the Association.

27. ALTERATION OF RULES

These Rules may only be altered by a three quarters majority vote of eligible members present at either the Annual General Meeting or Special General Meeting called for this purpose.

28. NOTICES

- a) 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 its or his/her address shown in the Register of Members.
- b) Where a document is properly addressed pre-paid 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.

29. WINDING UP AND CANCELLATION

Subject to the Act:

- a) The Association may be dissolved on a three quarters majority vote of eligible members present at a Special General Meeting called for this specific purpose.
- b) Should it be decided to dissolve, all equipment of the Association shall become the property of the controlling body of the sport in Victoria, and all monies of the Association shall be placed in a special trust account by the controlling body of the sport in Victoria for a period of five (5) years.
- c) Should a new Association be formed in Bendigo, similar in nature to the Association, within the period referred to in sub Para b), hereof, all monies will be passed to the new Association

so formed for use as decided by that Association. If no new Association similar in nature be formed within the period referred to in sub Para b), then all monies will be invested in perpetuity by the controlling body of the sport in Victoria and the interest derived from such investment shall be used for the furtherment of Junior Volleyball within the boundaries of Greater Bendigo.

30. CLAIM ON ASSETS

Subject to the preceding rule, no individual or club, whose membership is withdrawn or lapses, shall have any claim to any property or assets of the Association.

31. ASSOCIATION AWARDS (inc. HONORARY LIFE MEMBERSHIP)

- a) The Association shall provide 3 levels of awards for members.
- b) Before a nominee is considered for any award they must have completed a minimum 10 years of cumulative service as player, coach or administrator at any level of Volleyball in Bendigo. I.e. Team level, Club level and/or Association level.
- c) The first level is a Participation Award.
 - i) This Award may require a nomination from the Competition Director whose records support the qualifications below and should receive automatic endorsement from the Board of Directors.
 - ii) Participation in 300 matches at a senior level as a player or coach is the minimum requirement and as each further 100 matches is reached thereafter an additional presentation should be made. i.e. 300 matches, 400 matches, 500 matches, etc.
- d) The second level is a Distinguished Service Award
 - i) This Award requires nomination by any registered member of the Association and must be endorsed by a majority vote of the Board of Directors.
 - ii) The Board of Directors may make their own direct nomination if in their opinion a member deserving such an Award does not receive a nomination.
 - iii) Note that as part qualification for this Award, Para. B applies, but specifically for services at Club or Association level.
- e) The third level Award is for Life Membership
 - i) Life Membership of the Association may be conferred on any person who has rendered outstanding service at Team, Club and Association level.
 - ii) The Board of Directors will determine what length of service at Association level is deemed to be worthy of nomination, including Para b, i.e. 10 years service, etc.
- f) A resolution conferring Life Membership shall require unanimous approval of the Board and be passed by a three quarter majority of all eligible members present at a General Meeting.
- g) By resolution of a four-fifths majority of members present at a General Meeting, Life Membership may be cancelled.

- h) Notwithstanding any other provisions hereof written notice of nomination or cancellation of Life Membership must reach the Secretary at least fourteen (14) days prior to the date of a General Meeting.
- i) Privileges of a Life Member include free admission to all sporting fixtures under the auspices of the Association.

32. CUSTODY OF RECORDS

- a) Except as otherwise provided in these rules, the Secretary shall keep in his/her custody or under his/her control all books, documents and securities of the Association.
- b) All such books and documents shall be available for inspection by members at the address of the Secretary.

33. INSPECTION OF BOOKS AND RECORDS

- a) Members may on request inspect free of charge-
 - i) the register of members;
 - ii) the minutes of general meetings;
 - iii) subject to sub-rule (b), the financial records, books, securities and any other relevant documents of the Association, including minutes of Committee meetings.
- b) The Board may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- c) The Board must on request make copies of these rules available to members and applicants for membership free of charge.
- d) Subject to sub-rule (b), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- e) For the purposes of this rule-

Relevant document means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following-

- i) its membership records;
- ii) its financial statements;
- iii) its financial records; and
- iv) records and documents relating to transactions, dealings, business or property of the Association.

34. FUNDS

The funds of the Association shall be derived from entrance fees, registration fees, game fees, donations and other such sources as the Board determines from time to time.

35. BY-LAWS

- a) The By-Laws of the Association prior to the Incorporation of the Association shall apply mutatis mutandis to the Incorporated Association so far as they may be applicable to the Incorporated Association and with the necessary modifications for the Incorporated Association so that they are not in contravention of The Act, The Regulations, the Association's Statement of Purposes or these rules.
- b) The By-Laws of the Association may be amended at any time by a simple majority of members present at a General Meeting, provided that notice of such amendment is received by the Secretary at least ten (10) days prior to such meeting and provided further that such amendment is not in contravention of The Act, The Regulations, the Association's Statement of Purposes or these rules.

36. OTHER COMMITTEES

- a) The Board may from time to time appoint sub-committees for any purpose thought appropriate and such sub-committees shall hold office for so long as the Board determines.
- b) Each sub-committee so appointed by this rule shall elect its own Chairperson and office bearers and each sub-committee shall be responsible for such activities as are prescribed by the Board from time to time.

APPENDIX 1

Application for membership of Bendigo Volleyball Association Incorporated.

I (or name of Club)

of

desire to become a member of Bendigo Volleyball Association Incorporated. In the event of admission as a member I/the Club agree/s to be bound by the rules of the Association for the time being in force.

Signature of Applicant

Date: / /19

I, _____, a member of the
Association, nominate the application for membership of the Association.

Signature of Proposer

Date: / /19

APPENDIX 2

FORMS OF APPOINTMENT OF PROXY

I (or name of Club)

of

being a member of Bendigo Volleyball Association Incorporated

hereby appoint

of

as my/its proxy to vote for me/the Club on my/its 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 19 and at any adjournment of that meeting.

The proxy appointed hereby is authorised to vote in whatever manner he/she thinks fit.

Signed:

The day of 19

These are the Rules of seventeen pages of the BENDIGO VOLLEYBALL ASSOCIATION

INCORPORATED referred to in the Declaration of Incorporation of

made this *twentieth* day of *December 1985* .

Before me :

Phillip Sutton

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