

# Constitution of the Triton Owners' Club ACT Inc.

Approved 2 October 2024

	Table of Contents	Page No.
<b>Part 1</b>	<b>Preliminary</b>	3
1	Preamble.....	3
2	Definitions .....	3
3	Application of certain Acts .....	3
4	Objects of the Club.....	3
<b>Part 2</b>	<b>Membership</b>	4
5	Membership qualifications .....	4
6	Membership categories .....	4
7	Membership entitlements .....	4
8	Transferability of membership entitlements .....	4
9	Application for membership.....	4
10	Cessation of membership.....	4
11	Resignation of membership.....	5
12	Fee, subscriptions etc .....	5
13	Limitation of members' liabilities.....	5
14	Disciplining of members .....	5
15	Right of appeal of disciplined member .....	6
<b>Part 3</b>	<b>Committee</b>	7
16	Powers of committee .....	7
17	Constitution and membership.....	7
18	Election of committee members.....	7
19	Committee - functions of President.....	8
20	Committee - functions of Vice President .....	8
21	Committee - functions of Secretary .....	8
22	Committee - functions of Treasurer .....	8
23	Vacancies .....	9
24	Committee—delegating functions of committee members.....	9
25	Removal of committee members.....	10
26	Committee meetings and quorum .....	10
27	Delegation by committee to subcommittee .....	10
28	Voting and decisions .....	11
29	Committee meetings - minutes.....	11
<b>Part 4</b>	<b>General Meetings</b>	11
30	General meetings - called by committee .....	11
31	General meetings - called at request of members .....	11
32	General meetings - virtual attendance .....	12
33	Annual general meetings - notice and business .....	12
34	Other general meetings - notice and business .....	13

35	General meetings - Proxy Voting.....	13
36	General meetings - chair .....	13
37	General meetings - quorum .....	13
38	General meetings - voting .....	14
39	General meetings - minutes.....	14
40	General meetings - adjournment.....	15
<b>Part 5</b>	<b>Miscellaneous .....</b>	<b>15</b>
41	Funds—source.....	15
42	Funds management.....	15
43	Common seal.....	16
44	Custody of books.....	16
45	Inspection of books .....	16
46	Service of notice.....	16
47	Surplus property .....	16
<b>Part 6</b>	<b>Resolution of Disputes .....</b>	<b>16</b>
48	Preface .....	16
49	Procedures .....	16
<b>Appendix 1 – Application for membership (see s 9 (1)).....</b>		<b>18</b>

# Part 1 Preliminary

## 1 Preamble

The Triton Owners' Club ACT (the Club) was incorporated as an association in the Australian Capital Territory on 9 January 1997 (Registered Number A02863). This Constitution is based upon the Model Rules contained in the Regulations to the *Associations Incorporations Act 1991* (ACT), with variations as approved by Special General Meetings.

## 2 Definitions

In this constitution:

*Note:* A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

**financial year** means the year ending on 30 June.

**member means**

- (a) a person who has applied to join the club and who has paid the applicable annual membership fee for a financial year. Such a member will remain a member until the end of 30 September immediately following the end of the said financial year.
- (b) a person who has been granted Life or Honorary membership in accordance with section 6.

**ordinary committee member** means a member of the committee who is not an office-bearer of the association as mentioned in subsection 17(2).

**secretary** means the person holding office under these rules as secretary of the association or, if no such person holds that office, a person nominated by the committee to act as secretary.

**special general meeting** means a meeting of members convened for the purposes of voting on changes to the constitution, or other formal purposes described in this constitution.

**the Act** means the *Associations Incorporation Act 1991*.

**the regulation** means the *Associations Incorporation Regulation 2023* or later version.

## 3 Application of certain Acts

The following Acts apply to the Association's rules as if the rules were an instrument made under the Act:

- (a) the *Electronic Transactions Act 2001*;
- (b) the *Legislation Act 2001*.

## 4 Objects of the Club

- To provide education and training on the correct use and setting up of Triton products and other machinery used for working with wood
- To foster development of woodworking skills in general
- To provide financial and practical support to certain organisations and charities as decided by the members and agreed to by the committee

- To promote good fellowship among those interested in working with wood
- To promote and educate members in matters relating to Occupational Health & Safety (OH&S) as an ongoing requirement.

## **Part 2 Membership**

### **5 Membership qualifications**

Membership is open to all owners of Triton products or persons having use, or having had use of a Triton, or who has an interest in developing woodworking skills.

### **6 Membership categories**

- (a) A Full Member is a member as defined in paragraph 2(a).
- (b) Life Membership may be offered by the committee to those persons who have been financial members for at least six consecutive years, and provided the Club with significant assistance and active support, and who can no longer actively participate in membership by reason of geographic location, infirmity and/or because they have retired from active woodwork.
- (c) Honorary Membership may be offered by the committee to those persons who, while not having been financial members, have provided the Club with significant unpaid assistance over a period.

### **7 Membership entitlements**

Full and Life members are entitled to participate in or benefit from activities or initiatives organised or obtained on their behalf.

Honorary members will receive Club communications, and invitations to selected activities as appropriate.

### **8 Transferability of membership entitlements**

A right, privilege or obligation that a person has because of being a member of the association

- (a) cannot be transferred or transmitted to another person without the express permission of the committee; and
- (b) terminates on cessation of the person's membership.

### **9 Application for membership**

(1) An application for membership of the association must be made in writing in the form set out at Appendix 1, and lodged with the treasurer of the association with the appropriate membership fee.

(2) The committee may vary the form at Appendix 1 from time to time.

### **10 Cessation of membership**

A person ceases to be a member of the association if the person -

- (a) dies or, for a corporation, is wound up; or

- (b) resigns from membership of the association; or
- (c) is expelled from the association in accordance with the provisions of section 14; or

unless they are a Life or Honorary member, fails to renew membership of the association by the end of August following a financial year.

## **11 Resignation of membership**

If a person ceases to be a member, the secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

## **12 Fee, subscriptions etc**

- (1) The annual membership fee of the association is \$40 or, if any other amount has been determined by resolution of the committee, that other amount.
- (2) If a person joins between 1 January and 30 June the membership fee for that financial year shall be 50% of the annual fee. Membership does not commence until the membership fee is paid.
- (3) The annual renewal membership fee is payable before 31 August in each financial year.
- (4) Annual membership fees do not apply to Honorary or Life members.

## **13 Limitation of members' liabilities**

The liability of a member 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 relation to membership fees of the association as required by section 12.

## **14 Disciplining of members**

- (1) If the committee is of the opinion that a member -
  - (a) has persistently refused or neglected to comply with a provision of these rules; or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association;

the committee may, by resolution -

  - (c) expel the member from the association; or
  - (d) suspend the member from the rights and privileges of membership of the association that the committee may decide for a specified period.
- (2) A resolution of the committee under subsection (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.
- (3) If the committee passes a resolution under subsection (1), the secretary must, as soon as practicable, serve a written notice on the member -
  - (a) setting out the resolution of the committee and the grounds on which it is based; and
  - (b) stating that the member may address the committee at the next upcoming committee meeting; and

- (c) stating the date, place and time of that meeting; and
- (d) informing the member that the member may do either or both of the following:
  - (i) attend and speak at that meeting;
  - (ii) submit to the committee at or before the date of that meeting written representations relating to the resolution.

(4) Subject to the Act, section 50, at a meeting of the committee mentioned in subsection (2), the committee must -

- (a) give to the member mentioned in subsection (1) an opportunity to make oral representations; and
- (b) give due consideration to any written representations submitted to the committee by that member at or before the meeting; and
- (c) by resolution decide whether to confirm or to revoke the resolution of the committee made under subsection (1).

(5) If the committee confirms a resolution under subsection (4), the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 15.

(6) A resolution confirmed by the committee under subsection (4) does not take effect -

- (a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
- (b) if within that period the member exercises the right of appeal unless and until the association confirms the resolution in accordance with subsection 15(4).

## 15

### **Right of appeal of disciplined member**

(1) A member may appeal to the association against a resolution of the committee that is confirmed under subsection 14(4), within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

(2) On receipt of a notice under subsection (1), the secretary must notify the committee which must call a special general meeting of the association to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.

(3) Subject to the Act, section 50, at a special general meeting of the association called under subsection (2) -

- (a) no business other than the question of the appeal may be transacted; and
- (b) the committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
- (c) the members present must vote by secret ballot on the question of whether the resolution made under subsection 14(4) should be confirmed or revoked.

(4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subsection 14(4), that resolution is confirmed.

## **Part 3 Committee**

### **16 Powers of committee**

The committee, subject to the Act, the regulation, these rules, and to any resolution passed by the association in special general meeting -

- (a) controls and manages the affairs of the association; and
- (b) may exercise all functions that may be exercised by the association other than those functions that are required by these rules to be exercised by the association in special general meeting; and
- (c) has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

### **17 Constitution and membership**

(1) The committee consists of -

- (a) the office-bearers of the association; and
- (b) up to 5 ordinary committee members;

each of whom must be elected under section 18 or appointed in accordance with subsection (4).

(2) The office-bearers of the association are -

- (a) the president; and
- (b) the vice-president; and
- (c) the treasurer; and
- (d) the secretary.

(3) Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

(4) If there is a vacancy in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

### **18 Election of committee members**

(1) The ballot for the election of office-bearers and ordinary committee members must be conducted at the annual general meeting in the way the committee may direct.

(2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations may be received at any subsequent special general meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be vacancies.

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

- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- (6) A person is not eligible to simultaneously hold more than 1 position on the committee.
- (7) A vacancy in an office bearer position between annual general meetings may be filled by an ordinary committee member.

**19**

### **Committee - functions of President**

The functions of the president include -

- (a) chairing committee meetings and general meetings (including annual general meetings); and
- (b) exercising any other function given to the president -
  - (i) under the Act or the Association's rules; or
  - (ii) by the committee or the members to achieve the Association's objects.

**20**

### **Committee - functions of Vice President**

The functions of the vice president (if any) include -

- (a) exercising the functions of the president if the president is unavailable to exercise those functions for any reason; and
- (b) exercising any other function given to the vice president -
  - (i) under the Act or the Association's rules; or
  - (ii) by the committee or the members to achieve the Association's objects.

**21**

### **Committee - functions of Secretary**

(1) The functions of the secretary include -

- (a) keeping minutes of committee meetings and general meetings (including annual general meetings); and
- (b) exercising any other function given to the secretary -
  - (i) under the Act or the Association's rules; or
  - (ii) by the committee or the members to achieve the Association's objects.

(2) The secretary must lodge the notice mentioned in the Act, section 62(1) (Notice of changes in committee).

Note: A committee member must notify the Association of any change of address within 1 month (see Act, s 62 (2)).

**22**

### **Committee - functions of Treasurer**

(1) The treasurer of the association must -

- (a) collect and receive all amounts owing to the association and make all payments authorised by the association; and
- (b) 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.

- (c) present the documents mentioned in the Act, section 73 (Presentation of statement to members) at the annual general meeting; and
- (d) lodge with the registrar-general the documents mentioned in the Act, section 79 (Annual returns); and
- (e) exercise any other function given to the treasurer -
  - (i) under the Act or the Association's rules; or
  - (ii) by the committee or the members.

23

## **Vacancies**

For these rules, a vacancy in the office of a member of the committee happens if the member: -

- (a) dies; or
- (b) ceases to be a member of the association; or
- (c) resigns the office; or
- (d) is removed from office under section 25 (Removal of committee members); or
- (e) becomes bankrupt or personally insolvent; or
- (f) suffers from mental or physical incapacity; or
- (g) is disqualified from office under the Act, subsection 63(1); or
- (h) is subject to a disqualification order under the Act, section 63A; or
- (i) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

24

## **Committee—delegating functions of committee members**

- (1) If a relevant committee member is unable to discharge their duties for a period, the committee may delegate the functions of that member under the Association's rules to any other committee member.
- (2) However, the committee must not delegate a function given to the committee member -
  - (a) under the Act or another territory law; or
  - (b) by resolution of the members at a general meeting.

Note For laws about delegations, see the Legislation Act, pt 19.4.

- (3) In this section **relevant committee member** means the following committee members:
  - (a) the President;
  - (b) the Vice President;
  - (c) the Secretary;
  - (d) the Treasurer.

**25 Removal of committee members**

The association in special general meeting may by resolution, subject to the Act, section 50, remove any member of the committee from the office of member of the committee before the end of the member's term of office.

**26 Committee meetings and quorum**

- (1) The committee must meet at least 3 times in each calendar year at the place and time that the committee may decide.
- (2) Additional meetings of the committee may be requested 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 hours (or any other period that 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 subsection (3) must specify the general nature of the business to be transacted at the meeting
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business may be transacted by the committee unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (8) At meetings of the committee -
  - (a) the president or, in the absence of the president, the vice-president presides; or
  - (b) if the president and the vice-president are absent - 1 of the remaining members of the committee may be chosen by the members present to preside.

**27 Delegation by committee to subcommittee**

- (1) The committee may, in writing, delegate to 1 or more subcommittees (consisting of the member or members of the association that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than -
  - (a) this power of delegation; and
  - (b) a function that is a function imposed on the committee by the Act by any other Territory law, or by resolution of the association in special general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances, that may be specified in the instrument of delegation.

- (4) Despite any delegation under this section, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, in writing, revoke wholly or in part any delegation under this section.
- (7) A subcommittee may meet and adjourn as it considers appropriate.

**28**

### **Voting and decisions**

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by a majority of the votes of members of the committee or subcommittee present at the meeting.
- (2) Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

**29**

### **Committee meetings - minutes**

- (1) The committee must ensure that minutes are taken and kept for each committee meeting.
- (2) The following must be recorded in the minutes:
  - (a) the names of the committee members at the meeting;
  - (b) whether the committee agreed that the minutes of the previous meeting are correct;
  - (c) a description of the business conducted at the meeting;
  - (d) if a committee member makes a disclosure of a material personal interest as required by the Act, subsection 65(1) -
    - (i) the nature and extent of the interest;
    - (ii) the relation of the interest to the Association's activities; and
    - (iii) any motion on which a vote is taken at the meeting and the outcome of the vote.

**Part 4**

## **General Meetings**

**30**

### **General meetings - called by committee**

The committee may call a general meeting whenever it considers appropriate.

**31**

### **General meetings - called at request of members**

- (1) The committee must call a general meeting (other than an annual general meeting) if -
  - (a) at least 5% of the members of the Association ask for a meeting to be called (the requesting members); and
  - (b) the request -
    - (i) is made in writing; and

- (ii) is given to the secretary; and
- (iii) states the purpose of the meeting; and
- (iv) is signed by the requesting members.

(2) If the committee does not call a general meeting within 1 month after the date of the request, a requesting member may call a general meeting to be held not more than 3 months after the date of the request.

(3) If a general meeting is called under subsection (2), the requesting members must give the general meeting notice required under subsection 32(1).

(4) The committee must reimburse any reasonable expenses incurred by the requesting members in calling a general meeting under subsection (2).

**32**

## **General meetings - virtual attendance**

(1) A general meeting may be held using a method of communication, or a combination of methods of communication, that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence if -

- (a) the committee decides, by resolution, to hold the meeting using the method of communication; or
- (b) for a meeting called by a requesting member under subsection 31(2) - the requesting member decides to hold the meeting using the method of communication.

(2) A member who takes part in a general meeting conducted under subsection (1) is taken, for all purposes, to be present at the meeting.

**33**

## **Annual general meetings - notice and business**

(1) The committee must give each member written notice of an annual general meeting at least 14 days before the meeting.

(2) The notice must -

- (a) state the date, time and place of the annual general meeting; and
- (b) include the agenda for the annual general meeting; and
- (c) attach minutes of the previous annual general meeting; and
- (d) provide information and documents directly relevant to any matters to be decided, dealt with or done at the annual general meeting.

(3) The following must be done at an annual general meeting:

- (a) the minutes of the previous annual general meeting must be confirmed along with the minutes of any general meeting held since the last annual general meeting;
- (b) the committee must be elected under section 18;
- (c) the documents mentioned in the Act, subsection 73(1) must be presented including but not limited to;
  - (i) a statement of accounts,
  - (ii) a reviewer's or auditor's report, and
  - (iii) a report about the committee membership, principal activities and profit or loss.

(d) the documents the Association is required to lodge with the registrar-general under the Act, subsection 79(1) must be dealt with.

**34**

### **Other general meetings - notice and business**

(1) The committee, or the requesting member for a meeting called under subsection 31(2), must give each member written notice of a general meeting (a general meeting notice) -

(a) at least 14 days before the meeting; or

(b) if a special resolution is to be considered at the meeting - at least 21 days before the meeting.

(2) A general meeting notice must -

(a) state the date, time and place of the meeting; and

(b) include the agenda for the meeting; and

(c) provide information and documents directly relevant to any matters to be decided at the meeting.

(3) A member may give the secretary written notice about any business the member would like included in the agenda for a general meeting.

(4) If a member gives the secretary written notice under subsection (3), the secretary must include the business in the agenda for the next general meeting.

(5) The chair of a general meeting must ensure that the only business conducted at the meeting is -

(a) the business stated in the general meeting notice for the meeting; and

(b) decisions about the procedure of the meeting.

**35**

### **General meetings - Proxy Voting**

(1) For the avoidance of doubt, voting by Proxy is not permitted by this association.

**36**

### **General meetings - chair**

A general meeting must be chaired by -

(a) the president; or

(b) if the president is absent - any vice president; or

(c) if the president and any vice president are absent - a member elected to chair the meeting by members at the meeting.

**37**

### **General meetings - quorum**

(1) The members of the Association may conduct business at a general meeting only if there is a quorum of members present.

(2) If a quorum of 10 members is not present at the time stated in the general meeting notice, the time of the meeting is taken to be postponed for 30 minutes.

(3) If a quorum of 10 members is not present after the 30-minute postponement, the chair of the meeting may adjourn the meeting to another day and time that is not earlier than 7 days after the meeting that is being adjourned.

(4) The committee must, within 48 hours after adjourning a meeting under subsection (3), give each member written notice stating -

- (a) that the meeting was adjourned under subsection (3); and
- (b) the new date, time and place of the meeting,

in accordance with section 34.

**38**

## **General meetings - voting**

(1) Each member of the Association—

- (a) has 1 vote on each question arising at a general meeting; and
- (b) must vote personally.

(2) A motion is carried (except in the case of a special resolution) if a majority of the members vote in favour of the motion.

Note A special resolution needs at least  $\frac{3}{4}$  of the votes to pass (see Act, s 70).

(3) However, if the votes on a question are equal, the chair has a second or deciding vote.

(4) The members at a general meeting may vote on a question at the meeting orally, in writing or by a show of hands.

(5) However, a vote on a question at a general meeting must be by ballot conducted at the meeting if—

- (a) the chair decides the vote is to be by ballot; or
- (b) at least 3 members request the vote be by ballot.

(6) For this section, voting personally includes voting while taking part in a general meeting conducted using a method of communication that allows a member taking part to hear or otherwise know what each other member taking part says without the members being in each other's presence.

**39**

## **General meetings - minutes**

(1) The secretary, or another person authorised by the committee, must take and keep minutes of each general meeting.

(2) The following must be recorded in the minutes:

- (a) the names of the members present at the meeting;
- (b) a description of the business conducted at the meeting;
- (c) if a vote is taken at the meeting -
  - (i) the motion on which the vote is taken; and
  - (ii) the outcome of the vote; and
  - (iii) whether the vote was taken orally, in writing, by a show of hands or by ballot.

(3) The chair must review the minutes and sign them if they are correct.

(4) The outcome of a vote on a matter at a general meeting is taken to be the resolution of the general meeting of the members of the Association on the matter.

**40**

### **General meetings - adjournment**

- (1) The chair of a general meeting may, at any time, adjourn the meeting if -
  - (a) there is a quorum; and
  - (b) the majority of members vote to adjourn the meeting.
- (2) The only business that may be conducted on the resumption of an adjourned meeting is the business that remained unfinished when the meeting was adjourned.

## **Part 5      Miscellaneous**

**41**

### **Funds—source**

- (1) The funds of the association may only be derived from annual subscriptions of members, donations, sales of assets and, subject to any resolution passed by the association in annual or special general meeting and subject to the Act, section 114, any other sources that the committee decides.
- (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.

**42**

### **Funds management**

- (1) The Association must:  
open and maintain an account with an authorised deposit-taking institution; and pay all money received by the Association into that account; and pay all amounts spent by the Association out of the account.
- (2) The Association's funds may only be used -
  - (a) for the Association's objects; and
  - (b) either
    - (i) in the way the committee decides; or
    - (ii) if a general meeting passes a resolution about the way the funds are to be used - in accordance with the resolution.
- (3) The committee shall institute appropriate arrangements to authorise expenditure and administer payments. These arrangements will include the Treasurer having standing authority to issue payments for expenses of a recurring nature or which fall within the Club's annual budget. Expenditure falling outside of this authority will be authorized by the committee. The committee may authorise other members of the committee to issue payments in accordance with these arrangements, and may authorise other members to make purchases approved by the committee.

**43 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 attached to any instrument except by the authority of the committee and the attaching 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.

**44 Custody of books**

Subject to the Act, the regulation and 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 other than financial records, which are to be kept by the treasurer.

**45 Inspection of books**

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

**46 Service of notice**

For these rules, the association may serve a notice on a member by sending it by email, or post if no email address exists, to the member at the member's address shown in the register of members.

Note: For how documents may be served, see the Legislation Act, pt 19.5.

**47 Surplus property**

The Woodcraft Guild ACT Inc. is the specified organisation to receive all surplus property and funds in the event of the dissolution or winding up of the Triton Owners Club ACT Inc.

## **Part 6 Resolution of Disputes**

**48 Preface**

Part 6 of the Club's constitution outlines practices to be implemented to resolve disputes between individual members or between members and the committee. They have been designed to achieve in-house solutions that provide fairness, equity and transparency. They also take full account of the Club's small size, the limited financial resources of the Club and the likelihood that the financial implications of any dispute within the Club will be low. They are designed to negate the need for outside arbitration where the financial and other costs involved in settling a dispute are likely to exceed the costs of the dispute itself.

**49 Procedures**

(1) The parties to a dispute between members of the Club not involving the committee must attempt to resolve a dispute by agreement between themselves.

(a) If the dispute is impacting on the operations of the Club and the parties cannot resolve the dispute by agreement, a party to the dispute may ask the committee to help the parties resolve the dispute.

- (b) If the committee intervenes it may request each of the members to clearly outline their concerns either in writing or in a session with the committee. The members involved in the dispute may seek the support of other members in preparing and making submissions to the committee.
- (c) The committee will give full consideration to the matter and propose solutions to help resolve their dispute.
- (d) If the members are still not able to resolve the dispute, then the committee will take action that is deemed necessary by the committee to negate the impacts of the dispute on the operations of the Club.
- (e) The parties to the dispute will be given the opportunity to consider and respond to any actions the committee deems necessary under paragraph 1(d) that impact on them directly. The committee will review its decision in the light of any feedback from the Parties.
- (f) After this review the committee may at its discretion refer actions deemed necessary under paragraph 1(d) to a meeting of members for consideration and confirmation.

(2) If a dispute arises between a member and the committee that cannot be resolved through normal consultative process, the committee may need to take the following actions to resolve the dispute:

- (a) In order to ensure both parties fully and clearly understand the issues associated with the dispute, the committee may request the member to clearly outline their concerns either in writing or in a session with the committee. The member may seek the support of other members in preparing and making submissions to the committee.
- (b) The committee will outline its position to the member.
- (c) The committee will give full consideration to the matter and propose solutions for consideration by the member. The member may come back with modifications or alternative solutions for consideration by the committee. This could be an iterative process between the committee and the member with the aim of moving towards an agreed position that resolves the dispute.
- (d) If this iterative process does not resolve the dispute, then the matter will be referred to a meeting of members with members deciding on a solution to resolve the dispute. A neutral Chair will be appointed by members to run this meeting.
- (e) If the solution decided by the members complies with the rules and regulations of the Club, then this solution is binding on all parties.

In extreme cases where the costs and implications of a dispute are large, the committee may adopt the dispute resolution process in the Model Rules.

## Appendix 1 – Application for membership (see s 9 (1))



**Club rooms: Stromlo Forest Scout Hall, Tantangara St, Duffy**

### **Application for membership of Triton Owners Club ACT Incorporated (incorporated under the Associations Incorporation Act 1991)**

I, ..... *(first name)*

..... *(last name)*

hereby apply to become a member of the incorporated association. I agree to be bound by the rules of the association from time to time in force.

Street Address.....

Suburb or Town..... State..... Postcode.....

Telephone Nos. Home..... Work..... Mob.....

Email address.....

Preferred first name on name badge.....

Membership fee: The annual membership fee is \$40. For members joining between 1 January and 30 June the fee is reduced to \$20. *(These rates are reduced by 50% for members living more than 50km radius from Canberra)*

- I enclose \$40 / \$20 / \$10 cash / cheque for payment
- I have paid \$40 / \$20 / \$10 via EFT to Triton Owners Club BSB 032713 Account 576858.  
*(please select one option)*

Signed:..... Date .....

Office Use only							
Amount	Date	Receipt No.	Badge No.	Name badge issued	Membership card issued	Cap issued	Entered on database