

APPROVING AND SUBMISSION NEW STANDARD CLUB CONSTITUTION AND BY-LAWS/ASSOCIATION RULES DISTRICT 201W1

PREAMBLE

Thank you to PDG Clive Tonkin, cabinet officials and the Moora Lions Club for the preparation and acquiring approval for the new Standard Club Constitution and By-Laws/Association Rules by the Department of Mining Industrial Relations and Safety. Your club can just adopt this constitution and once approved by your club submit it online.

This document explains how clubs must firstly approve and then submit the new Standard Club Constitution and By-Laws/Association Rules to the Department Mining Industry Regulation and Safety.

It is a prerequisite that all clubs in District 201W1 approve a new Standard Club Constitution and By-Laws/Association Rules at a club meeting. Your club's AGM this year may be the best meeting to get the new Club Constitution approved. Once approved log into Associationsonline and submit the approved Standard Club Constitution and By-Laws/Association Rules. **This must be completed before the end of June 2019.**

The cost to submit is \$39.40 (**less 20% online**) – please visit this page – [Association Rule Change Cost](#) – to see details.

Unfortunately, this cost will have to come out of the Admin account.

STANDARD CLUB CONSTITUTION AND BY-LAWS/ASSOCIATION RULES

1. Attached please find the Standard Club Constitution and By-Laws/Association Rules that Moora Lions Club had approved by the Department of Mining, Industry Regulation and Safety.
2. There are two places that need to be changed. Front Page and Article 1 "Name" on page 1 with your Club Name.

DETAILS ON HOW TO CHANGE YOUR CLUBS ASSOCIATION RULES (Club Constitution)

Please visit this page for all the details - [Change your Association Rules](#)

On this page you will find the [Transition Pack 3](#) which includes step by step instructions to help associations/clubs review and update their rules.

Our rules have been updated and **to assist you I have extracted the relevant details from the Transition Pack 3** that you will need to help approve and submit the new Standard Club Constitution and By-Laws/Association Rules. You will find details below.

We will be approving and submitting our new Standard Club Constitution and By-Laws/Association Rules by **special resolution**.

CHECKLIST FOR PASSING A SPECIAL RESOLUTION

NOTICE FOR THE ANNUAL GENERAL MEETING

1. Must be in writing.
2. Must be sent to all members, irrespective of their membership class or voting rights.
3. Must be sent in accordance with the timeframe and manner set out by the rules.
4. Must state that a "special resolution" is going to be proposed.
5. Must set out the exact wording of the proposed special resolution. If these requirements are not met the special resolution will have no effect.

Please find example of wording -

“Notice is hereby given that the Annual General Meeting of **CLUB NAME** will be held on **DATE** at **VENUE** starting at **TIME** . The following business will be attended too –

1. Accept the Audited Financial Statements for the period 2017/18
2. Ratify the Board of Directors for the 2018/19 Lionistic Year.
3. Appoint Auditors for the 2018/19 Lionistic year.
4. Set membership dues for 2018/19 Lionistic year.
5. Special Resolution: That the **Club Name** adopts the new Standard Club Constitution and By-Laws/Association Rules and once adopted submit to the Department of Mining Industrial Regulation and Safety for approval.
6. Any new business.
7. Close AGM.

AT THE ANNUAL GENERAL MEETING

1. Make sure that there is a quorum present before proceeding to vote on the proposed rules.
2. Only a member who has the right to vote under the existing rules may participate in a vote on a proposed special resolution.
3. Proxies or postal voting should only be used if it is already allowed in the rules.
4. The special resolution is passed if it is agreed to be at least **75%** of the members who vote at the meeting (not 75% of the total membership).

HOW TO EFFECTIVELY LODGE THE CHANGES

Please visit [AssociationsOnline](#) which is Consumer Protection’s preferred method for communicating with associations. The benefit to associations in using this method is that it is available anytime, lodgements can be tracked and a **20% discount on fees is given** when lodging online.

If an association does not wish to use the online portal, manual forms can be downloaded from the website and submitted by post.

The Lions Club must lodge the change of rules with Consumer Protection within one month of the meeting in order to have legal effect (late lodgements will incur additional fees). The application must include -

1. A complete copy of the updated rules or a statement that the model rules are being adopted; **We are updating our rules.**
2. The completed checklist identifying the location of all the Schedule 1 items if using own rules. I have completed this section and you will have to transfer the information to Associations online. **Please see Addendum 1 – Schedule 1 Checklist.** Please check the various articles, sections and page numbers referred to in this document.
3. The prescribed fee; and if submitting a manual application include the following forms:
 1. Notice of special resolution to change rules; and
 2. Certificate and statement of a management committee member,

SUBMITTING NEW ASSOCIATION RULES/STANDARD CLUB CONSTITUTION AND BYLAWS –

1. Please follow this link – [Associationsonline](#) – and login to your account
2. Click Lodge Application and scroll down to your linked association.
3. In dropdown box on right click Change rules by Special Resolution. Click GO. Fill in the rest of the form by clicking next to move through the screens.
4. Make payment once complete with the application.

FINISHING UP

The association will be notified in writing when the updated rules have been accepted for lodgement by Consumer Protection. This marks the end of the change of rules process and the association can begin using the new rules.

COMPLYING WITH THE ACT:

Key responsibilities for incorporated associations –

In addition to pursuing its objects or purposes, providing activities for members and following the rules, associations must meet their obligations under the Act.

Generally, it is up to the committee, as the managing body of the organisation, to ensure that an association meets these requirements.

The following is a list of the committee's key responsibilities under the Act:

1. Send notice of all general meetings to all members in accordance with the rules.
2. Hold the Annual General Meeting every year within six (6) months after the end of the financial year or apply to Consumer Protection for extra time.
3. Keep true and correct records of all financial transactions.
4. Present accounts to the members at every Annual General Meeting in accordance with the requirements of the association's reporting tier.
5. Keep an up to date register of members, record of office holders and copy of the rules and make these records available for members to inspect if they request.
6. Give every new member a copy of the rules when they join the association.
7. Ensure all committee members disclose and manage any material personal interests in matters considered by the association.
8. Fulfil their duties as members of the committee and officers.
9. Update the address details with Consumer Protection any time there is a change and submit an information statement within six (6) months after the end of each financial year.
10. Lodge any change of rules, objects or name with Consumer Protection within a month of being passed by special resolution at a general meeting.

OVER PAGE: ADDENDUM 1

ADDENDUM 1

Rules checklist: Schedule 1 requirements to be transferred to Associationonline during application.

NOT FOR PROFIT CLAUSE	Association's rule number
<p>The rules must include a provision in, or substantially in, the following terms:</p> <p>The property and income of the association must be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the association, except in good faith in the promotion of those objects or purposes.</p>	Article XI Section 1 & 2 Page 5 Article II Page 1

SCHEDULE 1 REQUIREMENTS

Matter	Association's rule number
1. The name of the incorporated association.	Article I Page 1
2. The objects or purposes of the incorporated association.	Article II Page 1
3. The qualifications (if any) for membership of the incorporated association and provision for when membership commences and when it ceases.	Article III Page 1
4. The register of members of the incorporated association.	By-Laws - Article III Section 5 (d) Page 13
5. The entrance fees, subscriptions and other amounts (if any) to be paid by members of the incorporated association.	Article III Section 2 Page 1
6. The name, constitution, membership and powers of the management committee or other body having the management of the incorporated association (in this clause referred to as the committee) and provision for the following:	Article VIII Page 3
a. The election or appointment of members of the committee.	By-Laws Article 11 Section 1 Page 9
b. The terms of office of members of the committee.	By-Laws Article 11 Section 1 Page 9
c. The grounds on which, or reasons for which, the office of a member of the committee shall become vacant.	By-Laws Article 11 Section 10 Page 10

Matter	Association's rule number
d. The filling of casual vacancies occurring on the committee.	By-Laws Article 11 Section 10 Page 10
e. The quorum and procedure at meetings of the committee.	Article VIII Page 3
Quorum:	Article VIII Section 2 Page 3
Procedure:	Article VIII Section 3 Page 3
f. The making and keeping of records of the proceedings at meetings of the committee.	By-Laws Article VI Section 10 Page 20
g. The circumstances (if any) in which payment may be made to a member of the committee out of the funds of the association. <i>Note: Any rules that provide for payment to a committee member from the Association's funds must state that this can only occur if the payment is authorised by a resolution of the association.</i>	
7. The quorum and procedure at general meetings of members of the incorporated association.	By-Laws Article VI Page 19
Quorum:	By-Laws Article VI Section 8 Page 20
Procedure:	By-Laws Article VI Section 3 Page 19
8. The notification of members or classes of members of general meetings of the incorporated association and their rights to attend and vote at those meetings. <i>Note: The rules made must provide for all members of the incorporated association to be entitled to receive notice of and to attend any general meeting of the association.</i>	By-Laws Article VI Section 10 Page 20
9. The time within which, and manner in which, notices of general meetings and notices of motion are to be given, published or circulated.	By-Laws Article VI Section 10 Page 20x
10. The number of members, expressed as a percentage of membership, who may at any time require that a general meeting of the incorporated association can be convened. <i>Note: This percentage cannot be greater than 20%.</i>	By-Laws Article VI Section 3 Page 19

Matter	Association's rule number
11. The manner in which the funds of the association are controlled.	Article VIII Section 3 Page 3 & 4
12. The day in each year on which the financial year of the incorporated association commences.	By-Laws Article II Section 1 Page 9
13. The intervals between general meetings of members of the incorporated association and the manner of calling general meetings.	By-Laws Article VI Section 3 Page 19
14. The manner of altering and rescinding the rules and of making additional rules of the incorporated association.	Article XII Section 1 & 2 Page 6 By-Laws Article X1 Section 1 & 2 Page 25
15. Provisions for the custody and use of the common seal of the incorporated associations, if it has one.	
16. The custody of books and securities of the incorporated association.	By-Laws Article 111 Section 6 (d) Page 14
17. The inspection by members of the incorporated association of records and documents of the incorporated association.	Article VIII Section 3 (d) Page 3
18. A procedure for dealing with any dispute under or relating to the rules: a) between members; or b) between members and the incorporated association.	By-Laws Article X Page 23, 24, 25
19. The manner in which surplus property of the incorporated association must be distributed or dealt with if the association is wound up or its incorporation cancelled. <i>Note: An association's surplus property can only be distributed to:</i> <ul style="list-style-type: none"> • an incorporated association; • a company limited by guarantee registered under the Corporations Act 2001; • an organisation that holds a current licence under the Charitable Collections Act 1946; • an organisation that is a member or former member of the association and whose rules prevent the distribution of property to its members; or • a non-distributing co-operative registered under the Co-operatives Act 2009. 	By-Laws Article IX Section 7 Page 22 & 23