

The Balloon Club of NSW & ACT Inc.



Rules of Association

Rules of Association The Balloon Club of NSW & ACT

PART A: GENERAL

1. Name of Association

The name of the club shall be the "Balloon Club of NSW & ACT" and shall hereafter be referred to as the "Club".

Notwithstanding the above, the committee shall have the power to authorize the use of the Club name or abbreviation thereof for any purpose it deems appropriate.

2. Interpretation of the Rules

In these rules unless the contrary intention appears: -

- "Books" shall include all books of account [such as Profit & Loss and Balance Sheet Statements], register of members and any other record of information compiled, recorded or stored in written or printed form or otherwise.
- "Calendar year" means the period of twelve months commencing on the first day of January.
- "Club" means the "Balloon Club of NSW & ACT" duly appointed in accordance with these rules.
- "Constitution" shall imply the rules of Association of the "Balloon Club of NSW & ACT".
- "Fees" shall mean the subscription liable to be paid by any person wishing to become a member of the Club and payable yearly on renewal of membership.
- "Financial Member" shall mean and include every member that has paid all "fees" due in accordance with Section 15 of these rules.
- The Financial Year of the Club shall run from 1 July in each year until 30 June in the succeeding year.
- "General Meeting" of the Club means a general meeting of members convened in accordance with Section 27 of these rules.
- "Officer", in relation to the Club, includes:
 - a) any member appointed to the Committee in accordance with Section 12 of these rules; &
 - b) any person/s appointed by the Committee in accordance with Section 13 of these rules.
- "Public Officer" shall mean:
 - a) the person appointed by the authority to act on behalf of the Club in all matters relating to Corporate Affairs; &
 - b) the person specified on Form 5, lodged with the ACT Registrar's Office.

The masculine shall be taken to include the feminine and the singular shall be taken to include the plural.

3. Observance of Rules

Every member of the Club binds himself to abide by the rules contained herein and by any modifications thereof made in conformity with such rules and to accept as final and binding the decision of the Committee in all cases of dispute or disagreement as to their interpretation.

4. Objects of the Club

- a) To promote the sport of Hot Air Ballooning, Gas Ballooning and Airships and the interest therein by sharing and exchanging information.
- b) To hold competitions, outings and social events for members of the Club and to co-operate with clubs of similar interest throughout Australia and the world.
- c) To be a non-profit organization. Any accumulated profits are to be used for the requirements of the Club and be used at the Committee's discretion for the betterment of the Club.
- d) To afford members such benefits and privileges as it may be possible to arrange.
- e) To purchase, hire, make or provide and maintain all kinds of hot air balloons, vehicles, furniture, implements, tools, machinery, books, papers, periodicals and stationary and all other things required or which may be deemed necessary or convenient for any purposes of the Club.
- f) To purchase, take on lease, or exchange, hire or otherwise acquire any real and personal property which may be deemed necessary or convenient for any purpose of the Club.
- g) To accept any gift of property whether subject to any special trust or not for any one or more of the objects of the Club.
- h) To hire and employ personnel as may be deemed necessary by the Committee and pay them for services rendered to the Club in the form of salaries, wages or gratuities.
- i) 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 Club by way of donations, sponsorships, subscriptions or otherwise.
- j) To do all such lawful things as the Club may, from time to time, consider relevant or conducive to the attainment of the Club's objectives such as:
 - borrow, raise or secure funds; &
 - engage the services of personnel, be they a member of the Club or not, to act in an advisory capacity and subject to conditions imposed by the Club Committee.

5. Club Income

All income and property of the Club shall be applied solely towards the promotion of the objects of the Club, as outlined herein, and no portion thereof shall be paid or transferred directly or indirectly in any way or form to the members of the Club except in payment or remuneration to any officer/s for services rendered to the Club in good faith and in accordance with Section 4 of the rules.

6. Membership categories

The following types of membership are available at fees set by the committee: -

- a) "Member" – person who has paid the prescribed fees on admission to the Club and has a vested interest in the objectives of the Club.
- b) "Family Membership" – only one member covered under Family Membership can hold office and only adult members, adult being defined as 18 years or over, can vote at Club meetings.

- c) "Associate Member" – the immediate family of a member such as husband, wife, son, daughter, etc. An associate member can attend Club meetings, outings, etc. but cannot vote or speak at meetings.
- d) "Life Membership" - person appointed at the discretion of the Committee, on payment of prescribed fees if required, who is considered to have made a valuable or significant contribution to the sport of ballooning in Australia and shall be entitled to all privileges associated with membership.

7. Admission to Membership

The Committee shall have power to:

- a) Admit a person to membership on receipt of the prescribed fees and application form;&
- b) Decide if it will grant "Membership", "Family Membership", "Associate Membership" status or "Life Membership"; &
- c) Reject membership application on fair grounds.

The Committee is not required to state the reasons for refusal to grant membership to the Club, either verbally or otherwise.

8. Resignation of Membership

Any member wishing to resign from the Club must do so in writing to the Secretary and the resignation is to be tabled before the Committee at its next meeting. Upon resignation from the Club the member may be required to pay the balance owing on his subscription or forfeit any claim thereto.

9. Expulsion from the Club

- a) The Committee may expel from the Club or penalise any member whose conduct, in the opinion of the Committee, is discreditable, or compromises the Club in any way.
- b) Prior to taking such action, the Committee shall commence a full enquiry into the conduct of the member in question and provide him with a written notice (4 weeks) stating their intentions. The member shall be given adequate notice to prepare a written/oral submission to the Committee and to appear before any meeting of the Committee, in person or by proxy, at which it is proposed to consider such actions.
- c) The Committee may expel, suspend or penalise a member of the aforesaid conduct provided a quorum has been established and the majority of the Committee are present at such an enquiry. The decision of the Committee is to be notified by two-thirds of the total membership of the Club voting at a Special General Meeting.
- d) Should any member fail to appear at any enquiry conducted under Section 9(b) hereof, or any adjournment thereof, the Committee may proceed in that member's absence to conduct the said enquiry and to make its findings in accordance with Section 9 of these Rules.

PART B: ADMINISTRATION

10. Club Management

The Committee, subject to these rules, shall:

- a) Control and manage the business and affairs of the Club;
- b) Exercise all such powers as are applicable to the Club other than those specifically reserved for a general meeting of members; &
- c) Have the power to perform all such acts which are deemed essential for the proper and effective management of the business and affairs of the Club.
- d) Payments from the Club bank account shall be by cheque signed by any two of the President, Secretary, Treasurer or such other officers as the Committee may approve as signatories, or electronically by the Treasurer if and only if the Committee has authorised the payment.
- e) The Common Seal of the Club shall be kept in the custody of the Secretary and applied to such documents or transactions as the Committee may approve from time to time.

11. Committee Members

- a) The Committee of the Club shall consist of the following positions:
 - President
 - Vice-President (Ballooning)
 - Vice-President (Social)
 - Treasurer
 - Secretary
 - Newsletter Editor
 - Safety & Technical Officer
- b) The position of Sydney Representative is a nominal position only and will only be filled if the Committee of the Club resides in Canberra. Should the Committee reside in Sydney, the representative shall be an elected member from Canberra.
- c) Committee members are to be elected at the A.G.M. All Committee members shall hold office until the next A.G.M., unless removed from office, and are eligible for re-election, except where expelled from office.
- d) All members elected to the Committee must be financial members of the Club.
- e) On the resignation of a Committee member, other than in the normal course of elections, the Committee shall appoint a financial member of the club to fill the vacancy. The newly elected Committee member shall retain office until the expiration of his predecessor's term.
- f) Meetings of the Club Committee shall be at their discretion at such place and time as the Committee deems necessary to conduct the business of the Club. The Committee may conduct its business in person or by electronic means, provided that the first Committee meeting after the Annual General Meeting shall be conducted by not less than four members present in person and others having the ability to participate by electronic means. At other Committee meetings a quorum shall be four members participating in person or electronically.
- g) Special meetings of the Committee may be convened by any member thereof.
- h) The President of the Club shall preside over all Committee meetings and in his absence the Committee shall elect any of its members to take the chair.
- i) In the event of an equality of votes on any question, the Chairperson at all Committee meetings shall have a casting vote in addition to a deliberative vote.
- j) The Committee shall have the power to delegate any of its power to a Sub-

Committee to deal with any matter it deems fit. Any Sub-Committee so formed shall comply with the conditions and stipulations imposed by the Committee. The President of the Club shall be an ex-officer member of any such Sub-Committee

- k) The Committee shall have sole control of all moneys of the Club in accordance with the rules outlined herein.
- l) All acts and decisions made or performed by any meeting of the Committee or by any member thereof shall be binding on the Club unless:
 - Any or all members of the Committee were appointed in a fraudulent manner;
 - &
 - The acts &/or decisions were made or performed in bad faith.
- m)

12.Nominations & Elections of Committee Members

- Nominations for each candidate for election as committee member, shall be proposed and seconded respectively by two financial members using the prescribed form which is to be forwarded to the Secretary no later than one calendar month prior to the AGM.
- Nominations will not be accepted unless:
 - I) Candidate has furnished verbal/written consent to nomination
 - II) Candidate has not previously accepted nomination to any other office;
 - III) Candidate is a financial member of the Club;
 - IV) Nomination is received within the prescribed period
- Candidates can only be nominated for one office.
- Nominations will be published and forwarded to each member, no later 3 weeks prior to the AGM, after which postal votes will be accepted up to and including the AGM. Any postal or proxy votes received after the AGM are rendered invalid.
- The election of Committee members shall take place at the A.G.M. and in the event of more than one candidate being nominated for a particular office, the election shall be conducted by a show of hands or secret ballot. The candidate receiving the highest proportion of votes shall be deemed the winner and in the event of an equality of votes the Chairman shall exercise a casting vote.

13.Sub-Committees

The Committee has the power to create and delegate any of its power to take a Sub-Committee, such as: -

- a) Ballooning Sub-Committee which shall formulate, organise, co-ordinate and direct the running of any ballooning events undertaken by the Club at the direction of the Committee. These include get-togethers (non competitive) to discuss technical matters, sanctioned events (under standard competition rules) and special competitions (invitational's, prize money events and tasks not necessarily involving standard tasks).

The Ballooning Sub-Committee shall be responsible for setting and maintaining the standard of ballooning events run by the Club, or under its auspices, in compliance with the standards outlined by the A.B.F. (Australian Ballooning Federation).

- b) Social Sub-Committee which shall be responsible for the co-ordination, direction and organisation of all Club social activities (formal or otherwise) subject to the direction of the Committee. These include dinners, film and theatre nights, fund raisers, presentations and any other events not of a competitive or technical nature.

14. Resignation from the Committee

Any member of the Committee wishing to resign must do so in writing to the Secretary. The resignation shall be tabled at the next meeting of the Committee and submitted for publication in the Club's newsletter.

15. Club Fees

The Club subscription fee for the year shall be determined by the Committee, to be paid on admission to the Club and thereafter on renewal of membership.

- The change of fees shall not be made without the consent of the majority of members of the Committee.
- All fees are to be paid within 30 days of expiration of membership, being 30 June of each year. Any fees not paid within this period will automatically lapse membership and the members name shall thus be removed from the register. The Committee may exercise discretion to retain such a member on the register on the provision that his outstanding fee be paid in full by a date to be determined by the Committee. Failure to do so will result in definite lapse of membership.

16. Members Liability

The liability of a member to contribute towards the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any unpaid by the member, in respect of membership of the Association as required by Rule 15.

17. Club Property & Assets

- The Committee shall retain accurate records of all Club property and assets in its possession including their whereabouts and value. Such property is to be kept in good order and is not to be used for any purpose other than for Club use.
- Any property on loan to a member shall be signed for and returned within a prescribed period set by the Committee.
- Loss or damage to such property shall be paid for by the borrower whilst under his care.
- The Committee shall report to the General Meeting the loss of or damage to property and the acquisition of any new assets of which a full list is to be submitted for the benefit of Club members. Any member wishing to borrow such property must do so in writing to the Committee.

18. Trustees

Unless otherwise specified the members of the Committee shall be deemed to be the trustees of the Club, to hold any property, real and personal, belonging to the Club.

PART C: DUTIES OF THE COMMITTEE MEMBERS

19. President

The President shall oversee the running of all aspects of the Club and chair all meetings at which he is present. He shall liaise with any external parties and the Committee on matters concerning the Club, as its chief representative, and shall enter into all correspondence, not of a financial nature, on behalf of the Club.

The President shall be responsible for presenting the Annual Report of the Club activities at the Annual General Meeting and submit a written report for publication in the Club's newsletter.

20.Vice-President

The Vice President shall oversee the running of his respective Sub-Committee and shall act as assistant to the President on all matters relating to his Office. In addition, the Vice President shall present a summary of his respective sub-committee's activities at the A.G.M. and submit a written report for the Clubs newsletter. The Vice-President of the Ballooning Sub-Committee must be a qualified balloon pilot currently registered with the A.B.F. Proof must be submitted at the time of nomination to office.

21.Secretary

The Secretary shall convene all meetings and shall liaise with the President on all correspondence of the Club, where appropriate. He shall maintain a register of members and be responsible for collecting membership forms and proxy forms (including the distribution thereof).

The Secretary shall record the minutes of all convened meetings and submit these for confirmation at the next meeting. In addition, he shall record such other information as directed by the Committee.

22.Treasurer

The Treasurer shall liaise with the Secretary on the collection of all subscriptions and moneys due to the Club, for which he is to provide an official receipt.

He shall be responsible for maintaining accurate books of account (Cash book per receipts and payments) for all moneys received and disbursed and shall report at general meetings on the financial position of the Club. He may retain a sum of money as petty cash, ensuring he maintains accurate records thereof, at the Committee's discretion and deposit all other moneys into the Club's bank account as soon as practicable. In addition, he shall prepare a Profit & Loss Statement for submission to the Annual General Meeting. These are to be submitted for publication in the Club's newsletter after the A.G.M.

23.Editor

The Editor shall be responsible for the production of the Club's newsletter and for the collection of all material to be published therein.

The Editor shall liaise with the Committee of the Club on special articles to be published therein and shall have editorial control over all articles to be included or omitted for publication in the Club's newsletter.

24.Safety & Technical Officer

The Safety & Technical Officer shall conduct and co-ordinate seminars on safety and technical matters of interest to balloonists, such as:

- Handling LPG
- Navigation
- First Aid
- Power lines
- Balloon Design

- Inflation Techniques
- Meteorology, etc

The Safety & Technical Officer shall at all times actively encourage safe flying and shall assist in the exchange of safety information between Club members, visiting balloonists, local providers of essential services, and the ABF. The Safety Officer shall liaise with the ABF National Safety Officer for this purpose.

25. Indemnity of Officers

- No members of the Committee or other officer or member of the Club shall be held liable for the acts, neglects or defaults of another officer or member of the Club or Committee.
- Nor shall any member or Officer of the Club be held liable for any loss, expense or damage incurred by the Club arising from bankruptcy, insolvency or tortious act of any person with whom any moneys, securities or effects have been deposited or for any loss or error in judgment, omission, default or otherwise on his own part in executing the duties of his office unless the same happens through his wilful neglect or default.

PART D: MEETINGS OF THE CLUB

26. Annual General Meeting

- The Club shall convene an Annual General Meeting of its members in each calendar year.
- The Annual Report and the audited books of the Club are to be submitted to the members at the Annual General Meeting.
- By-laws for inclusion in the Clubs Constitution, to effect the proper administration of the Club, may be made at the Annual General Meeting. Any by-laws so made shall not be repealed, added to or amended unless and until:-
 - a) Notice of intention to propose such a repeal, addition or amendment is first given in writing by a member of the Club to the Committee not later than 30 days prior to the date of the Annual General Meeting and included in the agenda for such a meeting.
 - b) Such a repeal, addition or amendment is proposed at the A.G.M. and is approved by not less than two-thirds of the members of the Club present at such a meeting and voting thereon.
- The election of committee members for the ensuing twelve months shall take place at the A.G.M. together with any other business specified on the agenda for the meeting.

27. Special General Meetings

-
-
- A Special General Meeting of the Club may be convened by the Committee or at the written request of 5 members of the Club, delivered by post or electronic means to the Secretary and the Public Officer and notifying the special business for which the meeting is to be called.

- On receiving a requisition for a Special General Meeting the Secretary shall consult the Committee and the Committee shall set a time and place for the meeting, not less than 21 days nor more than 45 days from the date of the Secretary receiving the requisition.
- The Secretary shall advise members of the date, time and place of the meeting, and the special business to be enacted, not less than 21 days before the meeting. Members wishing to propose an amendment to the special business may do so in writing or by electronic means to the Secretary not less than 15 days before the day of the meeting, and the Secretary shall advise members of any proposed amendments and call for proxies not less than 10 days prior to the meeting.
- The special business shall only be of effect if it is proposed at the meeting and approved by resolution of not less than three quarters of the members of the Club voting at the meeting in person or by proxy.”

28. General Meetings

- The President of the Club shall be the Chairman at all General Meetings. In his absence, one of the Vice Presidents shall preside and in his absence the Committee shall elect a member to take the chair.
- At all such meetings the Chairman’s decision on points of order shall be final and he shall have a casting vote in addition to his deliberate vote.
- The quorum for a general meeting shall be not less than 10% of the current financial members present.
- If there be no quorum within 30 minutes after the appointed time at the adjourned meeting then the meeting shall lapse altogether.
- Only members present in person shall be entitled to vote.

PART E: AMENDMENTS TO THE CONSTITUTION OF THE BALLOON CLUB OF NSW & ACT

These Rules of Association shall represent the Constitution of the Balloon Club of NSW and ACT Incorporated. They may not be altered, amended, added to or repealed except by a Special Resolution approved by three quarters of the members voting at an Annual General Meeting or a Special General Meeting called for the purpose and of which not less than 21 days notice, accompanied by notice of intention to propose the resolution as a special resolution, has been given to the members of the Club.

PART F: DISSOLUTION OF THE CLUB

- The Committee shall consider the question that this Club be dissolved only if:
 - a) The membership of the Club is less than 10 persons.
 - b) A request to that effect, in writing signed by 90% of financial members, is received;
 - c) In the event of such dissolution being recommended by a majority of members or the Committee, funds and assets (after payment of liabilities) may be handed over to any other Association as may be decreed by the Committee.