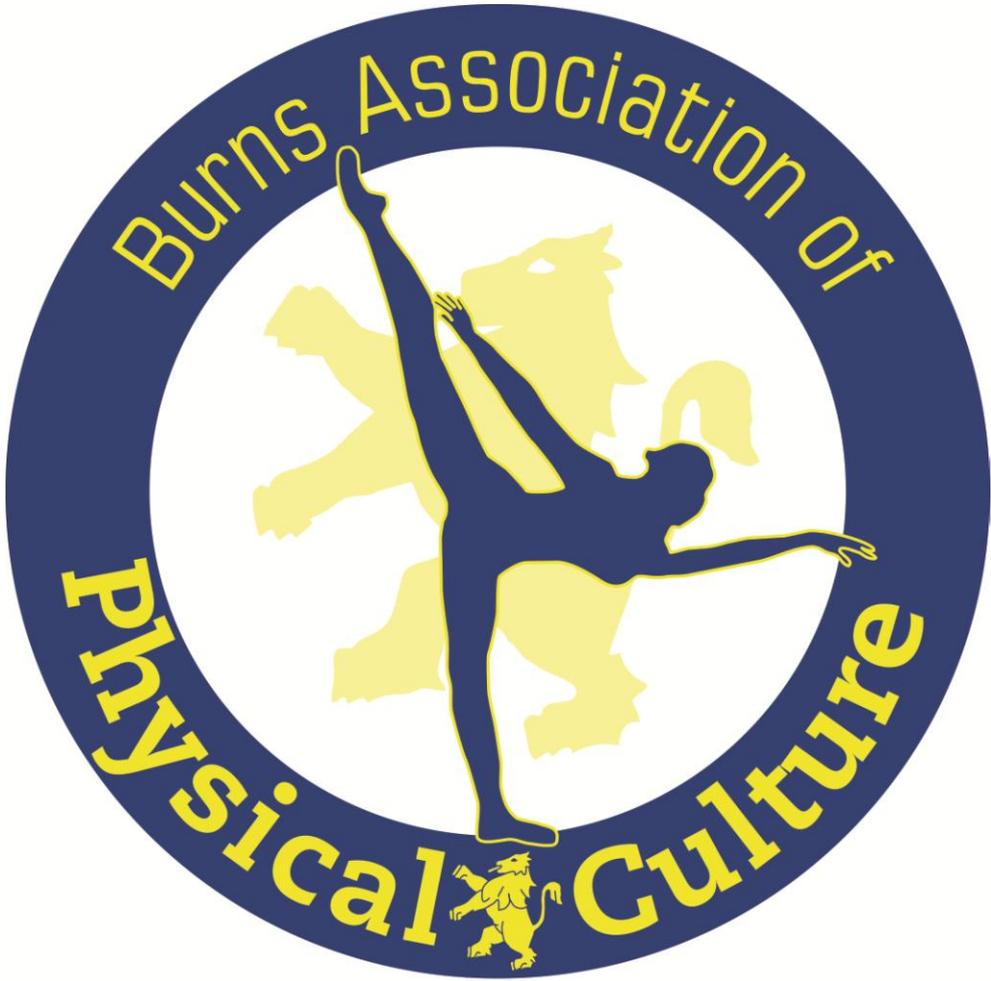


*Burns Association of Physical Culture*

*Incorporated*



*Constitution*

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## **SECTION 1 - THE ASSOCIATION**

- 1.1 The name shall be the "Burns Association of Physical Culture" Inc", herein after referred to as the Association.
- 1.2 The objects of the Association shall be to encourage, foster, promote, extend, develop and control physical culture for members of affiliated clubs within the Association.
- 1.3 To ensure that persons participating in competitions controlled by the Association are financial members of an affiliated club within the Association, and any person may elect to be a member of any affiliated club within the Association.

## **SECTION 2 - COMMITTEES**

- 2.1 The General Committee of the Association shall consist of:
  - a) The Association President; Association Vice President; Association Secretary/Treasurer and Chief Instructress and/or persons responsible for that position, which form the Executive; and
  - b) The Competition Organiser; Publicity Officer; Two (2) Teacher Delegates; Two (2) Non-Teacher Delegates; the Minute Secretary; and
  - c) Two (2) Representatives from each Constituent Club.
- 2.2 The presence of ten (10) members of the General Committee, two (2) of whom must be on the Executive, may form a quorum at any meeting of the General Committee.

## **SECTION 3 - MANAGEMENT COMMITTEE**

- 3.1 At its first meeting after the Annual General Meeting of the Association, the General Committee shall announce a Management Committee consisting of:
  - a) President; Vice President; Secretary/Treasurer; Chief Instructress and/or persons responsible for that position; Competition Organiser; Minute Secretary; Publicity Officer, Two (2) Teacher Delegates; and Two (2) Non-Teacher Delegates. Each member of this Committee shall be entitled to one vote.
  - b) (The two (2) Teacher Delegates are to be elected at Teachers' Class).
  - c) The Reserve Teacher and Reserve Non-Teacher Delegates may attend Management Committee Meetings in a non-voting capacity.
- 3.2 The Management Committee shall exercise all, or any, of the powers of this Constitution and/or any By/Laws made thereunder, conferred upon the General Committee. Five (5) members shall constitute a quorum of the Management Committee.

- 3.3 The Management Committee has the power to convene an Extraordinary General Meeting at any time provided fourteen (14) days notice of the time and place appointed shall be forwarded to the Secretary of each constituent club by the Association Secretary who shall also, at least fourteen (14) days before the time appointed forward a copy of the Agenda of said meeting to each Secretary.
- 3.4 The Management Committee shall present a report of its activities and decisions to each meeting of the General Committee.
- 3.5 The Management Committee shall also carry out the duties of the judiciary committee and investigate:
- a) All cases of misconduct of members;
  - b) All disputes, protests and appeals between clubs relating to any competition or otherwise
  - c) The judiciary committee may in its discretion deal with any matter before it by fine, disqualification, suspension, penalty in costs and expenses or otherwise.
- 3.6 Applications for the position of Chief Instructress, and/or persons responsible for that position and Competition Organiser will be called for bi-yearly in May and the appointments made by the Management Committee in June, to commence on July 1.
- 3.7 Applications for the position of Secretary/Treasurer will be called for in November and appointment made by the Management Committee at the Annual General Meeting with the term of office commencing from that day each year.

#### ***SECTION 4 - ASSOCIATION AND CONSTITUENT CLUBS***

- 4.1 Each Club shall hold an annual meeting and shall elect or appoint its representatives to the General Committee of the Association, by the last week in March. Each Club should then send a copy of its elected representatives to the Association Secretary.
- 4.2 DELEGATION BY MANAGEMENT COMMITTEE TO SUB-COMMITTEE
- 1. The Management Committee may, by instrument in writing, delegate to one or more Sub-Committees (consisting of such member or members of the Association as the Management Committee thinks fit) the exercise of such of the functions of the Management Committee as are specified in the instrument, other than:
    - a) this power of delegation; and
    - b) a function which is a duty imposed on the Management Committee by the Act or by any other law:

2. A function the exercise of which has been delegated to a Sub-Committee under this Clause may, while the delegation remains unrevoked, be exercised from time to time by the Sub-Committee in accordance with the terms of the delegation.
  3. A delegation under this Clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
  4. Despite any delegation under this Constitution, the Management Committee may continue to exercise any function delegated.
  5. Any act or thing done or suffered by a Sub-Committee acting in the exercise of a delegation under this Constitution has the same force and effect as it would have if it had been done or suffered by the Management Committee.
  6. The Management Committee may, by instrument in writing, revoke wholly or in part any delegation under this Clause.
  7. A Sub-Committee may meet and adjourn as it thinks proper.
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- 4.3 Any constituent Club may at any time recall its representative or representatives on the General Committee to elect others in their place. Any changes must be notified to the Association Secretary.
  - 4.4 The General Committee shall hold its first meeting in February each year.
  - 4.5 Subject to direction by the General Committee, the Executive may determine the time and place of the meetings of the General Committee.
  - 4.6 The Executive may call a meeting of the General Committee at any time and the Association Secretary shall within fourteen (14) days after receiving a requisition signed by seven (7) members of the General Committee indicating the nature of the matters to be discussed thereat, convene a special meeting of the General Committee.
  - 4.7 The General Committee may by resolution declare that the place of:
    - a) any member of the Management Committee
    - b) any member of the Executive  
who has failed to attend three (3) consecutive meetings of such Committee of which he/she is a member, without good reason, has become vacant.
  - 4.8 Except where otherwise provided in this Constitution, questions at any meeting of the General Committee and of any other Committee established by this Constitution or by any By-Laws made thereunder shall be decided by a majority of votes and in every case of an equality of votes the President or Chairman as the case may be, shall have a casting as well as a deliberate vote.

- 4.9 No resolution passed at any meeting of the General Committee shall be rescinded at a subsequent meeting unless notice of the intention to propose such rescission shall have been given.

## **SECTION 5 - ANNUAL GENERAL MEETING**

- 5.1 The Annual General Meeting of the Association shall be held at such place and at such time after the end of the syllabus year as the General Committee shall determine and at least fourteen (14) days notice of the time and place appointed shall be forwarded to the Secretary of each constituent club by the Association Secretary, who shall also, at least fourteen (14) days before the time appointed, forward a copy of the agenda of the Annual General Meeting to each Secretary.
- 5.2 To be eligible to vote at an Annual General Meeting, voters must be a registered member of an affiliated club or paid a nominated fee to the Association.
- 5.3 The business of the Annual General Meeting shall be:
- a) Check credentials;
  - b) Minutes;
  - c) President's Opening Address;
  - d) To receive all annual reports and audited financial statement;
  - e) Business arising therefrom;
  - f) Correspondence;
  - g) Consideration of Constitution and any vote on constitutional change;
  - h) Election of officers;
  - i) Motion of which due notice has been given.
- 5.4 Notice of Motion involving or affecting any matter of principle or policy of the Association shall be given to the Association Secretary, duly seconded, no later than twenty-one (21) days before the time appointed for the opening of the General or Annual General Meeting. A copy of notices of motion will be sent to all club secretaries with the agenda.

## **SECTION 6 - FINANCE**

- 6.1 The financial year of the Association is each period of 12 months after the expiration of the previous financial year of the Association, commencing on 1<sup>st</sup> January and ending on the following 31<sup>st</sup> December.
- 6.2 The finance of the association will be controlled by the Management Committee and all affiliated clubs shall pay to the Association the amount set by the Management Committee as affiliation fees.
- 6.3 The Association is a non-profit Association and annually after deduction of expenses for the running, organising and controlling of competitions and other activities of the clubs within it, any monies remaining in the Association's bank account shall be held there as surplus funds for the furtherance of its objectives.

- 6.4 The Management Committee shall have the power to elect if necessary, a Secretary and/or Treasurer, Competition Organiser and Syllabus Co-ordinator/s who will be reimbursed for services rendered or expenses incurred.
- 6.5 In the event of the Association being dissolved, after the settlement of all debts and liabilities, any monies remaining will be donated to "The New Children's Hospital" at Westmead.
- 6.6 Should the Association at any time decide that it would further their obligations to amalgamate with another organization with similar objectives the other organization must be governed by the same rules regarding distribution of assets.

## **SECTION 7 - CONSTITUENT CLUBS**

- 7.1 The Association shall administer the organization of clubs for the benefit of persons wishing to learn physical culture and teachers shall be invited to form clubs which shall become part of the Association.
- 7.2 All members of syllabus classes, whether competing or not, must pay an annual registration fee to the Association, as set by the Management Committee.
- 7.3 Each club shall pay a levy per pupil per week as determined by the Association, and each individual club shall pay such amounts to the Association on a monthly basis and the Association and its Committee of Management shall have absolute discretion regarding the use of such levies.
- 7.4 Each financial member of a club who is aged eighteen (18) years and over and who has been a member of the club for a minimum period of twelve (12) weeks shall be entitled to vote on any decisions made by the individual club in the event of the club wishing to leave the Association, provided however, that a club may not leave the Association unless there is a two third (2/3) majority vote by club members present at a meeting. Each financial member of a club who is aged under eighteen years and who has been a member of the club for a minimum period of twelve weeks shall be entitled to a vote by proxy, provided that such proxy is given to a person over the age of eighteen years. Where a two third (2/3) majority of a club vote to leave the Association then all account books should be closed after the end of the syllabus year and any remaining funds be handed to the Association.
- 7.5 In the event of the club wishing to have a meeting to discuss the question of membership of the Association, then the club secretary or any other representative of the club designated for the purpose shall give written notice of at least fourteen (14) days in advance of the meeting to those members entitled to vote at a club meeting together with all members of the Association Management Committee, provided however, that the Association may in its absolute discretion, agree to reduce the time for notice and also agree to permit a club to leave the Association without the required two third (2/3) majority vote.
- 7.6 The Management Committee of the Association shall have complete power to appoint teachers to affiliated Clubs. Any teacher who does not meet the standard set by the Association may be dismissed at any time. However, individual Clubs concerned will be consulted prior to any firm decision being taken.

## **SECTION 8 - ALTERATIONS TO CONSTITUTION**

- 8.1 This Constitution shall not be altered unless the proposed alteration is carried by a two-third (2/3) majority at an Annual General Meeting of the Association.
- 8.2 Notice of any proposed alteration of this Constitution shall be given to the Secretary in writing at least twenty-one (21) days before the date appointed for the holding of the Annual General Meeting at which it is intended to submit such proposed alteration.
- 8.3 This Constitution and all By-Laws made therewith shall bind the Association and every constituent Club associated with the Association.
- 8.4 All members of every such club and every person who is a member of or associated with such Association or Club shall be deemed by virtue of such membership or association to have agreed to be bound by this Constitution and all By-Laws thereunder.

Amended at the Annual General Meeting on Thursday 24<sup>th</sup> February 2011