

AUSTRALIAN CAPITAL TERRITORY

Cover page

DRAFT UPDATE

RULES AND CONSTITUTION OF THE SPANISH AUSTRALIAN CLUB OF CANBERRA ACT INCORPORATED

CHANGED PARAGRAPHS

New paragraphs are underlined. example

Deleted paragraphs or text is crossed out: ~~example~~

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section of www.spanishclubcanberra.webs.com

Gaming Machines Act 2004

**AUSTRALIAN CAPITAL TERRITORY
ASSOCIATIONS INCORPORATION ACT 1991 1953—1956**

**RULES & CONSTITUTION OF "THE SPANISH AUSTRALIAN CLUB" OF CANBERRA, ACT
INCORPORATED**

1. c. To promote the culture and way of life of Spanish people in Canberra and surrounding districts. Consistent with object b. to preserve the records, arts and way of life of Spanish people in Australia. [Drafters Note: the Club has never in its 45 year history undertaken to preserve records and the new text is more in line with what it has actually been doing]
3. d. Not Used. Provide board and residence for members of the Club or their guests. [Drafters Note: the Club has never in its 45 year history undertaken to provide board or residence for members of the Club]
10. Every application for memberships shall be accompanied by the entrance fees, and the first annual subscription shall be paid within seven days of the notification of acceptance as a member of the Club provided that the Committee may remit a proportion of the annual subscription, in the case of a member admitted to membership after the expiration of six months from the commencement of the year. At the discretion of the Committee the entrance fee may be waived from time to time for all applicants. [Drafters Note: This is current practice]
16. f. Full Voting Rights Members
Reciprocal Members. [Drafter's Note: Reciprocal Members mandatory removal as this is against Gaming Machines Act 2004]
17. c. Every Life Member shall be entitled to all the privileges and subject to all the duties of a full voting rights member during his life, except the requirement to pay an annual subscription.
18. A person may become Foundation Member of the Club upon payment of the sum of \$20 (Twenty Dollars) on or before the day of the commencement of the construction of the club premises, such a sum include entrance fees. The provisions of Clause 8 do not apply to the election of a Foundation Member. Foundation members have full voting rights.
19. Pensioners, invalid pensioners, retired persons and low income students may become full voting rights members on payment of a lesser fee annually compared to normal full voting rights member symbolic fee of \$1.00 (annually) and shall not be liable to entrance entry fees. [Drafters Notes: To keep up with current practices].
20. Associated members, without voting rights, shall be;
- b. Not Used. full members' spouses, who shall not be liable to any annual fees; Drafter's Note: mandatory removal as this is against Gaming Machines Act 2004
- c. Not Used. active participants of the Narrabundah Soccer Club, the Theatre Group and the Folkloric Dance Group of the Club. These persons shall not be liable to any annual fees. [Drafter's Note: mandatory removal as this is against Gaming Machines Act 2004]
- Associated members, as described above, shall not be liable to entrance fees but will be liable for an annual fee.
- 21 Any two members of the Committee, one of whom shall be the President or Vice-president, may elect any adult person who is not a resident of the Australian Capital Territory, to be an honorary member of the Club for a period of two months and a further period of not more than fourteen days. No further extension of this privilege shall be granted. The Honorary Member will only be liable to a nominal \$2 membership fee for the period of membership granted. [Drafter's Note: mandatory for a fee to be paid as required by Gaming Machines Act 2004]

FULL VOTING RIGHTS MEMBERS RECIPROCAL MEMBERS Drafter's Note: mandatory removal as this is against Gaming Machines Act 2004]

22. a. ~~Full Voting Rights Members enjoy all the privileges of the Club and are those members of the Club who can attend Annual General Meetings and other Special Meetings and who by their vote can steer the course of the Club. Full Voting Rights Members are eligible to be presented as candidates for the Club's Committee.~~

~~The Committee may from time to time arrange reciprocity of membership with any other Club or Association with similar objects to those of the Club, irrespective of whether that organisation is situated within or without the Territory.~~

- b. ~~Not Used. Upon the making of any such arrangement, the Committee may by resolution, direct that a member of, and in good standing with, other Club or association, shall be deemed to be a member of the Club without payment of annual subscriptions, and without the right to vote, but otherwise entitled to all the privileges, and subject to all the duties of a member.~~

39. f. if the Secretary is also the licensee under the Liquor ~~Act 2010~~ Ordinance, attend to the requirements of the ~~Associations Incorporation Act 1991 and the Liquor Act 2010~~ the that Ordinance,

50. If there be only one nomination for election to an office on the Committee, that member nominated shall be declared elected at the annual general meeting, and in respect of any office for which nominations have ~~not~~ **[error in original text]** been received, nominations for the vacant positions may be called orally at the annual general meeting, and any ballot necessary shall be conducted in accordance with the foregoing provisions of this constitution.

58. ~~Not Used. The Committee may in its discretion pay or authorise the payment of honoraria to such of its members as it deems fit for services rendered to the Club during the year; Provided that those honoraria may by special resolution on notice be disallowed at the annual general meeting.~~ **[Drafters Note: Proposed change]**

59. ~~Subject to the last preceding clause, Members of the Committee shall not be paid or receive any fees in respect of their services to the Club during the year, but no member shall be disqualified by his office from contracting with the Club in respect of a matter which is in the normal course of his usual business, profession or trade. The exception to this is that members of the Committee are not allowed to in the course of their usual business to lend money or lease premises to the Club.~~ **[DRAFTERS NOTES. THIS HAS BEEN ADDED BECAUSE OTHERWISE THIS CLAUSE IS AGAINST THE ACT]**

83. The Committee shall appoint an auditor for the purpose of the ~~Associations Incorporation Act 1991 and the Liquor Act 2010~~ who is not a member or the Public Officer of the Club.

90. A visitor to the Club shall not:

- a. be admitted to the Club premises, or supplied with liquor on the Club premises unless on the invitation and in the company of a member and ~~the visitor must be signed in by a Club member and accompanied by the member who signed them in.~~

92. The Club shall at all times be administered in accordance with the provisions of ~~the Liquor Ordinance 1929~~ **ACT Liquor Act 2010** - including any amendments thereof. The Club shall not make any payment or permit any payment to be made to any secretary, manager, servant, or person whatsoever by way of commission profit or allowance from or upon the receipts in respect of the sale of liquor disposed of in the Club premises.

PATRONS ~~[OLD CONCEPT NOT RELEVANT TODAY]~~

97. ~~Not Used~~ a. ~~The Committee may appoint any eminent person whether or not he is a member of the Club to be a Patron of the Club and if more than one Patron is appointed the Committee may designate one of those persons Chief Patron.~~

~~b. The appointment of a Patron shall remain in force until revoked by a resolution of the Committee.~~

98. The profits (if any) and other income and property of the Club however derived shall be applied solely towards the promotion of the objects of the Club and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profits to the members or any person claiming through or under them provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officers or servants of the Club or to any member thereof or other person in return for any services actually rendered to the Club nor prevent the

payment of interest on money borrowed from any member of the Club for any purposes of the Club, but so that no member of the Committee shall be appointed to any salaried office of the Club and that no remuneration or other benefit in money or moneyworth ~~(other than honoraria approved by the annual general meeting)~~ shall be given by the Club to a member of the Committee except repayment of out-of-pocket expenses and interest as aforesaid on money lent or reasonable or proper rent for demised premises or premises lent to the Club. [DRAFTERS NOTES. THIS HAS BEEN REMOVED BECAUSE IT IS AGAINST THE LIQUOR ACT 2010]

ACT GAMBLING AND RACING COMMISSION SPECIAL REQUIREMENT [Drafter's Note: mandatory new clause as per Gaming Machines Act 2004]

99. The Committee shall have the power to amend the constitution if directed to do so by the ACT Gambling and Racing Commission under section 148B of the Gaming Machine Act 2004 without the formal consideration of the voting members of the club. Members must be advised of any change to the constitution made under this provision within one month of the change being made.

We the members of the Spanish-Australian Club of Canberra, ACT Incorporated adopt the foregoing rules and Clauses of the Constitution numbered 1 to 99 inclusive, as the Rules and Constitution of the above-mentioned club.

Amendments were dated xxxxxx and approved by the Annual General Meeting of xxxxxx in the presence of:

The President

The Vice-President

The Secretary

The Treasurer

Margaret Bernal

Christopher Lander

Original Constitution was Dated in Canberra on the sixteenth day of the tenth month in the year one thousand nine hundred and sixty-six in the presence of