



TERRIGAL TROTTERS INC

CONSTITUTION

UPDATED

7 SEPTEMBER 2015

Terrigal Trotters Inc

Rules under the Associations Incorporation Act, 1984

Part 1 Preliminary	3
1 Definitions	3
Part 2 Membership	3
2 Membership qualifications	3
3 Nomination for membership	4
4 Cessation of membership	4
5 Effect of Membership	5
6 Membership entitlements not transferable	5
7 Resignation of membership	5
8 Register of members	6
9 Fees and subscriptions	6
10 Members' liabilities	6
11 Resolution of internal disputes	6
12 Disciplining of members	7
13 Right of appeal of disciplined member	7
Part 3 The committee	8
14 Powers of the committee	8
15 Constitution and membership	8
16 Election of members	9
17 Secretary	9
18 Treasurer	10
19 Casual vacancies	10
20 Removal of member	10
21 Meetings and quorum	11
22 Delegation by committee to sub-committee	12
23 Voting and decisions	12
Part 4 General meeting	13
24 Annual general meetings - holding of	13
25 Annual general meetings - calling of and business at	13
26 Special general meetings - calling of	13
27 Notice	14
28 Procedure	15
29 Presiding member	15
30 Adjournment	15

31 Making of decisions	16
32 Special resolution	16
33 Voting	17
34 Appointment of proxies	17
Part 5 Miscellaneous	17
35 Insurance	17
36 Funds - source	17
37 Funds - management	18
38 Alteration of objects and rules	18
39 Common seal	18
40 Custody of books	18
41 Inspection of books	18
42 Service of notices	19
43 Member Protection Policy	19
Appendix 1	20
APPLICATION FOR MEMBERSHIP OF TERRIGAL TROTTERS INC.	20
Appendix 2	21
FORM OF APPOINTMENT OF PROXY	21
Appendix 3	22
MEMBER PROTECTION POLICY	24
1 Introduction	24
2 Purpose of Our Policy	24
3 Who Our Policy Applies To	24
4 Extent of Our Policy	24
5 Association Responsibilities	25
6 Individual Responsibilities	25
7 Protection of Children	25
8 Taking Images	26
9 Anti-harassment, Discrimination and Bullying	27
10 Inclusive practices	27
11 Responding to Complaints	28
Attachment 1: CODE OF BEHAVIOUR	29
Attachment 2: HARASSMENT	30
Attachment 3: REPORTING FORM	32

Part 1 Preliminary

1 Definitions

- (1) In these rules:
 - (a) **Director-General** means the Director-General of the Department of Fair Trading.
 - (b) **ordinary member** means a member of the committee who is not an office-bearer of the association, as referred to in rule 14(2).
 - (c) **secretary** means:
 - (d) the person holding office under these rules as secretary of the association, or
 - (e) if no such person holds that office - the public officer of the association.
 - (f) **Special general meeting** means a general meeting of the association other than an annual general meeting.
 - (g) **the Act** means the *Associations Incorporation Act 1984*.
 - (h) **the regulation** means the *Associations Incorporation Regulation 1999*.
- (2) In these rules:
 - (a) a reference to a function includes a reference to a power, authority and duty, and
 - (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the *Interpretation Act 1987* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

Part 2 Membership

2 Membership qualifications

- (1) A person is qualified to be a member of the association if, but only if:
 - (a) the person is a person referred to in section 15(1) of the Act.,
or

- (b) the person is a natural person:
 - (i) who has been nominated for membership of the association as provided by rule 3, and
 - (ii) who has been approved for membership of the association by the committee of the association.

3 Nomination for membership

- (1) A nomination of a person for membership of the association:
 - (a) Can only occur after that person has completed 10 official Saturday morning runs with Terrigal Trotters.
 - (b) must be made by a member of the association in writing in the form set out in Appendix 1 to these rules, and
 - (c) must be lodged with the secretary of the association.
- (2) As soon as practicable after the nomination has been made, the secretary must:
 - (a) notify the nominee if the nomination is approved or rejected (whichever is applicable), and
 - (b) if the nomination is approved, request the bookkeeper to use the nominee's next 2 run fees as their membership fee and annual subscription.
- (3) the secretary must, on payment of the amounts referred to in clause (2) (b) enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of Terrigal Trotters Inc, receiving his/her official Trotters runner's number.

4 Cessation of membership

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to run with the Club for a period of six months or more.

(Membership resumes immediately upon attendance at a Trotters' run without loss of entitlements.)

5 Effect of Membership

Members acknowledge and agree that:

- (a) This Constitution forms a contract between each of them and the association and that they are bound by this Constitution, the Rules, and the Code of Behaviour.
- (b) they shall comply with and observe this Constitution, the Rules and the Code of Behaviour and any determination, resolution or policy which may be made or passed by the Committee or other entity with delegated authority;
- (c) by submitting to this Constitution, the Rules, and the Code of Behaviour they are subject to the jurisdiction of the association.
- (d) the Constitution, the Rules and the Code of Behaviour are necessary and reasonable for promoting the goals of the association; and
- (e) they are entitled to all benefits, advantages, privileges and services of association membership.

6 Membership entitlements not transferable

A right, privilege or obligation that a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.
(Excluding his/hers Trotters runner's number that is retained eternally.)

7 Resignation of membership

- (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by giving the secretary written notice.
- (3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

8 Register of members

- (1) The public officer of the association must establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (3) A member of the association may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

9 Fees and subscriptions

- (1) A member of the association must, on admission to membership, pay to the association a fee of \$1 or, if some other amount is determined by the committee, that other amount.
 - (a) In addition to any amount payable by the member under clause (1), a member of the association must pay to the association an annual membership fee of \$2 or, if some other amount is determined by the committee, that other amount. This fee will be covered by the Runner's next run fee.

10 Members' liabilities

The liability of a member of the association 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 respect of membership of the association as required by rule 8.

11 Resolution of internal disputes

- (1) Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.
- (2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

12

Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
 - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association.
- (2) On receiving such a complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned; and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (3) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- (4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 12.
- (5) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under rule 12(5),whichever is the later.

13

Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the committee under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

- (3) On receipt of a notice from a member under clause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under clause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

Part 3 The committee

14 Powers of the committee

The committee is to be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by these rules to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

15 Constitution and membership

- (1) Subject in the case of the first members of the committee to section 21 of the Act, the committee is to consist of:
 - (a) the office-bearers of the association, and
 - (b) 5 ordinary members,each of whom is to be elected at the annual general meeting of the association under rule 15.

- (2) The office-bearers of the association are to be:
 - (a) the president
 - (b) the vice-president
 - (c) the treasurer, and
 - (d) the secretary
- (3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

16 Election of members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee shall be taken from the floor at the Annual General Meeting or can be made in writing (endorsed by the candidate) and presented to the Secretary of the association prior to the commencement of the meeting.
- (2) If insufficient nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (4) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (5) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

17 Secretary

- (1) the Secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the committee,

- (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

18 Treasurer

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

19 Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the association, or
- (c) becomes an insolvent under administration within the meaning of the *Corporations Law*, or
- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under rule 19, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

20 Removal of member

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

21 Meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or 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 such other period as 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 clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 5 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

22**Delegation by committee to sub-committee**

- (1) The committee may, by instrument in writing, and/or orally delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the 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 committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a subcommittee under this rule 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 section 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 rule, the 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 rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

23**Voting and decisions**

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are to be determined 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 one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 20(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 General meeting

24 Annual general meetings - holding of

- (1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association must hold its first annual general meeting:
 - (a) within the period of 18 months after its incorporation under the Act, and
 - (b) within the period of 6 months after the expiration of the first financial year of the association.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26(3) of the Act.

25 Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to rule 23, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary members of the committee,
 - (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.
- (3) An annual general meeting must be specified as such in the notice convening it.

26 Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.

- (2) The committee must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and
 - (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, anyone or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

27 Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to members specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting. Notice can be via newsletter or by Saturday morning announcements.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to members specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution. Notice can be via newsletter or by Saturday morning announcements.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under rule 24(2).

- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

28 Procedure

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) is to constitute a quorum.

29 Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

30 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to members of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

31 Making of decisions

- (1) A question arising at a general meeting of the association is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;
 - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

32 Special resolution

A resolution of the association is a special resolution:

- (a) if it is passed by a majority which comprises at least three quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or

- (b) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (a) if the resolution is passed in a manner specified by the Director-General.

33 Voting

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

34 Appointment of proxies

- (1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

Part 5 Miscellaneous

35 Insurance

- (1) The association must effect and maintain insurance under section 44 of the Act.
- (2) In addition to the insurance required under clause (1), the association may effect and maintain other insurance.

36 Funds - source

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.

- (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.

37 Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

38 Alteration of objects and rules

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

39 Common seal

- (1) The common seal of the association must be kept in the custody of the public officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing 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 public officer or secretary.

40 Custody of books

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

41 Inspection of books

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

42 Service of notices

- (1) For the purpose of these rules, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) for the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

43 Member Protection Policy

The Member Protection Policy as set out in Appendix 3, including the incorporated Code of Behaviour, is adopted as a policy of Terrigal Trotters Inc to demonstrate our commitment to caring and fair treatment for all.

Appendix 1

(Rule 3 (1))

Trotter No

APPLICATION FOR MEMBERSHIP OF TERRIGAL TROTTERS INC.

(Incorporated under the *Associations Incorporation Act 1984*)

I,
(full name of applicant)

of.
(address)

..... hereby apply to become a
(occupation)

member of the abovenamed incorporated association. In the event of my admission as a member, I agree to be bound by the rules of the association for the time being in force.

.....
Signature of applicant

Date

I, a member for the association,
(full name)

nominate the applicant, who is personally known to me, for membership of the association.

.....
Signature of applicant

Date

Terrigal Trotters Running Club Database and Member Directory Information

(Please Complete in Full)

Partner's Name: Phone No. (H):

Fax No Email (H):

Business Name:

Business Address:

Ph No. (W): Email (W):

Print Details in the Member's Directory YES NO

Appendix 2

(Rule 3 (1))

FORM OF APPOINTMENT OF PROXY

I, of
(full name)

.....
(address)

being a member of Terrigal Trotters Inc, member No

hereby appoint, member no of
(full name a/proxy)

.....
(address)

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be held on the

..... day of
(month and year)

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

.....

.....

* to be inserted if desired.

.....
Signature of member appointing proxy

Date

NOTE: A proxy vote may not be given to a person who is not a member of the association.

Appendix 3



TERRIGAL TROTTERS INC

MEMBER PROTECTION POLICY

VERSION 1.0

7 SEPTEMBER 2015

CONTENTS

POLICY

1. Introduction
 2. Purpose of Our Policy
 3. Who Our Policy Applies To
 4. Extent of Our Policy
 5. Association Responsibilities
 6. Individual Responsibilities
 7. Protection of Children
 - 7.1 Child Protection
 - 7.2 Supervision
 8. Taking Images
 9. Anti-Harassment, Discrimination and Bullying
 10. Inclusive Practices
 - 10.1 People with a Disability
 - 10.2 People from Diverse Cultures
 - 10.3 Sexual & Gender Identity
 - 10.4 Pregnancy
 11. Responding to Complaints
- Attachment 1: Code of Behaviour
- Attachment 2: Harassment
- Attachment 3: Reporting Form

MEMBER PROTECTION POLICY

1 Introduction

Terrigal Trotters Inc (‘the association’) strives to provide a safe and enjoyable environment, free from discrimination and harassment, for members to pursue their interests in running, walking, and to promote community health and fitness.

2 Purpose of Our Policy

The main objective of our Member Protection Policy is to maintain responsible behaviour and the making of informed decisions by members of the association. It outlines our commitment to a person’s right to be treated with respect and dignity, and to be safe and protected from abuse. Our policy informs everyone involved in our association of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required. It also covers the care and protection of children participating in our association’s activities.

3 Who Our Policy Applies To

Our policy applies to everyone involved in the association including committee members, administrators, coaches, officials, participants, parents and spectators.

4 Extent of Our Policy

Our policy covers unfair decisions and actions, breaches of our code of behaviour and behaviour that occurs at training, at all events organised or sanctioned by the association, and on away and overnight trips. It also covers private behaviour where that behaviour brings our association or sport into disrepute or there is suspicion of harm towards a child or young person.

5 Association Responsibilities

We will:

- (1) implement and comply with our policy;
- (2) promote our policy to everyone involved in our association;
- (3) promote and model appropriate standards of behaviour at all times;
- (4) respond to breaches or complaints made under our policy promptly, fairly, and confidentially;
- (5) seek advice from and refer serious issues* to the relevant authorities

* Serious issues include possibly unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse).

6 Individual Responsibilities

Everyone associated with our association must:

- (1) comply with the standards of behaviour outlined in our policy;
- (2) treat others with respect;
- (3) always place the safety and welfare of children above other considerations;
- (4) be responsible and accountable for their behaviour;
- (5) follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment or other inappropriate behaviour.

7 Protection of Children

(1) Child Protection

Terrigal Trotters Inc is committed to the safety and wellbeing of all children and young people involved with our association. We support the rights of the child and will act without hesitation to ensure a child safe environment is maintained at all times. We also support the rights and wellbeing of our members and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.

Terrigal Trotters Inc acknowledges that our members and volunteers provide a valuable contribution to the positive experiences of children involved in our sport. Terrigal Trotters Inc aims to continue this and to take measures to protect the safety and welfare of children participating in our sport by:

- (a) Choose suitable employees and volunteers

Terrigal Trotters Inc will ensure that Working With Children Checks are conducted for members and volunteers working with children, where an assessment is required by law.

- (b) Promote the Participation of Children

Terrigal Trotters Inc will promote the involvement and participation of children and young people in developing and maintaining child-safe environments.

- (c) Report and Respond Appropriately To Suspected Abuse and Neglect

Terrigal Trotters Inc will make all volunteers and employees aware of their responsibilities under respective state laws if they have suspicion on reasonable grounds that a child has been or is being abused or neglected.

In addition to any legal obligation, if any person feels another person or organisation bound by this policy is acting inappropriately towards a child or is breaching the Code of Behaviour they may make an internal complaint using the Record of Complaint Form in Attachment 3. The complaint will be dealt with in accordance with Rule 11 of the Terrigal Trotters Inc. Constitution.

- (2) Supervision

Our association will provide a level of supervision adequate and relative to the members' age, maturity, capabilities, level of experience, nature of activity and nature of venue.

8 Taking Images

We will only use appropriate images of members and children, relevant to our sport and ensure that the subjects are suitably clothed in a manner that promotes the sport, displays its successes, etc.

If the association uses an image of a child it will avoid naming or identifying the child or it will, wherever possible, avoid using both the first name and surname. We will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. We will not display information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by pedophiles or other persons.

9 Anti-harassment, Discrimination and Bullying

Our association opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourably because of a particular characteristic; imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal or disproportionate effect on people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phone and computers. Some forms of harassment, discrimination and bullying are against the law and are based on particular characteristics such as age, disability, gender, sexual orientation, pregnancy, political or religious beliefs, race, and marital status.

Our association takes all claims of harassment, discrimination, bullying and cyber bullying seriously. We encourage anyone who believes they have been harassed, discriminated against or bullied to raise the issue with the association (see Clause 10: Responding to Complaints).

10 Inclusive practices

Our association is welcoming and we will seek to include members from all areas of our community.

(1) People with a disability

Where possible we will include people with a disability in our events. We will make reasonable adaptations to enable participation.

(2) People from diverse cultures

We will support and respect people from diverse cultures and religions to participate in our association and where possible will accommodate requests for flexibility.

(3) Sexual & Gender Identity

All people, regardless of their sexuality, are welcome at our association. We strive to provide a safe environment for participation and will take action over any homophobic behaviour.

(4) **Pregnancy**

Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of utmost importance in their decision making about the way they participate in our sport. We recommend pregnant women to consult with their medical advisers, make themselves aware of the facts about pregnancy in sport, and ensure that they make informed decisions about participation.

11 Responding to Complaints

Our association takes all complaints about behaviour seriously and will handle complaints based on the principles of procedural fairness (natural justice) as detailed in Rule 11 of the Terrigal Trotters Inc. Constitution.

If the complaint relates to suspected child abuse, sexual assault or other criminal activity, then our association will need to report the behaviour to the police and/or relevant government authority.

Attachment 1: CODE OF BEHAVIOUR

Every person: spectator, member, official, participant, administrator, coach, parent or member of the community involved with Terrigal Trotters Inc, when participating in association-sanctioned activities, should work to ensure:

- (1) inclusion of every person regardless of their age, gender or sexual orientation
- (2) inclusion of every person regardless of their race, culture or religion
- (3) opportunities for people of all abilities to participate in the sport and develop to their full potential
- (4) respect is shown towards others, the association and the broader community
- (5) a safe and inclusive environment for all, particularly children
- (6) elimination of violent and abusive behaviour
- (7) protection from harassment* or intimidation.

* See Attachment 2 for the definition of “harassment”.

Attachment 2: HARASSMENT

Sexual harassment and various other forms of harassment are unlawful under Federal and State anti-discrimination laws. People engaging in harassment can have legal action taken against them under these laws. In some cases, legal action can also be taken against the organisation for which they work or which they represent. For this reason, the association has a legal responsibility to ensure that harassment does not occur in the course of any of our activities.

Definitions

The definition of harassment immediately following has been adopted by Terrigal Trotters Inc for the purpose of the association's Member Protection Policy. It includes but goes beyond what is prohibited by law and does not distinguish between the various different types of harassment.

Harassment (general)

Harassment consists of offensive, abusive, belittling or threatening behaviour directed at a person or people, because of a particular characteristic of that person or people (including the person or peoples' level of empowerment relative to the harasser). The behaviour must be unwelcome and the sort of behaviour a reasonable person would recognise as unwelcome.

The particular form of harassment known as sexual harassment is variously defined in Federal and State legislation. The Sex Discrimination Act 1984 (Cth) provides that:

Sexual harassment

A person sexually harasses another person (the "person harassed") if:

- (1) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- (2) engages in unwelcome conduct of a sexual nature in relation to the person harassed; in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.

"conduct of a sexual nature" includes making a statement of a sexual nature to a person or in the presence of a person, whether the statement is made orally or in writing.

Sexual harassment is included within the general definition of harassment referred to in paragraph 1.

Behaviour constituting harassment can take many different forms and may be explicit or implicit, physical, verbal or non-verbal. Examples include, but are not limited to:

- (1) abusive behaviour aimed at humiliating or intimidating someone in a less powerful position;
- (2) jokes or comments directed at a person's body, looks, age, race, religion, sexual orientation or disability;
- (3) unwelcome remarks including teasing, name calling or insults;
- (4) innuendo or taunting;
- (5) homophobic comments and/or behaviours;
- (6) uninvited touching, kissing, embracing, massaging;
- (7) staring, leering, ogling;
- (8) smutty jokes and comments;
- (9) persistent or intrusive questions about people's private lives;
- (10) repeated invitations to go out, especially after prior refusal;
- (11) sexual propositions;
- (12) the use of promises or threats to coerce someone into sexual activity;
- (13) the creation of a hostile or sexually permeated environment by constant inappropriate references to sexual matters, the display of sexually explicit material (posters, cartoons, graffiti) or by the use of offensive email, faxes, letters or notes; and
- (14) sexual insults, taunts, name-calling.

Jokes and behaviour which are genuinely enjoyed and consented to by everyone present are not harassment. Sexual interaction or flirtation that is based on mutual attraction or friendship, and which is consensual or invited, is not sexual harassment.

However, it is important to recognise that some people may accept or put up with behaviour they find harassing, especially if they hold a subordinate position relative to the group or individual engaging in the flirtatious or jovial behaviour. It is the responsibility of all people covered by this policy to err on the side of caution and to be sensitive to the impact of their behaviour, not just those to whom the behaviour is primarily directed.

Attachment 3: REPORTING FORM

RECORD OF COMPLAINT

Name of person receiving complaint		Date: / /																					
Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18																						
Complainant's contact details	Phone: Email:																						
Name of person complained about	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18																						
Location/event of alleged issue																							
Description of alleged issue																							
Nature of complaint (category/basis/grounds) Can tick more than one box	<table border="0"> <tr> <td><input type="checkbox"/> Harassment or</td> <td><input type="checkbox"/> Discrimination</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Sexual/sexist</td> <td><input type="checkbox"/> Selection dispute</td> <td><input type="checkbox"/> Coaching methods</td> </tr> <tr> <td><input type="checkbox"/> Sexuality</td> <td><input type="checkbox"/> Personality clash</td> <td><input type="checkbox"/> Verbal abuse</td> </tr> <tr> <td><input type="checkbox"/> Race</td> <td><input type="checkbox"/> Bullying</td> <td><input type="checkbox"/> Physical abuse</td> </tr> <tr> <td><input type="checkbox"/> Religion</td> <td><input type="checkbox"/> Disability</td> <td><input type="checkbox"/> Victimisation</td> </tr> <tr> <td><input type="checkbox"/> Pregnancy</td> <td><input type="checkbox"/> Child Abuse</td> <td><input type="checkbox"/> Unfair decision</td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td></td> <td></td> </tr> </table>		<input type="checkbox"/> Harassment or	<input type="checkbox"/> Discrimination		<input type="checkbox"/> Sexual/sexist	<input type="checkbox"/> Selection dispute	<input type="checkbox"/> Coaching methods	<input type="checkbox"/> Sexuality	<input type="checkbox"/> Personality clash	<input type="checkbox"/> Verbal abuse	<input type="checkbox"/> Race	<input type="checkbox"/> Bullying	<input type="checkbox"/> Physical abuse	<input type="checkbox"/> Religion	<input type="checkbox"/> Disability	<input type="checkbox"/> Victimisation	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Child Abuse	<input type="checkbox"/> Unfair decision	<input type="checkbox"/> Other		
<input type="checkbox"/> Harassment or	<input type="checkbox"/> Discrimination																						
<input type="checkbox"/> Sexual/sexist	<input type="checkbox"/> Selection dispute	<input type="checkbox"/> Coaching methods																					
<input type="checkbox"/> Sexuality	<input type="checkbox"/> Personality clash	<input type="checkbox"/> Verbal abuse																					
<input type="checkbox"/> Race	<input type="checkbox"/> Bullying	<input type="checkbox"/> Physical abuse																					
<input type="checkbox"/> Religion	<input type="checkbox"/> Disability	<input type="checkbox"/> Victimisation																					
<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Child Abuse	<input type="checkbox"/> Unfair decision																					
<input type="checkbox"/> Other																							

What they want to happen	
Information provided to them	
Resolution and/or action taken	
Follow-up action	