



MELBOURNE UNIVERSITY
MOUNTAINEERING CLUB

MUMC 2011

Proposed Amendment 1 to the Constitution

Inc. No. A0011487H

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1. Name

The name of the incorporated association is THE MELBOURNE UNIVERSITY MOUNTAINEERING CLUB INCORPORATED (in these rules called "the Association").

2. Interpretation

- (1) In these rules, unless the contrary intention appears:
 - (a) "Committee" means the Committee of Management of the Association.
 - (b) "Financial year" means the 12 month period ending on 30th June annually.
 - (c) "General Meeting" means a general meeting of members convened in accordance with Rule 10.
 - (d) "Member" means a member of the Association and includes a Life Member.
 - (e) "The Act" means the Associations Incorporation Act 1981 (Vic.).
 - (f) "The Regulations" means regulations under the Act.
- (2) In these Rules, a reference to the Secretary of an Association is a reference:
 - (a) where any person holds office under these Rules as Secretary of the Association to that person; and
 - (b) in any other case, to the Public Officer of the Association.
- (3) Words or expressions contained in these Rules shall be interpreted in accordance with the provision of the Acts Interpretation Act 1958 and the Act as in force from time to time.

3. Application for Membership

- (1) A natural person who is or has been a student or staff member of a tertiary institution recognized by the University of Melbourne and is nominated and approved for membership as provided in the Rules is eligible to be a member of the Association on payment of the annual subscription.
- (2) A person who is not a member of the Association at the time of incorporation of the Association (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership:
 - (a) unless he is nominated as provided in sub clause (3); and
 - (b) his admission as a member is approved by the Committee.
- (3) An application of a person for membership of the Association must:
 - a) be made in writing in the form set out by the Committee;
 - b) be lodged with a member of the Committee; and
 - c) be accompanied by the sum payable as the annual subscription.
- (4) As soon as practicable after the receipt of a nomination and the annual subscription, the nomination shall be referred to the Committee.

- (5) Upon a nomination being referred to the Committee, the Committee shall determine whether or not to approve or to reject the nomination.
- (6) If the nomination is approved by the Committee, the Secretary shall enter the nominee's name in the Register of Members and upon the name being so entered, the nominee becomes a member of the Association.
- (7) If the nomination is rejected by the Committee, the Secretary shall, with as little delay as possible, notify the nominee in writing that the nomination was not approved for membership of the Association and return payment of the Annual subscription.
- (8) A right, privilege or obligation of a person by reason of his membership of the Association:
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon cessation of his membership whether by death, resignation, failure to renew or otherwise.

4. Special Members

- (1) Notwithstanding anything contained in clause 3, the Association, by a two thirds majority in general , meeting, may admit to Life Membership any person whom it considers to be a distinguished mountaineer, or whose association with the Association would be a benefit to it, or on whom the Association wishes to bestow a mark of appreciation in reward for services.
- (2) Notwithstanding anything contained in clause 3, the Committee, in special circumstances , may admit to Honorary Membership any person whom it deems fit, with such membership to be current only for the year in which such membership was granted. Honorary Members enjoy all the privileges of a member except the right to debate and vote at any meetings.

5. Annual Subscriptions

- (1) The annual subscription shall be determined by majority at the Annual General Meeting on the recommendation of the Committee and is payable in advance on or before the last day of the financial year.

6. Register of Members

- (1) The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member.
- (2) The register shall be available for inspection by any members of the Association.

7. Resignation of Members

- (1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign, and upon the expiration of that period of notice, the member shall cease to be a member.

- (2) Upon the expiration of a notice given under sub clause (1), the Secretary shall make in the Register of Members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

8. Expulsion of Members

- (1) Subject to these Rules, the committee may by resolution:
- (a) expel a member from the Association;
 - (b) suspend a member from membership of the Association for a specified period; or
 - (c) fine a member in accordance with The Regulations, if the Committee is of the opinion that the member;
 - (i) has refused or neglected to comply with these rules; or
 - (ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- (2) A resolution of the Committee under sub clause (1);
- (a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub clause (3) confirms the resolution in accordance with this clause; and
 - (b) where the member exercises a right of appeal to the Association under this clause does not take effect unless the Association confirms the resolution in accordance with this clause.
- (3) Where the Committee passes a resolution under sub clause (1), the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing:
- (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice.
 - (c) stating the date, place and time of that meeting;
 - (d) informing the member that he may do one or more of the following
 - (i) Attend that meeting;
 - (ii) Give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (iii) Not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that he wishes to appeal to the Association in Special General Meeting against the resolution.
- (4) At a meeting of the Committee held in accordance with sub clause (2): the Committee:
- (a) shall give to the member an opportunity to be heard;
 - (b) shall give due consideration to any written statement submitted by the member; and
 - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the Secretary receives a notice under sub clause (3) (d) (iii), he shall notify the Committee and the Committee shall convene a Special General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.

- (6) At a Special General Meeting of the Association convened under sub clause (5);
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - (c) the member shall be given a reasonable opportunity to be heard; and
 - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (7) If at the general meeting:
 - (a) two thirds of the members present in person or by proxy vote in favour of the confirmation of the resolution, the resolution is confirmed; and
 - (b) in any other case, the resolution is revoked.

9. Disputes and mediation

- (1) The grievance procedure set out in this rule applies to disputes under these Rules between:
 - (a) a member and another member; or
 - (b) a member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be:
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

10. Annual General Meeting

- (1) The Association shall in each calendar year convene an annual general meeting of its members.
- (2) The Annual General Meeting shall be held on such day as the Committee determines.
- (3) The Annual General Meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the Annual General Meeting shall be:
 - (a) to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
 - (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
 - (c) to elect officers of the Association and the ordinary members of the Committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30 (3) of the Act.
- (5) The Annual General Meeting may transact special business of which notice is given in accordance with these rules.
- (6) The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same year.

11. Other General Meetings

- (1) All general meetings other than the Annual General Meeting shall be called Special General Meetings.

12. Special General Meetings

- (1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association and, where, but for this sub-clause, more than 15 months would lapse between The Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.
- (2) The Committee shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene a Special General Meeting of the Association.
- (3) The requisition for a Special General Meeting shall state the objects of the Meeting, and shall be signed by the members making the requisition and be sent to the address of the Secretary, and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- (4) If the Committee does not cause a Special General Meeting to be held within one month of the date on which the requisition was sent to the address of the Secretary, the members making the

requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.

- (5) A Special General Meeting convened by members in, pursuant of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee, and all reasonable expenses incurred in convening the Meeting shall be refunded by the Association to the persons incurring the expenses.

13. Notice of General Meeting

- (1) The Secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at his address appearing in the register of members, a notice by prepaid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) A member desiring to bring any business before a meeting shall, at least 7 days before the meeting, give notice of the business in writing to the Secretary.

14. Proceedings At General Meetings

- (1) All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting, with the exception of that specifically referred to in these rules as being the ordinary business of the Annual General Meeting, shall be deemed to be special business.
- (2) No item of business shall be transacted at the General Meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (3) 20 members or 50% of the registered membership, whichever is the lesser, personally present (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.
- (4) If within 1 hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the Meeting, if convened upon the requisition of members, shall stand adjourned to the same day in the next week at the same time, and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within one hour after the time appointed for the commencement of the meeting, the members present (being not less than 15) shall be a quorum.

15. Chair

- (1) The President, or in his absence, the Vice President, shall preside as Chairman at each General Meeting of the Association.
- (2) If the President and the Vice President are absent from a General Meeting, the members present shall elect one of their number to preside as Chairman at the Meeting.

- (3) The Chair should be in possession of the Superstitious Knot, to bind all members to decisions made by the Association in General Meeting.

16. Adjournments

- (1) The Chairman of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a Meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of a General Meeting.
- (3) Except as provided in sub clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

17. Method of Voting

- (1) Unless otherwise provided in these Rules, a question arising at a General Meeting of the Association shall be determined on a show of hands and counting of proxy votes and unless before or on the declaration of the show of hands and counting of proxy votes a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands and counting of proxy votes, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minutes 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.

18. Calculation of Votes

- (1) Upon any question arising at a General Meeting of the Association, a member has one vote only.
- (2) All votes including those given by show of hands shall be given personally or by proxy.
- (3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

19. Polls

- (1) If at a meeting a poll on any question is demanded by not less than three members present in person, it shall be taken at that meeting in such a manner as the Chairman may direct, and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

20. Eligibility To Vote

- (1) A member is not entitled to vote at any General Meeting unless all moneys due and payable by him to the Association have been paid.

21. Proxies

- (1) Each member shall be entitled to appoint another member as his 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 shall be in the form set out in Appendix 1.

22. Committee of Management

- (1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in sub clause (2)
- (2) The Committee shall consist of the officers of the Association
- (3) The Committee:
 - (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by General Meetings of the members of the Association; and
 - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

23. Officers of The Association

- (1) The Officers of the Association shall be:
 - (a) a President;
 - (b) a Vice-President;
 - (c) a Treasurer;
 - (d) a Secretary;
 - (e) an Assistant Treasurer;
 - (f) a Publications Officer;
 - (g) a Bushwalking Convenor;
 - (h) a Canoeing Convenor;
 - (i) a Caving Convenor;
 - (j) a Conservation Convenor;
 - (k) a Mountaineering Convenor;
 - (l) a Rockclimbing Convenor;

- (m) a Ski Touring Convenor;
 - (n) a Gear Store Officer;
 - (o) a General Member
 - (p) such other officer as created for the time being, year by year, by resolution of the Association in General Meeting
- (2) The Committee may create any new non voting position relevant to the Association's Aims at any Committee Meeting, provided due notice is given in accordance with Rule 26. (9).
 - (3) The provisions of Rule 24. so far as they are applicable and with the necessary modifications, apply to and are in relation to the election of persons to any of the offices mentioned in sub clauses (1) and (2).
 - (4) Each Officer of the Association shall hold office until the Annual General Meeting next after the date of his election, but is eligible for re election.
 - (5) In the event of a casual vacancy in any office referred to in sub clause (1), the Committee may appoint one of the members of the Association to the vacant office and the member so appointed may continue in office up to the Chairman's declaration of vacancies at the Annual General Meeting next following the date of his appointment.

24. Election of Officers

- (1) Nominations of candidates for election as officers of the Association:
 - (a) shall be made in writing signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination);
 - (b) shall be delivered to the Returning Officer or the Secretary, or any such place nominated by them, not less than 7 days before the date fixed for the holding of the Annual General Meeting; and
 - (c) shall state the position for which the nomination is made.
 - (d) A member may be nominated for multiple offices of the Association, although he may only be elected to hold one office.
 - (e) A team of members may nominate for a single office, but must inform the Secretary prior to each Committee Meeting who shall hold the proxy for their single office's vote at any Committee Meeting
- (2) If no nominations are received for any position as an Officer of the Association, that position shall be declared to be a casual vacancy and shall be filled pursuant to the provisions of Rule 23. (5).
- (3) If only one nomination is received for any position as an Officer of the Association, the person nominated shall be deemed to be elected.
- (4) If there is more than one nomination for any position as an Officer of the Association, a secret ballot shall be held, where:
 - (a) If there are more than two candidates, a ' voluntary preferential voting system will apply.
 - (b) A vote shall be counted by the Returning Officer if at least the first preference can be determined.

- (c) If the result is equal or otherwise undetermined, then another ballot shall be conducted with, only the tied candidates, as well as any with more votes than the tied candidates, standing.
- (d) If a tie persists after a second vote, the Chairman shall exercise his casting vote, and may consult with the Returning Officer if he so desires.

25. Vacancies of Offices of The Association

For the purpose of these rules, the office of an Officer of the Association becomes vacant if the officer or member:

- (a) ceases to be a member of the Association
- (b) becomes an insolvent under administration within the meaning of the Bankruptcy Act 1966 (Commonwealth);
- (c) resigns his office by notice in writing given to the Secretary; or
- (d) without giving prior notice and reason for his absence to the Secretary, fails to attend three consecutive meetings which have been called pursuant to Rule 26. (9).

26. Proceedings of The Committee

- (1) The Committee shall meet at least 3 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President or by any 4 of the members of the Committee.
- (3) Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- (4) Any 6 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (5) No business shall be transacted 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 shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting, in which case it lapses.
- (6) At meetings of the Committee:
 - (a) the President, or in his absence the Vice President, shall preside; or
 - (b) if the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their number to preside.
- (7) Questions arising at a meeting of the Committee, or of any subcommittee appointed by the Committee, shall be determined on a show of hands, or, if demanded by an Officer or member of that sub committee respectively, by a poll taken in such manner as the person presiding at the meeting may determine.
- (8) Each Committee or sub-committee member present at a meeting of the Committee, or of any sub committee appointed by the Committee (including the person presiding at the meeting),

respectively, is entitled to one vote, and in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

- (9) Written notice of each Committee Meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting, or by sending it by prepaid post, addressed to him at his usual or last known place of abode at least three business days before the date of the meeting.
- (10) Subject to sub clause (4), the Committee may act notwithstanding any vacancy on the Committee, or any absence from the meeting by any Officer of the Association.

27. Secretary

- (1) The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each committee meeting, together with a record of the names of persons present at committee meetings.

28. Treasurer

- (1) The Treasurer of the Association:
 - (a) shall collect and receive all moneys due to the Association and make all payments authorized by the Association; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) The accounts and books referred to in sub clause (1) shall be available for inspection by members.
- (3) The Assistant Treasurer shall assist the Treasurer in whatever capacity required, except:
 - (a) he may not be a signatory to any monetary account of the Association
 - (b) he is not ultimately responsible for the accuracy of the books referred to in sub, clause (1)

29. Removal of Member of Committee

- (1) The Association in General Meeting may by resolution, remove any member of the Committee before the expiration of his term of office and elect another member in his stead to hold office until the expiration of the term of the first mentioned member.
- (2) Where the member to, whom a proposed resolution referred to in sub clause (1) makes representations in writing to the Secretary or President of the Association, (not exceeding a reasonable length), then requests that such representations be sent to all members of the Association in writing, the Secretary or the President may send a copy of the representations to each member of the Association, or, if they are not so sent, the member may require that they be read out at the meeting.

- (3) A ballot on the question whether to remove any member of the Committee before the expiration of his term of office will be decided by a simple majority of a secret ballot, where the Chairman may exercise a casting vote in case of a tie.
- (4) Any member appointed by the General Meeting in replacement of an Officer of the Association removed in accordance with subclauses (2) and (3), may be nominated at the General Meeting, and elected pursuant to Rules 24. (4) and (5).

30. Cheques

- (1) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two of those Officers of the Association as are appointed by the Committee annually for that purpose, and at least one of the signatories, shall be the President, Secretary or Treasurer of the Association.

31. Common Seal

- (1) The Common Seal of the Association shall be kept in the custody of the Public Officer
- (2) The Common Seal shall not be affixed to any instrument except by the authority of the Committee, and the affixing of the Common Seal shall be attested by the signatures either of two members of the Committee, or of one member of the Committee and the Public Officer of the Association.

32. Alteration of Rules And Statement of Purposes

These rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.

33. Notices

- (1) A notice may be served by or on behalf of the Association upon any member either personally, or by sending it by post to the member at his address shown in the Register of Members.
- (2) Where a document is properly addressed prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

34. Winding Up Or Cancellation

- (1) Dissolution of the Association cannot proceed without a Special General Meeting of members for which there must be at least 21 days written notice.
- (2) At least two thirds of the club members must be present at such a meeting and the resolution must be passed by a minimum 75% majority.

- (3) All Life Members must also be given 21 days notice of such a proposal and meeting and are granted licence to vote.
- (4) In the event of the Association being dissolved, the amount which remains after such dissolution and satisfaction of all debts and liabilities shall not be distributed to the members of the Association but shall disposed of in accordance to the Act.

35. Custody of Records

- (1) Except as otherwise provided in these Rules, the Secretary shall keep in his custody, or under his control, all books, documents and securities of the Association.

36. Funds

- (1) The Funds of the Association shall be derived from annual subscriptions, grants, donations and such other sources as the Committee determines, pursuant to the Regulations.

Appendix 1

FORM OF APPOINTMENT OF PROXY

I,
(name)

of
(address)

being a member of Melbourne University Mountaineering Club Incorporated
(name of Incorporated Association)

appoint
(name of proxy holder)

of
(address of proxy holder)

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the annual/special* general meeting of the Association to be held on

.....
(date of meeting)

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against* the following resolution (insert details of resolution).

.....
Signed
Date

* Delete if not applicable