



SOUTHERN CROSS GLIDING CLUB INCORPORATED

Rules of the
Southern Cross Gliding Club

SOUTHERN CROSS GLIDING CLUB INCORPORATED

Rules of the Southern Cross Gliding Club

Introduction

This document contains the rules of the Southern Cross Gliding Club, as adopted by special resolution dated 11th April 1992

The Rules of Southern Cross Gliding Club Inc. contained herein are in accordance with Section 11 and contain those matters specified in Schedule 1 of the Associations Incorporation Act, 1984.

RULE 26 MODIFIED SEPTEMBER 1997 AT AN AGM

RULE 80 MODIFIED SEPTEMBER 1999 AT AN AGM

RULES 9(4), 11(3)(a), 11(4) MODIFIED SEPTEMBER 2001 AT AN AGM

RULES 4(1), 6, 7(2), 9(7), 10(3), 10(5), 11(1)(a), 11(1)(b), 11(3)(a), 11(4), 17(2), 27, 61(2)(d), 83 (1) MODIFIED SEPTEMBER 2003 AT THE AGM.

INTERPRETATION 1(1), RULES 10.1, 10.5, 46(4), 49(2) MODIFIED OCTOBER 2004 AT THE AGM

RULES 28 (3), 28 (4) (SPECIAL RESOLUTION 1), 16, 34 (12)(i), 47 (7) (c), 49 (2), 72 (1), 72 (2) 82 (2) (a), 82 (2)(b) (SPECIAL RESOLUTION 2), 30.2(b), 30 (2) (g) (# 3) MODIFIED SEPTEMBER 2009 AT THE AGM

Table of Contents

INTRODUCTION.....	I	RESIGNATION OF MEMBERSHIP ...	16
INTERPRETATION	1	INSTRUCTORS' PANEL	17
OBJECTS, AND ALTERATION OF OBJECTS	4	COMMITTEE AND OFFICERS	19
ALTERATION OF RULES	4	POWERS AND DUTIES OF COMMITTEE.....	19
MEMBERS.....	4	ACQUISITION OF PROPERTY AND EQUIPMENT, ETC	21
<i>QUALIFICATIONS</i>	<i>4</i>	MINUTES.....	22
APPLICATION FOR MEMBERSHIP... 5	5	CONSTITUTION AND MEMBERSHIP	23
FORM OF APPLICATION	5	ELECTION OF MEMBERS	24
PUBLICATION OF APPLICATIONS	5	SECRETARY	26
..... ERROR! BOOKMARK NOT DEFINED.		TREASURER	26
CONSIDERATION OF APPLICATIONS	5	REMOVAL OF OFFICER.....	26
CLASSES OF MEMBERSHIP..... 6	6	CASUAL VACANCIES	27
FLYING MEMBERS	6	PROCEEDINGS OF THE COMMITTEE	28
PROBATIONARY FLYING MEMBERS	7	MEETINGS AND QUORUM	28
INACTIVE MEMBERS	8	DELEGATION BY COMMITTEE TO SUB-COMMITTEE.....	29
ASSOCIATE MEMBERS	9	VOTING AND DECISIONS	30
HONORARY LIFE MEMBERS	10	GENERAL MEETINGS.....	31
HONORARY MEMBERS	10	ANNUAL GENERAL MEETINGS-- HOLDING OF	31
TEMPORARY MEMBERS	11	ANNUAL GENERAL MEETINGS-- CALLING OF AND BUSINESS AT	31
LIFE FLYING MEMBERS	11	SPECIAL GENERAL MEETINGS-- CALLING OF	33
REGISTER OF MEMBERS..... 11	11	SPECIAL GENERAL MEETINGS-- NOTICE.....	34
MEMBERSHIP FEES, SUBSCRIPTIONS, LEVIES, FLYING CHARGES, ETC..... 12	12	PROCEEDINGS AT GENERAL MEETINGS	35
MEMBERS' LIABILITIES	14	QUORUM.....	36
MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE	14	PRESIDING MEMBER.....	36
CESSATION OF MEMBERSHIP	15	ADJOURNMENT.....	36
		MAKING OF DECISIONS.....	37

SPECIAL RESOLUTIONS	37	G.F.A. AND OTHER LEGAL	
VOTING	38	REQUIREMENTS	57
APPOINTMENT OF PROXIES	38	APPENDIX 1 (RULE 5)	59
MEMBERS' LIABILITY FOR MINOR		APPENDIX 2((RULE 57)	59
DAMAGE	39		
COMPENSATION FOR GROSS			
NEGLIGENCE, DISCIPLINING AND			
TRAINING OF MEMBERS	40		
TRAINING AND FLYING DISCIPLINE			
.....	40		
COMPENSATION FOR GROSS			
NEGLIGENCE, ETC.....	43		
SUSPENSION OR EXPULSION	46		
APPEALS	48		
GENERAL PROVISIONS	50		
HOLDING OUT.....	51		
ACCOUNTS AND ACCOUNTING	51		
FUNDS--SOURCE.....	51		
FUNDS--MANAGEMENT.....	51		
ACCOUNTING RECORDS.....	52		
BALANCE DATE.....	52		
CUSTODY OF BOOKS, ETC.	52		
INSPECTION OF BOOKS, ETC.....	52		
SERVICE OF NOTICES	53		
COMMON SEAL.....	53		
CLUB ADDRESS.....	53		
USE OF CLUB NAME OR LOGO	54		
SCHOLARSHIPS	54		
DAMAGES	55		
SURPLUS PROPERTY	56		
INDEMNITY.....	56		
MISCELLANEOUS	56		
NOTICES	56		
LIST OF OFFICERS AND PANEL			
MEMBERS.....	57		
REGULATIONS	57		

RULES OF SOUTHERN CROSS GLIDING CLUB INCORPORATED

INTERPRETATION

1. (1) In these presents the following terms shall have the meanings next hereinafter respectively assigned to them if not inconsistent with the subject or context:
 - “**Act**” means the Associations Incorporation Act, 1984 of New South Wales as amended from time to time;
 - “**Affiliation Levy**” has the meaning defined in Rule 12;
 - “**Annual General Meeting**” is the meeting held in accordance with the provisions of Rule 45 and other relevant Rules;
 - “**Annual Subscription**” means a charge imposed under Rule 11;
 - “**Balance Date**” has the meaning set out in Rule 69;
 - “**Balance Sheet**” means a Balance Sheet of the Club prepared in accordance with Rule 68;
 - “**Club**” or “**the Club**” means the Southern Cross Gliding Club Incorporated;
 - “**Clubhouse**” means premises used or occupied by the Club as a Clubhouse or Club rooms;
 - “**Club Postal Address**” means the address determined from time to time under Rule 75;
 - “**Committee**” means the committee of management of the Club from time to time as constituted under Rule 27 and any other relevant Rule;
 - “**Commission**” means the Corporate Affairs Commission as constituted by the Corporate Affairs Commission Act, 1981 as amended.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

“Contact Address” means the email address, or the postal address as determined under Rule 10.5

“Entrance Fee” means a charge so designated and levied under Rule 11;

“Financial Year” means the period between two consecutive Balance Dates whether that is a period of a year or not;

“Flying Member” means a member of the class defined in Rule 9(1);

“General Meeting” means a general meeting of the Club held pursuant to Rules 45 and 48;

“Honorary Life Member” means a member of the class defined in Rule 9(5);

“Honorary Member” means a member of the class defined in Rule 9(6);

“Incorporation” means incorporation pursuant to the Act;

“Inactive Member” means a member of the class defined in Rule 9(3);

“Life Flying Member” means a member of the former class defined in Rule 9(8);

“Member” means a member of the Club of any class of membership;

“Membership Fee” means any entrance fee or annual subscription or affiliation or other levy or any combination of these;

“Month” means calendar month;

“Notify” means contact the member at his Contact Address

“Office-bearer” means a member holding one or more of the offices or functions specified in Rule 28(2);

“Officer” in relation to the Club includes--

- (a) a member of the Committee of the Club;
- (b) the Public Officer of the Club;
- (c) a secretary, treasurer, executive officer or employee of the Club; and
- (d) a person occupying or acting in any of those positions, whether or not validly appointed to occupy or duly authorised to act in the position,

but does not include a patron or the holder of some other honorary office that confers no right to participate in the administration of the affairs of the Club;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

“Ordinary member” means a member of the Committee who is not an Office-bearer;

“Panel” means the Instructors' Panel of the Club from time to time as constituted under Rule 17;

“Probationary Flying Member” means a member of the class defined in Rule 9(2);

“Profit and Loss Account” means a Profit and Loss Account of the Club prepared in accordance with Rule 68;

“Regulations” unless the context otherwise indicates means regulations made pursuant to Rules 20(2), 24(8), or 84;

“Rules” means these Rules and any amendment made thereto from time to time pursuant to the Act or these presents;

“Seal” means the Common Seal of the Club;

“Secretary” means--

- (a) the person holding office under these Rules as Secretary of the Club; or
- (b) where no such person holds that Office--the Public Officer of the Club;

“Special General Meeting” means a general meeting of the Club other than the Annual General Meeting;

“Special Resolution” means a Special Resolution of the Club as defined by Section 5 of the Act;

“Temporary Member” means a member of the class defined in Rule 9(7);

“Tug Pilot” means a pilot qualified to fly the Clubs tug aircraft and has been accepted as such by the Tug Master;

“Tug Roster” means the allocation of “Tug Pilots” to fly on certain days by the Tug Master or his representative;

“These Presents” means and includes these Rules and any regulations of the Club from time to time in force.

Expressions referring to writing shall, unless the contrary intention appears, be construed as including reference to handwriting, printing, lithography, photography, electronic recording and/or reproduction and any other means of representing or reproducing words in visible form.

- (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, where the function is a duty, a reference to the performance of the duty.
- (3) The provisions of the Interpretation Act, 1987 as amended from time to time apply to 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.
- (4) Appendices, indices, headings and marginal notes except where specifically provided for in these Rules are included by way of explanation or clarification only and do not form a part of these Rules.

OBJECTS, AND ALTERATION OF OBJECTS

2. (1) The Club is established for the purposes set out in the Statement of Objects.
- (2) The Statement of Objects may be altered, rescinded or added to only by a Special Resolution of the Club.

ALTERATION OF RULES

3. These Rules may be altered, rescinded, or added to only by a Special Resolution of the Club.

MEMBERS

QUALIFICATIONS

4. (1) A person is qualified to be a member of the Club if, but only if, he--

Is a natural person who:

- i) Has been granted Honorary Life Membership pursuant to Rule 9(5)(a); or
- ii) whose application for membership of the Club has been approved by the Committee pursuant to Rule 7.

APPLICATION FOR MEMBERSHIP

FORM OF APPLICATION

5. Except as provided in Rules 9(3)(b) and 9(5)(a) every applicant for membership of the Club and every member who applies for a different class of membership to that which he already holds shall make application to the Membership Secretary in writing, signed by him, in or to the effect of Appendix 1 or such other form as the Committee shall prescribe from time to time and the application shall stipulate the class of membership for which application is being made.

CONSIDERATION OF APPLICATIONS

7.
 - (1) This Rule does not apply to members who apply for Inactive Membership under Rule 9(3)(b) or who are appointed Honorary Life Members under Rule 9(5)(a).
 - (2) Every application for membership or from a member for a different class of membership shall be considered at the next meeting of the Committee held after the application is received by the Club or, where applicable.
 - (3) Subject to Rules 9(1)(b) and 9(3)(d), the Committee shall decide on the acceptance or rejection of the application. In no case shall the Committee be required to give any reason for the rejection of an application.
8.
 - (1) When an application has been accepted by the Committee under Rule 7(2) or deemed to be accepted under Rule 9(3)(d) the Membership Secretary shall forthwith in writing notify the applicant of his acceptance and in the notice shall request payment of any amount for which he is liable under these presents by way of Membership Fee at the time of such acceptance. Such notice shall show any credit as regards any Membership Fee which will be or is allowed in the applicant's account with the Club when he becomes the class of member for which he has been accepted.
 - (2) Where an application for membership or change of membership has been accepted under Rule 7(2), upon receipt by the Club of the Membership Fee for which he was liable at the time of such approval the applicant shall become a member of the Club of the class of membership for which he was so accepted.
 - (3) If the amount of Membership Fee for which he was liable at the time referred to in Rule 8(2) is not received by the Club within one month after the date of the notice referred to in Rule 8(1), the Committee may, in its discretion, cancel its acceptance of his application and if the Committee does so cancel its acceptance he shall thereupon cease to be liable for any amount of Membership fee for which he would otherwise have been liable but for such cancellation.

CLASSES OF MEMBERSHIP

9. There shall be the following classes of membership in the Club which classes shall have attributed to them the rights, duties and liabilities set out hereunder. A person may be or be deemed to be only one class of member at any one time.

FLYING MEMBERS

- (1) (a) Except as herein provided no person shall be admitted as a Flying Member unless he shall have first been a Probationary Flying Member and shall have been invited by the Committee to apply for admission as a Flying Member: **PROVIDED THAT** the Committee may if it is satisfied that special circumstances exist accept a person as a Flying Member notwithstanding that the person has not first been a Probationary Flying Member or has not been a Probationary Flying Member for the period prescribed in Rule 9(2)(a). Without limiting the generality of the above special circumstances may include having been an Associate Member for not less than six months.
- (b) When an application for Flying Membership comes before the Committee the question may be decided by a simple majority of Committee members present and eligible to vote: **PROVIDED THAT** where the application is being considered under the Proviso to Rule 9(1)(a) the Committee may in its discretion treat the application as an application for Probationary Flying Membership and deal with it accordingly.
- (a) A Flying member is entitled to receive notice of all general meetings, to speak and vote at such meetings, to be elected or appointed as an Office-bearer and to be elected or appointed to the Committee.
- (b) Subject to these presents and subject further to--
- (i) Any regulations made pursuant to these Rules by the Panel or the Committee or the Club in general meeting;
- (ii) Any decision or direction of the Panel or the Committee made pursuant to these Rules or to any regulations made as aforesaid relating to any minimum required standards of skill and/or experience;
- (iii) Any procedural or disciplinary decisions made or directions given by the Committee or the Panel or any duly authorised member thereof; and

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (iv) Payment of any moneys owing by the member to the Club, a Flying Member shall be entitled to use all of the Club's facilities and to fly in the Club's aircraft at the then ruling flying and/or launching or other charges.

PROBATIONARY FLYING MEMBERS

- (2) (a) Subject to Rules 9(1)(a) and 9(3)(d), every person wishing to become a Flying Member shall first be a Probationary Flying Member of the Club or the Former Club for a period of at least two months or for such other period as the Committee in a particular case may determine or the Club in General Meeting may from time to time prescribe.
- b) A Probationary Flying Member may if invited by the Committee so to do after the period referred to in Rule 9(2)(a) apply to become a Flying Member.
- (c) If a Probationary Flying Member does not apply to become a Flying Member within one month after being invited so to do then unless the Committee shall decide otherwise he shall thereupon cease to be a member and the period of Probationary Flying Membership just completed by him shall not count in any future application for membership.
- (d) Upon acceptance as a Probationary Flying Member a person shall be immediately liable to pay to the Club such fraction of the entrance fee for Flying Members as the Committee or the Club in general meeting may determine from time to time. Where the Committee has resolved to vary the fraction of the entrance fee as aforesaid it shall place the amount of such variation before the next general meeting for ratification but unless and until expressly overruled at such general meeting the amount as so determined by the Committee shall be the amount required to be paid. Until otherwise decided such fraction shall be one half.
- (e) Where a Probationary Flying Member does not become a Flying Member for any reason he shall not be liable to pay the Club any further part of the entrance fee for Flying Members nor any other Membership fee for Flying Members but he shall not be entitled to any refund for any fees already paid by him and shall remain liable for any flying or launch fees or other charges previously incurred or owing by him.
- (f) When a Probationary Flying Member becomes accepted as a Flying Member he shall forthwith pay the Club the remainder (if any) of the entrance fee for Flying Membership applicable to him, the annual subscription or annual subscriptions or proportion thereof as determined in the manner set forth in Rule 11 and any affiliation or other levy or levies in force or payable at that time by Club members.
- (g) A Probationary Flying Member has the same rights and privileges and is subject to the same obligations and restrictions as a Flying Member except that though he may speak at general meetings he shall have no voting rights nor shall he be entitled to be elected or otherwise appointed to the Committee.

- (h) Where an application from a Probationary Flying Member for Flying Membership is accepted under Rule 7 and such acceptance is later cancelled under Rule 8(3) then such Probationary Flying Member shall cease to be a member of the Club from the time his application was rejected or his acceptance was cancelled as the case may be but he shall remain liable to the Club in respect of any flying fees or other charges incurred before he ceased to be a member.

INACTIVE MEMBERS

- (3) (a) A person wishing to withdraw temporarily from Flying Membership is entitled to become an Inactive Member.
- (b) A Flying Member may become an Inactive Member by informing the Membership Secretary upon renewing his membership that he wishes to renew as an Inactive Member and upon payment of the fee prescribed for Inactive Membership. The change of membership status and when that change is to take effect shall be recorded in the Register of Members.
- (c) Subject to Rule 9(3)(f) an Inactive Member shall be entitled to become a Flying Member again without the payment of any entrance fee and without first undergoing a further period of Probationary Flying Membership.
- (d) An application for Flying Membership from an Inactive Member which complies with these presents shall be deemed to be accepted unless specifically rejected by the Committee at the next meeting of the Committee held pursuant to Rule 7(2) and such applicant shall become a Flying Member forthwith upon payment of all subscriptions fees levies or other charges for which he may be liable pursuant to Rule 11. The change of membership status shall be recorded in the Register of Members.
- (e) Subject to any decision of the Club in general meeting to the contrary the Committee may from time to time determine the proportion of the annual subscription and other charges fees or levies payable by an Inactive Member for that Membership.
- (f) Where the Committee properly becomes satisfied from the appropriate evidence that a Flying Member has become of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health, it shall forthwith resolve that such Flying Member become an Inactive Member and, notwithstanding these presents such Flying Member shall thereupon become an Inactive Member. A person who has become an Inactive Member under this Sub-Clause may not make an application for Flying Membership under Rule 9(3)(d) or any other Rule until he has satisfied the Committee by appropriate evidence that he is no longer of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (g) An Inactive Member shall be entitled to receive notice of all general meetings and to attend such meetings and to speak thereat but shall not be entitled to move second or vote on any motions at such meetings unless he is personally present and the meeting gives specific authority. He shall not be entitled to be elected or appointed as an Office-bearer of the Club.
- (h) An Inactive Member shall be entitled to use the Club's information and social facilities, to receive the Club magazine and to exercise such other privileges as the Committee or the Club in general meeting may from time to time determine but subject to any decision of the Club in general meeting to the contrary shall not be entitled to fly in the Club's aircraft except as a passenger with a member duly authorised to fly with passengers unless the Committee shall otherwise approve. Any such approval shall be subject to these presents and subject further to--
 - (i) any Regulations made by the Panel or the Committee or the Club in general meeting;
 - (ii) any decision or direction of the Committee or the Club in general meeting;
 - (iii) any procedural or disciplinary decisions made or directions given by the Panel or the Committee or any duly authorised member thereof; and/or
 - (iv) payment of all monies owing by the member to the Club.

ASSOCIATE MEMBERS

- (4) (a) A person who is a Flying Member or the equivalent of another gliding club affiliated with the Gliding Federation of Australia or the Federation Aeronautique Internationale may be admitted as an Associate Member of the Club.
- (b) An Associate Member shall have the same rights and privileges and is subject to the same obligations and restrictions as a Flying Member except that though he may speak at general meetings he shall have no voting rights nor shall he be entitled to be elected or otherwise appointed to the Committee.
- (c) An Associate Member shall be entitled to become a Flying Member without the payment of any entrance fee and without first undergoing a period of Probationary Flying Membership
- (d) An application for admission as a Probationary Flying Member from an Associate Member shall have preference over non-members of the Club for admission as a Probationary Flying Member.

HONORARY LIFE MEMBERS

- (5) (a) Any person of distinguished position standing or attainments or any member who has rendered outstanding service to the Club for a continuous period of not less than five years may be accepted as an Honorary Life Member at a general meeting provided such person or such member has first been recommended for this class of membership by the Committee. Such person or such member must not be present in the room in which the meeting is being held when such meeting is discussing a resolution for his acceptance as an Honorary Life Member. The voting on such resolution shall be conducted in the manner prescribed by Rule 55. Any person who has been accepted as an Honorary Life Member as aforesaid shall be notified in writing of such acceptance and notwithstanding Rule 5 shall not be required to make a written application unless he is not already a member of the Club. A memorandum of the resolution accepting him for Life Membership shall be noted in the Register of Members.
- (b) A person shall become an Honorary Life Member of the Club at the time the resolution referred to in Rule 9(5)(a) above is passed.
- (c) An Honorary Life Member shall not be required to pay any entrance fee or annual subscription, **PROVIDED THAT** if he desires to fly the Club's aircraft he shall be required to pay an affiliation levy entitling him to membership of the Gliding Federation of Australia.
- (d) An Honorary Life Member has the same rights and privileges and is subject to the same obligations and restrictions as a Flying Member except as provided in Sub-Clause (c) above.

HONORARY MEMBERS

- (6) (a) The Committee may accept a person who is not a member of the Club as an Honorary Member for a period of not more than one month and may extend such acceptance for further periods of not more than one month each **PROVIDED THAT** a person may not be an Honorary Member for any continuous period longer than six months unless the Club in general meeting otherwise direct. In its resolution of acceptance the Committee may subject to these presents specify such limitation or extension of the rights of the Honorary Member as it thinks fit.
- (b) A person shall become an Honorary Member of the Club at the time specified in the Committee's resolution of acceptance under Sub-Clause (a) above or at the time the Club receives from him the written application required by Rule 5 whichever time is the latest.
- (c) A person shall cease to be an Honorary Member of the Club at the expiration of the period specified in Rule 9(6)(a) or any extension thereof or at the latest time

SOUTHERN CROSS GLIDING CLUB INCORPORATED

for termination of membership specified in any written application from him under Rule 5 whichever time is the earliest.

- (d) An Honorary Member shall not be required to pay any entrance fee nor annual subscription.
- (e) An Honorary Member has the same rights and privileges and is subject to the same obligations and restrictions as a Probationary Flying Member except as provided in Rule 9(6)(d) and/or as specified in the Committee's resolution of acceptance under Rule 9(6)(a).

TEMPORARY MEMBERS

- (7) (a) The Committee or the Club in general meeting may authorise any member or group of members to admit a visitor to the Club as a Temporary Member for the purpose of experiencing with an Instructor an Introductory Flight or series of flights in the Club's aircraft. Until otherwise determined a senior duty pilot and/or an Instructor shall be authorised to admit visitors as Temporary Members subject to the due completion of the prescribed application form and subject to payment of the fees and/or charges referred to in Rule 9(7)(b).
- (b) The Committee may from time to time determine the period during which a person may be a Temporary Member and may determine the amount of Temporary Membership fee, flying and/or launching charges or other fees which shall be required of a Temporary Member.
- (c) A Temporary Member shall not be entitled but may be invited to use the Club's facilities and shall not be entitled to receive notice of or to attend general meetings or to speak thereat and may not be elected or appointed to the Committee.
- (d) The Committee may admit Tug Pilots as "Temporary Members" while they are listed on the Tug Pilots Roster.

LIFE FLYING MEMBERS

- (8) Notwithstanding anything herein contained persons who have been admitted as Life Flying Members of the Former Club shall upon Incorporation of the Club be deemed to be Honorary Life Members, and have the same rights, duties and obligations as Honorary Life Members under these Rules. No further members shall be admitted as Life Flying Members.

REGISTER OF MEMBERS

SOUTHERN CROSS GLIDING CLUB INCORPORATED

10. (1) The Membership Secretary shall establish and maintain a Register of Members of the Club specifying the name and postal , residential and email address or addresses of each person who is a member of the Club together with the date on which the person became a member and the class of membership.
- (2) Every applicant for any class of membership in the Club shall show, on the form of application required by Rule 5, his postal address and his residential address. All members shall immediately notify the Club in writing of any change of address and of the new address or addresses if more than one, which change shall forthwith be recorded in the Register of Members.
- (3) The Register of Members shall be kept by the Membership Secretary and shall be open for inspection, free of charge, by any member of the Club at any reasonable hour: ***PROVIDED THAT*** no person shall be entitled to inspect or make use of such Register or any part thereof except for the purposes of the Club or any other purpose required by law.
- (4) Where a member changes from one class of membership to another this change shall be recorded in the Register of Members together with the date of the change. No name shall be removed from the Register of Members unless the person ceases to be a member.
- (5) The address for service of any notices upon a member shall be the contact address. For members supplying an email address, this shall be the email address, unless the member has informed the Club to the contrary pursuant to this Rule. For members without an email address, the contact address shall be deemed to be the postal address.

MEMBERSHIP FEES, SUBSCRIPTIONS, LEVIES, FLYING CHARGES, ETC.

- 11 (1) Subject to the Act and these Rules the Committee may from time to time determine the amount and terms of payment of fees and charges payable by a member in respect of entry to or renewal of membership of the Club and/or its various classes of membership, affiliation or other levies, and flying, launch or other charges or hiring or licensing rates for the use of any aircraft equipment premises or other property or facilities owned or provided by the Club: ***PROVIDED THAT--***
- (a) Any such variation shall be placed before the next General Meeting of the Club for ratification if required by five voting members of the Club and if not ratified the fees or charges shall be deemed to be thereupon varied to their previous level and no person shall be entitled to any refund; and

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (2) The Committee or the Club in general meeting may further from time to time determine the amount of any fees or charges payable by visiting members from other gliding clubs or by non-members or temporary or other members for introductory flights or for use of any property or facilities owned or provided by the Club: **PROVIDED THAT** the amount of any fee or charge shall be not less than that which would be charged to a Member for the use of similar property or facilities.
- (3) (a) Where a person who applies for Probationary Flying Membership, Associate Membership or Flying Membership is either--
- (j) A person who is a full-time student and has not yet had his twenty-fifth birthday or such other birthday as the Committee or the Club in general meeting may determine from time to time; or
 - (ii) a person who is wholly or in substantial part supported by a parent or guardian, or
 - (iii) The spouse or son or daughter of a Flying Member, Honorary Life Member or Life Member or
 - (iv) A person accepting an introductory membership package consisting of probationary membership and a specified number of flights.
- then the fees and/or charges payable by such a person shall be such fraction of the then ruling fees and/or charges or any of them as the Committee may determine from time to time.
- (b) Until otherwise determined such person shall pay one half of the entrance fee for Flying Membership or Probationary Flying Membership but shall otherwise pay the same fees and charges as other members: **PROVIDED THAT** the Committee may vary such fraction as it may consider appropriate.
- (b) The Committee shall determine whether a person is or is not supported as aforesaid wholly or in part and provided it has acted reasonably its decision shall be final.
- (5) The Committee or the Club in general meeting may vary increase reduce or remit, partly or wholly, any entrance fee or annual subscription, or it may alter the time any entrance fee or annual subscription becomes payable to the Club by any person or member or any group of persons or members subject to such conditions as it shall think fit.
- (6) Where a person becomes a member or changes from Associate or Inactive Membership to Flying Membership otherwise than at the beginning or end of a financial year, for the purpose of determining the membership fee payable by him the annual subscription shall unless otherwise determined by the Committee or the Club in general meeting be deemed to be a fraction calculated by dividing by twelve the number of partial or complete months remaining in the current financial year from the date of his application

SOUTHERN CROSS GLIDING CLUB INCORPORATED

to the end of that financial year. The date of the said application shall be called the Subscription Reference Time.

- (7) Notwithstanding Clause (6) above where a Probationary Flying Member has been accepted as a Flying Member the Subscription Reference Time shall be the date of his application for Probationary Flying Membership: **PROVIDED THAT** where a person has been accepted as a Probationary Flying Member before the beginning of a financial year and becomes accepted as a Flying Member after the beginning of that financial year the Subscription Reference Time shall be the first day of that financial year in which he becomes so accepted.
 - (8) Where a person is accepted as a Member or where a Member is accepted in another class of membership any fees, subscriptions, levies or other charges applicable to that Member or class of membership shall become due and payable by him at the time of such acceptance.
12. (1) Where the Club in general meeting decides or the Former Club under its Articles has decided to subscribe to, become a member of, co-operate with, affiliate with or amalgamate with any other Club, association or organisation, whether incorporated or not, the Committee may, as part of any such arrangement, impose a levy on some or all members and may make such regulations governing the incidence of the levy as it deems expedient. Such levy may be used for such purpose or purposes and may be paid over, partly or wholly, to such other club or association as the Club in general meeting or the Former Club under its Articles decides or has decided. For the purposes of these presents any such levy is to be called an affiliation levy. No affiliation levy is payable by a Probationary Flying Member.
- (2) The Club in general meeting may from time to time impose upon Members generally or specifically upon any class or classes of Members a levy for the purposes of the Club in such amount and for such purposes not inconsistent with the Objects of the Club as may seem appropriate.

MEMBERS' LIABILITIES

13. The liability of a Member to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the Member of fees payable pursuant to Rules 11 and/or 12.

MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

14. A right, privilege or obligation which a person has by reason of being a member--
- (1) Is not capable of being transferred or transmitted to another person; and
 - (2) Subject to Rules 15(2)(b) and 16, terminates upon cessation of the person's membership.

CESSATION OF MEMBERSHIP

15. (1) A person ceases to be a member of the Club if he--
- (a) dies;
 - (b) resigns that membership but subject to Rule 16;
 - (c) fails to pay or renew his annual subscription in the manner hereinafter provided;
or
 - (d) is expelled from the Club in the manner hereinafter provided.
- (2) Where, pursuant to Rule 11, a member or other person (herein called member) has become liable to pay the annual subscription and/or any affiliation or other levy for any class of membership--
- (a) if the Club has not received such annual subscription and/or levy or levies from such member by the end of the first month of that financial year then that member shall thereupon lose, where applicable, the right to fly in the Club's aircraft and to use the Club's launching facilities at the then ruling training and solo flying charges and launching fees and also the right to vote at general meetings of the Club and to be elected or appointed to the Committee. As soon as practicable after the end of that first month the Secretary shall cause a notice to be placed in the Club Journal setting out the membership privileges members who do not renew have lost, the further penalty that such members will incur if the Club does not receive such annual subscriptions and affiliation or other levy or levies by the time specified in Rule 15(2)(b) and also setting out the right of a Flying Member to become an Inactive Member; and
 - (b) if the Club has not received such annual subscription and affiliation levy (if any) from such member by the end of the second month of that financial year then, if he is a member of the Club, he shall thereupon cease to be a member of the Club and his name shall be removed from the Register of Members. As soon as practicable after the end of that second month the Secretary shall cause a further notice to be placed in the Club Journal setting out that fact and noting the right of a former member to re-join the Club pursuant to Rule 15(3). Where a person

ceases to be a member under this Rule the amount of any membership fee owing by that person to the Club shall cease to be a debt to the Club as from the time of the cessation of his membership but he shall remain liable to the Club in respect of any unpaid dues for flying or launching charges or levies other than affiliation levies incurred or imposed prior to such cessation or cancellation.

- (3) Notwithstanding anything contained in these presents, where a person who has ceased to be a member pursuant to Rule 15(2)(b) within six months of ceasing to be a member makes written application for reinstatement of his membership and pays in full the amount of any fees, subscription and levy or levies which would have otherwise been payable by him for that financial year together with a late payment fee in such amount as the Committee or the Club in general meeting may from time to time determine then unless the Committee otherwise resolve his membership shall be reinstated and he shall thereupon again become a member of the same class as he had previously been a member and his name and particulars shall be again recorded in the Register of Members. Unless and until his membership is reinstated in the manner herein provided he shall not be entitled to receive notice of or attend or vote at general meetings.
- (4) Where an application by an Inactive Member to become a Flying Member has been approved pursuant to Rule 9(3)(d), if the Club has not received from such Member within one month after the date of the Committee meeting referred to in that Rule the annual subscription and affiliation and/or other levy or levies (if any) due by him, then his application shall be deemed to have been withdrawn and he shall remain as an Inactive Member unless or until he makes a further application for change of membership.

RESIGNATION OF MEMBERSHIP

16. A Member may at any time by giving notice in writing addressed to the Club Postal Address , or via email to the current Secretary resign his membership of the Club. He shall cease to be a member at the time his letter of resignation is received by the Club and his name shall forthwith be removed from the Register of Members. Except where such resignation is received not more than two months prior to the making of any order judgment or decree winding up the Club, upon ceasing to be a member such person shall no longer owe to the Club any membership fee which he owed to the Club immediately before the cessation of his membership but in every case all other fees and charges due to the Club shall remain payable. Upon ceasing to be a member such person shall be owed the same amount or amounts by the Club (but not including any membership fee) as he was owed by the Club immediately before the cessation of his membership. No membership fee nor any part thereof shall be refunded to any such person unless such refund is specifically authorised by the Club in general meeting.

INSTRUCTORS' PANEL

17. (1) A member who was immediately prior to the Incorporation of the Club a member of the Panel of the Former Club shall be a member of the Instructors' Panel, subject to the further provisions hereunder.
- (2) The Panel shall consist of those eligible members who have been appointed to it in accordance with these presents and who have not ceased to be members of it. Only Flying Members and Honorary Life Members who have been awarded a rating of Air Experience Instructor. Level 1, Level 2, or Level 3, Instructor by the Gliding Federation of Australia while they retain that rating are eligible for membership of or to remain a member of the Panel.
- (3) All appointments to the Panel shall be made by the Committee from those eligible members who have been so nominated by the Chief Flying Instructor and the Panel at a meeting at which not more than twelve and one half percent of the total membership of the Panel (present in person or proxy) voted against such nomination. A person so appointed shall become a member of the Panel at the time the resolution of the appointment is passed by the Committee.
- (4) A person shall cease to be a member of the Panel if and when:-
- (a) He ceases to be a Flying Member or Honorary Life Member;
 - (b) He becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
 - (c) He resigns from the Panel by notice in writing to the Club in which case he ceases to be a member of the Panel when his letter of resignation is received by the Club;
 - (d) At a meeting of the Panel held after not less than 7 days' notice thereof has been given to all members of the Panel then existing including the person whose name it is proposed to have removed that a resolution for his removal from the Panel will be proposed and stating in short form the reasons therefor and such resolution is passed with the number of members of the Panel voting in favour of such resolution being at least two-thirds of the total number of members of the Panel existing at that time;
 - (e) At a meeting of the Committee held after not less than 7 days' notice thereof has been given to all members of the Committee then existing and to the person whom it is proposed to request to resign from the Panel that a resolution requesting him to resign from the Panel will be proposed and such resolution is passed with at least eight members of the Committee voting in favour of the resolution: the person will be deemed to have resigned at the time resolution was so passed;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (f) The members in general meeting pass a special resolution for his removal from the Panel; or
 - (g) He ceases to retain his Gliding Federation of Australia rating as an Instructor.
18. (1) The Panel shall meet together for the dispatch of business at such places and times as to it or to the Chief Flying Instructor shall seem appropriate and it may adjourn and otherwise regulate its meetings as it thinks fit.
- (2) No business shall be transacted at a meeting of the Panel unless a quorum is present at the time the business is being transacted. One fifth of the total number of members of the Panel existing at that time, personally present, shall be a quorum.
- (3) A resolution in writing signed by the same number of members of the Panel existing at the time specified in the document containing the resolution as constitutes a quorum at a meeting of the Panel shall be as valid as if it had been passed at a meeting of the Panel duly convened and held **PROVIDED THAT** it is approved at the next Panel Meeting **AND PROVIDED THAT** each person signing such resolution is taking part in the Panel activities as a member of the Panel at the time of signing **AND PROVIDED THAT** he signs within a period of seven days after such time specified in such document **AND PROVIDED THAT** the number of persons signing such resolution would have amounted to a sufficient number of votes in favour of that particular resolution at a meeting of the full Panel held at such time specified in such document. Any such resolution may consist of several documents in like form, each signed by one or more members of the Panel. For the purposes of Clause (4) and subject to the first Proviso herein any such resolution is to be regarded as having been passed at a meeting of the Panel duly convened and held.
- (4) All acts done by a meeting of the Panel or by a person taking part in Panel activities as a member of the Panel, shall notwithstanding that it is afterwards discovered that there was some defect in the appointment of any person acting as a member of such Panel or that a person properly appointed to such Panel had ceased to be a member thereof, be as valid as if every such person had been duly appointed and had continued to be a member of such Panel.
19. The Panel shall cause minutes to be made--
- (1) Of all appointments to the Panel and of all terminations of membership of the Panel;
 - (2) Of the names of the members of the Panel present at all meetings of the Panel;
 - (3) Of all proceedings at all meetings of the Panel and of all resolutions passed under Rule 18(3).

SOUTHERN CROSS GLIDING CLUB INCORPORATED

Such minutes shall be signed by the Chairman of the meeting at which the proceedings were held (where applicable) or by the Chairman of the next succeeding meeting of the Panel.

20. (1) The Panel shall control the physical and safety aspects of the Club's flying operations and shall also control the provision of instruction in all forms of glider and sailplane flying in accordance with the policy and Rules or regulations of the Club and/or the Gliding Federation of Australia existing from time to time.
- (2) As well as any powers and duties which may be assigned to it in accordance with these presents the Panel shall subject to the Act and to Rule 84 have power to make, amend, vary, or cancel regulations concerning any physical, safety or instructional aspects of flying matters including power to make regulations concerning ground procedures and maintenance matters connected with aircraft and ground equipment so far as these concern safety in flying, launching, landing and flight preparation and physical care and handling of aircraft. By such regulations it may delegate such of its powers and/or duties as it deems fit to any person. Such regulations shall be binding on all members ***PROVIDED THAT***, in the case of regulations concerning instructional aspects of flying matters, they are in accordance with the policy of the Club and/or the Rules, regulations or directions of the Gliding Federation of Australia existing at that time. The policy of the Club may be determined from time to time by the members in general meeting or by the Panel ***PROVIDED THAT*** any such determination by the Panel is of no effect in so far as it conflicts with any such applicable determination by the members in general meeting.

COMMITTEE AND OFFICERS

POWERS AND DUTIES OF COMMITTEE

21. (1) The Committee shall be called the committee of management of the Club and, subject to the Act, the Regulations and these Rules and to any resolution passed by the Club in general meeting--
 - (a) Shall control and manage the affairs of the Club;
 - (b) May exercise all such functions as may be exercised by the Club other than those functions that are required by the Act or these Rules to be exercised by a general meeting of members of the Club; 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 Club.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (2) Without limiting the generality of Rule 21(1), the Committee may pay all expenses incurred in promoting or incorporating the Club. No regulation made by the Club in general meeting or by any body of persons constituted by these presents or by any person shall invalidate any prior act of the Committee which would have been valid if that regulation had not been made.
22. The Committee may exercise all the powers of the Club to borrow money or to mortgage or charge its property, or any part thereof, and to issue debentures and other securities whether outright or as security for any debt, liability or obligation of the Club.
23.
 - (1) All cheques, promissory notes, drafts, bills of exchange and other negotiable instruments shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by either of the President, Secretary or Treasurer and one other member of the Committee or in such other manner as the Club in general meeting may determine from time to time.
 - (2) Notwithstanding Rule 23(1), either the President, Secretary or Treasurer or such other persons as the Committee may determine from time to time, may endorse any cheque or sign or endorse any other instrument representing money value where such cheque or other instrument has been received as a payment by the Club and is being endorsed or signed to enable it to be deposited to a bank account of the Club.
 - (3) Any member of the Committee or any such other person or persons as the Committee may determine from time to time may sign receipts for any money paid to the Club.
24. Without in any way limiting the generality of the powers of the Committee and subject always to these presents the Committee may exercise the following further powers:
 - (1) Provided it has received the approval of the Chief Flying Instructor or of the Panel it may allow any person to use the Club's glider launching facilities subject to such conditions as it thinks fit and subject to the control of the Panel over flying operations;
 - (2) Provided it has received the approval of the Chief Flying Instructor or of the Panel it may allow any person, who is temporarily visiting the Club and who is not a member, to use any of the Club's aircraft subject to such conditions as it thinks fit and subject to the control of the Panel over flying operations;
 - (3) It may allow any person to use any of the Club's facilities other than flying or glider launching facilities, subject to such conditions as it thinks fit;
 - (4) It may impose or alter any glider launching fees and any flying fees and introductory flight fees for use of any of the Club's aircraft except where it has been specifically prohibited from making a particular alteration for a particular period by the Club in general meeting;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (5) It may pay an honorarium to any person in recognition of services rendered to the Club by that person provided the honorarium is reasonable in relation to the service rendered **AND PROVIDED THAT** the amount and purpose of any such honorarium shall notified to Members and may if required by any Members in the manner set forth in Rule 46 be placed before a general meeting for ratification.
 - (6) It may borrow or hire on reasonable terms any item or items of equipment including tugs and/or gliders necessary to ensure the efficient carrying out of its functions and duties under these presents and the Statement of Objectives of the Club.
 - (7) It may sell, give, lend, lease or licence for reward on reasonable terms any item or items of property or equipment owned by or in the possession or control of the Club.
 - (8) Subject to the Act, and to Rule 84, it may make, amend, vary, or cancel regulations not inconsistent with these presents concerning any aspect of the Club's activities, operations and management **PROVIDED THAT** it may not make any regulation concerning any physical, safety or instructional aspects of flying matters or ground procedures and maintenance matters connected with aircraft and ground equipment so far as these concern safety in flying, launching, landing, and flight preparation and physical care and handling of aircraft.
25. At the Annual General Meeting of the Club the Committee shall prepare and submit to members a statement which is not misleading and which gives a true and fair view of--
- (1) The income and expenditure of the Club during its last financial year;
 - (2) The assets and liabilities of the Club at the end of its last financial year;
 - (3) The mortgages, charges and other securities of any description affecting any of the property of the Club at the end of its last financial year;
 - (4) In respect of each trust of which the Club was trustee during a period, being the whole or any part of the last financial year of the Club--
 - (a) the income and expenditure of the trust during that period;
 - (b) the assets and liabilities of the trust during that period; and
 - (c) the mortgages, charges and other securities of any description affecting any of the property of the trust at the end of that period.

ACQUISITION OF PROPERTY AND EQUIPMENT, ETC

SOUTHERN CROSS GLIDING CLUB INCORPORATED

26. (1) The Committee may not authorise the creation of any position of employment or the acquisition of any land or building without the prior approval of the Club in general meeting.
- (2) The Committee may not authorise the acquisition of any whole item of equipment, nor part of such whole item, where the total actual price payable for, or the total actual cost to the Club of such whole item (including the total actual cost to the Club of any building, fabrication, alteration, repair or other work required to bring such whole item to a condition reasonably suitable for its intended purpose) exceeds or would exceed \$60,000 or such greater amount as may be determined by calculating the proportion by which the C.P.I. index has increased from that applicable to the calendar year 1997 or as the Club in general meeting may determine from time to time: **PROVIDED THAT** it may authorise the repair of a whole item of equipment, including the acquisition of necessary parts and materials, where the need for such repair resulted from the use of such whole item by the Club in furtherance of its Objects and where the total actual cost to the Club of all repair work reasonably needed does not exceed the amount determined as aforesaid. In this Clause whole item of equipment means a completed item of equipment which is intended to be used as an independent unit for some Club activity without attachment to or incorporation in any other equipment.
- (3) The committee may authorise the acquisition of any whole item of equipment where the price exceeds the limit imposed by rule 26(2) **PROVIDED THAT:**
- (a) the net cost of such acquisition, including a reasonable allowance for the proceeds of any existing equipment, does not exceed the limit of Rule 26(2) and
 - (b) the expense is met from available funds, and
 - (c) such available funds do not include borrowed money.
- (4) Subject to Rule 26(1) the Committee may authorise the hire or dismissal of any employee of the Club.

MINUTES

27. The Committee shall cause minutes to be made:-
- (1) Of all appointments of officers, members of the Committee, members of the Panel and employees;
 - (2) Of the names of members of the Committee present at all general meetings of the Club and all meetings of the Committee; and
 - (3) Of all proceedings at all general meetings of the Club and all meetings of the Committee and of all resolutions passed under Rule 43.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

Such minutes shall be signed by the Chairman of the meeting at which the proceedings were held (where applicable) or by the Chairman of the next succeeding meeting (either general meeting or Committee meeting as appropriate). Within two weeks of any meeting a copy of the minutes of such meeting shall be posted in the Club web-site or on request from the Club secretary and such minutes shall remain so posted for at least three weeks.

CONSTITUTION AND MEMBERSHIP

28. (1) Upon Incorporation the first members of the Committee shall be the persons who had the management of the Former Club or who were directors of the Former Club immediately before the date of its Incorporation.
- (2) Upon and from the first Annual General Meeting held following Incorporation the Committee shall consist of--
- (a) The Office-bearers of the Club; and
 - (b) 2 ordinary members, one of whom shall be a member of not more than two years' standing
- each of whom shall be elected at the Annual General Meeting of the Club pursuant to Rule 46.
- (3) The Office-bearers of the Club shall be the holders of the positions of
- (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Treasurer;
 - (e) Chief Flying Instructor;
 - (f) Membership Secretary;
 - (g) Operations Officer;
 - (h) Tug Master;
 - (i) Ground Equipment Officer;
 - (j) Aircraft Maintenance Officer;
 - (k) Expeditions Officer; and
 - (l) Club Journal Editor.
 - (m) Alternative New South Wales Gliding Association Delegate
 - (n) Certificates Officer
 - (o) Publicity Officer
 - (p) Webmaster/IT Officer
- (4) Unless the Club in general meeting otherwise decides the Vice-President from time to time shall also hold the position of First New South Wales Gliding Association

SOUTHERN CROSS GLIDING CLUB INCORPORATED

Delegate and the Committee may appoint such a Member as is willing to do so to hold the positions of Social Secretary.

- (5) Notwithstanding anything to the contrary herein the Committee may from time to time appoint any Member to any of the positions set forth in Clause (4), or to assist any Committee member in the performance of the duties relating to his office.
 - (6) Each Officer shall, subject to these Rules, hold office until the conclusion of the Annual General Meeting following the date of his election, but shall be eligible for re-election.
29. The Committee shall from time to time appoint one of its members to be the Public Officer of the Club, and until such appointment is made, the Secretary shall be the Public Officer.

ELECTION OF MEMBERS

30. (1) All Office-bearers and ordinary members of the Committee shall be elected at each Annual General Meeting in accordance with these presents. All members so elected shall take office immediately after the close of the Annual General Meeting and shall hold office until the close of the next following Annual General Meeting unless their tenure of office is terminated beforehand in accordance with these presents.
- (2) The election of all Office-bearers (other than the Chief Flying Instructor) and of other members of the Committee shall be conducted in the following manner:-
 - (a) Every member entitled to vote at general meetings of the Club is entitled to nominate candidates for such election and to vote at such election;
 - (b) Nominations for positions on the Committee must be received by the Secretary in writing or by email one month prior to the Annual General Meeting in accordance with rule 47 (1) (d). In the event of a committee position receiving no nominations prior to the Annual General Meeting the Chairman of the meeting shall clearly call for nominations three distinct times immediately before the election is held for each position;
 - (c) The candidates for each position are those eligible members nominated in answer to the Chairman's calls required by the last preceding Sub-Clause and also those whose nominations appear on the agenda for the meeting provided in either case they are present in person at the meeting and consent to their nomination for the position, or though absent from the meeting, have caused to be present at the Annual General Meeting a signed acceptance of their nomination for the position;
 - (d) Where at any time two or more Committee positions are to be filled by members who are not Office-bearers then the election for such positions may be conducted as one ballot;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (e) Where there is only one candidate for a single position or the same number of candidates as the number of positions to be filled in the circumstances described in the last preceding Sub-Clause then that candidate or those candidates are deemed to be elected to the position or positions for which he or they were nominated respectively;
 - (f) Where there is more than one candidate for a single position or more candidates than the number of positions to be filled in the circumstance described in Rule 30(2)(d) then the election for that position or those positions respectively shall be conducted by ballot; such ballot shall be conducted in such manner as the Committee may determine from the time to time but where the Committee has not made any such determination it shall be conducted in such matter as the Chairman of the meeting shall direct;
 - (g) The Chairman shall appoint two members present at the meeting to act as scrutineers who shall ensure that only the correct number of votes has been cast, shall count the votes and inform the Chairman of the result.
- (3) The election of the Chief Flying Instructor shall be conducted in the following manner:-
- (a) Every member entitled to vote at general meetings of the Club is entitled to vote at such election;
 - (b) The candidate for the position shall be such member of the Instructor's Panel as has been nominated for the position by the Instructor's Panel at its meeting before the Annual General Meeting and who is either present in person at the Annual General Meeting and signifies his willingness to stand or, though absent from the meeting, has caused to be present at the Annual General Meeting a signed acceptance of his nomination for the position;
 - (c) The election shall be conducted by ballot and those voting shall signify their acceptance or rejection of the candidate; in the event of an equal number of votes for acceptance and rejection of the candidate the Chairman shall be entitled to cast a deciding vote;
 - (d) The scrutineers nominated under Rule 30(2)(g) shall ensure that only the correct number of votes has been cast, shall count the votes and inform the Chairman of the result.
- (4) Where an Office-bearer or other member of the Committee is elected or appointed to office otherwise than at an Annual General Meeting he shall take office from the time that the Chairman of the meeting announces his election or from the time the resolution of appointment is passed which ever case applies.

SECRETARY

31. (1) The Secretary shall, as soon as practicable after being so appointed lodge notice with the Club of his 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 Committee meetings or general meetings; and
 - (c) All proceedings at Committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the Chairman of the meeting or by the Chairman of the next succeeding meeting.

TREASURER

32. (1) It shall be the duty of the Treasurer of the Club to ensure that--
- (a) All accounts for moneys due to the Club are promptly rendered and such moneys are duly collected and received and that all payments authorised by the Club are made; and
 - (b) Correct books and accounts are kept showing the financial affairs of the Club including full details of all receipts and expenditure connected with the activities of the Club.
- (2) The Committee shall ensure that it keeps such oversight of the books and accounts as is necessary to satisfy itself of their currency, accuracy and completeness up to and if necessary including a formal audit.

REMOVAL OF OFFICER

33. (1) The Club may, at any general meeting, by special resolution remove any Officer from the Committee before the expiration of the Officer's term of office and may by resolution appoint an eligible member to hold office until the expiration of the term of office of the person so removed.
- (2) Where a member of the Committee to whom a proposed resolution referred to in Rule 33(1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Club, the Secretary or the President may send a copy of the representations to each member of the Club or, if they 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.

CASUAL VACANCIES

34. (1) For the purposes of these Rules, a casual vacancy in the Committee occurs if a member of the Committee--
- (a) Dies;
 - (b) Is no longer a member of a class of membership which may be permitted to vote at general meetings of the Club;
 - (c) Becomes an insolvent under administration under any law of the State or Commonwealth relating to bankruptcy;
 - (d) Becomes prohibited from being a director of a company by reason of any order made under the Companies (New South Wales) Code;
 - (e) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
 - (f) Resigns his office by notice in writing given to the Secretary in which case his office becomes vacant when his letter of resignation is received by the Secretary;
 - (g) Is removed from office under Rule 33(1);
 - (h) Is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 months; or
 - (i) If not less than nine members of the Committee request him in writing to resign in which event he shall be deemed to have resigned at the end of the day on which such request is served upon him or sent to him by the Secretary.
- (2) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint any member of the Club eligible to vote at general meetings to fill the vacancy and the member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of the appointment.
- (3) Every member of the Committee is deemed to have resigned from the Committee if--
- (a) The Committee has been unable to form a quorum at three consecutive meetings of the Committee: the Committee is deemed to be unable to form a quorum at

the third of such meetings when a quorum has not been formed within thirty minutes of the time notified for the start of that meeting; or

- (b) A period of eleven weeks has elapsed since the last Committee meeting was properly held.

PROCEEDINGS OF THE COMMITTEE

MEETINGS AND QUORUM

- 35. The Committee shall meet together at such place and time for the dispatch of business as it thinks fit and it may adjourn and otherwise regulate its meetings. The President may at any time and the Secretary, or any member of the Committee acting for or as the Secretary, shall, on the requisition of two members of the Committee or pursuant to a resolution of the Committee, summon a meeting of the Committee. The Committee shall meet at least once every month.
- 36.
 - (1) No business shall be transacted at any meeting of the Committee unless a quorum is present at the time that business is being transacted. Seven members of the Committee, personally present, shall constitute a quorum.
 - (2) 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.
 - (3) At the adjourned meeting four or more members of the Committee shall constitute a quorum. If a quorum under this Clause is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved. At the next Committee meeting thereafter a quorum shall be as required by Rule 36(1).
- 37. Oral or written notice of a meeting of the Committee shall be given by the Secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for the holding of the meeting, other than an adjourned meeting, except--
 - (1) Where a meeting has been adjourned for more than one day, notice of the adjourned meeting shall be given as soon as practicable after the adjournment to each member of the Committee who was not present at the time of the adjournment at the meeting which was adjourned; and
 - (2) Where a meeting, other than an adjourned meeting, is called on shorter notice than 48 hours and not less than 10 members of the Committee attend such meeting and all

SOUTHERN CROSS GLIDING CLUB INCORPORATED

resolve to accept such shorter notice then valid notice is deemed to have been given of such meeting.

- (3) Notice of a meeting given under this Rule shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting except business which the committee members present at the meeting agree to treat as urgent business.
38. A member of the Committee shall not speak or vote in respect of any contract or proposed contract with the Club, or any other matter in which he has a financial interest, or any matter arising thereout, and if he does so vote his vote shall not be counted. If any matter arises for consideration in which a member of the Committee has a financial interest he shall forthwith inform the Committee or the Chairman of that fact and shall not take part in any discussion relating to that matter.
39. The continuing members of the Committee may act notwithstanding any vacancy in the Committee, but if and so long as their number is reduced below the number which is a quorum, they may act for the purpose only of increasing their number to the number which is a quorum or of summoning a general meeting of the Club, and for no other purpose.
40. The President shall preside as Chairman at every meeting of the Committee, or if in the President's absence, the Vice-President shall preside; or 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 shall preside.

DELEGATION BY COMMITTEE TO SUB-COMMITTEE

41. (1) The Committee may by resolution or instrument delegate such powers and functions as it thinks fit (save for this power of delegation and any function which is a duty imposed on the Committee by the Act or by any other law) to one or more sub-Committees each of which shall consist of such Member or Members of the Club as the Committee thinks fit. The Committee shall appoint a convenor for each sub-Committee and shall lay down the Rules under which the sub-Committee shall operate.
- (2) A function the exercise of which has been delegated to a sub-Committee 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 Rule may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the resolution or instrument of delegation.
- (4) Notwithstanding 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 resolution or instrument revoke wholly or in part any delegation under this Rule.
- (7) Subject to the Rules if any laid down for it by the Committee a sub-Committee in transacting its business may meet and adjourn as it thinks proper. Unless otherwise laid down by the Committee the convenor of the sub-Committee shall act as Chairman of its meetings but if he is not present within ten minutes after the time appointed for holding the meeting or if he is unwilling to act the members of the sub-Committee present may elect one of their number to be Chairman. The convenor of the sub-Committee shall report the proceedings of the sub-Committee to the Committee.

VOTING AND DECISIONS

42. (1) Unless otherwise specified in these presents, questions arising at any meeting of the Committee or any sub-Committee shall be decided by a majority of votes of the members of the Committee or sub-Committee present at the meeting.
- (2) The Chairman of a meeting of the Committee or a sub-Committee is not entitled to vote on any question except where the voting on the question results in an equality of votes in which case he becomes entitled to cast a deciding vote.
43. A resolution in writing signed by the same number of members of the Committee as constitutes a quorum at a meeting of the Committee, shall be as valid as if it had been passed at a meeting of the Committee duly convened and held ***PROVIDED THAT*** each member of the Committee has been forwarded a copy of the proposed resolution ***AND PROVIDED THAT*** each person signing such resolution does so within a period of seven days after the date specified on the document containing the resolution ***AND PROVIDED FURTHER THAT*** the document so signed is placed before the next meeting of the Committee and forms part of the minutes of that meeting. Any such resolution may consist of several documents in like form, each signed by one or more members of the Committee. For the purposes of Rule 43 any such resolution shall be regarded as having been passed at a meeting of the Committee duly convened and held.
44. All acts done by a meeting of the Committee or of a sub-Committee or by a person taking part in Committee or sub-Committee activities as a member of that Committee or sub-Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any person acting as a member of such Committee or sub-Committee or that any person properly appointed to such Committee or sub-Committee had ceased to be a member thereof, be as valid as if every such person had

been duly appointed and had continued to be a member of such Committee or sub-Committee.

GENERAL MEETINGS

ANNUAL GENERAL MEETINGS—HOLDING OF

45. (1) The Club shall at least once in every calendar year and within the period of 6 months after the expiration of each financial year of the Club, convene an Annual General Meeting of its members.
- (2) The Club shall hold its first Annual General Meeting--
- (a) within the period of 18 months after Incorporation; and
 - (b) within the period of 2 months after the expiration of the first financial year of the Club.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.
- (4) Every Annual General Meeting shall be held at a time and place which is reasonably suitable for the majority of Flying Members.

ANNUAL GENERAL MEETINGS—CALLING OF AND BUSINESS AT

46. (1) The Annual General Meeting of the Club shall, subject to the Act and to Rule 45, 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 shall be--
- (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 upon the activities of the Club during the last preceding financial year;
 - (c) To elect Office-bearers of the Club and ordinary members of the Committee;
 - (d) To receive and consider the statement which is required to be submitted to members pursuant to Rule 25; and

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (e) To consider and if thought fit pass any resolution or special resolution or other business of which due notice has been given in the manner set forth herein.
- (3) An Annual General Meeting shall be specified as such in the notice convening it.
- (4) The Secretary shall, not less than 21 days before the date fixed for the holding of the Annual General Meeting, cause to be sent to the contact address of each member who is entitled to receive notice of general meetings at that member's address appearing in the Register of Members and such Notice shall specify the place, date and time of the meeting and shall set out the agenda for the meeting.
- (5) The following paragraph is to appear as the last item of business on the agenda:

"General Business. When the meeting is thrown open to general business members may, with the Chairman's permission, seek or give any information which may be of general interest to other members. The length and content of any statements and the amount of discussion, if any, shall be strictly and entirely at the Chairman's discretion."

- (6) No business shall be transacted at any Annual General Meeting except that listed in the agenda set out in the notice of that meeting and a statement to this effect shall appear on such notice immediately after such agenda.
- (7) Where any five or more members who are entitled to vote at general meetings of the Club so request, the Committee shall cause to be sent with each notice of an Annual General Meeting a statement of not more than one thousand words provided-
 - (a) The statement is relevant to some item of business listed on the agenda for such meeting;
 - (b) Each copy of the statement is legible and weighs less than fifty grams; and
 - (c) Not less than seven days before the notices of such meetings are sent to members the Club receives at least as many copies of such statement as the number of such notices which are required to be given to members:

PROVIDED THAT where in the opinion of the Committee such statement contains defamatory matter the Committee is not required to send such statements with such notices. Such meeting may, if it thinks fit, decide to reimburse out of Club funds the members who were responsible for preparing any statement sent by the Committee under this Rule for the whole or part of their costs in connection with such statement.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (8) The Committee may enclose any statement with the notice of an Annual General Meeting provided the same statement is enclosed with each notice of such meeting.
47. (1) Where two members who are entitled to vote at general meetings give written notice to the Club that they require an item of business included in the agenda for the next Annual General Meeting then such item of business shall be included in such agenda provided such written notice is received by the Club not less than one month before the day on which the meeting is to be held and ***PROVIDED FURTHER THAT*** such item of business is either--
- (a) A resolution, other than a special resolution, which may properly be moved and which such member intends to move at such meeting;
 - (b) A call for discussion on a stated matter; or
 - (c) A request for information from the Committee or from an Office-bearer of the Club on a stated matter; or
 - (d) a nomination of an eligible Member for election as an Office-bearer (other than Chief Flying Instructor) or as another member of the Committee in place of a member retiring at such meeting. The position or positions for which the Member is nominated must be stated.
- (2) Where the Committee resolves to propose a special resolution or not less than five per cent of Members, or ten Members, whichever is the lesser, who are entitled to vote at general meetings of the Club give written notice to the Club not less than one month after the expiration of the Financial Year in respect of which the next Annual General Meeting is to be held of a resolution which may properly be moved and which they intend to have moved as a special resolution at such Annual General Meeting--
- (a) Such resolution shall be included in the agenda for such Meeting together with a notice that it is to be proposed as a special resolution; and
 - (b) the Committee shall proceed to call the Annual General Meeting for such a date and give such notice thereof as will allow such resolution to be passed as a special resolution. The written notice by the Members proposing the special resolution may consist of several documents in like form each signed by one or more of such Members.

SPECIAL GENERAL MEETINGS—CALLING OF

48. (1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (2) Any three or more members of the Committee may, by making a request at a duly constituted meeting of the Committee, require the Committee to convene a Special General Meeting. If the Secretary fails to convene a Special General Meeting any three or more members of the Committee may, at the expense of the Club, convene a Special General Meeting.
- (3) The Committee shall, on the requisition in writing of not less than five per cent of Members, or of ten Members, whichever is the lesser, who are entitled to vote at general meetings, convene a Special General Meeting of the Club.
- (4) A requisition of Members for a Special General Meeting--
 - (a) Shall state the purpose or purposes of the meeting;
 - (b) Shall be signed by the Members making the requisition;
 - (c) Shall 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.
- (5) The Committee shall convene a Special General Meeting to be held within two months after the date on which a requisition of Members for the meeting was lodged with the Secretary, and if it fails to do so any one or more of the Members who made the requisition may convene a Special General Meeting to be held not later than 2 months after the date of the notice of the meeting.
- (6) A Special General Meeting convened by a Member or Members pursuant to this Rule shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee and any Member who thereby incurs expense is entitled to be reimbursed by the Club for any expense reasonably so incurred.

SPECIAL GENERAL MEETINGS—NOTICE

49. (1) A Member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the Member.
- (2) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent to each Member entitled to vote at general meetings at the Member's contact address appearing in the Register of Members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (3) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each Member entitled to vote at general meetings in the manner provided in Clause (2) specifying, in addition to the matter required under Clause (2), the intention to propose the resolution as a special resolution.
- (4) No business other than that specified in the notice convening a Special General Meeting shall be transacted at the meeting.
- (5) Where pursuant to Rule 48(3) a requisition is made for the convening of a Special General Meeting and where, with such requisition, the Members signing it send a statement of not more than one thousand words then the Committee shall cause a copy of such statement to be sent with each notice of the Special General Meeting which is convened as a result of such requisition **PROVIDED THAT:-**
 - (a) The statement is relevant to matter to be dealt with at such meeting;
 - (b) The statement is legible and weighs less than fifty grams; and
 - (c) Not less than seven days before the notices of such meeting are posted to members the Club receives at least as many copies of such statement as the number of such notices which are required to be sent to Members: **PROVIDED THAT** where in the opinion of the Committee such statement contains defamatory matter the Committee shall not be required to send such statement with such notices of meeting. Such meeting may, if it thinks fit, decide to reimburse, out of Club funds, the Members who were responsible for preparing the statement properly sent to the Club under this Clause, for whole or part of their costs in connection with such statement.
- (6) The Committee may enclose any statement with the notice of a Special General Meeting provided the same statement is enclosed with each notice of such meeting.
- (7) Where, pursuant to Rule 48(2), some members of the Committee require the Committee to convene a Special General Meeting or themselves convene a Special General Meeting then such Committee members may require the Committee to enclose any statement or may themselves enclose any statement (whichever case applies) with the notice of such extraordinary general meeting provided the same statement is enclosed with each notice of meeting. The Club shall bear the expense of circulating such statements.

PROCEEDINGS AT GENERAL MEETINGS

QUORUM

50. (1) No item of business shall be transacted at a general meeting unless a quorum is present at the time the meeting is considering that item.
- (2) Save as herein otherwise provided, not less than one fifth of the total Members who are entitled to vote at general meetings, personally present, shall be a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for commencement of a general meeting, or at any time after the commencement of the meeting and while items on the agenda remain to be considered, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved, or dissolved as to any items on the agenda remaining to be considered pursuant to that requisition, and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the Chairman of the meeting or communicated by written notice to Members given before the day to which the meeting is adjourned) at the same place. Written notice of the adjourned meeting shall be placed on a conspicuous place in the Clubhouse.
- (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, not less than 7 Members entitled to vote at general meetings personally present shall constitute a quorum.

PRESIDING MEMBER

51. (1) The President or, in the President's absence, the Vice-President, shall preside as Chairman at each general meeting of the Club.
- (2) If within fifteen minutes after the time notified for the start of the meeting the President and the Vice-President are absent from a general meeting or unwilling to act the Members present who are entitled to vote at general meetings shall elect one of their number to be Chairman. If for any reason a Chairman refuses to continue or is incapable of continuing as Chairman the Members present who are entitled to vote at general meetings shall elect one of their number to be Chairman.

ADJOURNMENT

52. (1) The Chairman of a general meeting at which a quorum is present may, with the consent of the majority of Members present and entitled to vote (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) When a meeting is adjourned for 14 days or more the Secretary shall give not less than 4 days' written or oral notice of the adjourned meeting to each member of the Club

SOUTHERN CROSS GLIDING CLUB INCORPORATED

entitled to vote at general meetings stating the place, date and time of the meeting and the nature of the business remaining to be transacted at the meeting.

- (3) Except as provided in Rule 52(2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting shall not be required.

MAKING OF DECISIONS

53. (1) A question arising at a general meeting of the Club shall subject to Rule 55 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 Chairman 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 Club, 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 Club, a poll may be required by the Chairman or may be demanded by not less than 3 members present in person or by proxy at the meeting. The demand for a poll may be withdrawn at any time.
- (3) Where a poll is required or demanded at a general meeting, it shall be taken--
 - (a) Immediately in the case of a poll which relates to the election of the Chairman 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 Chairman directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on the matter.

SPECIAL RESOLUTIONS

54. (1) Where pursuant to Rules 2(2) or 3 the Club by special resolution alters, rescinds, or adds to the Statement of Objects of the Club or these Rules the Public Officer shall, within one month after the passing of such special resolution lodge with the Commission notice in the prescribed form, verified as prescribed and accompanied by the prescribed fee, setting out particulars of the alteration.
- (2) Any such alteration, rescission or addition shall take effect when Rule 54(1) has been complied with.
- (3) A special resolution of the Club shall not be deemed to be passed unless--
 - (a) It is passed by a majority which comprises not less than three-quarters of such Members of the Club as, being entitled under these Rules so to do, vote in person or by proxy at a general meeting of which not less than 21 days' written notice

SOUTHERN CROSS GLIDING CLUB INCORPORATED

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 Commission that it is not possible or practicable for the resolution to be passed in the manner specified in Rule 54(3)(a), the resolution is passed in a manner specified by the Commission.

VOTING

- 55. (1) Upon any question arising at a general meeting of the Club a Member entitled to vote has one vote only.
- (2) All votes shall be given personally or by proxy.
- (3) Subject to anything to the contrary specifically provided for in these Rules--
 - (a) A resolution other than a special resolution shall be deemed to be passed if a simple majority vote in favour, or as provided hereunder, by the deciding vote of the Chairman;
 - (b) Except in an election of an Office-bearer or of a member of the Committee a Chairman is not entitled to vote at any general meeting unless the voting on a resolution at the meeting, whether by a show of hands or by a poll, results in an equality of votes in which case he shall be entitled to cast a deciding vote;
 - (c) In the case of an election of an Office-bearer or of another member of the Committee the Chairman is entitled to vote in the ballot as if he were not Chairman of the meeting and in the event of such ballot resulting in an equal number of votes for two or more candidates then the Chairman shall be entitled to cast a deciding vote.
- (4) A Member or proxy is not entitled to vote at any general meeting of the Club unless all money due and payable by the Member or proxy to the Club has been paid.

APPOINTMENT OF PROXIES

- 56. (1) Except as is otherwise provided by these presents each Member entitled to vote at a general meeting shall be entitled to appoint a person as proxy by notice--
 - (a) Deposited with the President or the Secretary not less than 24 hours before the time fixed for the start of the meeting or adjourned meeting at which it is to be so used; or
 - (b) Deposited with the Chairman of the meeting or adjourned meeting at any time before the motion is moved on which such proxy so uses it to vote; and in default such proxy cannot vote or demand a poll on behalf of such Member.

- (2) A proxy must be a member of the Club but need not be a member otherwise entitled to vote. Save as is set out in Rule 56(1), the instrument appointing a proxy shall be deemed to confer authority to demand a poll.
 - (3) The notice appointing the proxy shall be in or to the effect of the form set out in Appendix 2 to these Rules.
57. A vote given in accordance with the terms of a proxy shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument executed, if no intimation in writing of such death, unsoundness of mind or revocation as aforesaid has been received by the Club before the commencement of the meeting or adjourned meeting at which the instrument is used.

MEMBERS' LIABILITY FOR MINOR DAMAGE

58. (1) Where a person (in this Rule called the member responsible), whilst a member, was wholly or partially blameworthy in relation to an incident which resulted in any loss of or damage to any of the Club's equipment or property or any loss of income or revenue to the Club or any additional liability or expenditure incurred by the Club then the Committee may require the member responsible to compensate the Club for the whole or part of the cost of replacing or restoring the damaged equipment or property to its condition before being so damaged and for the whole or part of the loss of revenue so suffered by the Club and for the whole or part of the additional liability or expenditure so incurred by the Club ***PROVIDED THAT*** the total compensation due by the member responsible in respect of any one incident shall not exceed \$700.00 or an amount equalling any insurance excess payable by the Club in respect of the incident whichever is the greater sum or such other amount that the Club in general meeting may determine from time to time. The Committee shall determine the amount of compensation to be paid in the manner hereinafter provided and, upon such determination, the amount thereof shall be immediately due and payable to the Club upon the member responsible being notified in writing of the Committee's decision.
- (2) Where the Committee considers taking action under this Rule it shall give not less than seven days' notice to the member responsible of the date, time and place of any meeting at which such action is to be considered.
- Before making a decision on the matter, the member responsible shall be permitted to make an oral or written statement and/or to produce any reasonable or relevant evidence. Such evidence may be given orally or in writing or in the form of exhibits or any combination of the above. The Committee may defer consideration of such matter at any meeting or a subsequent meeting. The Committee shall not take any action against the member responsible under this Rule unless the first meeting at which it is to consider such action is held before the expiration of six months after the end of the incident in relation to which the blameworthiness of the member responsible is to

be considered and unless it comes to a decision on such action without any reasonable delay after such first meeting.

- (3) Subject to this Rule the decision of the Committee shall be final on any question of blameworthiness or amount of compensation due which it decides under this Rule. In any case where the incident the subject of the proceedings is connected with flying, launching, landing, flight preparation or the physical care or handling of aircraft then no action shall be taken unless and until the Panel or the Appeal Panel has determined the degree of blameworthiness of the member responsible pursuant to Rule 59. The decision of the Panel or the Appeal Panel shall be binding on the Committee and the member responsible but the member responsible may adduce any relevant evidence or other material to the Committee in mitigation.
- (4) The Committee shall take action against a person under this Rule once only in respect of any one incident. Where the Committee has taken action against any person under this Rule in respect of an incident no action may be taken against such person in respect of the same incident under Rule 60 or 61.

COMPENSATION FOR GROSS NEGLIGENCE, DISCIPLINING AND TRAINING OF MEMBERS

TRAINING AND FLYING DISCIPLINE

59. (1) In matters involving the physical, safety or instructional aspects of flying or matters concerning aircraft and ground equipment so far as they concern safety in flying, launching, landing, flight preparation and physical care and handling of aircraft the Panel shall be responsible for training and for disciplinary matters in the manner set forth hereunder. Rule 61 shall only apply if the Panel refers the matter in question to the Committee to be dealt with thereunder, or it becomes necessary to enforce a requirement of the Panel or the payment of compensation imposed pursuant to this Rule or Rule 60.
- (2) In the exercise of its powers or in the carrying out of its duties the Panel or any member thereof may restrict or suspend the flying or launching rights of any member or other person or require that person to undergo further or additional training either as an act of administration in the interests of safety or as a penalty for infringement of any of its regulations or any regulation or requirement of the Gliding Federation of Australia related to safety or approved flying practices ***PROVIDED THAT:-***
 - (a) Except as specified in Rule 59(2)(f) only one penalty may be imposed for any one infringement;
 - (b) The period of any such restriction or suspension may not exceed six months for any one infringement;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (c) The period of any such restriction or suspension may not commence more than two months after the time the infringement occurred;
- (d) Except as specified in Rule 59(2)(f) no such restriction or suspension may be imposed on a member who has already had a period of such restriction or suspension imposed on him where such period has not expired;
- (e) A member of the Panel may only impose any such restriction or suspension for a period not exceeding one month or until the next meeting of the Panel, whichever first occurs;
- (f) The Panel may review any re-training, penalty, restriction or suspension imposed by any member thereof and may confirm or cancel such penalty or may alter it either in nature or in the period of such re-training, penalty, restriction or suspension: and the Panel shall in any event undertake such a review if so requested by the member who has had such re-training, penalty, restriction or suspension imposed on him;
- (g) A member who had a penalty, restriction or suspension imposed on him by the Panel, whether after review or not, (called the Member under Restriction in this Rule) may appeal against such restriction or suspension to a body (called the Appeal Panel in this Rule) constituted in the manner described in Rule 59(2)(l) herein. To make the appeal he shall give written notice of his intention to appeal and of the exact grounds of his appeal to the President or the Secretary or any member of the Committee acting for or as either of these Office-bearers or shall cause such written notice to be lodged at a Club Postal Address and such notice shall be given within 14 days of the time he was notified of such penalty restriction or suspension. Where an appeal has been properly made the Committee shall proceed to call a meeting of the Appeal Panel (called the Appeal Panel Hearing in this Rule) for a date not later than one month after the date that the notice of intention to appeal from the Member Under Restriction was received by the Committee member or Club as the case may be and shall cause a letter to be forwarded by pre-paid post to the Member Under Restriction no less than nine clear days before the date of the Appeal Panel Hearing advising him of the date, time and place of that meeting and giving him an outline of his rights to give any reasonable explanation and present any reasonable evidence in his own defence at that meeting;
- (h) (i) The Appeal Panel at the Appeal Panel Hearing shall consider the appeal made by the Member Under Restriction under Sub-Clause (g) herein and may confirm or cancel the penalty restriction or suspension which is the subject of the appeal or may alter it, either in nature or in the period or may uphold the appeal and discharge the Member Under Restriction from any penalty restriction or suspension appealed from but any penalty restriction or suspension as altered must be such as the Panel had power to impose in the first instance;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (ii) Before arriving at its finding the Appeal Panel shall afford the Member Under Restriction the opportunity of making a reasonable statement or explanation and of producing any relevant evidence orally or in writing or in the form of exhibits or any combination of the above in his own defence;
 - (v) All resolutions at the Appeal Panel Hearing must be passed with at least four members of the Appeal Panel voting in favour of such resolution;
 - (vi) Where the Appeal Panel fails to make any decision on the appeal then its finding is deemed to be that the appeal is upheld;
 - (vii) The Chairman of the Appeal Panel is entitled to vote on any resolution proposed at the Appeal Panel Hearing;
- (j) The finding of the Appeal Panel must be notified to the Member Under Restriction in writing at the Appeal Panel Hearing if he is present in person at the appropriate time or, if he is not, by pre-paid post as soon as practicable thereafter;
- (k) The Appeal Panel may adjourn the Appeal Panel Hearing and conduct it in such manner as it thinks fit **PROVIDED THAT** the Member Under Restriction is given a fair and reasonable opportunity to present his case;
- (l) The Appeal Panel shall consist of seven persons being--
- (i) A Gliding Instructor (as defined in the Manual of Standard Procedures of the Gliding Federation of Australia) from another Club affiliated with the Gliding Federation of Australia and nominated by the Committee, who shall be Chairman of the Appeal Panel;
 - (ii) the Chief Flying Instructor;
 - (iii) Two members of the Panel nominated by the Chief Flying Instructor both being active Club flying instructors at that time;
 - (iv) The President unless he is a member of the Panel in which case his place shall be taken by a member of the Committee nominated by the Committee and who is not also a member of the Panel or if this is not possible, by a Flying Member nominated by the Committee and who is not also a member of the Panel;
 - (v) The Secretary unless he is a member of the Panel in which case his place is to be taken by a member of the Committee nominated by the Committee and who is not also a member of the Panel or if this is not possible, by a Flying Member nominated by the Committee and who is not also a member of the Panel;

- (vi) Any one Flying Member nominated by the Member Under Restriction.
- (3) Where a member has had a penalty imposed on him under this Rule in relation to an incident then action may also be taken against him in relation to the same incident under Rule 58.
 - (4) Where the Panel is of the view that because of the apparent nature of the matter any penalty it is empowered to impose under this Rule or Rule 60 is or may be inadequate or inappropriate in the circumstances it shall before embarking on any hearing refer the matter to the Committee for hearing under Rule 61.

COMPENSATION FOR GROSS NEGLIGENCE, ETC.

60. Where a person (herein called the Person Being Charged), as a result of his gross negligence or wilful misconduct whilst a member, has caused loss of or damage to any of the Club's equipment or property or caused loss of revenue to the Club or caused any increase in liability or expenditure incurred by the Club then in addition to any penalty which may be imposed the Person Being Charged may be required to compensate the Club for the whole or part of the costs of replacing or restoring the lost or damaged equipment or property to its condition before being so damaged and/or for the whole or part of the loss of revenue so suffered by the Club and/or for the whole or part of the increase in liability or expenditure so incurred by the Club subject to the following provisions:-
- (1) (a) Where the incident which is considered as the cause of such damage, loss or increase is connected with flying, launching, landing, flight preparation or the physical care or handling of the aircraft a meeting of the Panel (herein called the Panel Hearing) shall be called by the Chief Flying Instructor for a date not more than six months after the end of such incident to consider the charge against the Person Being Charged. Such charge must include brief particulars of the negligence or misconduct alleged and a quantitative statement of the damage, loss or increase alleged to have been caused by such incident. The notice of the Panel Hearing given to members of the Panel shall be in writing and shall specify that the meeting is a Panel Hearing, shall name the Person Being Charged and shall set out the charge to be considered against him and the amount of compensation claimed from him together with details of how such amount has been calculated. A copy of such notice of the Panel Hearing shall be given to the President or the Secretary or to any member of the Committee acting for or as either of these Office-bearers as if such person were a member of the Panel.
 - (b) The Panel shall cause a letter to be forwarded by pre-paid post to the Person Being Charged no less than nine clear days before the date of the Panel Hearing specifying the charge and providing the particulars referred to in sub-clause (a)

SOUTHERN CROSS GLIDING CLUB INCORPORATED

above and notifying him of the date, time, place and purpose of that meeting, stating that it is a Panel Hearing, and giving an outline of his rights to give any reasonable explanation and present any reasonable evidence in his own defence at that meeting and to appeal to a Special General Meeting.

- (c) Before making any decision on the charge at the Panel Hearing the Panel shall afford the Person Being Charged the opportunity of making any reasonable statement or explanation, orally or in writing or both, and of presenting any reasonable evidence he may wish in his own defence and such evidence may be given orally or in writing or in the form of exhibits or any combination of the above.
- (d)
 - (i) Not less than 9 Instructors personally present shall constitute the Panel for the purposes of the Panel Hearing and any resolution finding the Person Being Charged guilty of a charge or determining the amount of compensation payable shall not be passed unless not less than two thirds of the Panel Members constituting the Panel Hearing vote in favour of the resolution;
 - (ii) No Panel member may vote by proxy or attorney;
 - (iii) If such resolution or resolutions be not passed as aforesaid or if no such resolution is proposed at the Panel Hearing then the finding of the Panel Hearing shall be deemed to be that the Person Being Charged is not guilty of such charge or is not obliged to undergo any penalty or to pay compensation, as the case may be;
 - (iv) The charge or any particulars thereof may be amended at the Panel Hearing at any time prior to the final decision so that the real matters in issue can be determined, but no amendment shall be made or allowed unless the Person Being Charged is given a reasonable opportunity to consider the amendment and any effect it may have on his case;
 - (v) The Chairman of the Panel Hearing is entitled to vote on any resolution proposed at the meeting.
- (e) The findings on the charge shall be notified to the Person Being Charged in writing at the Panel Hearing if he is present in person at the appropriate time or, if he is not, sent to him by pre-paid post within four days after the date of the close of the Panel Hearing.
- (f) Written notice of the findings on the charge shall be given or posted by the Chairman of the Panel Hearing to the President or the Secretary or any member of the Committee acting for or as either of these Officer-bearers within two days after the date of the close of the Panel Hearing.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (g) The Panel Hearing may be adjourned to a specified time and place by a majority of at least two-thirds of the members of the Panel present. Where a decision is made to adjourn the meeting before the Person Being Charged has completed the presentation of his statement, explanation or evidence, if any, then the Panel shall notify him of the date, time and place of the adjourned meeting either at the meeting to be adjourned if he is present in person at the appropriate time or else by pre-paid post four clear days before the date of the adjourned meeting. Any reference in this Rule to the Panel Hearing refers also to any adjournment thereof.
- (h) Where the Person Being Charged has been found guilty on a charge by the Panel Hearing the Secretary shall within 14 days of receipt of the written notice referred to in Sub-Clause (f) above send by pre-paid post to the Person Being Charged a letter informing him of any penalty imposed and calling upon him to pay the amount of any monetary penalty and/or compensation found by the Panel Hearing to be due to the Club, and informing him that, in default of payment, action may be taken against him under Rule 61.
- (i) *(no rule i)*
- (j) Subject to Rule 60(1)(k) an amount of monetary penalty and/or compensation required from the Person Being Charged becomes payable by him to the Club fourteen days after the date of posting the letter referred to in Rule 60(1)(h).
- (k) Where the Panel Hearing has found that the Person Being Charged is guilty as charged and/or is required to undergo any penalty or to pay an amount of compensation to the Club he may appeal against such finding in the manner and within the time prescribed by Rule 62(1).
- (2) (a) Where the incident which is to be considered as the cause of such damage, loss or increase is not connected with flying, launching, landing, flight preparation or the physical care or handling of aircraft a meeting of the Committee (herein called the Committee Hearing) shall be called for a date not more than six months after the end of such incident to consider the charge against the Person Being Charged. Such charge must include brief particulars of the negligence or misconduct alleged and a quantitative statement of the damage, loss or increase alleged to have been caused by such incident. The notice of Committee Hearing given to members of the Committee shall be in writing and shall specify that the meeting is a Committee Hearing, shall name the Person Being Charged and shall set out the charge to be considered against him and the amount of compensation claimed from him together with details of how such amount has been calculated.
- (b) The provisions of Rule 60(1) with the exception of Sub-Clauses (a) and (f) shall mutatis mutandis apply to a Committee Hearing under this Clause;
- (c) Where the Person Being Charged has been found by the Committee Hearing to be guilty of a charge under this Rule and/or liable to undergo any penalty or to

pay an amount of compensation to the Club he may appeal against such finding or findings in the manner and within the time prescribed by Rule 62(1).

- (3) Where a person has had a charge against him considered at a Panel Hearing or a Committee Hearing under this Rule in relation to an incident, then no other proceedings shall be taken against him under these Rules arising from the same incident save for proceedings under Rule 61 for failure to undergo any penalty imposed or to pay any compensation ordered.

SUSPENSION OR EXPULSION

61. The Committee may, as a penalty or to enforce a penalty or direction previously imposed, require a member to resign or may suspend or expel him or impose upon him any reasonable fine obligation or other penalty and in default require him to resign or may suspend or expel him subject to the following provisions:-
 - (1) It shall by majority of at least two thirds of the Committee present decide to lay a specific charge against the member (called the Accused Member in this Rule) and shall set a date within the following month, for a Committee Meeting (called the Disciplinary Meeting in this Rule) which shall consider the charge and the imposition of a penalty if it finds the charge proven; it shall pass this resolution within two months of the date of the latest event specified in the charge and forming the basis of the charge; the notice of the Disciplinary Meeting given to members of the Committee shall state that the meeting is a Disciplinary Meeting, shall name the Accused Member and shall set out the charge laid against him.
 - (2) A charge may only be laid against the Accused Member under this Rule if it is within one of the following categories:-
 - (a) Seriously damaging or endangering Club aircraft or property;
 - (b) Negligently or wilfully injuring or endangering the life or safety of another member or other person through use of Club aircraft or property;
 - (c) Persistently or wilfully refusing or neglecting to comply with a provision or provisions of these Rules;
 - (d) Persistently or wilfully refusing or neglecting to comply with the Rules, regulations or requirements of the Gliding Federation of Australia;
 - (e) Persistently or wilfully refusing or neglecting to undergo any penalty imposed upon him or to pay any compensation found to be due by him to the Club pursuant to Rules 58 or 60;
 - (f) Persistently or wilfully acting in a manner prejudicial to the interests of the Club;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (g) Conduct unbecoming of a member or conduct prejudicial to the interests of the Club; or
 - (h) Conduct likely to bring the Club or the sport of gliding into disrepute.
- (3) Where the Committee decides to lay a charge against the Accused Member as aforesaid it shall cause a letter to be forwarded by pre-paid post addressed to the Accused Member at his postal address shown in the Register of Members no less than nine clear days before the date of the Disciplinary Meeting setting out the charge laid against him, the date, time, place and purpose of that meeting and an outline of his rights to give any reasonable explanation and present any reasonable evidence in his own defence at that meeting and to appeal to a Special General Meeting.
- (4) It may, by a majority of at least two-thirds of the Committee present at the Disciplinary Meeting, impose a penalty on the Accused Member in relation to a charge under this Rule where it finds the charge proven by the same majority; where a resolution finding a charge proven or a resolution imposing a penalty is not passed as aforesaid or where no such resolution is proposed at the Disciplinary Meeting then the finding of the Disciplinary Meeting is that the Accused Member is not guilty of the charge or that no penalty is to be imposed in relation to the charge respectively.
- (5) The Committee shall, at the Disciplinary Meeting, before deciding whether he is guilty of a charge, afford the Accused Member the opportunity of making any reasonable statement or explanation, orally or in writing or both, and of presenting any reasonable evidence he may wish in his own defence and such evidence may be given orally or in writing or in the form of exhibits or any combination of the above.
- (6) The finding on the charge and the penalty, if any, imposed at the Disciplinary Meeting must be notified to the Accused Member in writing at the Disciplinary Meeting if he is present in person at the appropriate time or, if he is not, by pre-paid post as soon as practicable thereafter.
- (7) The Disciplinary Meeting may be adjourned to a specified time and place by a majority of at least two-thirds of the Committee present; where a decision is made to adjourn the meeting before the Accused Member has completed the presentation of his statement, explanation or evidence, if any, then the Committee shall notify him of the date, time and place of the adjourned meeting either at the meeting to adjourned if he is present in person at the appropriate time or else by pre-paid post sent four clear days before the date of the adjourned meeting, and any reference in this Rule to the Disciplinary Meeting refers also to any adjournment thereof.
- (8) Subject to Rule 62 any penalty imposed at the Disciplinary Meeting shall become effective seven days after the time the Accused Member was notified of the penalty at the Disciplinary Meeting or nine days after the time of posting the letter mentioned in Rule 61(6) whichever case applies.

- (9) Where the penalty imposed at the Disciplinary Meeting is that the Accused Member is required to resign and he does not do so, then he is deemed to be expelled from the Club if and when his penalty becomes effective under Rule 61(8).

APPEALS

62. (1) (a) The Accused Member may appeal against any finding of a Panel Hearing, a Committee Hearing or a Disciplinary Meeting imposing any penalty or requiring the payment of any compensation either on the ground that it is too severe or that the charge which gave rise to it should not have been found proven or, where a charge was found proven but no penalty was imposed or compensation ordered, he may appeal against that finding.
- (b) To make the appeal he shall within the time referred to in Rule 61(8) give written notice of his intention to appeal and of the exact grounds appeal to the President or the Secretary or any member of the Committee acting for or as either of these Officer-bearers or shall cause such written notice to be lodged at a Club Postal Address and, in the case of an appeal against a penalty or an order for payment of compensation, such notice shall be given before the penalty or order becomes effective.
- (c) Where an appeal has been made the Committee shall proceed to call a Special General Meeting (called the Disciplinary General Meeting in this Rule) for a date not later than two months after the date of the finding or order appealed from and shall cause a letter to be forwarded by pre-paid post to the Accused Member no less than nine clear days before the date of the Disciplinary General meeting advising him of the date, time, place, and purpose of that meeting and giving him an outline of his rights to give any reasonable explanation and present at that meeting any reasonable evidence in his own defence or in mitigation.
- (d) Where an appeal against a penalty or an order for payment of compensation has been properly made then that penalty or order shall not become effective pending determination of the appeal.
- (2) The Club at the Disciplinary General Meeting shall consider the appeal made by the Accused Member under this Rule and may dismiss or uphold any appeal, wholly or in part, and may impose any penalty or require payment of any amount of compensation that the tribunal appealed from could have imposed or required, and in default require him to resign or may suspend or expel him as it sees fit.
- (3) The following special Rules shall apply to a Disciplinary General Meeting:-
- (a) No business other than the question of the appeal shall be transacted;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (b) The Panel or the Committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) The members present shall vote by secret ballot.
 - (d) A Disciplinary General Meeting can only consider a charge in relation to which the Accused Member has appealed and, irrespective of the nature of the appeal, it can consider whether such a charge should be found proven as well as whether a penalty should be imposed or compensation ordered where such charge is found proven;
 - (e)
 - (i) A resolution finding the Accused Member guilty of a charge shall be passed by a majority of at least two thirds of members entitled to vote at general meetings present in person with the number of members voting in favour of the resolution being at least one fifth of the total number of members entitled to vote at general meetings existing at that time;
 - (ii) No member may vote by proxy or attorney;
 - (iii) If such resolution is not passed as aforesaid or if no such resolution is proposed at the Disciplinary General Meeting then the finding of the hearing appealed from or that portion appealed from is deemed to be upheld;
 - (f)
 - (i) The Disciplinary General Meeting may be adjourned to a specific time and place by a majority of at least two-thirds of those members present who are entitled to vote;
 - (ii) Where a decision is made to adjourn the meeting before the Accused Member has completed the presentation of his statements, explanation or evidence, if any, then he shall be notified of the date, time, and place of the adjourned meeting either at the meeting to be adjourned if he is present in person at the appropriate time or else by pre-paid post four clear days before the date of the adjourned meeting;
 - (iii) any reference in this Rule to the Disciplinary General Meeting refers also to any adjournment thereof.
- (4) The findings on each charge considered, if any, and the penalty and/or compensation, if any, imposed ordered or deemed to be confirmed at the Disciplinary General Meeting shall be notified to the Accused Member in writing at the Disciplinary General Meeting if he is present in person at the appropriate time or, if he is not, by pre-paid post sent to the postal address of the Accused Member as soon as practicable thereafter.
- (5) (a) Where the penalty imposed is suspension or expulsion it becomes effective immediately the resolution imposing it is passed;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (b) Where the penalty imposed is that the Accused Member is required to resign then, if such position does not already apply, he thereupon loses the right to use any of the Club's equipment whatsoever and to vote at General Meetings of the Club.
 - (c) Where the penalty imposed is that the Accused Member is required to resign and he does not do so then he is deemed to be expelled from the Club seven days after the time he was notified of the penalty at the Disciplinary General Meeting or nine days after the time of posting the notice mentioned in Clause (4) above;
 - (d) Where a monetary penalty is imposed varied or confirmed or an order for payment of compensation is imposed varied or confirmed the amount required shall be deemed payable within fourteen days of giving the written notice referred to in Clause (5) above.
- (6) Where any meeting is called under this Rule, if the Accused Member has not reasonably communicated to the Club his intention to present a statement, explanation or any evidence at such meeting within fifteen minutes after the time notified for the start of such meeting, such meeting may act as though the Accused Member did not have any such intention.
- (7) Where any meeting is called under this Rule the meeting may, by resolution passed by a simple majority require the Accused Member to leave the room in which such meeting is being held at any time after he can reasonably be considered to have completed the presentation of his statement, explanation or evidence.
- (8) (a) Where the Accused Member is expelled from the Club his name shall be removed from the Register of Members as from the time of his expulsion;
- (b) Where he has been suspended then that fact and the period of his suspension shall be noted on his entry in the Register of Members.

GENERAL PROVISIONS

63. (1) The Penalty of suspension means the suspension of all privileges and rights of membership as from the time the penalty becomes effective for the period specified in the penalty resolution passed at the Panel or Committee Hearing or the Disciplinary Meeting or Disciplinary General Meeting whichever is applicable, but does not mean the suspension of any liability for any membership fee or any outstanding charge or levy.
- (2) Where the Accused Member has had a specific charge laid against him under these Rules he thereupon loses the right to use any equipment or facility of the Club and to vote at general meetings of the Club until either that charge is dismissed or found not

SOUTHERN CROSS GLIDING CLUB INCORPORATED

proven or no penalty is imposed in relation thereto or the penalty imposed in relation to that charge becomes completed.

- (3) Where the Accused Member lodges an appeal against any decision imposing any penalty upon him the provisions of Rule 63(2) above apply until the Disciplinary General Meeting has either dismissed the charge or found it not proven or no penalty is imposed in relation thereto or the penalty imposed in relation to the charge becomes completed.
- (4) Where a person has had a charge laid against him under Rule 61 above in relation to an incident then no other charge may be laid against him in relation to the same incident.

HOLDING OUT

64. Where a person holds out as a member after the cessation of his membership of the Club then for the purposes of any liability which would have otherwise been incurred pursuant to these Rules he is deemed to be a member whilst so holding out.

ACCOUNTS AND ACCOUNTING

FUNDS—SOURCE

65. (1) The funds of the Club shall be derived from entrance fees, membership fees, annual subscriptions and levies, special levies, flying and/or launching charges including fees for introductory flights, donations and, subject to any resolution passed by the Club in general meeting, such other sources as are set forth in the Statement of Objects and/or Rule 22, or as the Committee may from time to time otherwise determine.
- (2) All money received by the Club shall be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
- (3) The Club shall, as soon as practicable after receiving any money, issue an appropriate receipt.

FUNDS—MANAGEMENT

66. (1) Subject to any resolution passed by the Club in general meeting, the funds of the Club shall be used in pursuance of the objects of the Club in such manner as the Committee shall determine.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (2) Unless otherwise provided in these Rules, the funds of the Club shall be managed in the manner set forth in Rule 23.

ACCOUNTING RECORDS

67. The Treasurer shall cause accounting and other records of financial transactions and dealings to be kept in accordance with generally accepted sound, current accounting practice.
68. The Treasurer shall cause a Profit and Loss Account to be prepared for each Financial year and a Balance Sheet to be prepared as at the balance Date at the end of that Financial Year and may (and shall if so required by the Committee or by requisition of ten or more Members entitled to vote at general meetings) cause each such document or record to be audited by independent auditors.

Such Profit and Loss Account and Balance Sheet together with a report of the auditors (if any) shall be laid before the Club at the Annual General Meeting next following the Balance Date to which such Profit and Loss Account was prepared. A copy of each such Account and Balance Sheet and the auditors report (if any) shall be sent to each member entitled to vote at general meetings before such Annual General Meeting.

BALANCE DATE

69. The Club in general meeting may determine from time to time a day of the year which is to be the last day of the Club's accounting period each year until altered under this Rule. Such day is called the Balance Date in these Rules. Where it appears from the context that reference is being made to a point in time then Balance Date refers to the end of such day. Until otherwise decided the Balance Date shall be the thirtieth day of April.

CUSTODY OF BOOKS, ETC.

70. Except as otherwise provided by these Rules, the Public Officer shall keep in his custody or under his control all records, books and other documents relating to the Club.

INSPECTION OF BOOKS, ETC.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

71. Except as otherwise provided by these Rules, the records, books and other documents of the Club shall be open to inspection, free of charge, by any Member eligible to vote at general meetings, at any reasonable hour.

SERVICE OF NOTICES

72. (1) Unless otherwise provided herein, for the purposes of these Rules a notice may be served by or on behalf of the Club upon any Member either personally or by sending it to the Member at his contact address shown in the Register of Members.
- (2) Unless otherwise provided herein, for the purposes of these Rules notice may be given to any person who is not a member either personally or by sending it to him at his last known contact address.
- (3) Where a document is sent to a person by properly addressed prepaid post, the document shall, unless the contrary is proved, be deemed for the purposes of these Rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.
73. Notice of all general meetings shall be given in the manner required by these presents to each Member who is entitled to receive notice of general meetings or to vote thereat.

COMMON SEAL

74. (1) The Common Seal of the Club 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 2 Officers, or 1 member of the Committee and of the Public Officer or Secretary.

CLUB ADDRESS

75. (1) The Committee shall determine from time to time one or more addresses each of which shall be a Club Postal Address to which all communications and notices to the Club may be sent except such communication and notices which are by the Act or by these presents required to be sent to the Registered Office of the Club.

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (2) A Club Postal Address shall remain in effect until replaced by a new Address pursuant to Rule 75(1) and for a further period of two months thereafter. A new Club Postal address shall come into effect at the time the resolution is passed prescribing it.
- (3) The Committee shall within seven days of its coming into effect cause each Club Postal Address to be displayed on a notice board in a conspicuous place in such part of the Club's premises as is used regularly by members generally and such Address shall remain so displayed for so long as it shall remain in effect. Every letter, statement of account, invoice, order and such other document as the Committee may determine from time to time, issued by the Club, shall have shown thereon a Club Postal Address, in effect at the time of issue.

USE OF CLUB NAME OR LOGO

76. No member shall use or allow to be used the name of the Club or any copy, facsimile or representation of the Club's logo in any advertisement, prospectus or business announcement or otherwise for personal gain or reward. The name or any address of the Club shall not be given by a member as his address or otherwise for the purposes of identification in connection with legal proceedings except those connected with or arising out of Club activities.

SCHOLARSHIPS

77. The Committee, or the Club in general meeting may award or authorise the award of scholarships and the Committee may make such regulations governing the purpose, benefits, method of award, administration and any other aspects of any scholarship as it thinks fit and it may vary any such Rules and terminate any scholarship.
78. (1) (a) Until otherwise decided the Committee shall award the Harry Ryan Memorial Scholarship and the Mike Taylor Memorial Scholarship subject to the provisions in this Rule.
(b) In addition to the two Memorial Scholarships set out in Rule 78(1)(a) above, the Club may award up to four additional Scholarships subject to the provisions in this Rule.
- (2) One award shall be made by the Committee between the first day of January and the thirty first day of December each year under each such scholarship to a person who--
 - (a) Has not yet had his twentieth birthday;

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (b) Has not yet commenced to earn his own livelihood or is not yet receiving an adult wage;
- (c) Has joined the Club and served a Probationary Flying Membership;
- (d) Has been nominated and seconded for the scholarships by two Members (other than Probationary Members, Associate members or Honorary Members to whom he is personally known;
- (e) Has applied for the scholarship on such form as the Committee may determine from time to time; and
- (f) Has been selected by the Committee as a suitable scholarship holder--

PROVIDED THAT, if in the opinion of the Committee, no suitable person has applied for a particular scholarship during any such period, then no award shall be made of that scholarship for that period.

- (3) A person to whom a scholarship is awarded under this Rule shall--
 - (a) Be exempted from the payment of any entrance fee for Flying Membership;
 - (b) Have remitted the annual subscription and any affiliation levy payable by him in respect of the period of one year from his Subscription Start Time as determined under Rule 11; and
 - (c) Not be permitted to become an Inactive Member during the period of one year specified in Sub-clause (b) of this Clause: but otherwise shall have the same rights and obligations as if he were not a scholarship holder.

DAMAGES

79. The Club shall not be liable for nor incur any liability for any injury suffered or damage sustained by a member hiring or using any Club aircraft or other equipment for any purpose whatsoever nor for any injury suffered or damage sustained by a member whilst on or near any aerodrome, flying field or other property being used by the Club or whilst in any building or other premises occupied by the Club whatever the purpose of their presence thereon or therein nor for any injury suffered or damage sustained by a member whilst taking part in any Club activity at any place nor for any injury suffered or damage sustained by any person whilst flying in any Club aircraft or using any Club equipment or being on any Club property or in any Club building or taking part in any Club activity at any place.

SURPLUS PROPERTY

80. (1) The Club hereby resolves that in the event of the winding up or cancellation of the incorporation of the club, then the club will vest its surplus property pursuant to section 53(2) of the Act to another gliding club or gliding clubs who have similar provisions in their Rules of operation to prevent the assets being distributed to club members.
- (2) The Company or incorporated association so nominated shall be one which fulfils the requirements specified in Section 53(2)(a) to (c) of the Act.

INDEMNITY

81. Every Secretary, Officer, member of the Committee, member of the Panel and every member who has, by these presents, had Club duties or responsibilities assigned to him and has undertaken such duties or responsibilities shall be indemnified out of the assets of the Club against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application under the Act in which relief is granted to him by the Court, in respect of any alleged negligence default breach of duty or breach of trust.

MISCELLANEOUS

NOTICES

82. (1) Where, by these presents, a member or several members jointly are required to give written notice to the Club such notice shall be signed by him and where several members are required to give such written notice jointly then each such member shall sign such notice.
- (2) Where, by these presents, a member or several members jointly are required to give written notice to the Club then, unless otherwise provided -
- (a) Such notice shall only be deemed to have been given to the Club if it is received by email to the current Secretary of the Club, or at a Club Postal Address which is in effect at the time of receipt and if it bears the correct amount of postage in the case of a notice sent by post; and

SOUTHERN CROSS GLIDING CLUB INCORPORATED

- (b) Such notice shall be deemed to have been received by the Club on and at the end of the day on which it was actually received at the Club Postal Address or by email to the current Secretary of the Club.

LIST OF OFFICERS AND PANEL MEMBERS

83. (1) The Committee shall ensure that, at all times, there is displayed on the Club web-site or from the Club Secretary a list of the names of all members of the Committee and, in respect of Office-bearers, the position held followed, in each case, by his telephone number. Where there is a change or addition to any particular which is or should be displayed on such list such change or addition shall be made to such list within seven days of the Committee being informed of any such change or addition occurring. Where the office of President or Secretary is vacant or where either of these Office-bearers is temporarily not performing his duties then such list shall indicate the member of the Committee who is acting as or for each such Office-bearer.
- (2) The Chief Flying Instructor shall ensure that, at all times, there is displayed on a notice board in a conspicuous place in such part of the Club's premises as is used regularly by members generally a list of the names of all current members of the Panel and of all such members authorised to carry out charter operations on behalf of the Club. Where there is a change or addition as regards any particular which is or should be displayed on such list the Chief Flying Instructor shall ensure that such change or addition is made to such list within seven days of such change or addition occurring. Such list shall indicate which member of the Panel is or is acting as the Chief Flying Instructor.

REGULATIONS

84. In addition to any power granted to the Committee or the Panel by these Rules to make regulations, the Club in general meeting may make, cancel or vary any regulation so made having future application notwithstanding that such regulation is made under any specific authority conferred by these presents but the Club in general meeting may not prohibit the Committee from exercising any power conferred on it by these presents unless such prohibition is specifically authorised by these presents **PROVIDED THAT** the Committee may not exercise any power it may otherwise have so as to cancel or vary any regulation made by the Club in general meeting.

G.F.A. AND OTHER LEGAL REQUIREMENTS

85. Every Member shall familiarise himself and comply at all times with the requirements of the Manual of Standard Procedures relating to Operations and with the G.F.A. Operational Regulations published from time to time by the Gliding Federation of Australia as well as with Air Navigation Regulations or Orders relevant to gliders or glider operations. In the event of any incident involving a breach or breaches of any of the above requirements ignorance shall not be regarded as any excuse.

**These are the Rules of the
SOUTHERN CROSS GLIDING CLUB INCORPORATED
referred to in Special Resolution dated the eleventh day of
April 1992.**

President

APPENDIX 1 (Rule 5)

SOUTHERN CROSS GLIDING CLUB INCORPORATED

APPLICATION FOR MEMBERSHIP

Insert Club membership form

APPENDIX 2_(Rule 57)

FORM OF APPOINTMENT OF PROXY

I, (full name) of
..... (address), being a member of SOUTHERN
CROSS GLIDING CLUB INCORPORATED hereby appoint
..... (full name of proxy) of
..... (address), being a member of that incorporated
association, as my proxy to vote for me on my behalf at the general meeting of
the Club (or, Annual General Meeting or Special General Meeting, as the case
may be) to be held on the day of20.... 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

SOUTHERN CROSS GLIDING CLUB INCORPORATED

Date

NOTE: *A proxy may **NOT** be given to a person who is not a member of the club*

Index

A

ACCOUNTING RECORDS · 52
ACCOUNTS · 51
ACQUISITION OF PROPERTY · 22
Act · 1
ADJOURNMENT · 36
Affiliation Levy · 1
Aircraft Maintenance Officer · 23
ALTERATION OF RULES · 4
Annual General Meeting · 1
ANNUAL GENERAL MEETINGS--CALLING
OF AND BUSINESS AT · 31
ANNUAL GENERAL MEETINGS--HOLDING
OF · 31
Annual Subscription · 1
APPEALS · 48
APPENDIX 1 (Rule 5) · 59
APPENDIX 2 · 60
APPLICATION FOR MEMBERSHIP · 4
ASSOCIATE MEMBERS · 9

B

Balance Date · 1
BALANCE DATE · 52
Balance Sheet · 1

C

CESSATION OF MEMBERSHIP · 15
Chief Flying Instructor · 23
CLASSES OF MEMBERSHIP · 6
Club · 1
CLUB ADDRESS · 53
Club Journal Editor · 24

CLUB NAME · 54
Club Postal Address · 1
Clubhouse · 1
Commission · 1
Committee · 1
COMMITTEE · 19
COMMON SEAL · 53
COMPENSATION · 43
CONSIDERATION OF APPLICATIONS · 5
CONSTITUTION · 23

D

DAMAGE
MEMBERS' LIABILITY FOR · 39
DAMAGES
Liability For · 55
DECISION MAKING · 37
DELEGATION · 29
DISCIPLINE · 40

E

ELECTION OF MEMBERS · 24
Entrance Fee · 1
Expeditions Officer · 23

F

Financial Year · 2
FLYING CHARGES · 12
Flying Member · 2
FLYING MEMBERS · 6
FORM OF APPLICATION · 5
Former Club · 2
FUNDS--MANAGEMENT · 51

G

General Meeting · 2
GENERAL MEETINGS · 31
GENERAL PROVISIONS · 50
GROSS NEGLIGENCE · 40
Ground Equipment Officer · 23

H

HOLDING OUT · 51
Honorary Life Member · 2
HONORARY LIFE MEMBERS · 10
Honorary Member · 2
HONORARY MEMBERS · 10

I

Inactive Member · 2
INACTIVE MEMBERS · 8
Incorporation · 2
INDEMNITY · 56
INSTRUCTORS' PANEL · 17

L

Life Flying Member · 2
LIFE FLYING MEMBERS · 11

M

Member · 2
MEMBERS · 4
MEMBERS' LIABILITIES · 15
MEMBERSHIP ENTITLEMENTS · 15
Membership Fee · 2
MEMBERSHIP FEES · 12
Membership Secretary · 23
MINUTES · 22
MISCELLANEOUS · 56
Month · 2

O

Office-bearer · 2
Officer · 2
OFFICERS · 19, 57
Operations Officer · 23
Ordinary member · 2

P

Panel · 2
PANEL MEMBERS · 57
POWERS AND DUTIES OF COMMITTEE · 19
President · 23
PRESIDING MEMBER · 36
Probationary Flying Member · 3
PROBATIONARY FLYING MEMBERS · 7
Profit and Loss Account · 3
PROXIES · 38
PUBLICATION OF APPLICATIONS · 5

Q

QUALIFICATIONS · 4
QUORUM · 28
 General Meetings · 35

R

REGISTER OF MEMBERS · 12
Regulation · 3
REGULATIONS · 57
REMOVAL OF OFFICER · 26
RESIGNATION · 16
Rules · 3

S

SCHOLARSHIPS · 54
Seal · 3
Secretary · 3, 23
SECRETARY · 26
SERVICE OF NOTICES · 53
Special General Meeting · 3
SPECIAL GENERAL MEETINGS--CALLING OF · 33
SPECIAL GENERAL MEETINGS--NOTICE · 34
Special Resolution · 3
SPECIAL RESOLUTIONS · 37
SUBSCRIPTIONS · 12
SURPLUS PROPERTY · 56
SUSPENSION OR EXPULSION · 46

T

Temporary Member · 3
TEMPORARY MEMBERS · 11

These Presents · 3
TRAINING · 40
Treasurer · 23
TREASURER · 26
Tug Master · 23

V

VACANCIES · 27
Vice-President · 23
VOTING · 30, 38