

Newcastle & Hunter Valley Folk Club Inc.

Constitution (As Amended October 2011)

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Definitions of terms used in this document:

Director General means: "The Director General of the Dept. of Services, Technology and Administration" or whatever the current title for this position is, should a change of government choose to rename the position.

The Act means: "the current Act or legislation under which matters of Incorporation and/or Constitution apply."

Part 1 – The Club

1. The Club name and aims

- (1) Club Name
 - (a) The name is the Newcastle and Hunter Valley Folk Club Inc.
 - (b) Hereafter, the Club shall mean the Newcastle and Hunter Valley Folk Club Inc.
- (2) The aims of The Club shall be:
 - (a) To foster and encourage community awareness and involvement in all aspects of Folk Music, Folk Dance, Folk Singing and Folk Lore.
 - (b) To act as a centre where singers, musicians, dancers, poets and musical organisations can meet in order to receive mutual assistance and enjoyment from folk lore.

Part 2 – Membership

2. Membership eligibility

A person is eligible to be a member of the Club if the person has been approved for membership of the Club in accordance with clause 3.

3. Application for membership

- (1) An application of a person for membership of the Club must be made in writing on the Club's application form and be lodged with the membership officer together with the appropriate membership fee.
- (2) At the next available committee meeting following receipt of an application for membership, the membership officer must refer the application to the committee, which is to determine whether to approve or to reject the application.
- (3) As soon as practicable after the committee makes that determination, if the application is rejected, the membership officer must notify the applicant in writing stating the reason for the decision and refunding the sum paid by the applicant.
- (4) The membership officer must, on approval by the Committee, enter or cause to be entered the applicant's name and details in the register of members within 14 days. The name being so entered, the applicant becomes a member of the Club.

4. Cessation of membership

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

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the Club, or
- (d) fails to pay the annual membership fee within 3 months after the fee is due.

5. Membership entitlements not transferable

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

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

6. Resignation of membership

- (1) A member of the Club may resign from membership of the Club by giving to the secretary written notice
- (2) If a member of the Club ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the membership officer must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7. Register of members

- (1) The public officer of the Club must establish and maintain a register of committee members of the Club specifying the name and postal or residential address of each person who is a committee member of the Club together with the date on which the person became and ceased to be a committee member.
- (2) The register of members must be kept by the membership officer:
 - (3) The register of members must be open for inspection, free of charge, by any member of the Club at any reasonable hour.
- (4) A member of the Club may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Club or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

8. Fees and subscriptions

A member of the Club must pay an annual membership fee, which is determined by the committee, on joining the Club and on renewal of membership:

9. Members' liabilities

The liability of a member of the Club 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 in respect of membership of the Club as required by clause 8.

10. Disciplining of members

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

11. Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the Club, or a dispute between a member or members and the Club, are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

12. Right of appeal of disciplined member

- (1) A member may appeal to the Club in general meeting against a resolution of the committee under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the Club convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the Club.

Part 3 - The Committee

13. Committee General

- (1) The committee shall have the right of refusal of entry to any persons to any Club venue or activity.
- (2) Committee members may speak to other individuals, bodies, clubs, the media etc. on behalf of the Club only in accordance with the position they hold on the committee or where otherwise agreed by the committee. Other members of the Club may not speak to other individuals, bodies, clubs, the media etc. on the Club's behalf unless the committee approves them to do so.
- (3) Committee members are to hand over any documents relating to their office within 14 days of ceasing to hold office, except where agreement has been reached with the committee for an extension of time to do so.
- (4) All committee members are responsible for the provision and maintenance of any and all documents or electronically based Information, which pertains to their position unless otherwise agreed to by the committee. This includes the recording and submission of any relevant reports, records, archives or procedural position updates in relation to their position.
- (5) The committee has the right to elect patrons for the Club.
- (6) The committee may bestow Complimentary Membership to any individual, associated group, organisation or performer/s as it deems appropriate, to build alliances which assist in the promotion of the Club's aims.

14. Powers of the committee

- Subject to the Act, the Regulation and this constitution and to any resolution passed by the Club in general meeting, the committee:
- (a) is to control and manage the affairs of the Club, and
 - (b) may exercise all such functions as may be exercised by the Club, other than those functions that are required by this constitution 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.

15. Composition and membership of committee

- (1) The committee is to consist of:
 - (a) the office-bearers of the Club, and
 - (b) at least 3 ordinary committee members, each of whom is to be elected at the annual general meeting of the Club under clause 15.
- (2) The office-bearers of the Club are as follows:
 - (a) the president,
 - (b) the vice-president,
 - (c) the treasurer,
 - (d) the secretary.
- (3) A committee member may hold up to 2 offices (other than both the president and vice-president offices).
- (4) Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

16. Election of committee members

- (1) Nominations of candidates for election as office-bearers of the Club or as ordinary committee members must be made by 2 members of the Club and with the consent of the candidate.
- (2) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the Club must be a member of the Club.
- (3) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (4) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

17. Secretary

- (1) It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the committee, and
 - (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- (2) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

18. Treasurer

- (1) It is the duty of the treasurer of the Club to ensure:
 - (a) that all money due to the Club is collected and received and that all payments authorised by the Club are made, and
 - (b) that 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 Treasurer shall submit a written financial report for each committee meeting for endorsement, unless otherwise agreed by the committee.

19. Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, until the conclusion of the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the Club, or
 - (c) becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 19, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

20. Removal of committee members

- (1) The Club in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (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 the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

21. Committee meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

22. Delegation by committee to sub-committee

- (1) The committee may, delegate to one or more sub-committees (consisting of such members of the Club as the committee thinks fit) the exercise of appropriate functions of the committee, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function, the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to the time or circumstances as may be specified.
- (4) Despite any delegation under this clause, 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 clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

23. Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 21 (5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 - General meetings

24. Annual general meetings - holding of

- (1) The Club must hold its annual general meetings:
 - (a) within 6 months after the close of the Club's financial year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

25. Annual general meetings - calling of and business at

- (1) The annual general meeting of the Club is, to be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of the Club during the last preceding financial year,
 - (c) to elect office-bearers of the Club and ordinary committee members,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.

- (3) An annual general meeting must be specified as such in the notice convening it.
- (4) The Club may affiliate with such kindred bodies as may be suggested by the committee and approved by members at an AGM.

26. Special general meetings – calling of

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

27. Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 25 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

28. Quorum for general meetings

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

29. Presiding member

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

30. Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

31. Making of decisions

- (1) A question arising at a general meeting of the Club is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.

- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

32. Special resolutions (eg to change the Constitution)

A special resolution may only be passed by the Club in accordance with the relevant section of the current Act.

33. Voting

- (1) On any question arising at a general meeting of the Club a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the Club unless all money due and payable by the member to the Club has been paid.
- (4) A member is not entitled to vote at any general meeting of the Club if the member is under 18 years of age.

34. Proxy votes not permitted

Proxy voting must not be undertaken at or in respect of a general meeting.

35. Postal ballots

The Club does not engage in postal balloting.

Part 5 - Miscellaneous

36. Insurance

The Club may effect and maintain insurance.

37. Funds - source

- (1) The funds of the Club are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the committee determines.
- (2) All money received by the Club must be deposited as soon as practicable and without deduction, apart from any reimbursement of expenses and payment of usual fees, which has been agreed by the committee to be part of the general running of the Club's activities, to the credit of the Club's bank or other authorised deposit-taking institution account.
- (3) The Club must, as soon as practicable after receiving any money, issue an appropriate receipt, where this would be considered by the committee to be a normal business practice.

38. Funds - management

- (1) Subject to any resolution passed by the Club in general meeting, the funds of the Club are to be used in pursuance of the objects of the Club in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two Office Bearers of the committee. The approval of any two of the Office Bearers of the Club is required to authorise payments. The Treasurer has authority to operate the account electronically but must have approval from another Office Bearer to make any payments this way.
- (3) Reimbursements of expenses incurred by members shall be made upon ratification of written application by the committee, within seven days of the approval. Any urgent request for reimbursement may be made by the Treasurer, subject to agreement by any two Office Bearers of the committee. The approval must still be ratified by the committee at the next available meeting. If not approved, the payment is to be refunded to the Club within one month of receipt of payment.
- (4) Reimbursements may be made electronically, by cheque or cash as per the request of the member. Claims for reimbursement must be submitted within three months of the expenditure unless an extension is granted by the committee. Any dispute in relation to reimbursements shall follow the Club's dispute procedure.
- (5) The Club may be dissolved only by a general meeting of the Club. If, upon dissolution of the Club, there remains (after satisfaction of debts and liabilities,) any assets, they are to be transferred to any fund, institution or authority promoting folk culture/lore, as decided by a majority of members.

39. Change of name, objects and constitution

An application to the Director-General for registration of a change in the Club's name, objects or constitution is to be made by the public officer or an office bearer of the Club, in accordance with a determination made at a special general meeting.

40. Custody of books etc

Except as otherwise provided by this constitution, the public officer must keep in his or her custody, or under his or her control all; records, books and other documents relating to the Club.

41. Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the Club at any reasonable hour:
 - (a) records, books and other financial documents of the Club,
 - (b) this constitution,
 - (c) minutes of all committee meetings and general meetings of the Club.
- (2) A member of the Club may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

42. Service of notices

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

43. Financial year

The financial year of the Club is each period of 12 months after the expiration of the previous financial year of the Club, commencing on 1 July and ending on the following 30 June.

44. Special Interest Groups.

- (1) Special Interest Groups, established by members of the Club, will be able to organise and manage activities specific to their own areas of interest.
- (2) The requirements for such groups to operate are:
 - (a) that such groups/individuals operate under the auspices of the Club, and
 - (b) therefore under the usual operational expectations of the committee, the Club and its members, and
 - (c) that due acknowledgement is given to the Club at any event organised by them, and
 - (d) that the committee receives prior written advice of any proposed program of activities, and
 - (e) that all financial transactions and considerations of such activities are accounted for in the manner determined in clauses 36 and 37 of this constitution or as otherwise agreed by the committee.