



Member Change Briefing

Adoption of
Ballarat Regional Athletic Centre Inc (A0016590P)

‘Rules of Incorporation’

SUMMARY



For approval via special resolution are changes to the Ballarat Regional Athletic Centre Inc (A0016590P) Rules of Incorporation, specifically:

- a. That 'Ballarat Regional Athletic Centre Inc' (A0016590P) adopts its own rules of incorporation to:
 - i. Reflect change of name
 - ii. Ensure rules align the changes in structure approved last year.
 - iii. Better reflect our actual member base to legally include individual and life members.

This briefing document shall outline the background and justification of the resolution, as well as the proposed changes. For clarity to members, changes have been categorised as:

- 1. Changes identified that relate to minor inconsistencies with standard Model Rules.**
- 2. Changes required that reflect the approved board restructure.**
- 3. Changes required to deliver strategic objectives, aligned to the BRAC Strategic Plan 2023-2026+**

Background



As part of the Ballarat Regional Athletic Centre Inc (BRAC) transition from a committee of management to a skills based board in 2023, a review of its Rules of Incorporation was required to ensure that the new structure is reflected within the governing documents, and the governing documents allow BRAC to meet its strategic objectives.

The incorporations Act of 2012 states that all incorporated associations must have their own set of rules or follow the Model Rules as set out by the act. BRAC's current registration with consumer affairs states that it is guided by the Model Rules of Incorporation, and that it has done so since its incorporation on 18th August 1988.

Whilst the standard Model Rules may serve BRAC well in many regards, they do not appropriately consider some of the unique elements of the association. After a review of what is believed to be our current guiding rules, it appears there may have been minor adjustments to the standard model rules over time that reflect some of the idiosyncrasies of the association, such as changing a member from 'Person' to 'Sporting Club'. It appears as though these minor amendments have not been lodged with (or if so, acknowledged by) Consumer Affairs, and therefore would be invalid.

As such and for the purpose of BRAC considering adopting its own rules, changes noted within this briefing paper will reflect changes from the consumer affairs model rules to BRAC's new Rules of Incorporation.

Further relevant background includes:

- The **BRAC Strategic Plan 2023-2026+** was approved in March, recommending a number of key initiatives, some of which will directly require BRAC to adopt its own rules, and others which will require rules to be adopted to align with its strategic objectives.
- In March 2023, the BRAC Committee and Members voted in favour of moving to a skills based strategic board. Whilst the changes to the committee structure were outlined and members were advised that amendments to Model Rules would be required, the specific changes to the rules were not tabled and presented for approval.

Summary of Changes

Rule # in current Model Rules	Name of Rule	Rule # in New Rules of Incorporation	Change Type	Page Reference in this Doc
	Name and Title of Governing Document		Alteration	10
1	Name	1	Alteration	10
2	Purpose	2	Alteration	11
3	Financial Year	3	No Change	-
4	Definitions	4.1	Alteration	12-13
N/A	Interpretation	4.2	Addition	14
N/A	Severance	4.3	Addition	15
N/A	Expressions in Act	4.4	Addition	15
N/A	Displacement of Model Rules	4.5	Addition	15
5	Powers of Association	5	No Change	-
6	Not for Profit	6	No Change	-
7	<i>Minimum number of Members</i>	7.1	Alteration	16
8	<i>Who is Eligible to be a Member</i>	7.2	Alteration	16
N/A	<i>Categories of Membership</i>	7.3	Addition	17-19
N/A	<i>Creation of New Categories</i>	7.4	Addition	20
N/A	<i>Life Members</i>	7.5	Addition	20

Summary of Changes

Rule # in current Model Rules	Name of Rule	Rule # in New Rules of Incorporation	Change Type	Page Reference in this Doc
9	Application for Membership	7.6	Alteration	21-22
10	<i>Consideration of Application</i>	7.7	Additional Point	23
11	New Membership	n/a	Removal	24
12	<i>Annual Subscription and Fee on Joining</i>	7.8	Alteration	25
13	<i>General Rights of Members</i>	7.10	Alteration	26
14	<i>Associate Members</i>	7.11	Alteration	26
15	Rights not Transferable	7.12	No Change	-
16	Ceasing Membership	7.13	Alteration	27
17	Resigning as a Member	7.14	No Change	-
18	Register of Members	7.9	Alteration	28
19	Grounds for Taking Disciplinary Action	8.1	No Change	-
20	Disciplinary Subcommittee	8.2	No Change	-
21	Notice to Member	8.3	No Change	-
22	Decision of Subcommittee	8.4	No Change	-
23	Appeal Rights	8.5	No Change	-
24	Conduct of Disciplinary Appeal Meeting	8.6	No Change	-

Summary of Changes

Rule # in current Model Rules	Name of Rule	Rule # in New Rules of Incorporation	Change Type	Page Reference in this Doc
25	Application	9.1	No Change	-
26	Parties must attempt to resolve the dispute	9.2	No Change	-
27	Appointment of Mediator	9.3	No Change	-
28	Mediation Process	9.4	No Change	-
29	Failure to resolve dispute by mediation	9.5	No Change	-
30	Annual General Meetings	10.1	Alteration	29
31	Special General Meetings	10.2	No Change	-
32	Special General Meetings held by request of members	10.3	No Change	-
33	Notice of of general meetings	10.4	No Change	-
34	Proxies	10.5	No Change	-
35	Use of Technology	10.6	No Change	-
36	Quorum at General Meetings	10.7	Alteration	29
37	Adjournment of general meetings	10.8	No Change	-
38	Voting at general meetings	10.9	No Change	-
39	Special resolutions	10.10	No Change	-
40	Determining whether resolution carrier	10.11	No Change	-

Summary of Changes

Rule # in current Model Rules	Name of Rule	Rule # in New Rules of Incorporation	Change Type	Page Reference in this Doc
41	Minutes of General Meeting	10.12	No Change	-
42	Role and Powers	11.1	No Change	-
43	Delegation	11.2	No Change	-
44	Composition of the Committee	12.1	Alteration	-
45	General Duties	12.2	No Change	-
46	President and Vice President	12.3	Change of Definition	30
47	Secretary	12.4	Alteration	31
48	Treasurer	12.5	Alteration	32
49	Who is Eligible to be a Committee member	13.1	Alteration	33
50	Positions declared vacant	13.2	Alteration	34
51	Nominations	13.3	No Change	-
52	Election of President Etc	13.4	Alteration	35
53	Election of Ordinary Members	13.5	Alteration	36
54	Ballot	13.6	No Change	-
55	Term of Office	13.7	Alteration	37
56	Vacation of Office	13.8	No Change	-

Summary of Changes

Rule # in current Model Rules	Name of Rule	Rule # in New Rules of Incorporation	Change Type	Page Reference in this Doc
57	Filling casual vacancies	13.9	Alteration	38
58	Meetings of Committees	14.1	Alteration	39
59	Notice of Meetings	14.2	No Change	-
60	Urgent Meetings	14.3	No Change	-
61	Procedure and order of business	14.4	No Change	-
62	Use of technology	14.5	No Change	-
63	Quorum	14.6	No Change	-
64	Voting	14.7	No Change	-
65	Conflict of interest	14.8	No Change	-
66	Minutes of meeting	14.9	No Change	-
67	Leave of absence	14.10	No Change	-
68	Source of Funds	15.1	No Change	-
69	Management of funds	15.2	No Change	-
70	Financial Records	15.3	No Change	-
71	Financial Statements	15.4	No Change	-
72	Common Seal	16.1	No Change	-

Summary of Changes

Rule # in current Model Rules	Name of Rule	Rule # in New Rules of Incorporation	Change Type	Page Reference in this Doc
73	Registered Address	16.2	No Change	-
74	Notice requirements	16.3	No Change	-
75	Custody and inspection of books and records	16.4	No Change	-
76	Winding up and cancellation	16.5	No Change	-
77	Alteration of Rules	16.6	No Change	-
<i>n/a</i>	By-Laws	16.7	Addition	<u>40</u>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Name and Title of Governing Document	MODEL RULES For an INCORPORATED ASSOCIATION.	Model rules do not allow for any changes outside of “Name”, “Purpose” and “Financial Year”. If anything other than this is required an association must adopt its own rules and the title must reflect this.	Athletics Ballarat Inc (A0016590P) Rules of Incorporation
Rule 1 - Name	Ballarat Regional Athletic Centre Incorporated".	Reflects Place, not a peak body. Does not reflect the sport enough. Does not align with AA, AV and other regional bodies.	"Athletics Ballarat Incorporated".

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 2 - Purpose</p>	<p>The purposes of the association are</p> <ul style="list-style-type: none"> • Providing athletics opportunities to the general public. • Managing the Ballarat Regional Athletic Centre (Llanberris Reserve) • Coordinating the management of Athletics within the Ballarat and surrounding region 	<p>Does not align neatly with strategic plan.</p> <p>Does not strongly define our role in strategically governing and growing athletics</p>	<p>The purposes of the association are:</p> <ul style="list-style-type: none"> • To provide Leadership and governance of athletics within our region. • Inspire involvement and performance in Athletics at all levels. • Ensure financial stability and investment in Athletics. • Provide our community with the best possible facilities, events, programs and experiences across Athletics.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 4 - Definitions</p>	<p>In these Rules—</p> <p>absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);</p> <p>associate member means a member referred to in rule 14(1);</p> <p>Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;</p> <p>Committee means the Committee having management of the business of the Association;</p> <p>committee meeting means a meeting of the Committee held in accordance with these Rules;</p> <p>committee member means a member of the Committee elected or appointed under Division 3 of Part 5;</p> <p>disciplinary appeal meeting means a meeting of the members of the Association convened under rule 23(3);</p> <p>disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;</p>	<p>Update to reflect new board structure and rules</p>	<p>In these Rules—</p> <p>Absolute majority, of the board, means a majority of the board members currently holding office and entitled to vote at the time (as distinct from a majority of board members present at a board meeting);</p> <p>Associate member means any member other than a member as defined in rule 7.3.1</p> <p>Athletics Ballarat means Athletics Ballarat Incorporated</p> <p>Athletics Victoria means Athletics Victoria Incorporated</p> <p>Board means the Committee having management of the business of the Association;</p> <p>By-Law means a by-law, regulation or policy made by the Board under Rule 16.7.</p> <p>Chairperson, of a general meeting or Board meeting, means the person chairing the meeting as required under rule 12.3;</p> <p>Committee means the Board having management of the business of the Association;</p> <p>Board meeting means a meeting of the Board held in accordance with these Rules;</p> <p>Board member means a member of the board elected or appointed under rule 13.5 or 13.9</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 4 - Definitions</p>	<p>disciplinary subcommittee means the subcommittee appointed under rule 20;</p> <p>financial year means the 12 month period specified in rule 3;</p> <p>general meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;</p> <p>member means a member of the Association;</p> <p>member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;</p> <p>special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;</p> <p>the Act means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act;</p> <p>the Registrar means the Registrar of Incorporated Associations.</p>		<p>disciplinary appeal meeting means a meeting of the members of the Association convened under rule 8.5(3);</p> <p>disciplinary meeting means a meeting of the Committee convened for the purposes of rule 8.4;</p> <p>disciplinary subcommittee means the subcommittee appointed under rule 8.2;</p> <p>financial year means the 12 month period specified in rule 3;</p> <p>general meeting means a general meeting of the members of the Association convened in accordance rules 10.1, 10.2, 10.3 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;</p> <p>member means a member of the Association;</p> <p>member entitled to vote means a member who under rule 7.3 is entitled to vote at a general meeting;</p> <p>special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;</p> <p>subcommittee means any committee appointed by the board under rules 11.1 & 11.2</p> <p>the Act means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act;</p> <p>the Registrar means the Registrar of Incorporated Associations.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Interpretation	N/A	Increased Governance	<p>In these rules:</p> <ul style="list-style-type: none"> A. a reference to a function includes a reference to a power, authority and duty, B. a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty, C. words importing the singular include the plural and vice versa, D. words importing any gender include the other gender, E. references to persons include corporations and bodies politic, F. references to a person include the legal personal representatives, successors and permitted assigns of that person, G. a reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction), and H. a reference to writing shall unless the contrary intention appears, be construed as including references to printing, lithography, photograph and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail or mobile short message service (SMS).

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Severance	N/A	Increased Governance	If any provision of these rules or any phrase contained in them is invalid or unenforceable in any jurisdiction, the phrase or provision is to be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable. If the rule or phrase can not be so read down it shall be severed to the extent of the invalidity or unenforceability. Such severance shall not affect the remaining provisions of these rules or affect the validity or enforceability of any provision in any other jurisdiction.
Expressions in Act	N/A		Except where the contrary intention appears, in these rules , an expression that deals with a matter dealing with a particular provision of the Act, has the same meaning as that provision of the Act.
Displacement of Model Rules	N/A		The model rules made under the Act are expressly displaced by these rules.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 7 - Minimum number of Members	5	Inconsistent with current BRAC Rules that states 3	3
Rule 8 - 'Who is Eligible to be a Member	"Any person who supports the purposes of the Association is eligible for membership."	Inconsistent with current BRAC understanding that "Any club and/or sporting entity who supports the purposes of the Association is eligible for membership." It does not allow 'Clubs' to be members. It does not provide clarity around who and how we set membership Existing BRAC understanding does not allow for individual membership types, including life members.	"Any individual or organisation who supports the purposes of the Association is eligible for membership."

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Categories of Membership	N/A	Categories do not currently exist therefore the rights of members can not be differentiated.	<p>The Members of Athletics Ballarat shall consist of:</p> <p>7.3.1 <u>Affiliated Athletic Clubs.</u></p> <p>who subject to these rules, shall be represented by their delegate/s who shall have the right to attend, debate and vote at general meetings for and on behalf of their club in accordance with these rules, and;</p> <p>(i) - must abide by any by-laws and rules of affiliation as set by the board.</p> <p>(ii) - remain in good financial standing with Athletics Ballarat Inc.</p> <p>7.3.2 <u>Life Members.</u></p> <p>who subject to these rules, may attend general meetings, but have no right to debate or vote at general meetings;</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Categories of Membership</p>	<p>N/A</p>	<p>Categories do not currently exist therefore the rights of members can not be differentiated.</p>	<p>7.3.3 <u>Associate Club Members</u>, who are persons registered and in good standing with any affiliated athletic club under membership rule 7.3.1 including;</p> <p>Competitors who participate in competitions whether conducted by Athletics Ballarat, Athletics Victoria or an affiliated athletic club (competing eligible athletes),</p> <p>or</p> <p>Officials who officiate in competition whether conducted by Athletics Ballarat, Athletics Victoria or an affiliated athletic club, and who hold minimum officials accreditation;</p> <p>or</p> <p>Coaches registered with Athletics Australia and involved in the coaching of competitors, or</p> <p>Associates who may be involved with affiliated athletic clubs, and for each of whom a registration fee has been received by Athletics Ballarat for the current financial year.</p> <p>Subject to these rules, such associate club members may attend general meetings, but have no right to debate or vote at general meetings;</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Categories of Membership</p>	<p>N/A</p>	<p>Categories do not currently exist therefore the rights of members can not be differentiated.</p>	<p>7.3.4 <u>Independent Associate Members</u></p> <p>Individuals, coaches or officials who are not members of any affiliated athletic club, yet who support the purposes of the Association are eligible for membership.</p> <p>This could include:</p> <ul style="list-style-type: none"> • qualified officials who officiate in competition whether conducted by Athletics Ballarat, Athletics Victoria or an affiliated athletic club, • accredited coaches not aligned to an affiliated club, or • any individual who can demonstrate how the support the association. <p>and for each of whom a registration fee has been received by Athletics Ballarat for the current financial year.</p> <p>Subject to these rules, such independent associate members may attend general meetings, but have no right to debate or vote at general meetings.</p> <p>7.3.5 <u>Such new categories of members.</u></p> <p>Created in accordance with Rule 7.4 below.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Creation of New Categories	N/A	Alignment to new membership categories	7.4 The Board has the right and power from time to time to create and define new categories of membership. The rights, privileges and obligations as are determined applicable (other than voting rights) shall be set out in the Association's By-Laws from time to time.
Life Members	N/A	Alignment to new membership categories	7.5 Nominations, conditions, obligations and privileges of life membership shall be as set out in the Association's By-Laws.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 9: Application for Membership</p>	<p>(1) To apply to become a member of the Association, a club must submit a written application to a committee member stating that the club and/or sporting entity—</p> <ul style="list-style-type: none"> a) (a) wishes to become a member of the Association; and b) (b) supports the purposes of the Association; and c) (c) agrees to comply with these Rules. <p>(2)The application—</p> <ul style="list-style-type: none"> (a) must be signed by the applicant; and (b) may be accompanied by the joining fee. <p>Note</p> <p>The joining fee is the fee (if any) determined by the Association under rule 12(3).</p>	<p>Alignment to new membership categories</p>	<p>7.6.1 <u>Affiliated Clubs</u></p> <ul style="list-style-type: none"> 1) To apply to become an affiliated club member of the Association, a club must submit a written application to a board member stating that the club and/or sporting entity— <ul style="list-style-type: none"> a) wishes to become a member of the Association; and b) supports the purposes of the Association; and c) agrees to comply with these Rules and By-laws. 2) The application— <ul style="list-style-type: none"> a) must be signed by the applicant; and b) may be accompanied by the joining fee. <p>Note</p> <p>The joining fee is the fee (if any) determined by the Association under rule 12(3).</p> <p>7.6.2 <u>Associate Club Members</u></p> <ul style="list-style-type: none"> 1) All individuals, once registered within an affiliated club are automatically granted membership to the association under category 7.3.3,

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 9: Application for Membership</p>			<p>7.6.3 <u>Independent Associate Members</u></p> <p>1) To apply to become an independent associate member of the Association, an individual must submit a written application to the board stating that they —</p> <ul style="list-style-type: none"> a) wish to become a member of the Association; and b) support the purposes of the Association; and c) agrees to comply with these Rules and By-laws. <p>2) The application—</p> <ul style="list-style-type: none"> a) must be signed by the applicant; and b) may be accompanied by the joining fee. <p>Note</p> <p>The joining fee is the fee (if any) determined by the Association under rule 12(3).</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 10: Consideration of Membership	<p>(1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.</p> <p>(2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.</p> <p>(3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.</p> <p>(4) No reason need be given for the rejection of an application.</p>	Simplify processes and decision making.	<p>7.7 As existing rule plus;</p> <p>5) For the purpose of streamlining the membership consideration process, the Board may, at its discretion, delegate the consideration of membership to any individual or sub-committee.</p> <p>a) Should a membership be deemed by a delegated authority to be rejected, this application must be referred to the board for final decision.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 11: New Membership	<ol style="list-style-type: none"> 1) If an application for membership is approved by the Committee— <ol style="list-style-type: none"> a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members. 2) A club and/or sporting entity becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which— <ol style="list-style-type: none"> a) the Committee approves the club and/or sporting entity membership; or b) the club and/or sporting entity pays the joining fee. 	Redundant as now covered under new rule 7.6 - Application for Membership	N/A

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 12: Annual Subscription and Fee on Joining</p>	<ol style="list-style-type: none"> 1. At each annual general meeting, the Association must determine— <ol style="list-style-type: none"> a) (a) the amount of the annual subscription (if any) for the following financial year; and b) (b) the date for payment of the annual subscription. 2. The Association may determine that a lower annual subscription is payable by associate members. 3. The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to— <ol style="list-style-type: none"> (a) the full annual subscription; or (b) a pro rata annual subscription based on the remaining part of the financial year; or (c) a fixed amount determined from time to time by the Association. 4. The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid. 	<p>Allows for greater streamlining of processes and efficiency.</p>	<p>7.8 Subscriptions and Fees</p> <p><u>7.8.1 Annual membership Subscription, Fees</u></p> <p>The annual membership subscription, fees and any levies payable by members (or any category of members) to Athletics Ballarat, shall be as determined by the Board from time to time. The Board will also determine the deadlines and methods for such payments.</p> <p><u>7.8.2 Unpaid Fees</u></p> <p>Any affiliated athletics club or member which or who has not paid all monies due and payable to Athletics Ballarat shall (subject to the Board's discretion) have all rights under these rules immediately suspended from the expiry of the time prescribed for payment of those monies. Such rights will be suspended until such time as the monies are fully paid or otherwise in the Board's discretion. In the meantime, the club or member shall have no automatic right to resign from Athletics Ballarat, and shall be dealt with in the Board's discretion, which includes the right to expel, suspend, disqualify, fine, discipline or retain that member as a member, or impose such other conditions or requirements as the Board considers appropriate.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 13: General Rights of Members	2. A member is entitled to vote if— (a) the member is a member other than an associate member; and	Update to reflect new membership categories	2. A member is entitled to vote if— a. the member is one of the nominated delegates of an affiliated athletic club; and
Rule 14: Associate Members	1. Associate members of the Association include— (a) any members under the age of 15 years; and (b) any other category of member as determined by special resolution at a general meeting. 2. An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.		1. Associate members of the Association include— a. any members not an affiliated athletics club or life member; and 2. An associate member must not vote but may have other rights as determined by the board or by resolution at a general meeting. a. the rights of associate members shall be set out in the associations by-laws.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 16: Ceasing Membership</p>	<ol style="list-style-type: none"> 1) The membership of a person ceases on resignation, expulsion or death. 2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members. 	<p>Aligns to new membership categories</p>	<p>7.13 Ceasing membership</p> <p><u>7.13.1 Affiliate Members</u> The membership of an affiliated club ceases at the end of the association's financial year, or by the affiliating club ceasing to exist.</p> <ol style="list-style-type: none"> 1. if an affiliated club ceases to be a member of the Association, the Secretary (or delegate) must, as soon as practicable, enter the date the person ceased to be a member in the register of members. <p><u>7.13.2 Individual Members</u> The membership of an individual ceases at the end of the association's financial year, or by resignation, expulsion or death.</p> <ol style="list-style-type: none"> 1. if a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 18: Register of Members</p>	<p>1) The Secretary must keep and maintain a register of members that includes—</p> <p>a) for each current member—</p> <ul style="list-style-type: none"> i) the member's name; ii) the address for notice last given by the member; iii) the date of becoming a member; iv) if the member is an associate member, a note to that effect; v) any other information determined by the Committee; and <p>b) for each former member, the date of ceasing to be a member.</p> <p>2) Any member may, at a reasonable time and free of charge, inspect the register of members.</p> <p>Note</p> <p>Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.</p>	<p>Simplification and alignment with AV.</p>	<p>7.9 Register of Members</p> <p><u>7.9.1 Secretary to Keep Register</u></p> <p>The Secretary (or delegate) shall keep and maintain a register of members in which shall be entered such information as is required under the Act from time to time.</p> <p><u>7.9.2 Inspection of Register</u></p> <p>Having regard to privacy considerations, an extract of the register shall be available for inspection (but not copying) by members, upon reasonable request. Any such request shall be dealt with in a reasonable time and at no cost to the member.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 30: Annual General Meetings	(c) to elect the members of the Committee; (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.	Align with new board structure. Align with rule 7.8 - Fees and Subscriptions	(c) to elect the members of the Board when vacancies arise.
Rule 36: Quorum at General Meetings	(2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.	Alignment to existing BRAC interpretation of 60%	(2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 10.6) of 60% of the members entitled to vote.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 46: President and Vice President</p>	<p>1) Subject to subrule (2), the Board Chairperson or, in the Chairperson's absence, the Deputy Chairperson is the Chairperson for any general meetings and for any committee meetings.</p> <p>2) If the Board Chairperson and the Deputy Chairperson are both absent, or are unable to preside, the Chairperson of the meeting must be—</p> <p>a) in the case of a general meeting—a member elected by the other members present; or</p> <p>b) in the case of a board meeting—a board member elected by the other board members present.</p>	<p>Interchanging the word President to Board Chairperson and Vice-President to Deputy Chairperson</p>	<p>1) Subject to subrule (2), the Board Chairperson or, in the Chairperson's absence, the Deputy Chairperson is the Chairperson for any general meetings and for any committee meetings.</p> <p>2) If the Board Chairperson and the Deputy Chairperson are both absent, or are unable to preside, the Chairperson of the meeting must be—</p> <p>a) in the case of a general meeting—a member elected by the other members present; or</p> <p>b) in the case of a board meeting—a board member elected by the other board members present.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 47: Secretary	<p>1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.</p> <p>Example Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.</p> <p>2) The Secretary must—</p> <ul style="list-style-type: none"> a) maintain the register of members in accordance with rule 18; and b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and d) perform any other duty or function imposed on the Secretary by these Rules. <p>3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.</p> <p>4) The Secretary shall be appointed by the board no later than the first board meeting following the Annual General Meeting or within 14 days of the role becoming vacant.</p>	<p>Alignment to new board structure</p>	<p>Sub rules 1-3 remain unchanged.</p> <p>4) The Secretary shall be appointed by the board no later than the first board meeting following the Annual General Meeting or within 14 days of the role becoming vacant.</p> <p>5) The Board may, at their discretion, delegate the responsibilities of the secretary to an individual who is external to the board should they see fit.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 48: Treasurer	1) The Treasurer must— <ol style="list-style-type: none"> a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and d) ensure cheques are signed by at least 2 committee members. 2) The Treasurer must— <ol style="list-style-type: none"> a) ensure that the financial records of the Association are kept in accordance with the Act; and b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association. c) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association. 	Alignment to new board structure	1) In the absence of the treasurer's role, the Board must appoint an individual, committee or employee to undertake the roles and responsibilities that would otherwise be undertaken by the Treasurer, as outlined in the incorporations act. 2) The appointed authority(s) must— <ol style="list-style-type: none"> a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and b) (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and c) (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and d) (d) ensure cheques are signed by at least 2 committee members. e) (e) ensure that the financial records of the Association are kept in accordance with the Act; and f) (f) coordinate the preparation of the financial statements of the Association and their certification by the Board prior to their submission to the annual general meeting of the Association. 3) The board must ensure that at least two board members have access to the accounts and financial records of the Association.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 49: Who is eligible to be a committee member	A member is eligible to be elected or appointed as a committee member if the member— <ul style="list-style-type: none">a) is 18 years or over; andb) is entitled to vote at a general meeting.	Provision to ensure Board renewal.	A person is eligible to be elected or appointed as a board member if the person— <ul style="list-style-type: none">a) is 18 years or over; andb) can demonstrate a commitment to the purpose of the association; and .c) has not previously been a board member of the association within the previous 24 months.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 50: Positions to be declared Vacant.</p>	<p>1) This rule applies to—</p> <ul style="list-style-type: none"> a) the first annual general meeting of the Association after its incorporation; or b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received. <p>2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.</p>	<p>Update to align with new structure.</p>	<p><u>13.2.1 Elected Position</u> Each position on the board that has been elected by the members shall be declared vacant in accordance with rule 13.7-Term of Office, or in the instance of a board members resignation, at the next annual general meeting following the board member’s final meeting.</p> <p><u>13.2.2 Board Appointed Positions</u> Board members appointed under rule 13.2 2) shall have their positions declared vacant after a period of 12 months at which point it shall be at the discretion of the board to re-appoint the board member for a further period of up to 12 months.</p> <p><u>13.2.3 Board Portfolios and Executive Positions</u> At the first board meeting immediately following the annual general meeting, all board executive roles and portfolio allocation shall be declared vacant, and voted upon by the board at that meeting.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 52: Election Of President Etc</p>	<ol style="list-style-type: none"> 1) At the annual general meeting, separate elections must be held for each of the following positions— <ol style="list-style-type: none"> a) President; b) Secretary; c) Treasurer. d) General Members 2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position. 3) If more than one member is nominated, a ballot must be held in accordance with rule 54. 4) On his or her election, the new President may take over as Chairperson of the meeting. 	<p>Update to align with new structure.</p>	<ol style="list-style-type: none"> 1) At the Board meeting, immediately following the Annual General Meeting the Board, elections must be held for each of the following positions— <ol style="list-style-type: none"> a) Chairperson; b) Deputy Chairperson; c) Portfolio Allocations; d) Chairperson of the Finance Committee. 2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position. 3) If more than one member is nominated, a ballot must be held in accordance with rule 13.6. 4) On his or her election, the new Chairperson may take over as Chairperson of the meeting.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 53: Election of Ordinary Members</p>	<ol style="list-style-type: none"> 1) The annual general meeting or a special general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year. 2) A single election may be held to fill all of those positions. 3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position. 4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54. 	<p>Alignment to new structure.</p>	<ol style="list-style-type: none"> 1) The number of positions vacant and open for election at each annual general meeting shall be set out in accordance to rules 12.1 (Composition of the Board), 13.7 (Terms of Office), and 13.8 (Vacation of Office) 2) A single election may be held to fill all of vacant positions. 3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position. 4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 13.6.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 55: Term of Office</p>	<ol style="list-style-type: none"> 1) Subject to subrule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting. 2) A committee member may be re-elected. 3) A general meeting of the Association may— <ol style="list-style-type: none"> a) by special resolution remove a committee member from office; and b) elect an eligible member of the Association to fill the vacant position in accordance with this Division. 4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association. 5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed. 	<p>Not applicable under new structure outlined in Rule 12.1</p>	<ol style="list-style-type: none"> 1) Subject to subrule (4) and rule 13.8, a Board member is elected under a specific term from 2-4 years, outlined at the time of their nomination, and holds office until the completion of their elected term. Their positions on the Board are declared vacant at the next annual general meeting convened at a date nearest to the end of their elected term <ol style="list-style-type: none"> a) Terms available for election at an Annual General Meeting, will be determined by a nominations committee appointed by the board, with the purpose of ensuring at least 2 board positions are declared vacant at each Annual General Meeting. 2) If appointed by the board under rule 12.1 subrule (2), a board member holds office for a period of 12 months. 3) A board member may be re-elected up to 2 times, but can not remain on the board for a period greater than 6 years from first election. A Board member will be eligible for re-election, and an additional 6 year maximum period, no sooner than 24 months following the vacanting of their role as a Board Member. 4) A general meeting of the Association may— 5) by special resolution remove a committee member from office; and 6) elect an eligible member of the Association to fill the vacant position in accordance with this Division. 7) A member who is the subject of a proposed special resolution under subrule (4)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association. 8) The Secretary or the Chairperson may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 57: Filling Casual Vacancies</p>	<ol style="list-style-type: none"> 1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that— <ol style="list-style-type: none"> a) has become vacant under rule 56; or b) was not filled by election at the last annual general meeting. 2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises. 3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2). 4) The Committee may continue to act despite any vacancy in its membership. 	<p>Better alignment to new structure.</p>	<ol style="list-style-type: none"> 1) The board may appoint an eligible person to fill a position on the Board that— <ol style="list-style-type: none"> a) has become vacant under 13.8; or b) is vacant in accordance to rule 12.1 (2), 2) If the position of Secretary(or its delegate) becomes vacant, the board must appoint a member to the position within 14 days after the vacancy arises. 3) Rule 13.7 applies to any board member appointed by the board under subrule (1) or (2). 4) The board may continue to act despite any vacancy in its membership.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
Rule 58: Meetings of the Committee	58 (a) The Committee must meet at least 12 times in each year at the dates, times and places determined by the Committee		14.1 (a) The Committee must meet at least 8 times in each year at the dates, times and places determined by the Committee.

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 16.7: By-Laws</p>	<p>N/A</p>	<p>Streamlining of Process</p>	<p>16.7 By-Laws and Policies</p> <p><u>16.7.1 The Board to Formulate By-Laws</u></p> <p>The Board may formulate, approve, issue, adopt, interpret and amend such by-laws, regulations and policies (By-Laws) for the proper advancement, management and administration of Athletics Ballarat, the advancement of the Purposes and athletics as it thinks necessary or desirable. Such By-Laws must be consistent with these rules and the Act.</p> <p>The formation of by-laws shall be conducted in appropriate consultation with all affiliated athletic clubs.</p> <p><u>16.7.2 By-Laws Binding</u></p> <p>All By-Laws made under this Rule shall be binding on Athletics Ballarat and members.</p> <p><u>16.7.3 By-Laws Deemed Applicable</u></p> <p>All by-laws, regulations and policies of Athletics Ballarat in force at the date of the approval of these rules under the Act insofar as such by-laws, regulations and policies are not inconsistent with, or have been replaced by these rules, shall be deemed to be By-Laws under this Rule.</p>

Changes in Detail

Rule	Current Rule	Reason for Change	New Rule
<p>Rule 16.7: By-Laws</p>	<p>N/A</p>	<p>Streamlining of Process</p>	<p><u>16.7.4 By-Laws Deemed Applicable</u></p> <p>All by-laws, regulations and policies of Athletics Ballarat in force at the date of the approval of these rules under the Act insofar as such by-laws, regulations and policies are not inconsistent with, or have been replaced by these rules, shall be deemed to be By-Laws under this Rule.</p> <p><u>16.7.5 Notices Binding on Members</u></p> <p>Amendments, alterations, interpretations or other changes to By-Laws shall be advised to affiliated athletics clubs by means of notices approved and issued by the Board or their delegate. Affiliated athletics clubs shall be obliged to draw such notices to the attention of their respective members. Notices are binding upon all members.</p> <p><u>16.7.6 Board to Formulate Policies</u></p> <p>The Board will be responsible for the formulation of various policies. Policies will be developed in order to provide guidance for all members of Athletics Ballarat. New policies will be developed as required.</p>