

# **CONSTITUTION FOR THE YATRA BUSHWALKING CLUB INCORPORATED**

(Version 2, September 2011)

## **1. NAME OF THE ASSOCIATION**

The name of the Association is the Yatra Bushwalking Club. It will be referred to in this constitution as the Club.

## **2. GENERAL PRINCIPLES**

(a) The Club is a not-for-profit bushwalking club which combines walking and being in nature with meditation and yoga. Programs are offered as a community service.

(b) Leaders of Club programs including meditation teachers, yoga teachers or other leaders receive no payment or stipend for their teaching or leadership role. They can receive donations but not from the Club.

## **3. OBJECTIVES**

The Club has the following objectives:

(a) To organise bushwalking programs, known as “yatras”, involving meditation, yoga, personal development and outdoor recreation.

(b) To provide services for a community of people who are interested in meditation, yoga, and personal development, as well as bushwalking and the natural environment.

(c) To promote interest in meditation, Buddhist teachings, yoga, personal development, community with others, bushwalking and the natural environment to a wider community within a non-religious setting.

(d) To organise other similar events which combine teachings of meditation, yoga, and personal development with outdoor recreation and interest in the natural environment.

(e) To help people step outside their normal habits and get a fresh perspective on their lives, help people see and experience that living simply can be satisfying and joyful, allow people to experience the richness of being part of a community, give people the opportunity to practice meditation and yoga and hear about Buddhist perspectives on living.

(f) To develop people’s appreciation of the natural environment.

(g) To provide a safe environment for people to be in nature and to give people experience in minimal impact camping and walking.

(h) To support the objectives of the Confederation of Bushwalking Clubs NSW Incorporated.

#### **4. MEMBERSHIP**

(a) Membership of the Club is open to individuals willing to participate in and/or support the Club and the activities of the Club.

(b) Individuals may apply to the management committee for membership.

(c) The management committee may determine whether or not to accept an application for membership. The committee is not required to supply reasons for accepting or rejecting an application of membership, but it may still give reasons.

(d) Membership fees may apply and can be determined from time to time by the management committee. The committee may also choose to have no fee for membership.

(e) The Club has two types of membership:

(1) Full membership. Anyone who has been on three yatras in the past five years or has had a leadership, teaching, organising or support role in two yatras in the last three years can apply for full membership. Membership is current for one year from the date the application is processed. Once a person is accepted as a full member, eligibility is ongoing subject to Clause 4 (f) below.

(2) Associate membership. Anyone who participates in a yatra will need to become an associate member of the Club and that membership will last for one year from the start date of that particular yatra.

(f) A person ceases to be a member of the Club upon expiration of membership, death, resignation, expulsion or if there are membership fees, failure to pay those membership fees within three months of the due date.

(g) The number of members is not limited.

(h) Only full members have voting rights. Associate members have no voting rights.

#### **5. MEMBERS' LIABILITY**

The members of the Club will have no liability to contribute towards the payment of debts and liabilities of the Club or the cost, charges and expenses of the winding up of the Club except to the amount of any unpaid membership fees.

#### **6. DISCIPLINING OF MEMBERS**

(a) A member may be expelled from the membership of the Club (or otherwise disciplined) by the management committee, if in the opinion of the committee, the member has persistently refused or neglected to comply with a provision of the rules of the Club; or has persistently and willfully acted in a manner prejudicial to the interests of the Club.

(b) A member who wishes to appeal against the decision expelling or otherwise disciplining him/her may do so by notifying the secretary in writing that s/he wishes the decision to be reviewed at the next general meeting of the Club.

## **7. DISPUTES BETWEEN MEMBERS**

(a) In the event of a dispute arising between members and the dispute not being able to be solved by the management committee by negotiation, each side must nominate a representative who is not directly involved in the dispute to settle the dispute by negotiation.

(b) Should the nominated representative be unable to resolve the dispute within 14 days (or such other period as they may agree upon) the dispute must be referred to a person mutually agreed upon for mediation.

(c) If the dispute is not resolved by the above procedures, it may be referred to a community justice service centre for mediation in accordance with the Community Justice Centres Act 1983.

## **8. REGISTER OF MEMBERS**

(a) The public officer of the Club will maintain a register of members specifying the name, email address and phone number of each person who is a member of the Club together with the date on which the person became a member.

(b) The register of members will be kept in New South Wales at the Club's official address or at the address of the public officer.

(c) The register of members will be available for inspection, free of charge, by any member of the association during the daytime or in the early evening.

(d) 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.

(e) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:

(1) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or

(2) any other purpose necessary to comply with a requirement of the Incorporations Act.

## **9. MANAGEMENT COMMITTEE**

(a) The management committee shall control and manage all affairs of the Club.

(b) The management committee must meet as often as necessary to conduct the business of the Club.

(c) Notice of committee meetings must be given at the previous meeting or by such other means as the committee may decide upon.

(d) A vote on a particular question shall be carried by a simple majority of members present. In the case of a tied vote, the president or an appointed deputy shall make the final decision. Voting shall be by show of hands.

(e) The management committee shall consist of between five and eight people. Members of the management committee will include the President, the Vice-President, the Secretary, the Treasurer, committee members and other positions which may be created from time to time. One person can take on two positions but cannot be both the president and the vice-president.

(f) Those eligible to hold positions on the management committee are required to be current Full Members of the Club at the time they are elected.

(g) At the annual general meeting of the group, all the management committee will resign, but they will be eligible for nomination for re-election.

(h) A management committee member may resign in writing or be removed as a member by a majority vote from all members of the management committee.

(i) Casual vacancies on the management committee may be filled by the management committee from the membership.

(j) The functions of the management committee are:

(k) to have general control of the management and administration of the affairs, property and funds of the group;

(ii) to implement all resolutions passed at a general meeting or an annual general meeting;

(iii) to promote the objectives set out in this constitution.

(l) The quorum for management committee meetings is to be three.

## **10. GENERAL MEETINGS**

(a) The Annual General Meeting (AGM) of the Club shall be held every 12 months and shall be convened on such date and at such place and time as the management committee thinks fit.

(b) The business of the AGM shall be to confirm previous minutes, to elect office holders and management committee members, present financial reports and to make any decision necessary for the effective management of the Club.

(c) Members who have items of business they wish considered at the general meeting may give written notice of such business to the secretary. The secretary shall include that business in the next notice calling a general meeting.

(d) Any change to this Constitution or motion to dissolve the Club shall be made at an Extraordinary General Meeting (EGM).

(e) Three weeks' notice of an AGM or EGM shall be given.

(f) An AGM or EGM quorum shall consist of four members.

(g) At an AGM or EGM voting shall be by show of hands and motions will be carried by a simple majority with the exception of votes related to changing the constitution. In the case of a tied vote, the president or an appointed deputy shall make the final decision.

(h) A vote at an EGM which is related to changing the constitution or dissolving the Club must be carried by a 75% majority of members present.

## **11. POSTAL BALLOTS**

The Club may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 12). A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

## **12. OFFICE HOLDERS**

(a) The president or in the president's absence, the vice president will act as chairperson at each general meeting and committee meeting of the Club.

(b) The secretary must ensure that records of the business of the Club including the rules, register of members, minutes of all meetings and file of correspondence are kept. These records must be available for inspection by any member.

(c) The treasurer must insure that all money received by the Club is paid into an account in the Club's name. The treasurer must ensure that correct books and accounts are kept, that funds are utilized effectively and that the Club stays within budget. Records must be available for inspection by any member and must be held in custody by the treasurer.

## **13. PUBLIC OFFICER**

(a) A nominated Public Officer must complete the application for incorporation of the Club.

(b) The committee must ensure that the Public Officer is 18 years of age or older and a resident of NSW.

(c) When a vacancy occurs in the position of Public Officer the committee must within 14 days notify the Department of Fair Trading by the prescribed form and appoint a new Public Officer.

(d) The Public Officer may be an office bearer or a committee member.

(e) The Public Officer is required to notify The Department of Fair Trading by the prescribed form in the following circumstances:

Appointment of Office Holders (within 14 days).

Change of residential address (within 14 days).

Change of the Club's objectives and rules (within 1 month).

The change in the Club's name (within 1 month).

(f) The Public Officer is required to notify the Department of Fair Trading of the summary of the financial affairs of the Club within one month of the AGM.

#### **14. FUNDS**

(a) The source of the Club's funds are fees for Club programs, donations, and any membership fee that may be determined by the committee.

(b) All money received by the Club is to be deposited as soon as practicable and without deduction to the credit of the Club's bank or Credit Union.

(c) The Club will issue and appropriate receipt as soon as practicable on receiving money.

(d) The assets and income of the Club shall be applied solely in the promotion of the objective and no portion shall be distributed directly or indirectly to the members of the Club except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.

#### **15. FINANCIAL YEAR**

The financial year of the Club is:

(a) the period of time commencing on the date of incorporation of the Club and ending on the following 31<sup>st</sup> January, and

(b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1<sup>st</sup> February and ending on the following 31<sup>st</sup> January.

#### **16. CUSTODY OF BOOKS**

Except as otherwise provided by this constitution, all records, books and other documents relating to the Club will be in the custody of the public officer, the treasurer or the president.

#### **17. INSURANCE**

The Club will take out and maintain any insurance which may be required by law or regarded as necessary or worthwhile by the management committee.

#### **18. DISSOLUTION**

(a) The Club may only be dissolved at an Extraordinary General Meeting.

(b) On dissolution of the Club, all debts shall be repaid and the surplus assets or finances will then be transferred, at the discretion of the management committee, to any organisation with similar purposes which is not carried on for the profit or gain of its individual members.