

Berwick Netball Club Incorporated

**Registration Number A0011768V
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TABLE OF CONTENTS

PART I: INTERPRETATIONS, OBJECTS AND POWERS.....	3
1. NAME.....	3
2. DEFINITIONS AND INTERPRETATIONS.....	3
3. OBJECTS	3
4. POWERS OF THE CLUB	4
PART II: MEMEBRSHIP.....	4
5. MEMBERSHIP OF CLUB	4
6. SUBSCRIPTION FEES	6
7. TERMINATION OF MEMBERSHIP	6
PART III: MANAGEMENT COMMITTEE	7
8. MANAGEMENT COMMITTEE	7
9. POWERS AND DUTIES OF THE MANAGEMENT COMMITTEE	8
10. EXECUTIVE COMMITTEE	9
11. ELECTION OF OFFICERS AND VACANCIES	9
12. AUDITOR.....	10
PART IV: MEETINGS.....	10
13. ANNUAL GENERAL MEETING.....	10
14. GENERAL MEETINGS.....	11
15. MANAGEMENT AND EXECUTIVE COMMITTEE MEETINGS	11
16. NOTICES OF MEETING.....	12
17. VOTING AT CLUB MEETINGS	12
PART V: MISCELLANEOUS	12
18. FINANCE.....	12
19. COMMON SEAL.....	13
20. ALTERATIONS TO THE CONSTITUTION AND BY-LAWS.....	13
21. DISSOLUTION	14
22. GRIEVANCE PROCEDURE.....	14
23. UNIFORM.....	15
24. CUSTODY AND INSPECTION OF BOOKS AND RECORDS.....	15

PART I: INTERPRETATIONS, OBJECTS AND POWERS

1. NAME

The Club shall be called Berwick Netball Club (Inc.) hereinafter referred to as “the Club”.

2. DEFINITIONS AND INTERPRETATIONS

(1) In these rules, unless the contrary intention appears:-

“Netball” means the game of netball as determined by the International Federations of Netball Associations.

“Netball VIC” means Netball Victoria (Inc.)

“Financial Year” means the year ending 30th September.

“General Meeting” means a general meeting of members convened in accordance with Rule 13 and 14.

“Management Committee” means the management committee referred to in Rule 8.

“Member” means a member (of any category) of the Club as defined in Rule 5.4.

“Life Member” means a life member of the Club as defined in Rule 5.5

“The Act” means the Association Incorporation Act 1981.

“Bylaws” means the By-laws of the Club in operation from time to time

(2) In these Rules, a reference to the Secretary of a club is a reference;-

(a) where a person holds office under these rules as Secretary of the club- to that person; and

(b) In any other case to the public officer of the club

(3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

3. OBJECTS

The objects of the Club are to:

(1) foster, promote, develop and manage the game of Netball in the Club Area;

(2) become affiliated with or subscribe associations or bodies whose objects are similar to the objects of the Club (including Netball VIC) and if thought fit to withdraw or retire from any such associations or bodies;

(3) abide by the official rules, policies and codes of conduct Netball VIC;

(4) promote and conduct Netball competitions and events at all levels in the Club Area;

(5) manage the representation of the Club in Netball events;

(6) use and protect the intellectual property of the Club in the pursuit of these objects and the sport Netball;

(7) promote and protect the interests of all Members.

4. POWERS OF THE CLUB

The powers of the Club) are as follows:

- (1) to acquire, hold, lease, sub-lease, licence, sub-licence, deal with, and dispose of any real or personal property;
- (2) to open and operate bank accounts;
- (3) to invest its money:
 - (a) in any security in which trust moneys may be invested; or
 - (b) in any other manner authorised by the rules or By-laws of the Club;
- (4) to raise and borrow money upon such terms and conditions as the Club thinks fit;
- (5) to give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- (6) to appoint agents, contractors and employees to transact any business of the Club on its behalf for reward or otherwise;
- (7) to build, construct, erect, maintain, alter and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Club;
- (8) to accept donations and gifts in accordance with the objects of the Club;
- (9) to print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the Club;
- (10) to provide gifts and prizes in accordance with the objects of the Club;
- (11) to organise social events for Members and the promotion of the Club; and
- (12) to enter into any other contract or to do any thing that the Club considers necessary or desirable which are incidental to for the attainment of the objects of the Club.

PART II: MEMEBRSHIP

5. MEMBERSHIP OF CLUB

- (1) Membership shall be open to any person who wishes to play Netball or further the interests of the Club.
- (2) Any person seeking membership shall make application to the Management Committee, and the Management Committee shall determine whether the application is successful or not.
- (3) Each Member shall be:
 - (a) bound by the Constitution, By-laws, rules, codes of conduct and policies of the Club.

(b) liable for such fees, charges, fines and subscriptions as may be fixed by the Club from time to time.

(c) entitled to all advantages and privileges of membership including the minimum right to;

- I. to inspect and obtain a copy of the rules
- II. to inspect and obtain copies of minutes of general meetings (including the financial statements tendered at the annual general meeting)
- III. if the member has voting rights, to be notified of the date, time and place of all general meetings and to be provided with a proxy form (if the association uses a standard proxy form)
- IV. to attend and, if entitled under the association's rules, vote at general meetings
- V. to inspect the register of members of their association
- VI. to a fair and reasonable grievance procedure.

(d) entitled to hold office in the Club, other than Junior Members

(4) Membership Categories: There shall be the following categories of membership of the Club:

(a) Senior Member: Any adult person who is a playing member of the Club.

(b) Social Member: Any adult person other than an Senior, Life or Parent Member who is interested in promoting the Club, but who does not wish to participate in the playing activities of the Club.

(c) Junior Member: Any playing member under the age of 18 years but at least the minimum age for playing under the rules of Netball VIC. Junior Members shall have no voting rights nor be entitled to hold any office in the Club.

(d) Parent Member: Any parent or guardian of a Junior Member as so nominated on the Junior Member's application for membership to the Club (and if two or more parents or guardians are so nominated, then the parent or guardian who is first nominated on the application form).

(e) Life Member: Any person elected as a life member of the Club.

(5) Life Membership is one who has been nominated as such by the outgoing committee at an Annual General Meeting and elected as such by the club at the Annual General Meeting

(6) The Management Committee shall appoint an Officer of the Management Committee to maintain an up-to-date register of Members of the Club.

(7) Subject to Rule 5.10, a Member may at any reasonable time inspect (but not copy) the records and documents of the Club, other than any records of the Management Committee meetings and private information that that are deemed inappropriate for public release.

(8) The form(s) of application to become a Member of the Club shall be determined by the Management Committee from time to time.

(9) The liability of the Members of the Club is limited.

(10) The Secretary, upon request, must make the register of Members of the Club available for the inspection of any Member. The Member may make a copy of, or take an extract from, the register but shall have no right to remove the register for that purpose.

6. SUBSCRIPTION FEES

(1) The annual membership subscription fees and any other levies payable by Members (or any category or sub-category of Members) of the Club, the basis of, the time for and manner of payment shall be determined by the Management Committee from time to time. However, the following categories of Members shall have no annual membership subscriptions:

- (a) Life Members
- (b) Parent Members (beyond what is paid for Junior Members)

(2) Any Member who has not paid all monies due and payable by that Member to the Club shall (subject to the Management Committee's discretion) have all rights under this Constitution 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 Management Committee's discretion. In the meantime, the Member shall have no automatic obligation to resign from the Club, and shall be dealt with in the Management Committee'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 Management Committee considers appropriate.

7. TERMINATION OF MEMBERSHIP

(1) Any person's membership may be terminated by the following events:

- (a) the Member's resignation
- (b) the expulsion of the Member
- (c) the abandonment by the Member of the Club

(2) The Management Committee shall (after having undertaken due inquiry) have the power to suspend or expel any Member of the Club for:

- (a) any of the events described in Rule 6.2
- (b) false or inaccurate statements made in the Member's application for membership of the Club that are of a material nature,
- (c) material breach by the Member of any rule, policy, code of conduct or By-law of the Club and
- (d) by any act of the Member that is substantially detrimental to the Club.

(3) Any Member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

PART III: MANAGEMENT COMMITTEE

8. MANAGEMENT COMMITTEE

(1) Management of the Club shall be vested in the Management Committee elected by the Members at the Annual General Meeting. The positions (“Officers”) on the Management Committee shall consist as follows:

- (a) President
- (b) Vice President (MPNFL)
- (c) Vice President (Stadium)
- (d) Secretary
- (e) Treasurer
- (f) Uniform Co-ordinator
- (g) Umpiring Co-ordinator
- (h) Grading Co-ordinator
- (i) Coaching Co-ordinator
- (j) Equipment Co-ordinator
- (k) Fundraising/Sponsorship Coordinator
- (l) General Committee Members at such a number as determined by the Management Committee from time to time.
- (m) Such other positions or offices that may be created by the Management Committee from time to time on an “as needed” basis.

(2) No person shall hold more than one position or office on the Management Committee at any one time. Officers of the Management Committee shall hold office for approximately one (1) year commencing from their election and concluding at the following Annual General Meeting. A retiring Officer of the Management Committee is eligible for re-election.

(3) If a position is not filled at an Annual General Meeting or should a vacancy occur in the Management Committee during the year, the Management Committee shall, if practicable, appoint a person to fill that position as soon as possible until the next Annual General Meeting.

(4) A quorum of the Management Committee shall be six (6) Officers PROVIDED THAT in that number there must be at least three (3) members of the Executive Committee (as hereinafter defined)

(5) If the President and the Vice Presidents are unable to attend a Management Committee meeting, then a chairperson (being a member of the Executive Committee) shall be nominated by the meeting to chair that meeting.

(6) An Officer of the Management Committee may (at the determination of the Executive Committee) lose his or her position on the Management Committee if that Officer:

- (a) is absent from three or more Management Committee or sub-committee meetings during the year without leave of absence.
- (b) is found not to be a Member of the Club.
- (c) is derelict in his or her duties to the Club.

(d) is directly or indirectly interested in any material contract or proposed material contract with the Club and fails to declare the nature of his or her interest.

(7) The Officer of the Management Committee who loses their position will be notified in writing by the Executive Committee, outlining the reasons for their loss of position.

(8) If an Officer of the Management Committee is removed before the expiration of the Officer's term of office and appoint another member in the member's stead to hold office until the expiration of the term of the first-mentioned member.

(9) Any Officer who loses his or her position on the Management Committee under Rule 8.6 shall have the right to appeal against the Executive Committee's determination by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

9. POWERS AND DUTIES OF THE MANAGEMENT COMMITTEE

(1) Subject to Rule 10 and this Constitution generally, the Management Committee shall carry out the day-to-day running of the Club and, without limitation, shall have the power to:

- (a) administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
- (b) fix the manner in which such banking accounts shall be operated upon;
- (c) fix fees and subscriptions payable by Members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
- (d) adjudicate on all matters brought before it which in any way affect the Club.
- (e) cause minutes to be made of all proceedings at meetings of the Management Committee and General Meetings of Members;
- (f) make, amend and rescind rulings and By-laws;
- (g) establish and appoint any sub-committee as required for specific purposes;
- (h) employ a person or persons to carry out certain duties required by the Club, at salaries or remunerations for such period of time, as may be deemed necessary.
- (i) appoint an Officer of the Management Committee to have custody of the Club's records, documents and securities.
- (j) do any other thing that is consistent with this Constitution.

(2) The day to day duties of the Officers shall be described in the By-laws of the Club from time to time.

(3) An Officer shall declare his or her interest in any:

- (a) contractual matter;
- (b) selection matter;
- (c) disciplinary matter; or
- (d) other financial matter;

in which a conflict of interest arises or may arise, and shall absent him or herself from discussions of such matter and shall not be entitled to vote in respect of such matter. If the Officer votes, the vote shall not be counted. In the event of any uncertainty as to whether it is necessary for a Officer to absent him or herself from discussions and refrain from voting, the issue should be immediately determined by vote of the Management Committee, or if this is not possible, the matter shall be adjourned or deferred.

(4)The nature of the interest of such Officer must be declared by the Officer at the meeting of the Management Committee at which the contract or other matter is first taken into consideration if the interest then exists or in any other case at the first meeting of the Management Committee after the acquisition of the interest. If a Officer becomes interested in a contract or other matter after it is made or entered into the declaration of the interest must be made at the first meeting of the Management Committee held after the Officer becomes so interested.

(5) Every Officer of the Club shall be indemnified against any liability incurred by them in their capacity as Officer in defending any proceedings, whether civil or criminal, in which judgement is given in their favour or in which they are acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Act, granted to them by the Court.

10. EXECUTIVE COMMITTEE

(1)The Executive Committee shall comprise the President, Vice president (MPNFL), Vice President (Stadium), Secretary and Treasurer

(2) The Executive Committee shall attend to and decide upon urgent matters that arise between meetings of the Management Committee and cannot reasonably be deferred until the next Management Committee meeting.

(3) A quorum of the Executive Committee shall be three (3) of its members.

(4)The powers of the Executive Committee shall be the same as the Management Committee PROVIDED THAT the Executive Committee shall report at the next Management Committee meeting as to any such powers it has exercised since the previous Management Committee meeting.

(5) It is expected that the Executive Committee will decide upon urgent matters by electronic communications where appropriate.

11. ELECTION OF OFFICERS AND VACANCIES

(1) Nominations of candidates for election as officers of the Club or as general members of the Management Committee shall be made by two members of the Club eligible to vote at the annual general meeting.

(2) If the number of nominations received is equal to the number of vacancies to be filled the person nominated shall be deemed to be elected.

(3) If insufficient nominations are received to fill all the vacancies on the Management Committee the candidates nominated shall be deemed to be elected.

The elected members of the Management Committee concerned may co-opt the balance of the required membership from other eligible members of the club at the first meeting of that Committee.

(4) If the number of nominations exceeds the number of vacancies to be filled a vote shall be held.

(5) The vote for the election of officers and members of the Management Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Management Committee may direct.

(6) For the purposes of these rules, the office of an officer of the club or of a general committee member of a Management Committee becomes vacant during their elected term if the officer or member

(a) Ceases to be a member of the Club

(b) Resigns his officer by notice in writing to the Secretary

12. AUDITOR

(1) The Management Committee shall appoint an auditor of the Club on such terms as it shall determine provided that the auditor is;

(a) a registered company auditor or firm or registered company auditor

(b) a member of CPA Australia or the Institute of Chartered Accountants in Australia, or

(c) someone approved by the Registrar of Incorporated Associations for this purpose; for example, a member of the National Institute of Accountants who holds Professional National Accountant status.

(2) The auditor must not be;

(a) a member of the incorporated association's management committee

(b) an employee of a member of the committee

(c) a member of the same partnership as a member of the committee

(d) an employee of the incorporated association.

(3) The auditor shall examine and audit all the books and accounts upon request by the committee or 10 members at a General Meeting, and have the power to call for all books, papers, accounts and receipts of the Club and report thereon to Members at a General Meeting.

PART IV: MEETINGS

13. ANNUAL GENERAL MEETING

(1) The Annual General Meeting of the Club must be held within three (3) months of the end of the Financial Year on a date and at a venue as determined by the Management Committee.

(2) The Secretary shall give at least fourteen (14) days notice in writing to Members of the date of the Annual General Meeting.

(3) All financial Members may attend the Annual General Meeting, which shall be chaired by the President or (in his or her absence) a Vice President.

(4) The quorum at the Annual General Meeting, shall be a minimum of ten (10) adult Members. If, at the end of 30 minutes after the scheduled commencement time there is no quorum, then the meeting shall be adjourned (at the discretion of the chairman of that meeting) for between seven (7) and fourteen (14) days. If at such adjourned meeting there is again no quorum, those Members present shall be competent to discharge the business of the meeting.

(5) The ordinary business of the Annual General Meeting shall be to:

- (a) Confirm the Minutes of previous Annual General Meeting
- (b) Receive from the President and Treasurer, reports of the Club during the last preceding year;
- (c) Notices of Motion (if any, including any proposed changes to the Constitution)
- (d) declare Life Members
- (e) Election of Officers for new Management Committee
- (f) General business

(6) The Annual General Meeting may transact special business of which notice is given in accordance with this Constitution.

(7) The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same year.

14. GENERAL MEETINGS

(1) General Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of twenty (20) Members of the Club, where such request clearly sets out the business for which the meeting is required to be called

(2) The Secretary shall give at least seven (7) days notice in writing to Members of the date of any General Meeting. The Notice of General Meeting shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.

(3) All financial Senior, Social and Parent Members may attend a General Meeting, which shall be chaired by the President or (in his or her absence) a Vice President.

(4) The quorum at a General Meeting shall be a minimum of ten (10) adult Members.

15. MANAGEMENT AND EXECUTIVE COMMITTEE MEETINGS

(1) The Management Committee and the Executive Committees shall each have the power to meet either physically or through telephonic or electronic communications.

(2) The Management Committee shall meet at least ten (10) times during the year. The Executive Committee will meet on a "as needed" basis.

(3) The Management Committee and the Executive Committees shall each have the power to make decisions and resolutions in writing if it is impractical, unreasonable or undesirable to meet physically or by telephonic or electronic means. Such written decisions or resolutions must be appropriately documented.

16. NOTICES OF MEETING

(1) For the avoidance of doubt, any notice of an Annual General Meeting or General Meeting may be sent by electronic form.

17. VOTING AT CLUB MEETINGS

Voting powers at the Annual General Meeting and General Meetings

(1) Unless otherwise required in this Constitution, all decisions at Annual General Meetings and General Meetings will be made by a simple majority vote on a show of hands.

(2) Subject to Rule 17.4, at Annual General Meetings and General Meetings, each individual financial Member present shall have one (1) vote. For the avoidance of doubt, each Parent Member shall have only one (1) vote, even though they may have more than one child who is a Junior Member at the Club

(3) At Annual General Meetings and General Meetings, the President shall be entitled to a deliberate vote and, in the event of a tied vote, the President shall exercise a casting vote.

(4) The Management Committee may adopt and use a proxy form for use by Members for any Annual General Meeting or General Meeting (but not Management or Executive Committee meetings). Any such proxy form shall be in such form as the Management Committee may determine and, if used, must be sent to Members with the Notice of Meeting. Proxies may be returned by post, email or fax and shall be collated and counted just prior to the commencement of the meeting.

Voting powers at Management and Executive Committee Meetings

(5) Unless otherwise required in this Constitution, all decisions at Management and Executive Committee Meetings will be made by a simple majority vote on a show of hands.

(6) At Management and Executive Committee meetings, each individual committee member present shall have one (1) vote.

(7) At Management and Executive Committee meetings, the President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote.

PART V: MISCELLANEOUS

18. FINANCE

(1) All funds of the Club (other than petty cash) shall be deposited into the Club's accounts at such bank or recognised financial institution as the Management Committee may determine.

(2) All accounts due by the Club shall be paid by cheque or electronic bank transfers unless it is reasonable in the circumstances to pay by cash.

(3) A statement showing the financial position of the Club shall be tabled at each Management Committee meeting by the Treasurer.

(4) An annual statement of income and expenditure for the Financial Year shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such annual statement.

(5) The accounts, books and all financial records of the Club shall be audited every second year.

(6) The signatories of the Club's bank and cheque accounts will be at least any two (2) members of the Executive Committee.

(7) All property and income of the Club will be applied solely to the promotion of the objects of the Club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to Members, except in good faith in the promotion of these objects.

(8) The funds of the Club shall be derived from entrance fees, annual subscriptions, donations, sponsorship and such other sources as the Management Committee decides.

19. COMMON SEAL

The common seal of the Club shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or document except pursuant to a resolution of the Management Committee and in the presence of at least the President and another member of the Executive Committee.

20. ALTERATIONS TO THE CONSTITUTION AND BY-LAWS

(1) No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting or a General Meeting called for that purpose. Notices of all motions to alter, repeal or add to the Constitution (hereafter referred to as "Constitution Change Motions") shall be given to Members at least 21 days prior to the Annual General Meeting, or a General Meeting called for such purpose.

(2) The Secretary shall forward all Constitution Change Motions to each Member at least twenty-one (21) days prior to the Annual General Meeting or General Meeting.

(3) Constitution Change Motions, or any part thereof, shall be of no effect unless passed by a special resolution being seventy five percent (75%) majority of those members entitled to a vote at the Annual General Meeting.

(4) Within one (1) month of the passing of a Constitution Change Motion, the Secretary shall notify the Department of Consumer and Employment Protection of the amendment to the Constitution.

(5) Alterations to the By-laws can be made at Management Committee meetings, provided that at least seven (7) days written notice of the proposed alterations have been duly notified to Officers of the Management Committee prior to the meeting. Any such alterations shall be notified in writing to Members as soon as practicable.

(6) Alterations to the By-laws can also be made by Members at a General Meeting under Rules 14.1 and 14.2.

21. DISSOLUTION

If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed:

- (a) to another incorporated club having objects similar to those of the Club;
- or
- (b) for charitable purposes,

which incorporated club or purposes, as the case requires, shall be determined by resolution of the Members.

22. GRIEVANCE PROCEDURE

(1) Grievance by a Member

Where a Member of the Club has a grievance with another Member or with the Club or with an Officer of the Club (but not being any of the grounds set out in Rules 7 and 8.6) and that Member considers the grievance warrants investigation and action by the Club, the Member shall follow the procedure set out in this Rule.

(2) Grievances Officer

The Member shall contact an Officer of the Management Committee regarding the grievance. The Officer will ask that person to put the grievance in writing. The Executive Committee will, on receipt of the written grievance, refer the grievance to the Club's grievances officer ("Grievance Officer"), who shall be appointed by the Executive Committee. The identity of the nominated Grievances Officer will be communicated to the relevant Member.

(3) Action by Grievances Officer

(a) Where a grievance has been received by the Grievances Officer, he or she shall, as soon as practicable, meet with, or discuss the grievance with each party associated with the grievance. The Grievances Officer may take whatever steps and conduct whatever investigations necessary to determine whether the grievance is legitimate.

(b) Where the Grievances Officer determines the grievance is legitimate, he or she shall take all reasonable steps to resolve the grievance.

(c) Where the Grievances Officer determines the grievance is not legitimate, he or she shall advise the aggrieved Member accordingly. If the aggrieved Member is not satisfied with the Grievances Officer's determination, they may take whatever further action they consider necessary or appropriate.

(d) Where the Grievances Officer is unable to resolve a grievance or considers the grievance of a very serious nature, the Grievances officer shall report the grievance to the Executive Committee for further action.

(e) All grievances received by the Grievances Officer, and all information surrounding the circumstances of a grievance which is discovered by the Grievances Officer on investigation, shall be confidential and may be communicated only to the Executive Committee, unless further action is needed to resolve the matter, whereupon such information will only be disclosed on a “needs to know” basis

(f) Any grievance or dispute must be resolved using unbiased decision making.

(g) If a Member is facing disciplinary action, they must be told why, and be given an opportunity to be heard.

23. UNIFORM

The Club Uniform must always be navy blue and white in colour. The Management Committee may adopt changes to the style and fabric of the Uniform (other than colour) but only after reasonable efforts have been made to collate and assess Members’ views for any proposed changes to the Uniform.

24. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- (1) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- (3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.