



MEMBER'S HANDBOOK

Constitution & By-Laws

Welcome to Windybank's Fishing Club!

Object

The object of Windybank's Fishing Club is to promote and encourage the participation in fishing and other social activities.

Mission

The mission of the club is to promote fishing as a sustainable sporting activity and to make organised fishing activities available to the greatest number of members.

Member's Disclosure

In consideration and as a condition of my application for membership at Windybank's Fishing Club (WBFC), I, My heirs, executors and administrators agree to indemnify and to keep indemnified and to hold harmless WBFC, its executive committee, servants and each of them from and against actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them arising out of or in relation to my participation in WBFC events and activities. I have read the WBFC Member's Handbook, Constitution & By-Laws. Which I understand and agree to be bound. I give WBFC permission to use photographs of myself or my family in their publications.

Constitution

Windybank's Fishing Club

As amended 22nd June 2023

Issued under the authority of Windybank's Fishing Club (WBFC) Committee.

The **object** of Windybank's Fishing Club is to promote and encourage the participation in fishing and other social activities.

The **mission** of the club is to promote fishing as a sustainable sporting activity and to make organised fishing activities available to the greatest number of members.

Part 1 Preliminary

1 Definitions

(1) In this constitution:

club means Windybank's Fishing Club Incorporated (INC9887671)

committee member means an office-bearer or ordinary committee member.

exercise a function includes perform a duty.

function includes a power, authority, or duty.

member means a person who has been admitted to and satisfies any category of membership of the club as provided for in this constitution.

office-bearer means a committee member who is elected to an office referred to in clause 14(1)(a).

ordinary committee member means a committee member who is not an office-bearer.

register of members means the register of members maintained under clause 4.

secretary, of the club means:

(a) the person holding office under this constitution as secretary, or

(b) if no person holds that office -the public officer of the club.

special general meeting, of the club, means a general meeting of the club other than an annual general meeting.

subcommittee means a subcommittee established under clause 20.

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2022*.

(2) The *Interpretation Act 1987* applies to this constitution as if it were an instrument made under the Act.

Part 2 Membership

2 Membership generally

- (1) An individual is taken to be a member of the club if:
 - (a) the person applied to be a member under clause 3(1), the application has been approved, and annual membership fees have been paid.

3 Membership applications

- (1) An application by a person to be a member of the club must be:
 - (a) made in writing, and
 - (b) in the form determined by the committee, and
 - (c) lodged with the secretary or membership officer.
- (2) The committee may determine that an application may be made or lodged by email or other electronic means.
- (3) The secretary or membership officer must refer an application to the committee as soon as practicable after receiving the application.
- (4) The committee must approve or reject the application.
- (5) As soon as practicable after the committee has decided the application, the secretary or membership officer must:
 - (a) give the applicant written notice of the decision, including by email or other electronic means if determined by the committee, and
 - (b) if the application is approved - inform the applicant that the applicant is required to pay the annual membership fee payable under clause 5 within 28 days of the day the applicant received the notice.
- (6) The secretary or membership officer must enter the applicant's name in the register of members as soon as practicable after the applicant pays the membership fee.
- (7) The applicant becomes a member once the applicant's name is entered in the register.

4 Register of members

- (1) The secretary, assisted by the membership officer, must establish, and maintain a register of members of the association.
- (2) The register:
 - (a) may be in written or electronic form, and
 - (b) must include, for each member:
 - (i) the member's full name, and
 - (ii) a residential, postal and email address and contact number and
 - (iii) the date on which the person became a member, and
 - (iv) if the person ceases to be a member - the date on which the person ceased to be a member, and
 - (c) must be kept in New South Wales:
 - (i) at the club secretary or membership officer premises, or
 - (ii) at the club public officer's premises or clubs official address, and
 - (d) must be available for inspection, free of charge, by members at a reasonable time, and
 - (e) if kept in electronic form - must be able to be converted to hard copy.

- (3) If the register is kept in electronic form, the requirements in subclause (2)(c) and (d) apply as if a reference to the register is a reference to a current hard copy of the register.
- (4) A member may obtain a hard copy of the register, or a part of the register, on payment of a fee of not more than \$1, as determined by the committee, for each page copied.
- (5) Information about a member, other than the member's name, must not be made available for inspection if the member requests that the information not be made available.
- (6) A member must not use information about a member obtained from the register to contact or send material to the member, unless:
 - (a) the information is used to send the member:
 - (i) a newsletter, or
 - (ii) a notice for a meeting or other event relating to the club, or
 - (iii) other material relating to the club, or
 - (b) it is necessary to comply with a requirement of the Act or the Regulation.

5 Fees and subscriptions

- (1) A member must pay to the club an annual membership fee. Annual membership fee amounts are to be reviewed and agreed on by the committee at least 1 month before the commencement of a new membership year.
 - (a) Membership categories are as follows:
 - (i) Adult membership - if the member is over 18 years on the date of membership application.
 - (ii) Junior membership - if the member is under 18 years on the date of membership application.
 - (iii) Family membership, available for families consisting of 2 adults and their children under the age of 18 years on the date of the membership application.
 - (b) The membership year shall align with the club's financial year, 1st July to 30th June.
 - (c) New membership applications received within 3 months prior to the commencement of a new membership year shall be deemed to be applicable for the remainder of the current membership year and the upcoming membership year.
 - (d) Club membership applications received within two (2) weeks of the club's annual general meeting shall include New South Wales Fishing Clubs Association (NSWFCA) membership and associated insurances.

6 Members' liabilities

The liability of a member of the club to contribute to the payment of either of the following is limited to the amount of any outstanding fees for the member under clause 5:

- (a) the debts and liabilities of the club,
- (b) the costs, charges and expenses of the winding up of the club.

7 Disciplinary action against members

- (1) A person may make a complaint to the committee that a member of the club has:
 - (a) failed to comply with a provision of this constitution, or
 - (b) willfully acted in a way prejudicial to the interests of the club.

- (2) The committee may refuse to deal with a complaint if the committee considers the complaint is trivial or vexatious.
- (3) If the committee decides to deal with the complaint, the committee must:
 - (a) serve notice of the complaint on the member, and
 - (b) give the member at least 14 days from the day the notice is served on the member within which to make submissions to the committee about the complaint, and
 - (c) consider any submissions made by the member.
- (4) The committee may, by resolution, expel the member from the club or suspend the member's membership if, after considering the complaint, the committee is satisfied that:
 - (a) the facts alleged in the complaint have been proved, and
 - (b) the expulsion or suspension is warranted.
- (5) If the committee expels or suspends the member, the secretary must, within 7 days of that action being taken, give the member written notice of:
 - (a) the action taken, and
 - (b) the reasons given by the committee for taking the action, and
 - (c) the member's right of appeal under clause 8.
- (6) The expulsion or suspension does not take effect until the later of the following:
 - (a) the day the period within which the member is entitled to exercise the member's right of appeal expires, or
 - (b) if the member exercises the member's right of appeal within the period - the day the club confirms the resolution under clause 8.

8 Right of appeal against disciplinary action

- (1) A member may appeal against a resolution of the committee under clause 7 by lodging a notice of appeal with the secretary within 7 days of being served notice of the resolution.
- (2) The member may include, with the notice of appeal, a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) The secretary must notify the committee that the secretary has received a notice of appeal.
- (4) If notified that a notice has been received, the committee must call a general meeting of the club to be held within 28 days of the day the notice was received.
- (5) At the general meeting:
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the member must be given an opportunity to state the member's case orally or in writing, or both, and
 - (c) the committee must be given the opportunity to state the committee's case orally or in writing, or both, and
 - (d) the members present must vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (6) The appeal is to be determined by a simple majority of votes cast by the members.

9 Resolution of internal disputes

- (1) The following disputes must be referred to a Community Justice Centre within the meaning of the *Community Justice Centres Act 1983* for mediation:

- (a) a dispute between 2 or more members of the association, but only if the dispute is between the members in their capacity as members, or
- (b) a dispute between 1 or more members and the association.
- (2) If the dispute is not resolved by mediation within 3 months of being referred to the Community Justice Centre, the dispute must be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

10 Membership entitlements not transferable

A right, privilege or obligation that a person has because the person is a member of the club:

- (a) cannot be transferred to another person, and
- (b) terminates once the person ceases to be a member of the club.

11 Member resignation

- (1) A member of the club may resign from being a member by giving the secretary written notice of at least 1 month, or another period determined by the committee, of the member's intention to resign.
- (2) The member ceases to be a member on the expiration of the notice period.

12 Cessation of membership

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

- (a) dies, or
- (b) resigns from being a member, or
- (c) is expelled from the club, or
- (d) fails to pay the annual membership fee payable under clause 5 within 1 month of the due date.

Part 3 Committee

Division 1 Constitution

13 Functions of committee

Subject to the Act, the Regulation, this constitution, and any resolution passed by the club in general meeting, the committee:

- (a) is to control and manage the affairs of the club, and
- (b) may exercise all the functions that may be exercised by the club, other than a function that is required to be exercised by the club in general meeting, and
- (c) has power to do all things that are necessary or convenient to be done for the proper management of the affairs of the club.

14 Composition of committee

- (1) The committee must have 10 members, as elected in accordance with clause 15, consisting of:
 - (a) the following office-bearers:
 - (i) the president,
 - (ii) the vice-president,

- (iii) the secretary,
 - (iv) the treasurer, and
- (b) the following ordinary committee members:
 - (i) the membership officer,
 - (ii) the competition officer,
 - (iii) the social event officer,
 - (iv) the fundraising officer,
 - (v) the digital media officer,
 - (vi) the club asset officer
- (2) An office-bearer may hold up to 2 offices, other than both the offices of president and vice-president.
- (3) The club may elect additional ordinary committee members to assist with club operations

15 Election of committee members

- (1) Any member of the association may be nominated as a candidate for election as an office-bearer or ordinary committee member.
- (2) The nomination must be:
 - (a) made in writing, and
 - (b) signed by at least 2 adult members of the club, not including the candidate, and
 - (c) accompanied by the written consent of the candidate to the nomination, and
 - (d) given to the secretary at least 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (3) If insufficient nominations are received to fill all vacancies:
 - (a) the candidates nominated are taken to be elected, and
 - (b) a call for further nominations must be made at the meeting.
- (4) A nomination made at the meeting in response to a call for further nominations must be made in the way directed by the member presiding at the meeting and are subject to the approval of the secretary.
- (5) Vacancies that remain after a call for further nominations are taken to be casual vacancies.
- (6) If the number of nominations received is equal to the number of vacancies to be filled, the members nominated are taken to be elected.
- (7) If the number of nominations received is more than the number of vacancies to be filled, a ballot must be held at the meeting in the way directed by the committee.

16 Terms of office

- (1) Subject to this constitution, a committee member holds office from the day the member is elected until immediately before the next annual general meeting.
- (2) A member is eligible, if otherwise qualified, for re-election.
- (3) There is no limit on the number of consecutive terms for which a committee member may hold office.

17 Vacancies in office

- (1) A casual vacancy in the office of a committee member arises if the member:

- (a) dies, or
 - (b) ceases to be a member of the club, or
 - (c) resigns from office by written notice given to the secretary, or
 - (d) is removed from office by the club under this clause, or
 - (e) is absent from 3 consecutive meetings of the committee without the consent of the committee, or
 - (f) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (g) is prohibited from being a director of a company under the *Corporations Act 2001* of the Commonwealth, Part 2D.6, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty is imprisonment for at least 3 months, or
 - (i) becomes a mentally incapacitated person.
- (2) The club in general meeting may, by resolution:
- (a) remove a committee member from office at any time, and
 - (b) appoint another member of the club to hold office for the balance of the committee member's term of office.
- (3) A committee member to whom a proposed resolution referred to in subclause (2) relates may:
- (a) give a written statement, of a reasonable length, to the president or secretary, and
 - (b) request that the committee send a copy of the statement to each member of the club at least 7 days before the general meeting at which the proposed resolution will be considered.
- (4) If the committee fails to send a copy of a statement received under subclause (3)(a) to each member in accordance with a request made under subclause (3)(b), the statement must be read aloud by the member presiding at the general meeting at which the proposed resolution will be considered.
- (5) The committee may appoint a member of the club to fill a casual vacancy other than a vacancy arising from the removal from office of a committee member.
- (6) Subject to this constitution, a member appointed to fill a casual vacancy holds office until the next annual general meeting.

18 Secretary

- (1) As soon as practicable after being elected as secretary, the secretary must lodge a notice with the club specifying the secretary's address.
- (2) The secretary must keep minutes of:
- (a) all elections of committee members, and
 - (b) the names of committee members present at a meeting of the committee or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- (3) The minutes must be:
- (a) kept in written or electronic form, and
 - (b) for minutes of proceedings at a meeting -signed, in writing or by electronic means, by:
 - (i) the member who presided at the meeting, or
 - (ii) the member presiding at the subsequent meeting.

19 Treasurer

The treasurer of the club must ensure—

- (a) all money owed to the club is collected, and
- (b) all payments authorised by the club are made, and
- (c) correct books and accounts are kept showing the financial affairs of the club, including full details of receipts and expenditure relating to the club's activities.

20 Delegation to subcommittees

- (1) The committee may:
 - (a) establish 1 or more subcommittees to assist the committee to exercise the committee's functions, and
 - (b) appoint 1 or more members of the club to be the members of the subcommittee.
- (2) The committee may delegate to the subcommittee the exercise of the committee's functions specified in the instrument, other than:
 - (a) this power of delegation, or
 - (b) a duty imposed on the committee by the Act or another law.

Division 2 Procedure

21 Committee meetings

- (1) Committee meetings are held in the second week of each calendar month at Asquith Bowling Club.
- (2) Additional meetings of the committee may be called by any committee member.
- (3) The procedure for calling and conducting business at a meeting of a subcommittee is to be as determined by the subcommittee.

22 Notice of committee meeting

- (1) The secretary must give each committee member oral or written notice of a meeting of the committee at least 48 hours, or another period on which the committee members unanimously agree, before the time the meeting is due to commence.
- (2) The notice must describe the general nature of the business to be transacted at the meeting.
- (3) The only business that may be transacted at the meeting is:
 - (a) the business described in the notice, and
 - (b) business that the committee members present at the meeting unanimously agree is urgent business.

23 Quorum

- (1) The quorum for a meeting of the committee is 4 committee members.
- (2) No business may be transacted by the committee unless a quorum is present.
- (3) If a quorum is not present within half an hour of the time the meeting commences, the meeting is adjourned:
 - (a) to the same place, and

- (b) to the same time of the same day in the following week.
- (4) If a quorum is not present within half an hour of the time the adjourned meeting commences, the meeting is dissolved.
- (5) If the number of committee members is less than the number required to constitute a quorum for a committee meeting, the committee members may appoint 1 or more members of the club as committee members to enable the quorum to be constituted.
- (6) A committee member appointed under subclause (5) holds office, subject to this constitution, until the next annual general meeting.
- (7) This clause does not apply to the filling of a casual vacancy to which clause 17 applies.

24 Presiding committee member

- (1) The following committee member presides at a meeting of the committee:
 - (a) the president,
 - (b) if the president is absent - the vice-president,
 - (c) if both the president and vice-president are absent - 1 of the members present at the meeting, as elected by the other members.
- (2) The member presiding at the meeting has:
 - (a) a deliberative vote, and
 - (b) in the event of an equality of votes - a second or casting vote.

25 Voting

A decision supported by a majority of the votes cast at a meeting of the committee or a subcommittee at which a quorum is present is the decision of the committee or subcommittee.

26 Acts valid despite vacancies or defects

- (1) Subject to clause 23(1), the committee may act despite there being a casual vacancy in the office of a committee member.
- (2) An act done by a committee or subcommittee is not invalidated because of a defect relating to the qualifications or appointment of a member of the committee or subcommittee.

27 Transaction of business outside meetings or by telephone or other means

- (1) The committee may transact its business by the circulation of papers, including by electronic means, among all committee members.
- (2) If the committee transacts business by the circulation of papers, a written resolution, approved in writing by a majority of committee members, is taken to be a decision of the committee made at a meeting of the committee.
- (3) The committee may transact its business at a meeting at which 1 or more committee members participate by telephone or other electronic means, provided a member who speaks on a matter can be heard by the other members.
- (4) The member presiding at the meeting and each other member have the same voting rights as they would have at an ordinary meeting of the committee for the purposes of:
 - (a) the approval of a resolution under subclause (2), or
 - (b) a meeting held in accordance with subclause (3).

- (5) A resolution approved under subclause (2) must be recorded in the minutes of the meetings of the committee.

Part 4 General meetings of club

28 Annual general meetings

- (1) The club must hold the club's first annual general meeting within 18 months of the day the club was registered under the Act.
- (2) The club must hold subsequent annual general meetings within:
 - (a) 6 months of the last day of the club's financial year, or
 - (b) the later period allowed or prescribed in accordance with the Act, section 37(2)(b).
- (3) Subject to the Act and subclauses (1) and (2), the annual general meeting is to be held at the place and time determined by the committee.
- (4) The business that may be transacted at an annual general meeting includes the following:
 - (a) confirming the minutes of the previous annual general meeting and any special general meetings held since the previous annual general meeting,
 - (b) receiving reports from the committee on the club's activities during the previous financial year,
 - (c) electing office-bearers and ordinary committee members,
 - (d) receiving and considering financial statements or reports required to be submitted to members of the club under the Act.

29 Special general meetings

- (1) The committee may call a special general meeting whenever the committee thinks fit.
- (2) The committee must call a special general meeting if the committee receives a request made by at least 5% of the total number of members.
- (3) The request:
 - (a) must be in writing, and
 - (b) must state the purpose of the meeting, and
 - (c) must be signed by the members making the request, and
 - (d) may consist of more than 1 document in a similar form signed by 1 or more members, and
 - (e) must be lodged with the secretary, and
 - (f) may be in electronic form and signed and lodged by electronic means.
- (4) If the committee fails to call a special general meeting within 1 month of the request being lodged, 1 or more of the members who made the request may call a special general meeting to be held within 3 months of the date the request was lodged.
- (5) A special general meeting held under subclause (4) must be conducted, as far as practicable, in the same way as a general meeting called by the committee.

30 Notice of general meeting

- (1) The secretary must give each member notice of a general meeting:
 - (a) if a matter to be determined at the meeting requires a special resolution - at least

21 days before the meeting, or

- (b) otherwise - at least 14 days before the meeting.
- (2) The notice must specify:
- (a) the place and time at which the meeting will be held, and
 - (b) the nature of the business to be transacted at the meeting, and
 - (c) if a matter to be determined at the meeting requires a special resolution - that a special resolution will be proposed, and
 - (d) for an annual general meeting - that the meeting to be held is an annual general meeting.
- (3) The only business that may be transacted at the meeting is:
- (a) the business specified in the notice, and
 - (b) for an annual general meeting - business referred to in clause 28(4).
- (4) A member may give written notice to the secretary of business the member wishes to raise at a general meeting.
- (5) If the secretary receives a notice under subclause (4), the secretary must specify the nature of the business in the next notice calling a general meeting.

31 Quorum

- (1) The quorum for a general meeting is 10 members of the club entitled to vote under this constitution.
- (2) No business may be transacted at a general meeting unless a quorum is present.
- (3) If a quorum is not present within half an hour of the time the meeting commences, the meeting:
- (a) if called on the request of members - is dissolved, or
 - (b) otherwise - is adjourned:
 - (i) to the same time of the same day in the following week, and
 - (ii) to the same place, unless another place is specified by the member presiding at the meeting at the time of the adjournment or in a written notice given to members at least 1 day before the adjourned meeting.
- (4) If a quorum is not present within half an hour of the time an adjourned meeting commences, but there are at least 5 members present, the members present constitute a quorum.

32 Adjourned meetings

- (1) The member presiding at a general meeting may, with the consent of the majority of the members present, adjourn the meeting to another time and place.
- (2) The only business that may be transacted at the adjourned meeting is the business remaining from the meeting at which the adjournment took place.
- (3) If a meeting is adjourned for at least 14 days, the secretary must give each member oral or written notice, at least 1 day before the adjourned meeting, of:
- (a) the time and place at which the adjourned meeting will be held, and
 - (b) the nature of the business to be transacted at the adjourned meeting.

33 Presiding member

- (1) The following member presides at a general meeting:
- (a) the president,

- (b) if the president is absent - the vice-president,
 - (c) if both the president and vice-president are absent - 1 of the members present at the meeting, as elected by the other members.
- (2) The member presiding at the meeting has:
- (a) a deliberative vote, and
 - (b) in the event of an equality of votes - a second or casting vote.

34 Voting

- (1) A member is not entitled to vote at a general meeting unless the member:
- (a) is at least 18 years of age, and
 - (b) has paid all money owed by the member to the club.
- (2) Each member has 1 vote, except as provided by clause 33(2)(b).
- (3) A question raised at the meeting must be decided by:
- (a) a show of hands, or
 - (b) if clause 36 applies - an appropriate method as determined by the committee, or
 - (c) a written ballot, but only if:
 - (i) the member presiding at the meeting moves that the question be decided by ballot, or
 - (ii) at least 5 members agree the question should be determined by ballot.
- (4) If a question is decided using a method referred to in subclause (3)(a) or (b), either of the following is sufficient evidence that a resolution has been carried, whether unanimously or by a majority, or lost, using the method:
- (a) a declaration by the member presiding at the meeting,
 - (b) an entry in the club's minute book.
- (5) A written ballot must be conducted in accordance with the directions of the member presiding.
- (6) A member cannot cast a vote by proxy.

35 Postal or electronic ballots

- (1) The club may hold a postal or electronic ballot, as determined by the committee, to decide any matter other than an appeal under clause 8.
- (2) The ballot must be conducted in accordance with Schedule 2 of the Regulation.

36 Transaction of business outside meetings or by telephone or other means

- (1) The club may transact its business by the circulation of papers, including by electronic means, among all members of the club.
- (2) If the club transacts business by the circulation of papers, a written resolution, approved in writing by a majority of members, is taken to be a decision of the club made at a general meeting.
- (3) The club may transact its business at a general meeting at which 1 or more members participate by telephone or other electronic means, provided a member who speaks on a matter can be heard by the other members.
- (4) The member presiding at the meeting and each other member have the same voting rights as they would have at an ordinary meeting of the association for the purposes of:

- (a) the approval of a resolution under subclause (2), or
 - (b) a meeting held in accordance with subclause (3).
- (5) A resolution approved under subclause (2) must be recorded in the minutes of the meetings of the club.

Part 5 Administration

37 Change of name, objects or constitution

An application for registration of a change in the club's name, objects or constitution made under the Act, section 10 must be made by:

- (a) the public officer, or
- (b) a committee member.

38 Funds

- (1) Subject to a resolution passed by the club, the association's funds may be derived from the following sources only:
- (a) the entrance fees and annual subscription fees payable by members,
 - (b) donations, sponsorships and raffle ticket sales,
 - (c) other sources as determined by the committee.
- (2) Subject to a resolution passed by the club, the club's funds and assets must be used to pursue the clubs' objects in the way that the committee determines.
- (3) As soon as practicable after receiving money, the club must:
- (a) deposit the money, without deduction, to the credit of the club's authorised deposit-taking institution account, and
 - (b) issue a receipt for the amount of money received to the person from whom the money was received.
- (4) A cheque or other negotiable instrument must be signed by 2 authorised signatories.

39 Insurance

The club may take out and maintain insurance as appropriate for the club's assets and liabilities.

40 Non-profit status

Subject to the Act and the Regulation, the club must not conduct the club's affairs in a way that provides a pecuniary gain for a member of the club.

41 Service of notices

- (1) For the purposes of this constitution, a notice may be given to or served on a person:
- (a) by delivering the notice to the person personally, or
 - (b) by sending the notice by pre-paid post to the address of the person, or
 - (c) by sending the notice by electronic transmission to an address specified by the person for giving or serving the notice.
- (2) A notice is taken to have been given to or served on a person, unless the contrary is proved:
- (a) for a notice given or served personally - on the date on which the notice is

- received by the person, or
- (b) for a notice sent by pre-paid post - on the date on which the notice would have been delivered in the ordinary course of post, or
 - (c) for a notice sent by electronic transmission:
 - (i) on the date the notice was sent, or
 - (ii) if the machine from which the transmission was sent produces a report indicating the notice was sent on a later date—on the later date.

42 Custody of records and books

Except as otherwise provided by this constitution, all records, books and other documents relating to the club must be kept in New South Wales:

- (a) at the club's main premises, in the custody of either of the following persons, as determined by the committee:
 - (i) the public officer,
 - (ii) a committee member of the club, or
- (b) if the club has no premises - at the club's official address, in the custody of the public officer.

43 Inspection of records and books

- (1) The following documents must be available for inspection, free of charge, by members of the club at a reasonable time:
 - (a) this constitution,
 - (b) minutes of committee meetings and general meetings of the club,
 - (c) records, books and other documents relating to the club.
- (2) A member may inspect a document referred to in subclause (1):
 - (a) in hard copy, or
 - (b) in electronic form, if available.
- (3) A member may obtain a hard copy of a document referred to in subclause (1) on payment of a fee of not more than \$1, as determined by the committee, for each page copied.
- (4) The committee may refuse to allow a member to inspect or obtain a copy of a document under this clause:
 - (a) that relates to confidential, personal, commercial, employment or legal matters, or
 - (b) if the committee considers it would be prejudicial to the interests of the club for the member to do so.

44 Financial year

The club's financial year is:

- (a) the period commencing on the date of incorporation of the club and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year, commencing on 1 July and ending on the following 30 June.

45 Distribution of property on winding up

- (1) Subject to the Act and the Regulation, in a winding up of the club, the surplus property of the club must be transferred to:

(a) The Cancer Council of Australia

(2) In this clause:

surplus property has the same meaning as in the Act, section 65.

By-Laws

Windybank's Fishing Club

As amended 4th June 2023

Issued under the authority of Windybank's Fishing Club (WBFC) Committee.

Definitions:

Member	Current financial member of Windybank's Fishing Club.
Junior Member	Person under 18 years of age who is a current financial member of Windybank's Fishing Club. A Junior Member turning 18 during the year must join WBFC in accordance with the Constitution but will continue to fish as a Junior Member until the end of that competition year.
Visitor	A person invited to fish, being other than a member or Junior Member as defined above.
Competitor	Any person participating in an organised outing.

Committee Member Roles:

The role of the committee includes:

- Managing the WBFC Association's financial affairs and maintaining its financial viability
- Ensuring association acts in accordance with its objects or purposes
- Meeting all legal requirements

1. Office Bearers

1.1 President

It is the club president's responsibility to:

- To promote WBFC
- Liaise with other clubs to coordinate interclub activities, event rules and timing.
- Chair WBFC committee meetings.
- Ensure WBFC and its committees conduct their activities in accordance with the club constitution and by-laws.
- Dispute resolution and by-law enforcement.
- Assist WBFC committee members where necessary.

1.2 Vice President

It is the club vice president's responsibility to:

- Assist club president in all club matters.

1.3 Treasurer

It is the club treasurer's responsibility to:

- Maintain the club bank account and act as a signatory to the club's bank account.
- Establish additional authorised financial signatories on the committee.
- Maintain the club electronic payment methods.
- Hold the club cheque book.
- Collect receipts for member expenses and issue cheques or EFT's for payment.
- Maintain a receipt book.
- Maintain records of payment with supporting documents

- Bank money received from memberships, raffles, merchandising sales, and sponsorships.
- Obtain current bank statement and present at each committee meeting.
- Prepare financial statements for the club annual general meeting (AGM), for presentation to the committee prior to the AGM, that include:
 - I. An income and expenditure statement that sets out appropriately classified individual sources of income and individual expenses incurred in the operation of the association.
 - II. A balance sheet that sets out current and non-current assets and liabilities.

1.4 Secretary

It is the club secretary's responsibility to:

- Prepare the monthly committee meeting agenda and distribute to committee members electronically (FB Committee members page, SMS & email) within 24hrs of meeting.
- Take committee meeting minutes for:
 - I. Status of outstanding tasks
 - II. Treasurer update
 - III. Membership Officer update
 - IV. Fundraising Officer update
 - V. Competition Officer update
 - VI. Social Officer update
 - VII. Digital Media Officer update
 - VIII. Club asset Officer update
 - IX. New business discussion and allocate responsibility for tasks.
- Issue minutes to all committee members electronically within 48hrs of meeting.
- Maintain NSWFCA Club Membership.
- Maintain Club NSWFCA insurance.
- Maintain WBFC By-Laws.
- Maintain WBFC Constitution.
- Maintain a record of the club authorised signatories.
- Maintain a record of the club's current public officer and official address.
- Maintain a record of any disclosure by a committee member of a direct or indirect interest, being or to be considered at a committee meeting, that appears to raise a conflict with the committee member properly performing their duties.
- Request nominations from members for committee positions and communicate nominations to the committee.

2. Ordinary Committee Members

2.1 Membership Officer

It is the club membership officer's responsibility to:

- Hold and maintain the WBFC membership book (hard copy)
- Maintain a digital register of committee members details including name, date of birth, residential address, the date on which each committee member takes office and vacates office, the date on which those committee members were appointed or elected to those positions and the date those appointments ceased.
- Maintain a digital register of ordinary club members details including name, date of birth, residential address, the date on which membership commenced, financial status (i.e., membership paid) and membership payment date and method (i.e., electronic or cash)
- Provide the club Secretary and Public Officer with up-to-date member register within 1 month after any changes.
- Complete new membership applications, ensure new members have read, understood, and agreed to the club constitution, by-laws, and indemnity statement before completing membership application.
- Take membership payments and provide funds to treasurer.
- Keep a record of any outstanding payments.
- Communicate new membership applications and any outstanding payments to committee at committee meetings.

2.2 Competition Officer

It is the club competition officer's responsibility to:

- Run the four (4) WBFC annual events:
 - I. WBFC Freshwater Championship
 - II. WBFC Junior Summertime Championship
 - III. WBFC Saltwater Championship
 - IV. Windybank's Challenge
- Keep a record of WBFC Champion Angler results after each event.
- Create event rules and post on WBFC Members Facebook page before preceding social meeting.
- Present rules at preceding social meeting and create list of attendees.
- Establish a suitable angler identification method for the competition and advise participants prior to event start.
- Act as weighmaster at event, nominate two (2) assistant weighmasters.
- Compile and present results at weigh-in, agree on any special prizes with committee i.e., most notable capture.
- Manage any formal complaints from participants and decide outcome.
- Manage prize allocation to winners.
- Post event and Champion Angler results on WBFC Members Facebook page.
- Update club records throughout the year on Google docs for viewing on WBFC website.
- Act as weighmaster for club capture records, use approved club digital scales or 3rd party scales as per WBFC by-laws only.
- Agree on amount of prize money and type of prizes required for each fishing competition with WBFC committee.
- Procure event prizes from a preferred WBFC retailer or sponsor.
- Bring prizes to event weigh-in.
- Engrave trophies with event winner details.

2.3 Social Event Officer

It is the club social event officer's responsibility to:

- Create event schedule with committee for the financial year.
- Book special guest presenters or assist 3rd party responsible.
- Assist any WBFC member or guest presenter giving a topic talk in the lead up to the event and on the night.
- Agree on event budgets with committee.
- Book and pay for (where required) event space and catering for social events.
- Communicate any booking costs as soon as known to the treasurer and to the committee at the following committee meeting.
- Post social meeting event details on WBFC Facebook members page leading up to the event.

2.4 Fundraising Officer

It is the club fundraising officer's responsibility to:

- Identify potential sponsors of WBFC.
- Apply for and manage sponsorship opportunities.
- Maintain relationship with active sponsors.
- Present sponsorship opportunities, applications, and progress at each committee meeting.
- Order meat tray and raffle tickets for each social meeting.
- Run the raffle, record expenses and raffle ticket sales.
- Provide funds to treasurer.
- Present statement of sales at each committee meeting.

2.5 Digital Media Officer

It is the club digital media officer's responsibility to:

- Administer the WBFC website.
- Organise website hosting renewal invoice and payment.
- Update website with competition, social meeting, social event and special event details and dates.
- Administer and moderate the WBFC Facebook member's page.

- Liaise with membership captain to ensure only financial members have access to the WBFC Facebook members' page.

2.6 Club Asset Officer

It is the club asset officer's responsibility to:

- Maintain a club asset register.
- Hold and maintain club assets i.e., gazebo, BBQ, gas bottle and catering box with utensils.
- Restock catering box as required.
- Transport and setup/pack up club assets at club events.

3. Public Officer

It is the club public officer's responsibility to:

- Act as the NSW Fair Trading official point of contact for the WBFC incorporated association and one of the authorised signatories
- Taking delivery of documents served on the association and bringing them to the attention of the committee as soon as practicable.
- Notify NSW Fair Trading of a change of official address within 28 days after the current address becomes obsolete.
- Custody of any documents as required by the club constitution.
- Establish authorised club committee signatories (Public Officer plus at least one other, can be different to the authorised financial signatories).
- Collecting all association documents from former committee members and delivering the documents to the new committee member.
- Returning all association documents to a committee member within 14 days, upon vacating office.

Competition By-Laws:

4. Competitions:

- 4.1 All WBFC run competitions are Catch and Release only events.
- 4.2 WBFC anglers competing in events run by other clubs are strongly encouraged to practice catch and release whenever possible.
- 4.3 The Competition Officer, or a Representative of the Competition Officer established for the purpose, shall prepare a calendar of fishing events to comprise the Club Competition Calendar and shall fix competition days (sessions) and weigh-in times.
- 4.4 The Competition Officer shall prepare rules (including the Competition Point Score Table) for each event for presentation to all competing anglers at a competition briefing.
- 4.5 The competition shall be deemed as being held over a period to be decided by the committee/sub-committee.
- 4.6 Competitors may fish for and otherwise collect bait (subject to NSW fisheries regulations) prior to the commencement time of a Competition round.
- 4.7 It is the competitor's responsibility to ensure that they fish:
 - In compliance with NSW Fisheries regulations
 - In compliance with NSW Waterways regulations, including those relating to the possession and use of appropriate safety equipment.
- 4.8 It is the skipper of each boat's responsibility to always look after the safety of the crew onboard the vessel. All skippers must ensure their vessel comply fully with the safety requirements outlined by NSW RMS for vessels. The decision to go out will be the responsibility of the individual boat crew and do so at their own risk.

5. Boundaries:

- 5.1 General Boundaries
 - 5.1.1 Any other estuary waterways located in the state of New South Wales.
 - 5.1.2 Any beach location deemed to be outside Estuary classification.
 - 5.1.3 All waters accessible by boat deemed not to be part of the Estuary waters in NSW.
 - 5.1.4 All non-tidal fresh waters within the state of NSW.
- 5.2 All club records must be caught within the General Boundaries listed in Section 5.1.
- 5.3 Competition Boundaries
 - 5.3.1 WBFC Junior Summertime Competition as per Section 2.1
 - 5.3.2 The competition boundaries for all other competitions (Windybank's Challenge, WBFC Freshwater Championship, WBFC Saltwater Championship etc.) will be defined in the competition specific rules for each event.
- 5.4 Prohibited waters:
 - 5.4.1 Fishing is not permitted within any waters designated as a closed fishing area by NSW Fisheries.
 - 5.4.2 Fishing is not permitted on any ocean, harbour, or estuary land-based rock platforms.

6. Divisions:

- 6.1 Each competition will have awards categories for:
- Champion Angler (TOP 3): Based on points scored from the competitors best **X** fish of each species (where **X** is the Bag Limit number listed in the Competition Point Score Table, and bonus points awarded based on the number of designated species caught.
 - Largest Fish: Based on measurement.
 - Most Notable Capture: To be decided by WBFC committee members present at weigh-in

7. Sections:

- 7.1 The Competition shall comprise 2 sections:
- Open: Men and Women of all ages
 - Juniors: Any person aged under 18 years or age at the starting time of the first competition round for that year

8. Conditions of Capture:

- 8.1 Lines: Competitors will fish with no more than four lines with a maximum of two (2) hooks per line, or two (2) flights of hooks per line. A flight of hooks is a number of hooks ganged together for the purpose of securing a single bait. A flight of hooks may have no more than four (4) hooks.
- 8.2 Both bait and lure fishing methods are accepted.
- 8.3 Capture: All fish shall be taken on rod/reel or handline using baits or lures and must be hooked, played and landed by the competitor claiming the catch with no other assistance other than netting or gaffing.
- 8.4 No competitor shall return to 'ground tackle' (i.e., anchors, buoys) laid prior to the starting time of the competition.
- 8.5 All fish weighed-in for competition or for a record claim must be caught by a method as outlined within this section.
- 8.6 All competitors must have a current NSW fishing license and comply with NSW Fisheries regulations.

9. Competition Bag Limits:

- 9.1 For the purposes of the competition weigh-in, a competitor may only present a single bag limit of any individual species, as adopted in the current version of the WBFC Competition Point Score Table.
- 9.2 Only species listed in the WBFC Competition Point Score Table will be accepted for weigh-in.

10. Competition Minimum Legal Lengths:

- 10.1 Any fish presented for weigh-in must attain or exceed NSW Department of Primary Industries (DPI) Legal Length requirements **and** the minimum length in the WBFC Competition Point Score Table contained in the latest competition rules issued to competing anglers for each competition.
- 10.2 If a fish does not reach the required minimum length, it must be disregarded as undersize and returned immediately to the water in a fashion that maximizes survival rate.

11. Recording Your Catch:

11.1 Competition Catch and Release

- 11.1.1 All Fish being entered must be photographed using a WBFC approved brag mat i.e. NSW DPI brag mat. The photo must be clear, include the angler's ID information with the nose of the fish touching the stopping board and the end of the tail clearly visible.
- 11.1.2 ONLY if the fish is too large to boat and/or measure on a brag mat i.e., marlin, then a tape measure may be used with the fish in the water alongside the boat and photograph taken that clearly shows angler ID and measurement.
- 11.1.3 Fish will not be accepted if the angler's ID information is missing from the photograph.
- 11.1.4 Photos of bleeding, damaged or dead fish will not be accepted.
- 11.1.5 All fish submitted for competition catch and release must be released in a healthy state with maximum chance of survival. Please handle fish as best as you can for a safe release.
- 11.1.6 During the official weigh in you will be required to supply photographic evidence of your fish.

11.2 Competition Capture

- 11.2.1 All Fish being entered must be presented gilled and gutted and in fresh condition (not frozen).
- 11.2.2 Exceptions for this rule is that club records can be caught and weighed in anytime and not gilled or gutted. Fish eligible for record status shall be weighed on the club scales by the Weighmaster.

12. Weigh-in:

- 12.1 Only species listed in the WBFC Competition Point Score Table contained in the competition rules issued by the Competition Officer at the competition briefing will be accepted for weigh-in.
- 12.2 Weigh-in Times and Dates shall be as set out in the competition rules issued by the Competition Officer at the competition briefing.
- 12.3 It's the competitor's responsibility to ensure that they and the fish they are presenting conform to the weigh-in requirements.
- 12.4 Only financial members may weigh fish at any Club competition or submit a record claim. A financial member shall be deemed to be one who does not owe the club any money for any reason.
- 12.5 The competition weigh-in shall be conducted by the Weighmaster, or a person appointed by the Competition Officer for this purpose.
- 12.6 The weigh-in area shall be deemed to be within a 20-meter radius of the scales or Weighmaster's table at the time of weigh-in.
- 12.7 Competitor's fish must be within the above stated area prior to the calling of "time".
- 12.8 No fish may be brought into or removed from the weigh-in area after the calling of "time".
- 12.9 All fish in the weigh-in area at the time of calling "time" must be presented for weigh-in.
- 12.10 All competitors must be present at the weigh-in.
- 12.11 Each competitor is limited to 1 bag limit of each species of fish as set out previously.

- 12.12 Each competitor is required to supply photographic evidence of each fish being submitted for catch and release.
- 12.13 All fish to be weighed-in are to be gilled and gutted prior to being weighed-in unless being presented for a club record.
- 12.14 It is the competitor's responsibility to nominate a fish for a club record.
- 12.15 The committee may decline to weigh or accept the weigh-in result of any competitor's catch without providing a reason.
- 12.16 Any member of the club who fishes in other clubs during Competition can weigh their fish in for both clubs.
- 12.17 Fish that are being presented by the Weighmaster for the weigh-in shall be measured and weighed by another club member acting on his behalf.
- 12.18 The weigh-in is deemed to be over once all fish in the weigh-in area are weighed at the calling of "time".

13. Disqualification:

The Weighmaster may initiate disqualification of a competitor's catch for any of the following reasons:

- 13.1 If the method of fishing or the capture of any fish being presented for weighing-in contravenes the conditions of capture in Section 5.
- 13.2 The competitor presents fish that were caught outside the boundaries mentioned previously.
- 13.3 Fish presented for weigh-in were not caught by the competitor claiming the catch.
- 13.4 Fish are presented that are or have been frozen or are not in good condition.
- 13.5 Any fish is presented that does not attain or exceed the minimum length for that species.
- 13.6 The number of fish of any individual species exceeds the bag limits as set out in these by-laws.
- 13.7 The fish being presented were not in the prescribed weigh-in area at the calling of "time".
- 13.8 Any fish that is presented that has not been gilled or gutted - unless being weighed in for a club record.
- 13.9 Where the above criteria have been broken, the Weighmaster and Recorder must agree that the competitor's catch is to be proposed for disqualification.
- 13.10 Any competitor, who has been disqualified and intends to lodge a protest, must inform the Weigh master immediately of their intention to do so.

14. Protests:

- 14.1 Any competitor, who is financial with the Club, may lodge a protest to dispute a ruling under these by-laws. Protests shall be lodged in writing, signed by the person lodging the protest and must be received by the club Secretary within 7 days of the event.

15. Record Claims:

- 15.1 The Club shall maintain a record of the largest fish of a certain species caught by members in New South Wales waters.

- 15.2 The Club shall maintain records for the following categories:
- Catch & Release (Open)
 - Catch & Release (Junior)
 - Capture
- 15.3 Fish do not have to be caught within club competitions to be eligible for a club record.
- 15.4 Claims for Club records must be submitted to the Competition Officer of the club within twenty-eight (28) days of capture.
- 15.5 Catch & Release Claims
- 15.5.1 Catch & Release claims shall be photographed using a WBFC approved brag mat. The photo must be clear, with the nose of the fish touching the stopping board and the end of the tail clearly visible. The photograph must be submitted to the Competition Officer of the club along with date, time, and place of capture.
- 15.5.2 A photograph of the angler holding the fish (in or out of the water) is required.
- 15.5.3 ONLY if the fish is too large to boat and/or measure on a brag mat i.e., marlin, then a tape measure may be used with the fish in the water alongside the boat and photograph taken that clearly shows the angler and tape measure length reading.
- 15.5.4 Photos of bleeding, damaged or dead fish will not be accepted.
- 15.6 Capture claims must include the weight and length of the fish along with date, time, and place of capture. The fish must be weighed on the WBFC scales. The weigh-in must be witnessed by a WBFC committee member.

16. Competition Point Scores:

- 16.1 Target species for each competition are listed in the Competition Point Score Table issued by the Competition Officer for each tournament.
- 16.2 Points are based on the length (catch & release) or weight (capture) of each fish.
- 16.3 Each competitor will be awarded points for their best **X** fish of each species, where **X** is the Bag Limit number listed in the Competition Point Score Table.
- 16.4 Each competitor will be awarded points for each designated species caught over the duration of the tournament. Species that do not appear in the Competition Point Score Table will not be counted.
- 16.5 A bonus points system shall apply for the number of designated species measured or weighed by an individual angler. Refer to the Competition Bonus Points table contained in the tournament rules for detail.
- 16.6 Each individual angler will have points allocated, from each open tournament held in the current financial year, that will total up towards a Champion Angler division. Ten (10) points for first place through to one (1) point for 10th place in each tournament.

17. Trophies:

- 17.1 Trophies will be awarded at the discretion of the Committee to the highest competition point scorers for each tournament and the Champion Angler division for the financial year:
- Champion Angler (open)
 - Freshwater Champion (open)
 - Saltwater Champion (open)
 - Junior Summertime Champion (junior only)

- 17.2 Financial members of the club who catch and release or capture a Mulloway over 100cm length within the General Boundaries (refer to Section 2.1) in accordance with the Conditions of Capture (Section 5) and Recording your Catch (Section 8) regulations can submit an entry to the committee for approval to have their name added to the 'The Hammo' memorial trophy.
- 17.3 The Clubman Award is an award to be voted on by the committee after nominations from members of the club have been made. The award is for the person who has excelled beyond the call of duty with their involvement in the club. A person who has shown exceptional initiative in promoting and moving the club forward.

18. Safety:

- 18.1 It is the angler's responsibility to always look after their personal safety and that of others in their charge during, and whilst and travelling to and from a Windybank's Fishing Club event or competition destination. All anglers must ensure they fully comply with local safety regulations outlined by any governing body for the location they are in and activity they are conducting.
- 18.2 It is the skipper's responsibility to always look after the safety of the crew onboard a vessel. All skippers must ensure their vessel comply fully with the safety requirements outlined by NSW RMS for vessels. If in doubt, please contact your local RMS office or check the RMS website for full details. The decision to go out will be the responsibility of the individual boat crew and do so at their own risk. **IF IN DOUBT, DO NOT GO OUT!**

19. General:

- 19.1 Any proposed amendment to these By-Laws shall be submitted, in writing to the Secretary to be discussed at the first available Committee meeting. The committee shall then put a recommendation to a General Meeting for consideration of the proposed amendment.
- 19.2 Financial members shall be given at least two (2) weeks' notice, in writing, of any General Meeting at which an amendment to these By-laws is to be discussed, or at which a subject, which in the opinion of the committee may be controversial, is to be discussed.
- 19.3 The Windybank's family has the right to with-draw its name from the club if they feel fit through not representing the family name in a proper manner.
- 19.4 Any monies of the club, if in the event of the folding of the club, shall be donated to the Cancer Council of Australia.