

MANDURAH LEGENDS



NOTICE OF MOTION

I, Peter John McArdle of Mandurah Legends Darts Association Inc.
(name of member)

being a full member for the past twelve months would like to put forward the following Notice of Motion

Various edits and additions to the Mandurah Legends Darts Association Inc. Constitution to:

- *Remove any inconsistent or redundant clauses.*
- *Include various "model rules" that cover areas not adequately addressed in existing Constitution*
- *Better reflect the circumstances of the club and ensure that the rules provide for the needs of the members.*

All proposed changes, to be voted wholly or individually, require 75% approval and are detailed on the following pages.

Signed

A handwritten signature in black ink, appearing to read 'Peter McArdle'.

1st Member

Seconded.....

A handwritten signature in black ink, appearing to be a stylized name.

2nd Member

Dated 5th November 2023

All nominees and proposers must be registered with Mandurah Legends Darts Association Incorporated

NOTE ... Notices must be handed or emailed to the Secretary (pjmc485@gmail.com) by the 5th November 2023

Change 1

All references to Mandurah Legends Darts Association Incorporated to be changed to *Mandurah Legends Darts Association Inc.* as per the clubs Certificate of Incorporation and as advised the Department.

Change 2

Rule 5.01 (i) outlines the list of offences that preclude an individual from being elected to the committee, however there is a statute of limitations as laid out in Section 40 of the Associations Incorporation Act) which is not covered in our Constitution. Proposed inclusion of a new rule 5.01 (iii) written as per the model rules template.

Rule 5.01 (i) only applies to a person who has been convicted of the relevant offences only for a period of 5 years from the time of the person's conviction, or if the conviction results in a term of imprisonment, from the time of the person's release from custody.

Change 3

Rule 5.01 (ii) (b) states that a person ceases to be a committee member under rule 36. Rule 36 only exists in what is referred to the model rules (basically a constitution template that can be used, we only partially use). There is no equivalent ruling under our constitution, and it needs to be included.

Include the following as Rule 5.01 (iv) and change Rule 5.01 (ii) (b) to correctly reference

1. *A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.*
2. *The resignation takes effect —*
 - a. *when the notice is received by the secretary or chairperson; or*
 - b. *if a later time is stated in the notice, at the later time.*
3. *At a general meeting, the Association may by resolution —*
 - a. *remove a committee member from office; and*
 - b. *elect a member who is eligible under rule 5.01 (i) to fill the vacant position.*
4. *A committee member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.*
5. *The secretary or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.*

Change 4

Rule 15.0 refers to the Association having a common seal which we don't have. Remove all existing wording and include

The Association does not use a Common seal and all executed documents will be signed by:

- a) *Two committee members; or*
- b) *One committee member plus a person authorised by the committee.*

Change 5

Rule 11.02 refers to the distribution of information regarding Special General meetings. It includes redundant information to be deleted

Twenty eight (28) days' notice in writing or by electronic means shall be given to each member of every Annual General Meeting and Special General Meeting. It is the duty of each metropolitan or regional club secretary to distribute this notice to their members on receipt of same from the Association's Secretary.

Change 6

Rule 12.01 refers to the distribution of information regarding Notice of Motions. It includes redundant information to be deleted

A financial member(s) giving notice of a motion shall give a copy in writing or by electronic means to the Association Secretary at least twenty eight (28) days before the meeting at which it is intended such motion shall be moved. The Association Secretary shall forward a copy to all metropolitan and regional clubs within five (5) days of receipt of such motion. All club secretaries must notify their members within five (5) days of receipt of such notice.

Change 7

Rule 5.04 refers to quorum required for a committee meeting. Change the existing rule to 5.04 (i) as follows:

A quorum of two thirds of the Committee members shall be required ~~in attendance~~ present to form a meeting

Include Rule 5.04 (ii)

- 1. The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.*
- 2. A member who participates in a committee meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.*

Change 8

Rule 12.09 refers to the quorum required for a General Meeting (Annual or Special) and proposed to change wording and reduce the requirement from 75% to 50%.

A quorum for a General Meeting shall require no less than fifty (50%) of the current member registration at the time of the meeting.

Change 9

Include model rules on running of General meeting and process should a quorum not be achieved as Rule 12.10

1. *The chairperson or, in the chairperson's absence, the deputy chairperson must preside as chairperson of each general meeting.*
2. *If the chairperson and deputy chairperson are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.*
3. *No business is to be conducted at a general meeting unless a quorum is present.*
4. *If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —*
 - a. *in the case of a special general meeting — the meeting lapses; or*
 - b. *in the case of the annual general meeting — the meeting is adjourned to —*
 - i. *the same time and day in the following week; and*
 - ii. *the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.*
5. *If —*
 - a. *a quorum is not present within 30 minutes after the commencement time of an annual general meeting held under subrule (4)(b); and*
 - b. *at least 2 ordinary members are present at the meeting,*

those members present are taken to constitute a quorum.