

**Constitution of the
BOOMERANGS SPORT AIRCRAFT ASSOCIATION (Inc)**

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1.0 NAME OF ASSOCIATION

- 1.1 The name of the association shall be the

BOOMERANGS SPORT AIRCRAFT ASSOCIATION (Inc)

2.0 DEFINITIONS

- 2.1 “Committee Member” means person referred to in subrule 4.1.
- 2.2 “Executive Committee” comprises President, Vice President, Secretary and Treasurer.
- 2.3 “General Meeting” means meeting convened under subrule 11.2.
- 2.4 “Special General Meeting” means meeting convened under subrules 9.1.1 and 9.1.3.
- 2.5 “Annual General Meeting” means meeting convened under subrule 9.1.2.
- 2.6 “Member” means member of the Association referred to in subrule 7.3.
- 2.7 “Ordinary resolution” means resolution other than a special resolution.
- 2.8 “Special Resolution” has the meaning given by section 24 of the Act
- 2.9 “The Act” means the *Associations Incorporation Act 1987*.
- 2.10 “Ministry of Fair Trading” means “Ministry of Fair Trading”, or its equivalent.
- 2.11 “The Association” means the Association referred to in subrule 1.1.
- 2.12 “The Chairperson” means the chairperson referred to in subrule 4.10.
- 2.13 “The President” means the president referred to in subrule 4.1.1.
- 2.14 “The Vice President” means the Vice President referred to in subrule 4.1.2.
- 2.15 “The Secretary” means the Secretary referred to in subrule 4.1.3.
- 2.16 “The Treasurer” means the Treasurer referred to in subrule 4.1.4.

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3.0 OBJECTS

- 3.1 The objects of the association are:-
 - 3.1.1 To coordinate and foster the activities of persons interested in the development of model aircraft construction and operation;
 - 3.1.2 To promote the sport of aeromodelling;
 - 3.1.3 To foster aviation in all of its forms and phases throughout Australia.
 - 3.1.4 The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

4.0 COMMITTEE

- 4.1 The Committee of the Association shall comprise of:-
 - 4.1.1 President
 - 4.1.2 Vice President
 - 4.1.3 Secretary
 - 4.1.4 Treasurer
 - 4.1.5 Safety Officer
 - 4.1.6 One (1) ordinary committee member for every five (5) non-executive committee members.
- 4.2 Ordinary committee members shall not number more than four (4).
- 4.3 The Committee shall be elected by the membership each year at the Annual General Meeting.
- 4.4 Only Flying members and Senior Social Members may hold a position on the Executive Committee.
- 4.5 The term of office of any Committee Member is from the day following their election to the position until the following Annual General Meeting.
- 4.6 Any Committee Member retiring under subrule 4.5 may be re-elected to any committee position.
- 4.7 No person may hold the same Executive Committee position for more than two consecutive full terms.
- 4.8 Any Executive Committee member retiring under subrule 4.7 may be elected to any other Executive Committee or Committee position.
- 4.9 At a Committee Meeting four (4) committee members present in person constitute a quorum.
- 4.10 At all meetings of the Association, the Chairperson shall be:-

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- 4.10.1 The President
- 4.10.2 In the event the President is not present, then the Chairperson shall be the Vice President.
- 4.10.3 In the event that both the President and Vice President are not present, then the members present shall elect a Chairperson from the remaining committee members.
- 4.11 The order of business at a General Meeting shall be:-
 - . Opening of the Meeting
 - . Apologies
 - . Visitors welcomed
 - . Items for Agenda
 - . Adoption of minutes of previous Committee or General Meeting
 - . Business arising from previous minutes
 - . Correspondence
 - . Business arising from correspondence
 - . Treasurers report
 - . Adoption of Treasurer's report
 - . WAMASC report and minutes (if available)
 - . General business
 - . Closure of meeting

5.0 POWERS OF THE COMMITTEE

- 5.1 The Committee shall carry out the day to day running of the association, and shall have power to:-
 - 5.1.1 Administer the finances of the Association;
 - 5.1.2 Appoint the bankers of the association;
 - 5.1.3 Direct the opening of bank accounts for specific purposes and to transfer funds from one account to another, and to close any such account, as per resolution at a general meeting.
 - 5.1.4 Collect fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
 - 5.1.5 Adjudicate on all matters brought before it which in any way affect the Association;
 - 5.1.6 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
 - 5.1.7 May at their discretion direct the spending of Association funds up to the limit set at the preceding Annual General Meeting.
- 5.2 Should a vacancy occur on the Committee during the season, the Committee shall appoint a successor until the next Annual General Meeting or General Meeting.
- 5.3 Any Committee member who absents himself from three (3) consecutive Committee meetings without leave of absence having been given, may be removed from office.

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6.0 MEMBERSHIP

- 6.1 Membership of the Association is open to :-
 - 6.1.1 Any person who wishes to further the interests of the Association.
- 6.2 Types of membership of the Association are:-
 - 6.2.1 Senior Flying member - any flying member whose age is eighteen (18) years or older at the start of the calendar year and is not a member of another radio controlled club.
 - 6.2.2 Junior Flying member - any flying member whose age is under eighteen (18) years at the start of the calendar year.
 - 6.2.3 Senior Social member - any non-flying member, eighteen (18) years or older at the start of the calendar year, interested in aeromodelling and the objects of the association.
 - 6.2.4 Junior Social member - any non-flying member, whose age is under eighteen (18) years at the start of the calendar year, interested in aeromodelling and the objects of the association.
 - 6.2.5 Patron Member - A person of distinguished position who desires to foster the model aircraft movement.
 - 6.2.6 Associate member - A member who belongs to another club and is interested in aeromodelling and the objects of the association. Associate members do not have voting rights at any association meeting.
 - 6.2.7 Senior Associate member - A member who belongs to another radio controlled club or association, and who is granted full membership and voting rights by the association. Each application will be judged on its merits at a general meeting and voting rights can be revoked at any general meeting.
- 6.3 A person who wishes to become a member shall:-
 - 6.3.1 Apply for membership to the Committee in writing:-
 - 6.3.1.1 Signed by that person and by the members referred to in paragraph 6.3.2;
and
 - 6.3.1.2 In such form as the Committee from time to time directs; and
 - 6.3.2 Be proposed by two other members.
- 6.4 The members shall consider each application made under subrule 6.3 at a General Meeting and shall at the General Meeting accept or reject the application.
- 6.5 Each person admitted to membership shall be:-

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- 6.5.1 Bound by the Constitution, By-Laws and Rules of the Association;
 - 6.5.2 Come liable for such fees and subscriptions as may be fixed by the Association;
 - 6.5.3 Entitled to all advantages and privileges of membership.
- 6.6 The total membership numbers of the Association shall remain within such prevailing limits as may from time to time be set down and decided upon by resolution at General Meetings.

7.0 SUBSCRIPTIONS OF MEMBERS

- 7.1 The members shall from time to time at a General Meeting determine the amount of the subscription to be paid by each member.
- 7.2 Each member shall pay to the treasurer, annually on or before the date set by subrule 13.6 as the start of the financial year, the amount of the subscription determined under subrule 7.1.
- 7.3 A member is a financial member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under subrule 7.
- 7.4 If a member, who has never previously been affiliated with the Model Aircraft Association of Australia first joins the Association within the three (3) months prior to the date fixed by or under subrule 7.2, then that member shall receive membership from the date of joining to the date fixed by or under subrule 7.2 and the following twelve (12) months.

8.0 TERMINATION OF MEMBERSHIP

- 8.1 Any person's membership may be terminated by the following events:-
 - 8.1.1 Resignation
 - 8.1.2 Death
 - 8.1.3 False or inaccurate statements made in the members application for membership of the Association.
 - 8.1.4 Breach of any rule, regulation or By-law of the Association
 - 8.1.5 Commits any act detrimental to the Association
- 8.2 The Committee shall have the power to suspend or expel any member of the Association for any of the events in subrule 8.1.3, subrule 8.1.4 or subrule 8.1.5.
- 8.3 If the Committee considers that a member should be suspended or expelled from membership of the Association under subrule 8.1.4 or subrule 8.1.5, the Committee shall communicate in writing to the member, not less than fourteen (14) days before the date of the Committee meeting referred to in subrule 8.3.2, the:-
 - 8.3.1 Notice of the proposed expulsion; and

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- 8.3.2 The time, date and place of the Committee meeting at which the question of the suspension or expulsion will be decided; and
- 8.3.3 Particulars of the breach or act.
- 8.4 At the committee meeting referred to in subrule 8.3.2, the Committee may, having afforded the member concerned a reasonable opportunity to be heard, or to make representation in writing to the Committee, suspend or expel or decline to suspend or expel that member from the association and shall, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.
- 8.5 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 Special General Meeting called for such purpose, and the decision of the Special General Meeting shall be final. The voting of such expulsion or suspension shall be by secret ballot.
- 8.6 Any member who is suspended shall have all entitlement and privileges of membership, including voting rights, revoked for the period of suspension.
- 8.7 Any member who shall be expelled from the association or who shall for any reason whatsoever cease to be a member of the association shall have no reclaim to, or interest in the property or funds of the association.
- 8.8 Any member who shall be expelled from the association shall not be considered for re-nomination as an Association member for a period of not less than five (5) years from the date of expulsion.

9.0 GENERAL MEETINGS

- 9.1 The Committee:-
- 9.1.1 May at any time convene a Special General Meeting;
- 9.1.2 Shall convene Annual General Meetings every calendar year; and
- 9.1.3 Shall, within thirty (30) days of:-
- 9.1.3.1 Receiving a request in writing to do so from not less than five (5) Senior Flying members, convene a Special General Meeting for the purpose specified in that request; or
- 9.1.3.2 The Secretary receiving a notice under subrule 8.5, convene a Special General Meeting for the purpose of dealing with the appeal to which the notice relates.
- 9.2 The members making a request referred to in subrule 9.1.3.1 shall:-
- 9.2.1 State in that request the purpose for which the Special General Meeting concerned is required; and
- 9.2.2 Sign that request.

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- 9.3 If a Special General Meeting is not convened within the relevant period of thirty (30) days referred to:-
- 9.3.1 In subrule 9.1.3.1, the members who made the request concerned may themselves convene a Special General Meeting as if they were the Committee; or
- 9.3.2 In subrule 9.1.3.2, the member who gave the notice concerned may himself convene a Special General Meeting as if he or she were the committee.
- 9.4 When a Special General Meeting is convened under subrule 9.3.1 or 9.3.2:-
- 9.4.1 The Committee shall ensure that the members or member convening the Special General Meeting are supplied free of charge with particulars of all members; and
- 9.4.2 The Association shall pay the reasonable expenses of convening and holding the Special General Meeting.
- 9.5 Subject to subrule 9.9, the Secretary shall give to all members not less than fourteen (14) days notice of a special General Meeting and of any motions to be moved at the Special General Meeting.
- 9.6 A notice given under subrule 9.5 or subrule 9.9 shall specify:-
- 9.6.1 The time, date and place of the Special General Meeting;
- 9.6.2 Particulars of the business to be transacted at the Special General Meeting concerned;
- 9.6.3 The order in which that business is to be transacted.
- 9.7 No business other than the business notified by subrule 9.6.2 shall be transacted at a Special General Meeting.
- 9.8 At an Annual General Meeting, the order in which business is to be transacted is:-
- . Opening of Meeting
 - . Apologies
 - . Adoption of minutes of previous Annual General Meeting
 - . Business arising from previous minutes
 - . Treasurers report
 - . Adoption of Treasurer's report
 - . President's report
 - . Adoption of President's report
 - . Election of Office Bearers
 - . Election of WAMASC and AWA delegates
 - . Set the amount that the committee can spend under subrule 5.1.7
 - . Closure of the meeting
- 9.9 The Secretary shall give to all members not less than fourteen (14) days notice of a Special General Meeting at which a special resolution is to be proposed and of any other motions to be moved at that Special General Meeting.
- 9.10 The Secretary may give notice under subrule 9.5 or 9.9 by:-

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- 9.10.1 Serving it on a member personally; or
- 9.10.2 Sending it by post to a member at the address of the member appearing in the register of members.
- 9.11 When a notice is sent by post under subrule 9.10.2, sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

10.0 QUORUM AT GENERAL MEETINGS

- 10.1.1 At a General Meeting, one tenth (10%) of the financial voting members of the Association as defined in subrule 12.3.4 and present in person constitute a quorum.
- 10.1.2 At a Special General Meeting, one fifth (20%) of the financial members of the Association as defined in subrule 12.3.4 and present in person constitute a quorum.
- 10.2 If within thirty (30) minutes after the time specified for the holding of a Special General Meeting in a notice given under subrule 9.5 or 9.9:-
 - 10.2.1 As a result of a request or notice referred to in subrule 9.1.3 or as a result of action taken under subrule 9.3 a quorum is not present, the Special General Meeting lapses; or
 - 10.2.2 Otherwise than as a result of a request, notice or action referred to in 10.2.1, the Special General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 10.3 If within thirty (30) minutes of the time appointed by subrule 10.2.2 for the resumption of an adjourned Special General Meeting a quorum is not present, the members who are in present in person may nevertheless proceed with the business of that Special General Meeting as if a quorum were present.
- 10.4 If within thirty (30) minutes after the time specified for the holding of a Committee Meeting or a General Meeting a quorum is not present, the Meeting lapses.

11.0 FREQUENCIES OF MEETINGS

- 11.1 Meetings of the committee shall be held at such times as any Executive Committee Member considers necessary.
- 11.2 General Meetings of the Association shall be held:-
 - 11.1.1 At such times as the members consider necessary; and
 - 11.1.2 At least once every two (2) months.

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12.0 ELECTION OF OFFICE BEARERS AND VOTING

- 12.1 Executive Committee Members shall be nominated in writing signed by both the proposer and the nominee and such nomination shall be delivered to the Secretary at the commencement of the Annual General Meeting.
- 12.2 Each Executive Committee Member shall be voted for individually and shall be decided by a simple majority method held as a secret ballot.
- 12.3 Voting powers at the Annual General Meeting, Special General Meetings and General Meetings are:-
- 12.3.1 The Chairperson shall be entitled to a deliberate vote, and in the event of a tied vote, the Chairperson shall exercise a casting vote; and
- 12.3.2 Each individual Committee member shall have one (1) vote in person; and
- 12.3.3 Each individual Flying member, who is not a Committee member, shall have one (1) vote in person.
- 12.3.4 Only Senior Flying members and Senior Associate Members as defined under sections 6.2.1 and 6.2.7 have voting rights.
- 12.4 Voting powers at a Committee Meeting are:-
- 12.4.1 The Chairperson shall be entitled to a deliberate vote, and in the event of a tied vote, the Chairperson shall exercise a casting vote; and
- 12.4.2 Each individual Committee member shall have one (1) vote in person.
- 12.5 At a General Meeting:-
- 12.5.1 An ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and
- 12.5.2 A Special resolution put to the vote shall be decided if it is passed by a majority of not less than three-fourths (75%) of the members present in person of the Association who are entitled to vote, and vote in person.
- 12.6 A declaration by the Chairperson at a General Meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of the fact.

13.0 FINANCE

- 13.1 All funds of the Association shall be deposited in the accounts of the Association at such bank or recognised financial institution as the Committee may determine and no money shall be drawn from this account except by cheque or electronic banking.
- 13.2 The signatures required to operate the Association(s) cheque accounts shall be any two (2) of the Executive Committee. All Executive Committee member's signatures must be registered with the bank or recognised financial institution.

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- 13.3 Any proposal to spend Association funds for any purpose other than affiliation fees or insurance premiums shall be approved at a General Meeting.
- 13.4 All expenses incurred by the Secretary, Treasurer or any member for and on behalf of the Association on the authority of the Committee shall be paid out of the funds of the Association.
- 13.5 A statement showing the financial position of the Association shall be tabled at each Committee and General Meeting by the Treasurer, or in the Treasurer's absence, his Appointee.
- 13.6 The financial year of the Association shall be from 1st July to 30th June.
- 13.7 A statement of income and expenditure, and a balance sheet of Assets and Liabilities showing the financial position of the Association at the end of the immediately preceding financial year shall be correctly audited at least once in each financial year by the duly appointed auditor, such audit being presented at the Annual General Meeting. The Auditor shall not hold any other office within the Association and shall have free access to all Association documents.
- 13.8 The income and property of the Association shall be applied solely towards the promotion of the objects of the Association. No portion of the income or property shall be paid, transferred or distributed, directly or indirectly, to members of the Association provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Association, or to any person other than a member, in return for services rendered to the Association. Any remuneration that may be payable in accordance with this clause shall be decided upon from time to time by the majority of members at a General Meeting.
- 13.9 No member shall be allowed to make the Association a means of private speculation or trade.

14.0 SECRETARY

14.1 The Secretary shall:-

14.1.1 Co-ordinate the correspondence of the Association;

14.1.2 Keep full and correct minutes of the proceedings of the Committee and the Association;

14.1.3 Comply on behalf of the Association with:-

14.1.3.1 Section 27 of the Act in respect of the register of members of the Association;

14.1.3.2 Section 28 of the Act in respect of the rules of the Association;

14.1.3.3 Section 29 of the Act in respect of the record of the office holders, and any trustees, of the Association;

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- 14.1.4 Have custody of all books, documents, records and registers of the Association, including those referred to in subrule 15.1.5 to be kept and maintained by, or in custody of the treasurer;
- 14.1.5 The Secretary shall cause the name of the person who ceases to be a member under subrule 8.1 to be deleted from the register of members referred to in subrule 14.1.3.1; and
- 14.1.6 The Secretary shall maintain a list of Domestic Rules, By-Laws and Safety Rules as referred to in subrules 19.1 and 19.2
- 14.1.6 Perform such duties as are imposed by these rules on the Secretary.

15.0 TREASURER

- 15.1 The Treasurer shall:-
 - 15.1.1 Be responsible for the receipt of all moneys paid to or received by, or by him on behalf of, the Association and shall issue receipts for those moneys in the name of the Association;
 - 15.1.2 Pay all moneys referred to in subrule 15.1.1 into such account or accounts of the Association as the Committee may from time to time direct;
 - 15.1.3 Make payments from the funds of the Association with the authority of a General Meeting or of the Committee;
 - 15.1.4 Comply on behalf of the Association with sections 25 and 26 of the Act in respect of the accounting records of the Association;
 - 15.1.5 Have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in subrule 15.1.4; and
 - 15.1.6 Perform such duties as are imposed by these rules on the Treasurer.

16.0 INSPECTION OF RECORDS

- 16.1 At the request of a member of the Association, the:-
 - 16.1.1 Secretary shall make available for inspection of the member any and all of the records referred to by subrule 14.1.4,
 - 16.1.2 Treasurer shall make available for inspection of the member any and all of the records referred to by subrule 15.1.5,and the member may make a copy of or take extract from those records but shall have no right to remove those records for that purpose.

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17.0 COMMON SEAL

- 17.1 The Common Seal of the Association engraved with the name of the Association shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or other document except pursuant to the resolution of the Committee and in the presence of the President and any two (2) of the other members of the Committee, both of whom shall subscribe their names as witnesses.

18.0 ALTERATIONS TO CONSTITUTION AND BY-LAWS

- 18.1 No alteration, repeal or addition shall be made to the Constitution except at a Special General Meeting called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to the members at least fourteen (14) days prior to the Special General Meeting called for such purpose.
- 18.2 Such motions or any part thereof shall be of no effect unless passed by the majority required for Special Resolutions, and have been lodged with, and acknowledged by, the Ministry of Fair Trading.
- 18.3 Alterations to By-Laws of the Association can only be made at General Meetings, and passed by the majority required for ordinary resolutions.

19.0 BY-LAWS AND FLYING SAFETY RULES

- 19.1 Domestic Rules and/or By-Laws for the administration of the Association or any of its functions, events or the like shall be made by the a majority of members of the Association at a General Meeting provided always that any such Domestic Rules and/or By-Laws do not conflict with this Constitution of the Association or the Act. The Secretary shall at all times keep a separate and distinct list of Domestic Rules and/or By-Laws that may from time to time come into being.
- 19.2 Flying safety rules for the safe conduct of model flying operations, demonstrations and the like will be made at a General Meeting of the Association and shall be included in the Domestic Rules and By-Laws previously referred to.

20.0 DISSOLUTION

- 20.1 The Association shall not wound up or dissolved except at a Special General Meeting by the majority required for Special Resolutions, such meeting having been called for that purpose.
- 20.2 If upon the winding up of the association, there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members or former members, but shall be given or transferred to another association incorporated under the Act which has similar objects and to which income tax deductible gifts can be made as approved by the Commissioner of Taxation and which association shall be determined by resolution of the members.
- 20.3 In default of any such resolution, such payment, transfer or distribution shall be determined by a Judge or the District Court.

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21. DISCLAIMER

21.1 No responsibility or liability is accepted by the Association or its Committee for any accident, injury, loss or damage to members or spectators, or their property, whatsoever.

22 INTERPRETATION

22.1 Subject to the jurisdiction of the courts, final interpretation of the Constitution and/or By-Laws shall rest with the Committee.

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