

**RULES OF**

**THE AUSTRALIAN CURLING FEDERATION INC**

**ABN: 77 047 617 608**

**Last Amended November 24, 2015**

**Version 1.2**

**(includes CAVs recommendations\*)**

\*The Rules of The Australian Curling Federation Inc have been ratified by Consumer Affairs Victoria (CAV) on March 13 2013. This document has been updated in accordance with the legislation per CAVs March 13 2013 letter (see letter attached at end of Rules document). Per CAV, the Rules must be read in conjunction with CAV's letter dated March 13 2013.

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# PART I - INTERPRETATION

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## 1. NAME

The name of the Incorporated Association is the Australian Curling Federation Incorporated trading as The Australian Curling Federation.

## 2. PURPOSES

The purposes of the association [Australian Curling Federation] are to both govern and advance the sport of Curling in Australia. The Australian Curling Federation will aid and support the individual State Associations and their grassroots endeavours to advance Curling whilst at the same time provide a National framework for Curling in Australia at National and International events in accordance with the World Curling and Olympic governing bodies.

## 3. DEFINITIONS AND INTERPRETATION

### 3.1 Definitions

In these Rules and in the Statement of Purposes, unless the contrary intention appears:

**"Association"** means any organisation or body duly incorporated within an Australian State or Territory that has the sole authority of governing the sport of curling within that State or Territory.

**"Association Member"** means any Association admitted to membership of the Australian Curling Federation of that class of members in accordance with these Rules.

**"Association Member Representative"** means a person nominated to the Executive Committee by an Association Member to represent the interests of that Association Member on the Executive Committee.

**"Athlete"** means a person who:

- (a) is an active athlete in that he or she competes or has competed in the sport of curling at a national or international level within the previous 12 years;
- (b) is over the age of 18 years; and
- (c) has not been sanctioned for a doping offence during his or her sports career.

**"Athletes Commission"** means the Athletes' Commission of the Executive Committee of the Australian Curling Federation.

**"Athletes' Commission Representative"** means the 1 male and 1 female Athlete appointed to the Australian Curling Federation Executive in accordance with the current National Federation Athletes' Commission By-Law of the Australian Olympic Committee.

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**"Australian Curling Federation" (ACF)** means the Australian Curling Federation Incorporated which is the body recognized by the World Curling Federation and the Australian Olympic Committee as the governing body of curling in Australia.

**"Delegate"** means a representative of an Association Member nominated by that Association Member, and must be a registered member of that Association Member. The Delegate is the only person who may exercise the voting rights of an Association Member at a General Meeting of the Australian Curling Federation. The Association Member shall advise the President or Vice-President at least 1 week prior to a General Meeting who its Delegate will be for that meeting.

**"Executive Committee"** means the Officers, Association Member Representatives and co-opted persons of the Australian Curling Federation, appointed in accordance with Rules 17 and 18.

**"Executive Committee Member"** means those persons occupying a position as an Officer, Association Member Representative or co-opted person of the Executive Committee of the Australian Curling Federation.

**"Financial Year"** means the year commencing 1 January and concluding 31 December.

**"General Meeting"** means a meeting of Members convened in accordance with Rules 10 and 11.

**"Intellectual Property"** means all rights subsisting in copyright, trade names, trademarks, logos, designs, equipment, images (including photographs, videos or films) or service marks relating to the Australian Curling Federation or activity conducted, promoted or administered by the Australian Curling Federation.

**"Member"** means an Association Member, and "Members" means all these entities collectively, of the Australian Curling Federation for the time being under Rule 4.

**"President"** means the President of the Australian Curling Federation, elected at an Annual General Meeting of the Australian Curling federation in accordance with Rules 16, 17 and 18.

**"Vice-President"** means the Vice-President of the Australian Curling Federation, elected at an Annual General Meeting of the Australian Curling federation in accordance with Rules 16, 17 and 18.

**"Register"** means the Register of Members kept in accordance with Rule 6.1.

**"Regulations"** means any Regulations made by the Executive Committee under Rule 34.

**"Rules"** means these Rules of Australian Curling Federation and include the Statement of Purposes.

**"Seal"** means the common seal of the Australian Curling Federation and includes any official seal of the Australian Curling Federation.

**"Secretary"** when used in respect of an Association means:

- (a) where a person holds office under the rules of that Association as Secretary - to that body; and
- (b) in any other case, to the Secretary of that Association.

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"**Special Resolution**" means a resolution passed by at least three-quarters of the Delegates present at a General Meeting called for that purpose, of which 28 days notice has been given, or such other majority or procedure as is required under the Act from time to time.

"**Statement of Purposes**" means the Statement of Purposes setting out the objects and purposes of the Australian Curling Federation, as varied from time to time.

"**The Act**" means the *Associations Incorporation Reform Act 2012* (VIC).

### **3.2 Interpretation**

In these Rules and the Statement of Purposes:

- (1) a reference to a function includes a reference to a power, authority and duty;
- (2) a reference to the exercise of a function includes where the function is a power, authority or duty a reference to the exercise of the power or authority of the performance of the duty;
- (3) words importing the singular include the plural and vice versa;
- (4) words importing any gender include the other genders;
- (5) words or expressions shall be interpreted in accordance with the provisions of the Act as they vary from time to time;
- (6) references to persons include corporations and bodies politic;
- (7) references to a person include the legal personal representatives, successors and permitted assigns of that person;
- (8) a reference to a statute, ordinance code or other law includes regulations and other statutory instruments under it and consolidations, amendments, reenactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction); and
- (9) expressions referring to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by facsimile and electronic mail.

### **3.3 Enforceability**

If any provision of these Rules or any phrase contained in them is invalid or unenforceable in any jurisdiction, the phrase or provision shall be read down for the purpose of that jurisdiction, if possible, so it is valid and enforceable. If it cannot be so read down the provision shall be severed to the extent of the invalidity or unenforceability. The remaining provisions of these Rules and their validity or enforceability shall not be affected by the severance in any other jurisdiction.

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## **4. REGISTERED ADDRESS**

The Registered address of the Australian Curling Federation shall be determined by the Executive Committee from time to time.

# **PART II - MEMBERSHIP**

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## **5. MEMBERSHIP OF AUSTRALIAN CURLING FEDERATION**

### **5.1 Classes of Member**

The Members of the Australian Curling Federation shall be, and shall be divided into, the following classes:

- (1) Association Members; and
- (2) Such other class or classes of Members as determined by the Executive Committee from time to time.

### **5.2 Application for Membership**

- (1) To be eligible for membership as an Association Member, the Association must:
  - (a) be located in a nationally recognized Australian State or Territory;
  - (b) be the governing body for the sport of curling in the State or Territory; and
  - (c) be incorporated with a constitution registered by the State of Incorporation and provide a copy of the constitution to the ACF.
- (2) If the Association is in the process of Incorporation, the Association may be granted provisional membership for up to twelve months. If Incorporation is not complete within the 12 month period the provisional member must reapply.
- (3) Provisional membership does not presume any voting rights or other membership rights to be conferred, however the ACF at their discretion may allocate rights other than voting rights. The provisional member must follow such procedures as Association Members, to the extent that this is possible.
- (4) Any dispute as to the application of these Rules to a provisional member shall be resolved by the Executive Committee in its sole discretion.
- (5) Subject to these Rules, an application for membership to the Australian Curling Federation must be:

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- (a) made in writing in the form set out in Appendix 1, which may be varied by the Executive Committee from time to time;
  - (b) accompanied by the appropriate fee or fees, if any; and
  - (c) lodged with the President or Vice-President.
- (6) As soon as is practicable after the receipt of an application for membership under Rule 5.2(5), the President or Vice-President shall refer the application to the Executive Committee.
- (7) Upon an application being referred to the Executive Committee, the Executive Committee shall, as soon as practicable, determine whether to approve or decline the application.
- (8) If the Executive Committee approves the application for membership, the Executive Committee shall determine the appropriate class of membership and the President or Vice-President shall, as soon as practicable, notify the applicant in writing that it is approved or declined. If approved, membership shall commence on entry into the Register in accordance with Rule 7.1.
- (9) If the Executive Committee does not approve an application for membership, the President or Vice-President shall, as soon as practicable, notify the applicant in writing that they are not approved for membership. The Executive Committee is not required to give reasons for its decision.
- (10) A person shall not represent that an eligible Association is a Member unless the Australian Curling Federation has so represented that the eligible Association has been registered as a Member under these Rules.

### **5.3 Delegate of Member**

- (1) The President or Vice-President shall record any change in an Association Member's Delegate in the Register.
- (2) Each Delegate shall comply with the directions given by a resolution of the Association Member, including in respect of voting, and if required by the Executive Committee, shall provide to the Executive Committee evidence of such compliance.

### **5.4 Effect of Membership**

- (1) Members acknowledge and agree that:
  - (a) these Rules constitute a contract between each of them and the Australian Curling Federation and that they are bound by the Rules and Regulations;
  - (b) they shall comply with and observe these Rules, the Regulations and any policy, determination or resolution which may be made or passed by the Executive Committee or any duly authorised sub-committee or tribunal of the Australian Curling Federation;

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- (c) the Rules and Regulations are necessary and reasonable for promoting the purposes of the Australian Curling Federation; and
  - (d) they are entitled to all benefits, advantages, privileges and services of their membership as determined by the Executive Committee.
- (2) Members may by virtue of membership of the Australian Curling Federation:
- (a) express in writing or otherwise their views and opinions in any meeting in respect of which they are entitled to participate in accordance with these Rules;
  - (b) make proposals or submissions to the Executive Committee; and
  - (c) engage and participate in any activity approved, sponsored or recognized by Australian Curling Federation.
- (3) A right, privilege or obligation of an Association by reason of their membership of the Australian Curling Federation:
- (a) is not capable of being transferred or transmitted to another Association; and
  - (b) terminates upon the cessation of membership whether by withdrawal or otherwise.

## **6. SUBSCRIPTIONS AND FEES**

The annual membership subscriptions and fees payable by Members to Australian Curling Federation, the benefits which apply, the time for, and manner of payment of, shall be determined by the Executive Committee from time to time.

## **7. REGISTERS**

### **7.1 President or Vice-President to keep Register of Members**

- (1) The President or Vice-President, as determined by the Executive Committee from time to time, shall keep and maintain a Register of Members.
- (2) The Register shall contain the full name, address, class of membership and date of entry of the name of each Member.
- (3) The Register shall contain the full name, address and date of entry of the name of each Delegate.

### **7.2 Inspection of Register**

The Registers shall be available for inspection by Members upon reasonable request, and if copies are requested, provided at the Member's expense.

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## **8. RESIGNATION OF MEMBERS**

### **8.1 Notice of Resignation**

Any Member who has paid all monies due and payable to the Australian Curling Federation may withdraw from the Australian Curling Federation by giving 30 days notice in writing to the Australian Curling Federation of such intention to withdraw and upon the expiration of that period of notice, the Member shall cease to be a member.

### **8.2 Expiration of Notice Period**

Upon the expiration of a notice given under Rule 8.1, an entry, recording the date on which the Member who or which gave notice ceased to be a Member, shall be recorded in the Register.

### **8.3 Forfeiture of Rights**

A Member which ceases to be a Member, for whatever reason, shall forfeit all right in and claim upon the Australian Curling Federation and its property including Intellectual Property.

### **8.4 Delegate Position Lapses**

The position of Delegate shall lapse immediately on cessation of membership of an Association Member.

## **9. EXPULSION, SUSPENSION OR FINING OF MEMBERS**

### **9.1 Executive Committee Expulsion, Suspension or Fining Resolution**

Subject to these Rules, the Executive Committee may by resolution:

- (1) expel a Member from the Australian Curling Federation; or
- (2) suspend a Member from membership of the Australian Curling Federation for a specified period; or
- (3) fine a Member;
- (4) expel, suspend or fine a Member or general member of the Member Association if the Executive Committee considers that the Member or general member of any Association has:
  - (a) breached, failed, refused or neglected to comply with a provision of these Rules, the Regulations or any policy, resolution or determination of the Executive Committee;
  - (b) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of the Australian Curling Federation, or another Member; or
  - (c) brought the Australian Curling Federation or another Member into disrepute.
- (5) Such grounds do not constitute a grievance, and Rule 23 does not apply.

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## **9.2 Effect of Expulsion, Suspension or Fining Resolution**

A resolution of the Executive Committee under Rule 9.1 is not a finding of guilt, and:

- (1) subject to Rule 9.2(2) below, does not take effect unless the Executive Committee, at a meeting held not earlier than 14 days and not later than 28 days after the service on the Member of a notice under Rule 9.3 confirms the resolution in accordance with Rule 9.4; and
- (2) where the Member exercises a right of appeal to the Appeals Tribunal under this clause, does not take effect unless the Appeals Tribunal confirms the resolution in accordance with this Rule or Rule 10.

## **9.3 Notice of Expulsion, Suspension or Fining Resolution**

Where the Executive Committee passes a resolution under Rule 9.1, the President or Vice-President shall, as soon as practicable, serve on the Member a notice in writing:

- (1) setting out the resolution of the Executive Committee and the grounds on which it is based;
- (2) stating that the Member (or its Delegate) may address the Executive Committee at a meeting to be held not earlier than 14 days and not later than 30 days after service of the notice;
- (3) stating the date, place and time of that meeting;
- (4) informing the Member that he, she or it may do one or more of the following:
  - (a) attend that meeting;
  - (b) not later than 24 hours before the date of that meeting, give the Australian Curling Federation a written statement seeking revocation of the resolution; or
  - (c) not later than 24 hours before the date of the meeting, lodge with the Australian Curling Federation a notice to the effect that he, she or it wishes to appeal to the Australian Curling Federation either in General Meeting or to the Appeals Tribunal against the resolution.

## **9.4 Determination of Executive Committee**

At a meeting of the Executive Committee held in accordance with Rule 9.3, the Executive Committee shall:

- (1) give to the Member every opportunity to be heard;
- (2) give due consideration to any written statement submitted by the Member; and
- (3) by resolution determine whether to confirm or to revoke the resolution.

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## **9.5 Notice of Appeal to General Meeting**

Where the Australian Curling Federation receives a notice under Rule 9.3(4) (c) indicating the Member wishes to appeal to a General Meeting, the Executive Committee shall convene a General Meeting to be held within 30 days of the date on which the Australian Curling Federation received the notice.

## **9.6 Notice of Appeal to Appeals Tribunal**

Where the Australian Curling Federation receives a notice under Rule 9.3(4)(c) indicating the Member wishes to appeal to the Appeals Tribunal, the Executive Committee shall convene a meeting of the Appeals Tribunal to be held within 30 days of the date on which the Australian Curling Federation received the notice.

## **9.7 Proceedings of General Meeting**

At a General Meeting convened under Rule 9.5:

- (1) no business other than the question of the appeal shall be transacted;
- (2) the Executive Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
- (3) the Member (or its Delegate) shall be given every opportunity to be heard; and
- (4) the Delegates present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

## **9.8 Decision of General Meeting**

If at the General Meeting:

- (1) two-thirds of the Delegates present and entitled under the Rules to vote, vote in favour of the confirmation of the resolution under Rule 9.1, the resolution is confirmed; and
- (2) in any other case, the resolution is revoked.

# **10. APPEALS TRIBUNAL**

## **10.1 Composition of Appeals Tribunal**

- (1) An Appeals Tribunal consisting of one delegate from each of the Member Associations of the Australian Curling Federation shall be elected at each Annual General Meeting (except the initial Appeals Tribunal which shall be appointed under Rule 10.1(6)) for the purpose of adjudication of appeals from Members under Rule 9.3(4).
- (2) If there are less than 3 Tribunal delegates eligible for adjudication of the appeal, independent delegate(s) will be appointed by the ACF Executive Committee, and approved with the agreement of at least 2/3rds of the Association Members. The independent delegate(s) may not be a general member of any of the Association Members.

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- (3) Each Association Member shall nominate 2 candidates to be considered for election as a delegate of the Appeals Tribunal.
- (4) Nomination of candidates for election as a delegate to the Appeals Tribunal shall be:
  - (a) in writing on the form provided by the Executive Committee for that purpose, signed by the Secretary of the Association Member and accompanied by the written consent of the nominee; and
  - (b) shall be delivered to Australian Curling Federation not less than 14 days before the date fixed for the holding of the Annual General Meeting.
- (5) The name of all nominated candidates for election as a delegate to the Appeals Tribunal received under Rule 10.1(4) above shall be announced by the President or Vice President to each Association Member Representative not less than 10 days before the date fixed for the holding of the Annual General Meeting.
- (6) The initial Tribunal shall be appointed by the Executive Committee until the next Annual General Meeting, when Rule 10.1(3) shall apply.
- (7) No Association Member shall have more than one delegate on the Appeals Tribunal.
- (8) No delegate of the Appeals Tribunal shall be an Officer or Association Member Representative of the Executive Committee or serve on the Executive Committees appointed sub-committees,
- (9) A minimum of 2/3rds of the delegates of the Appeals Tribunal shall constitute a quorum.
- (10) In the case of a dispute between an Association Member and the ACF, or an appeal on a resolution to expel, suspend or fine an Association Member, only delegates of Association Members not involved in the dispute or appeal will sit on the panel to ensure independence.

### **10.2 Notice of Appeals Tribunal Meeting**

The President or Vice-President shall, at least 21 days before the date fixed for holding an Appeals Tribunal send to each Appeals Tribunal delegate entitled to receive notice, a notice by prepaid post or other standard written or electronic communication methods stating:

- (1) the place, date and time of the proposed meeting to be held by the Appeals Tribunal; and
- (2) the nature of the appeal to be heard.

### **10.3 Proceedings Before Appeals Tribunal Meeting**

Proceedings before the Appeals Tribunal shall be conducted as follows:

- (1) The delegates of the Appeals Tribunal shall appoint one of the sitting delegates as the Chairperson for each Tribunal.
- (2) The Chairperson of the Appeals Tribunal shall announce the opening of the proceedings, stating the Tribunal's authority, jurisdiction, composition and the nature and purpose(s) of the proceedings.

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- (3) The procedure to be followed at proceedings shall be clearly explained by the Appeals Tribunal Chairperson. The Appeal Tribunal Chairperson shall state who is entitled to be present throughout proceedings during evidence and submissions.
- (4) The matter(s) which is/are the subject of proceedings shall then be read to the person(s) concerned. The body or person reporting the matter(s) and the subjects of the proceeding shall be given the opportunity to report the circumstances of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstances of those matter(s). Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing.
- (5) The Appeals Tribunal will consider the evidence presented. It may adjourn the hearing if considered necessary. No other person shall be present or partake in any discussion with the Appeal Tribunal at this time. If the Appeal Tribunal finds the decision of the General Meeting is not proved it will dismiss the appeal accordingly.
- (6) If the Appeals Tribunal finds the decision of the General Meeting to be proved, it may impose, in its discretion, an appropriate penalty or penalties, or it may report its findings to the Executive Committee with such recommendations as it considers appropriate. The Appeals Tribunal Chairperson will declare the proceedings closed.
- (7) If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights shall be given in writing and signed by the Appeals Tribunal Chairperson. Every decision of the Appeals Tribunal shall be conveyed in writing to the parties concerned.

### **10.4 Decisions Binding**

Decisions of the Appeals Tribunal will be binding and final upon the Executive Committee and the Association Member or general member of the Association Member.

# PART III - GENERAL MEETINGS

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## **11. ANNUAL GENERAL MEETINGS**

### **11.1 Annual General Meeting to be Held**

The Australian Curling Federation shall in each calendar year convene and hold an Annual General Meeting of its Members in accordance with the provisions of the Act and on a date and at a venue to be determined by the Executive Committee.

### **11.2 Ordinary Business**

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

- (1) confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting;
- (2) receive from the Executive Committee, reports upon the transactions of the Australian Curling Federation during the last preceding year;
- (3) elect the Officers of the Australian Curling Federation and confirm the Association Member Representatives of the Executive Committee;
- (4) receive and consider the financial statement submitted by the Executive Committee in accordance with section 30(3) of the Act; and
- (5) appoint an auditor.

### **11.3 Special Business**

The Annual General Meeting may transact special business of which notice is given in accordance with these Rules.

### **11.4 Additional Meetings**

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

### **11.5 Attendance**

All Members (as represented by their Delegates) as well as general members of an Association may be present at an Annual General Meeting.

### **11.6 Entitlement to Vote**

The only persons entitled to vote at Annual General Meetings of the Australian Curling Federation (under Rule 16.1) shall be the Delegates of the Members.

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## **11.7 Other General Meetings**

All General Meetings other than the Annual General Meeting shall be Special General Meetings and shall be held in accordance with the provisions Rule 11.

## **12. SPECIAL GENERAL MEETINGS**

### **12.1 Special General Meetings May be Held**

The Executive Committee may, whenever it thinks fit, convene a Special General Meeting of the Australian Curling Federation and where, but for this Rule, more than 15 months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.

### **12.2 Requests for Special General Meetings**

- (1) The Executive Committee shall, on a request in writing of not less than 1/3rd of the Members, convene a Special General Meeting.
- (2) The request for a Special General Meeting shall state the object(s) of the meeting and shall be signed by the Member(s) making the request and be sent to the Australian Curling Federation and may consist of several documents in a like form, each signed by one or more of the Members making the requisition.
- (3) If the Executive Committee does not cause a Special General Meeting to be held within 45 days after the date on which the request is received by the Australian Curling Federation, the Member(s) making the request, or any of them, may convene a Special General Meeting to be held not later than 90 days after that date.
- (4) A Special General Meeting requested by Members under these Rules shall be convened in the same manner, or as nearly as possible as that, in which meetings are convened by the Executive Committee.
- (5) All expenses incurred in convening the meeting shall be borne by the requesting Member(s). The ACF may give consideration towards contributing towards reasonable expenses.

## **13. NOTICE OF GENERAL MEETINGS**

### **13.1 Notice to be Given for Special General Meetings**

The President or Vice-President shall, at least 28 days before the date fixed for holding a Special General Meeting, send to the Association Member Representative of each Member entitled to receive notice, a notice by prepaid post or other standard written or electronic communication methods stating the place, date and time and the nature of the proposed business to be transacted at the meeting.

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## **13.2 Notices to be Given for Annual General Meetings**

- (1) The President or Vice-President shall, at least 45 days before the date fixed for holding an Annual General Meeting, send to the Association Member Representative of each Member entitled to receive notice, a preliminary notice by prepaid post or other standard written or electronic communication methods stating the place, date and time of the meeting.
- (2) Members desiring to bring any business before an Annual General Meeting shall, at least 30 days prior to the date scheduled for the meeting, give a request in writing to the President or Vice-President of business they would like to bring before the meeting, and that business shall be included at the next Annual General Meeting.
- (3) The President or Vice-President shall, at least 21 days before the date fixed for holding an Annual General Meeting, send to the Association Member Representative of each Member entitled to receive notice a final notice delivered by prepaid post or other standard written or electronic communication methods stating the place, date and time of the meeting and the business to be transacted at that meeting.

## **13.3 Business of General Meeting**

No business other than that set out in the final notice convening a General Meeting shall be transacted at that meeting.

# **14. PROCEEDINGS AT GENERAL MEETINGS**

## **14.1 Special Business**

All business that is transacted at a General Meeting, with the exception of that referred to in these Rules as the ordinary business of the Annual General Meeting, shall be special business.

## **14.2 Quorum**

- (1) No item of business shall be transacted at a General Meeting unless a quorum of Delegates entitled under these Rules to vote is present during the time when the meeting is considering that item.
- (2) 2/3<sup>rds</sup> of Delegates (or their proxies) personally present constitute a quorum for the transaction of the business at a General Meeting.
- (3) If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting:
  - (a) if convened upon the requisition of Members (Special General Meeting), shall be dissolved; and
  - (b) in any other case (Annual General Meeting), shall stand adjourned to the same day in the next week at the same time and (unless Members are notified of an alternate venue) at the same place, and if at the adjourned meeting a quorum is

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not present within half an hour after the time appointed for the commencement of the meeting, the Delegates present shall be a quorum.

### **15. CHAIRPERSON AT GENERAL MEETINGS**

#### **15.1 President to Chair**

The President, or in his/her absence the Vice-President, shall Chair each General Meeting of the Australian Curling Federation.

#### **15.2 Where Chairperson is Absent**

- (1) If the President is absent from a General Meeting, or in the event he/she is unwilling to act, the Vice-President shall Chair at the meeting
- (2) In the event that the Vice-President is absent or unwilling to act as the Chairperson, the Delegates present shall elect one of their numbers to preside as Chairperson at the meeting.

### **16. ADJOURNMENT OF GENERAL MEETINGS**

#### **16.1 Chairperson May Adjourn Meeting**

The Chairperson of a General Meeting at which a quorum is present may, with the consent of the Delegates, adjourn the General Meeting from time to time and place to place, but no business shall be transacted at an adjourned General Meeting other than the business left unfinished at the General Meeting at which the adjournment took place.

#### **16.2 Further Notice**

- (1) Where a General Meeting is adjourned for 14 days or more, a like notice of the adjourned General Meeting shall be given.
- (2) Except as provided in Rule 16.2(1), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned General Meeting.

### **17. VOTING AT GENERAL MEETINGS**

#### **17.1 Voting Rights**

- (1) In all General Meetings of the Australian Curling Federation, the Delegates of Association Members shall have voting rights.
- (2) Except as appointed under Rule 15.2(2), or allowed under Rule 17.2(3), the Chairperson of a General Meeting shall not be entitled to vote at that General Meeting.

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- (3) All Associations Members shall appoint two Delegates, each of whom shall be entitled to one vote on behalf of that Association Member.
- (4) Adult general members of the Association Members and members of the Executive Committee may attend and participate in any debate at any General Meeting but shall not be entitled to vote at any General Meeting.
- (5) An adult general member of an Association Member is defined as a person registered with that Association whom has reached the age of 18 as of the date of call for the General Meeting.

### **17.2 Voting Procedure**

- (1) All votes shall be given in person by attendance at a General Meeting, or by proxy.
- (2) A question arising at a General Meeting shall be determined on a show of hands.
- (3) In the case of an equality of voting on a question, the Chairperson of that meeting may exercise a casting vote.
- (4) A Delegate is not entitled to vote at any General Meeting unless all monies due and payable to the Australian Curling Federation by the Association Member that they represent have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

### **17.3 Recording of Determinations**

If before, or on, the declaration of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried, carried unanimously, carried by a particular majority or lost, an entry to that effect in the Minute book of Australian Curling Federation is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

### **17.4 Proxies**

- (1) Each Association Member shall be entitled to appoint a person other than their Delegate as their proxy by written notice given to the President or Vice-President.
- (2) The notice appointing the proxy shall be in the form set out in Appendix 2 and be provided to the President or Vice-President no later than 7 days before the time specified for the commencement of the General Meeting in respect of which the proxy is appointed.

### **17.5 Poll at General Meetings**

- (1) If at a General Meeting a poll on any question is demanded by Delegates of 3 or more Association Members, it shall be taken at the meeting in such manner as the

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Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.

- (2) A poll that is demanded on a question of an adjournment shall be taken immediately and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.

### **17.6 Postal Voting**

- (1) Postal voting may be held from time to time in such instances as the Executive Committee may determine and shall be held in accordance with procedures prescribed by the Executive Committee.
- (2) All postal voting shall be conducted under conditions of a secret ballot and shall be scrutinised by an impartial person duly appointed by the Executive Committee to conduct the ballot.

## **PART IV – EXECUTIVE COMMITTEE**

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### **18. EXECUTIVE COMMITTEE**

#### **18.1 Powers of Executive Committee**

- (1) The affairs of Australian Curling Federation shall be managed by an Executive Committee constituted under Rule 18.2.
- (2) Subject to these Rules and the Act, the Executive Committee:
  - (a) shall control and manage the business and affairs of the Australian Curling Federation;
  - (b) may exercise all such powers and functions as may be exercised by Australian Curling Federation other than those powers and functions that are required by these Rules to be exercised by the Association Members in General Meeting;
  - (c) has power to perform all such acts and things as appear to the Executive Committee to be essential for the proper management of the business and affairs of the Australian Curling Federation; and
  - (d) shall appoint the Australian Olympic Committee Representative(s) and the World Curling Federation Representative(s) for the 4 year cycle that applies to the Winter Olympics.

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## **18.2 Executive Committee Composition**

- (1) The Executive Committee shall consist of up to 15 members being:
  - (a) the Officers;
  - (b) up to 8 Association Member Representatives (one from each state/territory Member Association), each of whom shall be appointed by their respective Associations;
  - (c) a Treasurer and a Secretary (as ex officio with no voting rights) who shall be appointed by the Executive Committee;
  - (d) 2 Athletes' Commission Representatives;
  - (e) any number (so as not to exceed the 15 member limit) of other co-opted persons (as ex officio with no voting rights) appointed by the Executive Committee under such terms and conditions as it sees fit.
  - (f) the elected Officers and appointed Member Representatives on the Executive Committee must at all times be registered members in good standing of a Member Association.
  
- (2) The Officers shall be:
  - (a) a President; and
  - (b) a Vice Presidenteach of whom shall be elected at an Annual General Meeting.
  
- (3) At the Annual General Meeting following the adoption of these Rules, the President shall be elected to hold office until the conclusion of the second Annual General Meeting following his/her election, and the Vice-President shall be elected to hold office until the conclusion of the next Annual General Meeting following his/her election to allow for alternative elections of Officers and thereby provide some continuity on the Executive Committee from year to year.
  
- (4) The term of office to be held by each of the Association Member Representatives shall be one year. An Association Member Representative may be re-appointed by his/her Association for up to a maximum of three (3) consecutive years.
  
- (5) The President and Vice President of the Executive Committee shall hold office for a term of 2 years, with the odd and even year overlap outlined above in subsection three (3) to provide a rotation of the President and Vice President positions as well as foster a sense of continuity amongst the Australian Curling Federation Executive. Each of the two (2) year terms shall commence from the conclusion of the Annual General Meeting at which

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the election occurred until the conclusion of the second Annual General Meeting following his/her election, but the officer is eligible for three re-elections for a maximum term in office of 8 years.

- (6) The President and Vice-President shall be members of differing Association Members.
- (7) No member of the ACF Executive shall hold a position in any of the Member Associations.
  - (a) Exceptions to this rule may be made if it is detriment to the Member Association; and
  - (b) the Executive Committee approves by a vote of two thirds.
- (8) The Executive Committee, with the best interests of the Australian Curling Federation in mind, may, at its own discretion, determine the necessity to employ staff.

### **18.3 Casual Vacancy**

- (1) In the event of a casual vacancy of an Association Member Representative position on the Executive Committee, the Association Member whose Association Member Representative position is vacant may appoint another of its Association members to take up the vacant Association Representative position.
- (2) In the event of a casual vacancy in an elected office of the Executive Committee, the Executive Committee may appoint an Association Member Representative to the vacant office and the person so appointed may continue in that office up to and including conclusion of the AGM at which the office is due for re-election.
- (3) If the President's position is vacant for any reason, the Vice-President will act in the President's position up to and including the conclusion of the Annual General Meeting at which the President's office is due for re-election. The position of Vice-President would then be deemed to be vacant at which time Rule 18.3(2) would be enacted.

## **19. ELECTION OF THE EXECUTIVE COMMITTEE**

### **19.1 Nomination of Candidates**

- (1) Nominations of candidates for election as Officers of the Executive Committee shall be:
  - (a) made in writing on the form provided by the Executive Committee for that purpose, signed by the Secretary of a Member Association and accompanied by the written consent of the nominee (which may be endorsed on the form of nomination); and

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- (b) delivered to the President or Vice President of the Australian Curling Federation not less than 14 days before the date fixed for the holding of the Annual General Meeting.
- (2) The name of all nominated candidates for each Officer vacancy received under Rule 19.1(1) above shall be announced by the President or Vice President to each Association Member Representative not less than 10 days before the date fixed for the holding of the Annual General Meeting.
- (3) If insufficient nominations for the scheduled vacant position as an Officer are received, then further nominations to fill the vacancy may be received at the Annual General Meeting.
- (4) If the number of nominations received for a scheduled vacant position as an Officer is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations for the scheduled vacant position as an Officer exceeds the number of vacancies to be filled, voting papers shall be prepared containing the names of the candidates, in alphabetical order, for each scheduled vacancy on the Executive Committee.
- (6) No paid staff member of the Australian Curling Federation shall be nominated for election under Rule 19.1(1).

### **19.2 Voting Procedures**

- (1) Each Delegate entitled to vote shall vote for only one candidate in each Officer vacancy to be filled and no more, otherwise their ballot paper shall be declared invalid.
- (2) The voting papers shall, subject to these Rules, be made available to Delegates at the Australian Curling Federation offices, at the place of the Annual General Meeting, and/or such other places (if any) the Executive Committee may determine during times at least as long as the ballot box or boxes are open.
- (3) A ballot box or boxes shall be open during the Australian Curling Federation AGM and such other places (if any) as the Executive Committee may determine, during such time or times during the day of the meeting at which the election is to take place and shall be open at the AGM until such time as the Chairperson of the meeting declares it closed.
- (4) Every Delegate (or their proxy) who has the right to vote and desires to do so shall obtain a voting paper and sign a receipt for it in a book or one of the books to be kept for the purpose by the person or persons having custody of the voting papers and shall strike out on the voting paper the names of the candidates for whom he does not desire to vote for and place it in the appropriate ballot box.
- (5) No Delegate (or their proxy) shall be entitled to receive more than one voting paper for each vacant position being decided on at that AGM unless that person holds a signed proxy that has been submitted to the President or Vice President as per Section 16.4.

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- (6) The ballot box or boxes shall be opened only by the Chairperson at the appropriate time during the AGM, and the name of the candidate voted for on each ballot read out to the AGM and recorded and tallied by the Secretary or other person taking the minutes at the AGM.
- (7) Should the total number of votes for any vacancy exceed the number of eligible voters, the vote shall be declared null and void, and a second vote shall be taken.
- (8) Upon completion of voting, the ballots shall be made available for scrutiny by the voting Delegates if they so desire.
- (9) The candidate receiving the most number of votes in the ballot shall be elected to the office.
- (10) If the ballot fails to produce a clear winner with the most votes, then the ballot shall be repeated between only the candidates with the most number of votes; if the second ballot also fails to produce a clear winner, then the position up for election shall be declared vacant to be filled in accordance with Rule 18.3.

## **20. VACANCY OF AN EXECUTIVE COMMITTEE MEMBER POSITION**

### **20.1 Grounds for Vacancy of an Executive Committee Member's Position**

For the purposes of these Rules, the position of an Executive Committee Member becomes vacant if the Executive Committee Member:

- (1) ceases to be a member of the Association Member of which he/she is representing;
- (2) becomes an insolvent under administration within the meaning of the Corporations Law;
- (3) resigns their office by notice in writing given to the Australian Curling Federation;
- (4) dies or becomes of unsound mind (as determined by a qualified medical professional) or a person whose person or estate is liable to be dealt with in anyway under the law relating to mental health;
- (5) is prohibited from being a director of a company under the Corporations Law;
- (6) fails to attend 3 consecutive meetings of the Executive Committee without having previously obtained leave of absence or provided reasonable excuse for his absence at such meetings; or
- (7) fails to perform the duties required of their position on the Executive Committee.

### **20.2 Grounds for Vacancy of an Association Member Representative's Position**

For the purposes of these Rules, and in addition to each of the grounds set out in Rule 20.1 above, the position of an Association Member Representative becomes vacant if the Association Member he/she is representing:

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- (1) ceases to be active or is no longer a recognised Association Member; or
- (2) revokes the appointment of the Association Member Representative as its representative.

### **20.3 Removal of an Executive Committee Member**

- (1) The Australian Curling Federation in a Special General Meeting may by special resolution remove any Executive Committee Member before the expiration of their term of office and appoint another Executive Committee Member or individual member of an Association in their place to hold office until the expiration of the term of the first mentioned Executive Committee Member.
- (2) Where the Executive Committee Member to whom a proposed special resolution referred to in Rule 20.3(1) makes representations in writing to the President or Vice-President and requests that such representations be notified to the Association Members, the President or the Vice-President may send a copy of the representations to each Association Member or, if they are not so sent, the Executive Committee Member may require that the representation be read out at the Special General Meeting, and the representations shall be so read.

## **21. LEAVE OF ABSENCE**

### **21.1 Automatic of Leave of Absence**

The Executive Committee shall grant a leave of absence to an Executive Committee Member for a period not exceeding 3 months on the submission of a written application for such leave to the President or Vice President.

### **21.2 Discretionary Leave of Absence**

The Executive Committee may, in its discretion, grant leave of absence to an Executive Committee Member for such period as it sees fit following consideration of an application submitted in writing to the President/or Vice-President provided:

- (1) if such period is less than one year, and the Executive Committee Member was an Officer, the Executive Committee may appoint a temporary replacement from amongst the Executive Committee Members;
- (2) if such period is one year or more, that Executive Committee Member is taken to have resigned their position, but shall be entitled to seek re-election at the Annual General Meeting at which their term of office would otherwise have concluded; and
- (3) in no circumstances shall the leave of absence exceed the remaining term of office of the Executive Committee Member.

## **22. QUORUM AND PROCEDURE AT EXECUTIVE COMMITTEE MEETINGS**

### **22.1 Convening an Executive Committee Meeting**

- (1) The Executive Committee shall meet as required, but shall meet on at least 4 occasions in each year.
- (2) Unless all Executive Committee Members agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced in writing or by their presence) not less than 2 days' written notice of the meeting of the Executive Committee shall be given to each Executive Committee Member.
- (3) Written notice of each Executive Committee meeting, specifying the nature of the business to be transacted, shall be served on each Executive Committee Member by:
  - (a) delivering it to that member personally;
  - (b) sending it by prepaid post addressed to the member; or
  - (c) sending it by facsimile or other means of electronic communication (subject to receiving appropriate confirmation that the notice has been effectively dispatched); in accordance with the Executive Committee Member's last notified contact details.

### **22.2 Quorum**

- (1) 50% or more of voting members of the Executive Committee constitutes a quorum for the conduct of the business of a meeting of the Executive Committee.
- (2) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week.
- (3) Subject to Rule 21.2, the Executive Committee may act notwithstanding any vacancy.

### **22.3 Procedures at Meetings**

- (1) At meetings of the Executive Committee:
  - (a) the President shall chair the meeting; and
  - (b) if the President is absent, the Vice President shall chair the meeting
  - (c) if both the President and Vice President are absent, the Executive Committee shall appoint one of its members to chair the meeting.
- (2) Questions arising at a meeting of the Executive Committee or of any sub-committee appointed by the Executive Committee shall be determined by a poll taken in such manner as the Chairperson at the meeting may determine.
- (3) Each Executive Committee Member present at a meeting of the Executive Committee (including the person presiding at the meeting) is entitled to one vote and in the event of

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an equality of votes on any question, the person chairing the meeting may exercise a second, or casting, vote.

- (4) A resolution in writing signed or assented to by telegram, cablegram, radiogram, facsimile, telex or other form of visible or other electronic communication by all the Executive Committee Members for the time being present in Australia shall be as valid and effectual as if it had been passed at a meeting of the Executive Committee duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the Executive Committee Members.
- (5) Without limiting the power of the Executive Committee to regulate its meetings as it thinks fit, a meeting of Executive Committee Members may be held where one or more of the Executive Committee Members is not physically present at the meeting, provided that:
  - (a) all persons participating in the meeting are able to communicate with each other effectively simultaneously and instantaneously whether by means of telephone or other form of communication;
  - (b) notice of the meeting is given to all the Executive Committee Members entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Executive Committee and such notice specifies that Executive Committee Members are not required to be present in person;
  - (c) in the event that a failure in communications prevents condition (a) from being satisfied by that number of Executive Committee Members which constitutes a quorum, and none of such Executive Committee Members are present at the place where the meeting is deemed by virtue of the further provisions of this Rule to be held then the meeting shall be suspended until condition (a) is satisfied again. If such condition is not satisfied within 15 minutes from the interruption the meeting shall be deemed to have terminated; and
  - (d) any meeting held where one or more of the Executive Committee Members is not physically present shall be deemed to be held at the place specified in the notice of meeting provided an Executive Committee Member is there present and if no Executive Committee Member is there present the meeting shall be deemed to be held at the place where the President of the meeting is located.

### **22.4 Minutes**

The Secretary shall keep minutes of the resolutions and proceedings of each general meeting and Executive Committee meetings in books provided for that purpose, together with a record of the names of persons present at all meetings. If the Secretary is not present then one of the members or their delegate present will be nominated to conduct the duties of the secretary for that meeting.

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## **23. DELEGATED POWERS AND DUTIES**

### **23.1 Management Committee**

- (1) The Management Committee shall be comprised of all of the members of the Executive Committee.
- (2) Those existing members of the Executive of Australian Curling Federation entitled to come into or remain in office at the General Meeting at which these Rules were adopted shall be deemed to be members of the new Management Committee as will otherwise ensure ongoing compliance with Rule 18.2(4) & (5).
- (3) The Executive Committee delegates power to the Management Committee to make decisions relating to the day to day management of Australian Curling Federation and to act upon such decisions.
- (4) The Management Committee shall meet as required. Any 3 voting members of the Management Committee constitute a quorum for the transaction of the business of meeting of the Management Committee.
- (5) The Management Committee may reach decisions using any form of electronic or verbal communication.
- (6) The Executive Committee may seek ratification of any decision made by the Management Committee.

### **23.2 Sub-Committees**

- (1) The Executive Committee may delegate any of its functions, powers or duties (except this power to delegate) to such sub-committee(s) as it thinks fit and may recall or revoke any such delegation or appointment and may amend or repeal any decision made by such sub-committee.
- (2) The Executive Committee shall determine in writing the duties and powers afforded to any sub-committee appointed in accordance with Rule 23.2(1) above, and the sub-committee shall, in the exercise of such delegated powers, conform to any directions or Regulations that may be prescribed by the Executive Committee.
- (3) The President and Vice President may be ex-officio members of any sub-committee so appointed.
- (4) The proceedings for any sub-committee shall, with any necessary or incidental amendment, be the same as that applicable to meetings of the Executive Committee in Rule 22 above.
- (5) Within 7 days of any meeting of any sub-committee, the sub-committee shall send a copy of the ratified minutes and any supporting documents to the Secretary.

### **23.3 Athletes' Commission**

An Athletes' Commission shall be appointed each year in accordance with the by-laws of the Australian Olympic Committee as they apply from year to year.

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## **23.4 Duties of the President**

The President shall be responsible to the Executive Committee to:

- (1) execute tasks relating to the day to day business management of Australian Curling Federation;
- (2) regularly report to the Association Members on the ongoing activities of, and issues relating to, Australian Curling Federation business; and
- (3) carry out, or delegate the functions of, the Secretary of Australian Curling Federation in accordance with the Act for the duration of their appointment as President.

## **23.5 Duties of the Vice President**

The Vice President shall be responsible to the Executive Committee to:

- (1) execute tasks relating to the day to day management of Australian Curling Federation programs;
- (2) regularly report on the ongoing activities of, and issues relating to, Australian Curling Federation programs.

## **23.6 Duties of the Treasurer**

The Treasurer shall be responsible to the Executive Committee to:

- (1) oversee the financial affairs of Australian Curling Federation as directed by the Executive Committee in accordance with these Rules and the Act;
- (2) ensure proper and adequate financial records of Australian Curling Federation finances are kept;
- (3) implement an effective system of receipting of all monies of Australian Curling Federation;
- (4) ensure the payment of all accounts incurred by Australian Curling Federation is carried out as instructed by the Executive Committee.;
- (5) ensure that an annual statement of income and expenditure and balance sheet is presented to the Annual General Meeting;
- (6) provide recommendations to the Executive Committee as to fees, levies and approved fund raising ventures as required; and
- (7) ensure that a projected annual budget is submitted to the Executive Committee at the first meeting of that committee following an Annual General Meeting, provided that meeting is held not sooner than one month following the Annual General Meeting. Should the first meeting of the Executive Committee be held sooner than one month following the Annual General Meeting, then the annual budget shall be submitted at the second scheduled meeting of the Executive Committee following the Annual General Meeting.

# PART V - GENERAL MATTERS

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## 24. GRIEVANCE PROCEDURES

Where a Member of Australian Curling Federation has a grievance with another Member or with Australian Curling Federation (but not being any of the grounds set out in Rule 9.1) and that Member considers the grievance warrants investigation and action by Australian Curling Federation, that Member shall adhere to the following procedure.

### 24.1 Grievance Officer

The Member shall contact, either by telephone or in writing, the Australian Curling Federation Grievance Officer, appointed by the Executive Committee (but not a member of the Executive Committee), and advise they have a grievance which they wish to discuss. The identity of the nominated Grievance Officer will be communicated to all Members of Australian Curling Federation by written notice. Where a grievance is to be submitted in writing it should be addressed clearly to the Grievance Officer and marked "Private & Confidential".

### 24.2 Action by Grievance Officer

- (1) Where a grievance has been received by the Grievance Officer s/he shall, as soon as practicable, meet with, or discuss the grievance with the aggrieved Member. The Grievance Officer may take whatever steps and conduct whatever investigations necessary to determine whether the grievance is legitimate.
- (2) Where the Grievance Officer determines the grievance is legitimate s/he shall take all reasonable steps to resolve the grievance.
- (3) Where the Grievance Officer determines the grievance is not legitimate s/he shall advise the aggrieved Member accordingly. If the aggrieved Member is not satisfied with the Grievance Officer's determination they may take whatever further action they consider necessary or appropriate including requesting the commencement of judiciary action under these Rules.
- (4) Where the Grievance Officer is unable to resolve a grievance or considers the grievance of a very serious nature they shall report the grievance to the President, Vice-President and/or the Executive Committee for action.
- (5) All grievances received by the Grievance Officer, and all information surrounding the circumstances of a grievance which is discovered by the Grievance Officer on investigation shall be confidential and may be communicated only to the President, Vice-President and/or the Executive Committee.

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## **24.3 Procedures of Grievance Officer**

In investigating a grievance and/or determining its legitimacy, the Grievances Officer shall observe and apply the procedures applicable to a proceeding before an Appeals Tribunal under Rule 10 of these Rules in so far as they are applicable.

## **25. SIGNING OF NEGOTIABLE INSTRUMENTS**

All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and any one of 2 other signatories as designated in writing by the Executive Committee from time to time.

## **26. ALTERATION OF RULES AND STATEMENT OF PURPOSES**

- (1) These Rules and the Statement of Purposes of the Australian Curling Federation shall not be altered except by Special Resolution in accordance with the Act.
- (2) In addition, there shall be no alteration or amendment to Rules 27 or 28 without the consent of the relevant Minister under the Act.

## **27. DISSOLUTION**

- (1) Every Member of Australian Curling Federation undertakes to contribute to the assets of Australian Curling Federation in the event of it being wound up while a Member, or within one year after ceasing to be a Member for payment of the debts and liabilities of Australian Curling Federation contracted before the time at which he/she/they ceases to be a Member, and the costs, charges and expenses of winding up and for an adjustment of the rights of contributors among themselves such amount as may be required not exceeding twenty dollars (\$20.00).
- (2) If upon winding up or dissolution of Australian Curling Federation, there remains, after satisfaction of all its debts and liabilities, any property, the same shall not be paid to or distributed amongst the Members of Australian Curling Federation, but shall be given or transferred to some other organization having purposes similar to the purposes of Australian Curling Federation and which prohibits the distribution of its or their income and property among its or their Members and which is also not carried on for the profit or gain to its Members and which is similarly exempt from income tax. Such body or bodies to be determined by the Members of Australian Curling Federation at or before the time of dissolution, and in default thereof by such judge of the Supreme Court of Victoria as may have or acquire jurisdiction in the matter.

## **28. AUTHORITY TO TRADE**

The Australian Curling Federation is authorised to trade in accordance with section 51 of the Act.

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## **29. INDEMNITY**

- (1) Every Executive Committee Member, officer, auditor, manager, employee or agent of the Australian Curling Federation shall be indemnified out of the property and assets of the Australian Curling Federation against any liability incurred by him in his capacity as Executive Committee Member, officer, auditor or agent in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application in relation to any such proceedings in which relief is granted to him by the Court.
- (2) Australian Curling Federation shall indemnify its Executive Committee Members, officers, managers and employees against all damages and costs (including legal costs) for which any such Executive Committee Member, officer or employee may be or become liable to any third party in consequence of any act or omission except willful misconduct:
  - (a) in the case of an Executive Committee Member or officer performed or made whilst acting on behalf of and with the authority, express or implied of Australian Curling Federation; and
  - (b) in the case of an employee, performed or made in the course of, and within the scope of his employment by Australian Curling Federation.

## **30. AUDIT**

An auditor or auditors shall be duly appointed at the Annual General Meeting if deemed necessary and will remain in office until the conclusion of the next Annual General Meeting next.

## **31. SERVICE OF NOTICES**

- (1) A notice may be served by or on behalf of Australian Curling Federation upon any member either personally or by sending it by post to the Member at their address shown in the Register.
- (2) Where a document is properly addressed prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

## **32. BOOKS, RECORDS AND OTHER DOCUMENTS**

Except as otherwise provided in these Rules, the President and/or Vice President shall keep in their custody or under their control all books, documents and securities of the Australian Curling Federation.

### **32.1 Custody and Inspection of Books and Records**

- (1) Members may on request inspect free of charge—

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- (a) the register of members;
  - (b) the minutes of general meetings;
  - (c) subject to Rule 32.1(2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.
- (2) The Committee may refuse to permit a Member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to Members and applicants for membership free of charge.
- (4) Subject to Rule 32.1(2), a Member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule, **relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following:
- (a) its membership records;
  - (b) its financial statements;
  - (c) its financial records;
  - (d) records and documents relating to transactions, dealings, business or property of the Association.

### **33. SOURCES OF FUNDS**

The funds of the Australian Curling Federation shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Executive Committee determines.

### **34. REGULATIONS**

The Executive Committee may make Regulations and/or by-laws and alter, amend or rescind the same as occasions may require, and enforce penalties for their breach. Such Regulations and by-laws shall have the same force and effect as the Rules, but shall not be in any way opposed or in conflict with the Rules. Such Regulations and bylaws shall be available for inspection in the Australian Curling Federation premises and duly circulated to Members.

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### **35. MEMBER PROTECTION POLICY**

- (1) The Australian Curling Federation and its Members shall be bound to create a safe, fair and inclusive environment for every person associated with the sport of curling through adherence to a National Member Protection Policy. The current version of the National Member Protection Policy (NMPP) is included as Appendix 3 to these rules.
- (2) Any perceived breach of the NMPP shall be dealt with following the grievance procedures as contained in Rule 24 of these rules.
- (3) Further, each Member is required to have in place a similar Member Protection Policy within their individual Member Association's rules.

### **36. AMENDMENT, ADDITION AND CORRECTIONS TO THE CONSTITUTION**

In order to amend, add or correct the constitution it is necessary that more than 80% of the Delegates attending the General Meeting of the ACF approve such changes.

**Rules of The Australian Curling Federation**

**APPENDIX 1**

**APPLICATION FOR ASSOCIATION MEMBERSHIP OF  
THE AUSTRALIAN CURLING FEDERATION**

..... , being an Incorporated Association of  
*(name of Association)*

..... and the governing body for the sport of curling in that  
*(name of State/Territory)*

State/Territory, desire to become a Member of The Australian Curling Federation.

In the event of admission as a Member of The Australian Curling Federation,

..... agree to be bound by the rules of  
*(name of Association)*

The Australian Curling Federation for the time being in force.

.....  
*Name (printed) of Authorised Officer of Applicant*

.....  
*Office Held*

.....  
*Signature*

.....  
*Date*

.....  
*Name (printed) of Witness*

.....  
*Office Held*

.....  
*Witness Signature*

.....  
*Date*

.....  
*Principal Address of Applicant*

**Rules of The Australian Curling Federation**

**APPENDIX 2**

**Australian Curling Federation**

**General Meeting**

**Nomination of Delegate Proxy**

(Nomination must be in by \_\_\_\_\_)

\_\_\_\_\_  
Name of Association Member

do hereby nominate

\_\_\_\_\_  
Name of Proxy

as proxy to vote on behalf of

\_\_\_\_\_  
Name of Delegate

at the General Meeting of the Australian Curling Federation to be held on

\_\_\_\_\_  
Date

or at any adjournment of that meeting.

The proxy is authorised to vote in favour of / against resolutions as instructed below (*insert details*).

Agenda item:

Vote: in favour/against

\_\_\_\_\_  
Authorised Officer of Member Association  
/ Office Held

Signature

Date

\_\_\_\_\_  
Name of Delegate (printed)

Signature

Date

**APPENDIX 3**  
**NATIONAL MEMBER PROTECTION POLICY**



## **Australian Curling Federation**

# **NATIONAL MEMBER PROTECTION POLICY**

**VERSION 1.0**

**October 2015**

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## Preface

The Australian Curling Federation, and all affiliated State Curling Associations, are committed to creating a safe, fair and inclusive sporting environment.

This commitment will be upheld by the Australian Curling Federation, and will ensure:

- that the Australian Curling Federation seeks to prevent all forms of harassment, discrimination and abuse and to promote positive behaviour and values
- that inappropriate or unlawful behaviour will not be tolerated
- that the policy sets out codes of behaviour with which everyone associated with the Australian Curling Federation is expected to abide
- that disciplinary action will be taken against individuals if there is a breach of the policy.

Kim Forge

President

Australian Curling Federation

10<sup>th</sup> October 2015

## Review history of Australian Curling Federation Member Protection Policy

<i>Version</i>	<i>Date reviewed</i>	<i>Date endorsed</i>	<i>Content reviewed/purpose</i>
<i>0.1</i>	<i>Created Feb 2015</i>		<ul style="list-style-type: none"><li>•</li></ul>
<i>1.0</i>	<i>Oct 2015</i>	<i>Nov 2015</i>	<ul style="list-style-type: none"><li>• <i>Adopted as ACF Policy</i></li></ul>
			<ul style="list-style-type: none"><li>•</li></ul>

## **PART A: NATIONAL MEMBER PROTECTION POLICY**

### **1. Introduction**

The purposes of the association [Australian Curling Federation] are to both govern and advance the sport of Curling in Australia. The Australian Curling Federation will aid and support the individual State Associations and their grassroots endeavours to advance Curling whilst at the same time provide a National framework for Curling in Australia at National and International events in accordance with the World Curling and Olympic governing bodies.

### **2. Purpose of this policy**

This National Member Protection Policy (“policy”) aims to assist the Australian Curling Federation to uphold its core values and create a safe, fair and inclusive environment for everyone associated with our sport. It sets out our commitment to ensure that every person involved in our sport is treated with respect and dignity and protected from discrimination, harassment and abuse. It also ensures that everyone involved in our sport is aware of their legal and ethical rights and responsibilities, as well as the standards of behaviour expected of them.

The policy attachments describe the practical steps we will take to eliminate discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Australian Curling Federation will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy has been endorsed by the Australian Curling Federation Executive and has been incorporated into our constitution. The policy starts on 09 February, 2015 and will operate until replaced.

The current policy and its attachments can be obtained from our website at:

[www.curling.org.au](http://www.curling.org.au)

This policy is supported by Member Protection Policies that have been adopted and implemented by our member associations.

### **3. Who is bound by this policy?**

This policy applies to the following people operating at or representing the national or state level, whether they are in a paid or unpaid/voluntary capacity:

- (a) persons appointed or elected to national or state boards, committees and sub-committees
- (b) employees of the Australian Curling Federation
- (c) members of the Australian Curling Federation Executive
- (d) support personnel, including managers, physiotherapists, psychologists, masseurs, sport trainers and others
- (e) coaches and assistant coaches
- (f) athletes
- (g) referees, umpires and other officials

- (h) members, including life members of the Australian Curling Federation
- (i) athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by the Australian Curling Federation

This policy also applies to member associations.

#### **4. Organisational responsibilities**

The Australian Curling Federation must:

- (a) adopt, implement and comply with this policy;
- (b) ensure that the Constitution, By-laws or other rules and policies include the necessary clauses for this policy to be enforceable;
- (c) publish, distribute and promote this policy and the consequences of any breaches;
- (d) promote and model appropriate standards of behaviour at all times;
- (e) deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- (f) apply this policy consistently;
- (g) recognise and enforce any penalty imposed under this policy;
- (h) ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- (i) use appropriately trained people to receive and manage complaints and allegations of inappropriate behaviour;
- (j) monitor and review this policy at least annually.

#### **5. Individual responsibilities**

Individuals bound by this policy are responsible for:

- (a) making themselves aware of the policy and complying with the codes of behaviour it sets out;
- (b) consenting to our screening requirements and those of any state/territory;
- (c) Working with Children Checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18;
- (d) placing the safety and welfare of children above other considerations;
- (e) being accountable for their behaviour;
- (f) following the steps outlined in this policy for making a complaint or reporting possible child abuse;
- (g) complying with any decisions and/or disciplinary measures imposed under this policy.

#### **6. Position statements**

##### **6.1 Child protection**

The Australian Curling Federation is committed to the safety and well-being of all children and young people who participate in our sport or access our services. We support the

rights of the child and will act at all times to ensure that a child-safe environment is maintained.

We acknowledge the valuable contribution made by our staff, members and volunteers and we encourage their active participation in providing a safe, fair and inclusive environment for all participants.

#### **6.1.1 Identify and analyse risk of harm**

We will develop and implement a risk management strategy, including a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the actions of an employee, volunteer or another person.

#### **6.1.2 Develop codes of behaviour**

We will develop and promote a code of behaviour that sets out the conduct we expect of adults when they deal and interact with children involved in our sport, especially those in our care. We will also implement a code of behaviour to promote appropriate conduct between children.

These codes will clearly describe professional boundaries, ethical behaviour and unacceptable behavior. (Refer to the attachments in Part B of this policy.)

#### **6.1.3 Choose suitable employees and volunteers**

We will take all reasonable steps to ensure that our organisation engages suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This will include using a range of screening measures.

We will ensure that Working with Children Checks are conducted for all employees and volunteers who work with children, where an assessment is required by law. If a criminal history report is obtained as part of their screening process, we will handle this information confidentially and in accordance with the relevant legal requirements. (Refer to the attachments in Part C of this policy.)

#### **6.1.4 Support, train, supervise and enhance performance**

We will ensure that all our employees and volunteers who work with children have ongoing supervision, support and training. Our goal is develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

#### **6.1.5 Empower and promote the participation of children**

We will encourage children and young people to be involved in developing and maintaining a child-safe environment for our sport.

### **6.1.6 Report and respond appropriately to suspected abuse and neglect**

We will ensure that all our employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable grounds that a child has been, or is being, abused or neglected. (Refer to the attachments in Part E of this policy.)

Further, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child, or is in breach of this policy, he or she may make an internal complaint. (Refer to the attachments in Part D of this policy.)

## **6.2 Taking images of children**

Images of children can be used inappropriately or illegally. The Australian Curling Federation requires that individuals and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own. They should also make sure the parent/guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the parent/guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our sport and we will ensure that they are suitably clothed in a manner that promotes participation in the sport. We will seek permission from the parents/guardians of the children before using the images. We require our member associations and clubs to do likewise.

## **6.3 Anti-discrimination and harassment**

The Australian Curling Federation aims to provide an environment where all those involved in our activities and events are treated with respect.

We recognise that people cannot participate, enjoy themselves or perform at their best if they are treated unfairly, discriminated against or harassed.

We prohibit all forms of harassment, discrimination and bullying based on the personal characteristics listed in the "Definitions" set out in our Dictionary of Terms [see clause 10]. In most circumstances, this behaviour is against the law.

If any person feels they are being harassed or discriminated against by another person or organisation bound by this policy, they may make an internal complaint. In some circumstances, they may also be able to make a complaint to an external organisation. (Refer to the attachments in Part D of this policy.)

#### **6.4 Sexual relationships**

The Australian Curling Federation takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image.

These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from the Grievance Officer if they feel harassed. Our complaints procedure is outlined in Part D of this policy.

#### **6.5 Pregnancy**

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed. We will not tolerate any discrimination or harassment against pregnant women.

The Australian Curling Federation will take reasonable care to ensure the safety, health and well-being of pregnant women and their unborn children. We will advise pregnant women that there may be risks involved and encourage them to obtain medical advice about those risks. Pregnant women should be aware that their own health and well-being, and that of their unborn children, are of utmost importance in their decision-making about the extent they choose to participate in our sport.

We encourage all pregnant women to talk with their medical advisers, make themselves aware of the facts about pregnancy in sport and ensure that they make informed decisions about their participation in our sport. We will only require pregnant women to sign a disclaimer if all other participants are required to sign one in similar circumstances. We will not require women to undertake a pregnancy test.

If a pregnant woman feels she has been harassed or discriminated against by another person or organisation bound by this Policy, she may make a complaint. (Refer to the attachments in Part D of this policy.)

#### **6.6 Gender identity**

The Australian Curling Federation is committed to providing a safe, fair and inclusive sporting environment where people of all backgrounds can contribute and participate. People who

identify as transgender or transsexual should be treated fairly and with dignity and respect at all times. This includes acting with sensitivity when a person is undergoing gender transition.

We will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual. If a transgender or transsexual person feels he or she has been harassed or discriminated against by another person or organisation bound by this policy, he or she may make a complaint. (Refer to the attachments in Part D of this policy.)

The Australian Curling Federation recognises that excluding transgender and transsexual people from participating in sporting events and activities has significant implications for their health, well-being and involvement in community life. In general, we will support their participation in our sport on the basis of the gender with which they identify.

We also recognise that there is debate over whether a male-to-female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, we will seek advice on the application of those laws in the particular circumstances.

The Australian Curling Federation is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender person intends to compete at an elite level, we will encourage them to obtain advice about the IOC's criteria, which may differ from the position we have taken.

Drug testing procedures and prohibitions also apply to people who identify as transgender. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

## **6.7 Responsible service and consumption of alcohol**

The Australian Curling Federation is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that state associations and member clubs follow strict guidelines regarding the service and consumption of alcohol.

In general, our policy on the service and consumption of alcohol is as follows.

- (1) Alcohol should not be available or consumed at sporting events involving children and young people under the age of 18.
- (2) Alcohol-free social events will be provided for young people and families.
- (3) Food and low-alcohol and non-alcoholic drinks will be available at events we hold or endorse where alcohol is served.
- (4) A committee member will be present at events we hold or endorse where alcohol is served to ensure appropriate practices are followed.
- (5) Safe transport options will be promoted as part of any event we hold or endorse where alcohol is served.

## **6.8 Smoke-free environment**

The Australian Curling Federation recommends that the following policies be applied to all sporting and social events that we hold or endorse.

- (1) No smoking shall occur at or near sporting events involving children and young people under the age of 18. This policy shall apply to coaches, players, trainers, officials and volunteers.
- (2) Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- (3) Coaches, officials, trainers, volunteers and players will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport, both on and off the field.

## **6.9 Cyber-bullying**

The Australian Curling Federation regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

The Australian Curling Federation will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal, punishable offence.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling club, league or peak sporting body.

## **6.10 Social networking websites**

The Australian Curling Federation acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

Social media postings, blogs, status updates and tweets:

- must not use offensive, provocative or hateful language;
- must not be misleading, false or injure the reputation of another person;

- should respect and maintain the privacy of others;
- should promote the sport in a positive way.

## **7. Complaints procedures**

### **7.1 Handling complaints**

The Australian Curling Federation aims to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of natural justice.

Any person (a complainant) may report a complaint about a person, people or organisation bound by this policy (respondent) if they feel they have been harassed, bullied or discriminated against or there has been a breach of this policy.

In the first instance, complaints should be reported to the Grievance Officer

If a complaint relates to behaviour or an incident that occurred at the:

- state level, or involves people operating at the state level, then the complaint should be reported to and handled by the relevant state association in the first instance;
- club level, or involves people operating at the club level, then the complaint should be reported to and handled by the relevant club in the first instance.

Only matters that relate to, or which occurred at, the national level, as well as serious cases referred from the state and club level, should be dealt with by the national body.

A complaint may be handled informally or formally. The complainant will usually indicate his or her preferred option unless the Grievance Officer considers that the complaint falls outside this policy and should be handled another way. For example, the law may require that the complaint/allegation be reported to an appropriate authority.

All complaints will be dealt with promptly, seriously, sensitively and confidentially. Our procedures for handling and resolving complaints are outlined in the Constitution of the Australian Curling Federation under the section "Grievance Procedures".

Individuals and organisations may also seek to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

### **7.2 Improper complaints and victimisation**

The Australian Curling Federation aims to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against the person making the complaint.

We will take all necessary steps to make sure that people involved in a complaint are not victimised. Disciplinary measures can be imposed on anyone who harasses or victimises another person for making a complaint or supporting another person's complaint.

If at any point in the complaint handling process the Grievance Officer considers that a complainant has knowingly made an untrue complaint, or the complaint is malicious or

intended to cause distress to the respondent, the matter may be referred to the Australian Curling Federation President, Vice-President or Executive for review and appropriate action, including possible disciplinary action against the complainant.

### **7.3 Mediation**

The Australian Curling Federation aims to resolve complaints quickly and fairly. Complaints may be resolved by agreement between the people involved with no need for disciplinary action.

Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. It may occur before or after the investigation of a complaint.

If a complainant wishes to resolve the complaint with the help of a mediator, the Grievance Officer will, in consultation with the complainant, arrange for an independent mediator where possible. We will not allow lawyers to negotiate on behalf of the complainant and/or the respondent.

### **7.4 Tribunals**

A Tribunal may be convened to hear a formal complaint:

- referred to it by The Australian Curling Federation President, Vice-President, or Executive;
- referred to it or escalated by a state association because of the serious nature of the complaint, because it was unable to be resolved at the state level or because the policy of the state association directs it to be;
- for an alleged breach of this policy.

A respondent may only lodge an appeal to the Appeal Tribunal in respect of a Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved.

Our Tribunal and appeals processes are outlined in Constitution of the Australian Curling Federation under Rules 9 & 10.

Every organisation bound by this policy will recognise and enforce any decision of a Tribunal or Appeal Tribunal under this policy.

## **8. What is a breach of this policy?**

It is a breach of this policy for any person or organisation bound by this policy to do anything contrary to this policy, including but not limited to:

- (a) breaching the codes of behaviour (see Part B of this policy);
- (b) failing to follow the Australian Curling Federation policies (including this policy) and our procedures for the protection, safety and well-being of children;
- (c) discriminating against, harassing or bullying (including cyber-bullying) any person;
- (d) victimising another person for making or supporting a complaint;

- (e) engaging in a sexually inappropriate relationship with a person that he or she supervises, or has influence, authority or power over;
- (f) verbally or physically assaulting another person, intimidating another person or creating a hostile environment within the sport;
- (g) disclosing to any unauthorised person or organisation any Australian Curling Federation information that is of a private, confidential or privileged nature;
- (h) making a complaint that they know to be untrue, vexatious, malicious or improper;
- (i) failing to comply with a penalty imposed after a finding that the individual or organisation has breached this policy;
- (j) failing to comply with a direction given to the individual or organisation as part of a disciplinary process.

## **9. Disciplinary measures**

The Australian Curling Federation may impose disciplinary measures on an individual or Member organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- (a) fair and reasonable;
- (b) applied consistent with any contractual and employment rules and requirements;
- (c) based on the evidence and information presented and the seriousness of the breach;
- (d) determined in accordance with Rule 9 of our Constitution, this policy and/or the rules of the sport.

### **9.1 Individual**

Subject to contractual and employment requirements, if a finding is made by the Executive Committee that an individual has breached this policy, one or more of the following forms of discipline may be imposed.

- (1) A direction that the individual make a verbal and/or written apology.
- (2) A written warning.
- (3) A direction that the individual attend counselling to address their behaviour.
- (4) A withdrawal of any awards, scholarships, placings, records, achievements bestowed in any tournaments, activities or events held or sanctioned by the Australian Curling Federation.
- (5) A demotion or transfer of the individual to another location, role or activity.
- (6) A suspension of the individual's membership or participation or engagement in a role or activity.
- (7) Termination of the individual's membership, appointment or engagement.
- (8) A recommendation that the Australian Curling Federation terminate the individual's membership, appointment or engagement.
- (9) In the case of a coach or official, a direction that the relevant organisation de-register the accreditation of the coach or official for a period of time or permanently.
- (10) A fine.

- (11) Any other form of discipline that the Australian Curling Federation Executive considers appropriate.

## **9.2 Member Organisation**

If a finding is made that one of the Member Organisations of the Australian Curling Federation or the Australian Curling Federation itself has breached its own or this Member Protection Policy, one or more of the following forms of discipline may be imposed.

- (1) A written warning.
- (2) A fine.
- (3) A direction that any rights, privileges and benefits provided to that Member organisation by the Australian Curling Federation or the peak body for the sport be suspended for a specified period.
- (4) A direction that the Australian Curling Federation cease to sanction events held by or under the auspices of that Member organisation.
- (5) Any other form of discipline that the Australian Curling Federation or the peak body for the sport considers reasonable and appropriate.

## **9.3 Factors to consider**

The form of discipline to be imposed on an individual or organisation will depend on factors, such as:

- the nature and seriousness of the breach;
- if the person knew, or should have known, that the behaviour was a breach of the policy;
- the person's level of contrition;
- the effect of the proposed disciplinary measures on the person, including any personal, professional or financial consequences;
- if there have been any relevant prior warnings or disciplinary action;
- the ability to enforce disciplinary measures if the person is a parent or spectator (even if they are bound by the policy);
- any other mitigating circumstances.

## **10. Dictionary of terms**

A dictionary of terms used in this policy and its attachments is provided at:

[http://www.ausport.gov.au/supporting/nso/member\\_protection](http://www.ausport.gov.au/supporting/nso/member_protection).

## **PART B: CODES OF BEHAVIOUR**

We seek to provide a safe, fair and inclusive environment for everyone involved in our organisation and in our sport.

To achieve this, we require certain standards of behavior of players/athletes, coaches, officials, administrators, parents/guardians (of child participants) and spectators.

Our codes of behaviour are underpinned by the following core values.

- (1) To act within the rules and spirit of our sport.
- (2) To display respect and courtesy towards everyone involved in our sport and prevent discrimination and harassment.
- (3) To prioritise the safety and well-being of children and young people involved in our sport.
- (4) To encourage and support opportunities for participation in all aspects of our sport.

## **PART C: EMPLOYMENT SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

We are committed to providing a child-safe environment. As part of this, we will recruit staff and volunteers who do not pose a risk to children.

Employment screening and Working with Children Checks can involve criminal history checks, signed declarations, referee checks and other appropriate checks that assess a person's suitability to work with children and young people.

Working with Children Check laws are currently in place in New South Wales, Queensland, Western Australia, Victoria, the Northern Territory and South Australia.

The Australian Curling Federation, including our state associations and clubs, will meet the requirements of the relevant state or territory Working with Children Check laws.

Employment screening requirements will also be followed in the Australian Capital Territory and Tasmania.

Individuals travelling with children and young people to another state or territory in a work-related capacity must comply with the screening requirements of that particular state or territory.

### **ATTACHMENTS**

- Attachment C1: Member Protection Declaration
- Attachment C2: Working with Children Check requirements

## **PART D: COMPLAINT HANDLING PROCEDURES**

We will deal with all complaints in a fair, timely and transparent manner. All complaints will be treated seriously.

We will provide individuals with an informal and formal process to resolve the matter, along with access to an external complaint handling body, based on their preferences and the nature of the complaint.

We also provide an appeals process for those matters where it is required.

We will maintain confidentiality as far as possible and ensure that no one is victimised for making, supporting or providing information about a complaint.

Grievance procedures, disciplinary actions, and appeals tribunal information and rules can be found in the Constitution of the Australian Curling Federation

## **PART E: REPORTING REQUIREMENTS AND DOCUMENTS/FORMS**

We will ensure that all the complaints we receive, both formal and informal, are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities in their state or territory.

### **ATTACHMENTS**

- Attachment E1: Confidential record of formal complaint
- Attachment E2: Handling an allegation of child abuse
- Attachment E3: Confidential record of child abuse allegation

**Attachment C1:  
MEMBER PROTECTION DECLARATION**

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The Australian Curling Federation has a duty of care to all those associated with our organisation and our sport. It is a requirement of our Member Protection Policy that we check the background of each person who works, coaches or has regular unsupervised contact with children and young people under the age of 18.

I ..... (name) of .....  
..... (address) born ...../...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. I am not currently serving a sanction for an anti-doping rule violation under an Australian Sports Anti-Doping Authority (ASADA) approved anti-doping policy applicable to me.
5. I will not participate in, facilitate or encourage any practice prohibited by the World Anti-Doping Agency Code or any other ASADA approved anti-doping policy applicable to me.
6. To my knowledge, there is no other matter that the Australian Curling Federation may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the President, Vice-President, or Executive of the organisation/s engaging me immediately upon becoming aware that any matter set out above has changed.

Declared in the state/territory of .....  
on ...../...../.....(date) Signature  
.....

---

**Consent of parent/guardian (on behalf of a person under the age of 18)**

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name: .....

Signature: .....

Date: .....

## **Attachment C2: WORKING WITH CHILDREN CHECK REQUIREMENTS**

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Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

Working with Children Check requirements vary across Australia. [Fact Sheets](#) for each state and territory are available on the Play by the Rules website: [www.playbytherules.net](http://www.playbytherules.net).

Detailed information, including the forms required to complete a Working with Children Check, are available from the relevant agencies in each state and territory.

### **New South Wales**

Contact the Commission for Children and Young People

Website: [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Phone: 02 9286 7276

### **Northern Territory**

Contact the Northern Territory Screening Authority

Website: [www.workingwithchildren.nt.gov.au](http://www.workingwithchildren.nt.gov.au)

Phone: 1800 SAFE NT (1800 723 368)

### **Queensland**

Contact the Commission for Children and Young People and Child Guardian about the "Blue Card" system.

Website: [www.ccypcg.qld.gov.au](http://www.ccypcg.qld.gov.au)

Phone: 1800 113 611

### **South Australia**

Contact the Department for Education and Child Development

Website: [www.families.sa.gov.au/childsafe](http://www.families.sa.gov.au/childsafe)

Phone: 08 8463 6468.

### **Victoria**

Contact the Department of Justice

Website: [www.justice.vic.gov.au/workingwithchildren](http://www.justice.vic.gov.au/workingwithchildren)

Phone: 1300 652 879

### **Western Australia**

Contact the Department for Child Protection

Website: [www.checkwwc.wa.gov.au](http://www.checkwwc.wa.gov.au)

Phone: 1800 883 979

**Travelling to other states or territories**

It is important to remember that when travelling to other states or territories, representatives of sporting organisations must comply with the legislative requirements of that particular state or territory.

In October 2011 at the Standing Council on Community, Housing and Disability Services, Commonwealth, state and territory ministers agreed to introduce, by late 2012, national exemptions to Working with Children Checks for paid employees and volunteers who are required to cross state or territory borders for work related purposes.

These exemptions will be for up to 30 days in any 12 month period and will enable workers to participate in national and inter-jurisdictional activities on a short-term basis. This means that volunteers and workers with a valid check in their home state or territory will be able to participate in short-term activities across state and territory borders without the need for additional checks.

The Australian Sports Commission will provide more information as soon as it becomes available.

**Attachment E1:  
CONFIDENTIAL RECORD OF FORMAL COMPLAINT**

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received:    /    /
Complainant's contact details	Phone: Email:	
Complainant's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Name of person complained about (respondent)	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's role/position	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete/player <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official .....	
Location/event of alleged incident		
Description of alleged incident		
Nature of complaint (category/basis/grounds)  Tick more than one box if necessary	<input type="checkbox"/> Harassment                      or <input type="checkbox"/> Discrimination <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Unfair decision <input type="checkbox"/> Other .....	
Methods (if any) of attempted informal resolution		

Formal resolution procedures followed (outline)	
If investigated:	Finding
If heard by Tribunal:	Decision  Action recommended
If mediated:	Date of mediation:  Both/all parties present  Agreement  Any other action taken
If decision was appealed	Decision  Action recommended
Resolution	<input type="checkbox"/> Less than 3 months to resolve <input type="checkbox"/> Between 3 – 8 months to resolve <input type="checkbox"/> More than 8 months to resolve
Completed by	Name: Position: Signature: Date     /     /
Signed by:	Complainant:  Respondent:

**This record and any notes must be kept in a confidential and safe place.** If the complaint is of a serious nature, or if it is taken to and/or dealt with at the national level, the original record must be provided to The Australian Curling Federation and a copy kept with the organisation where the complaint was first made.

## **Attachment E2: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE**

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**If you believe a child is in immediate danger or a life-threatening situation, contact the Police immediately on 000.**

Fact sheets on reporting allegations of child abuse in different states and territories are available at [www.playbytherules.net.au](http://www.playbytherules.net.au).

We will treat any allegation of child abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with the Australian Curling Federation in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

### **Step 1: Receive the allegation**

If a child or young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

<b>Do</b>	<b>Don't</b>
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her fault	Do not seek detailed information, ask leading questions or offer an opinion.
Explain that other people may need to be told in order to stop what is happening.	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing.	Do not contact the alleged offender.

### **Step 2: Report the allegation**

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the Grievance Officer or other official of the Australian Curling Federation so that he or she can manage the situation.

### **Step 3: Protect the child and manage the situation**

- The Grievance Officer or other official will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with the Australian Curling Federation.
- The Grievance Officer or other official will consider what services may be most appropriate to support the child and his or her parent/s.
- The Grievance Officer or other official will consider what support services may be appropriate for the alleged offender.
- The Grievance Officer or other official will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### **Step 4: Take internal action**

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by the Australian Curling Federation).
- Regardless of the findings of the police and/or child protection agency investigations, the Australian Curling Federation will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- The Appeals Tribunal of the Australian Curling Federation will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, we will follow the procedures set out in Clause 9 of our Member Protection Policy.
- We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

## Contact details for advice or to report an allegation of child abuse

<b>Australian Capital Territory</b>	
ACT Police Non-urgent police assistance Ph: 131 444 <a href="http://www.afp.gov.au">www.afp.gov.au</a>	Office for Children, Youth and Family Services <a href="http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection">www.dhcs.act.gov.au/ocyfs/services/care_and_protection</a> Ph: 1300 556 729
<b>New South Wales</b>	
New South Wales Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>	Department of Community Services <a href="http://www.community.nsw.gov.au">www.community.nsw.gov.au</a> Ph: 132 111
<b>Northern Territory</b>	
Northern Territory Police Non-urgent police assistance Ph: 131 444 <a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>	Department of Children and Families <a href="http://www.childrenandfamilies.nt.gov.au">www.childrenandfamilies.nt.gov.au</a> Ph: 1800 700 250
<b>Queensland</b>	
Queensland Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>	Department of Communities <a href="http://www.communities.qld.gov.au/childsafety">www.communities.qld.gov.au/childsafety</a> Ph: 1800 811 810
<b>South Australia</b>	
South Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.sapolice.sa.gov.au">www.sapolice.sa.gov.au</a>	Department for Education and Child Development <a href="http://www.families.sa.gov.au/childsafes">www.families.sa.gov.au/childsafes</a> Ph: 131 478
<b>Tasmania</b>	
Tasmania Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>	Department of Health and Human Services <a href="http://www.dhhs.tas.gov.au/children">www.dhhs.tas.gov.au/children</a> Ph: 1300 737 639
<b>Victoria</b>	
Victoria Police Non-urgent police assistance Ph: (03) 9247 6666 <a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>	Department of Human Services <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a> Ph: 131 278
<b>Western Australia</b>	
Western Australia Police Non-urgent police assistance Ph: 131 444 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>	Department for Child Protection <a href="http://www.dcp.wa.gov.au">www.dcp.wa.gov.au</a> Ph: (08) 9222 2555 or 1800 622 258



Child protection agency contacted	Who: When: Advice provided:
CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

**This record and any notes must be kept in a confidential and safe place.** If required, they should be provided to the police and/or the relevant child protection agency.

# Rules of The Australian Curling Federation



## Department of Justice

Consumer Affairs Victoria  
Registration Branch

121 Exhibition St Melbourne Vic 3000  
GPO Box 4567 Melbourne Vic 3001  
Website: [www.consumer.vic.gov.au/associations](http://www.consumer.vic.gov.au/associations)  
Facsimile: (03) 8684 6199  
Email: [cav.registration.enquiries@justice.vic.gov.au](mailto:cav.registration.enquiries@justice.vic.gov.au)  
DX210220

Our Ref: 8381670

13 March 2013

THE AUSTRALIAN CURLING FEDERATION INC.



Dear Sir/Madam,

THE AUSTRALIAN CURLING FEDERATION INC. – A0027324J

### Rules of an Incorporated Association

I refer to the recent documentation lodged with Consumer Affairs Victoria (CAV) in respect of the own rules adopted by the above association which is incorporated under the *Associations Incorporation Reform Act 2012* (the Act).

Consumer Affairs Victoria has accepted the lodgement of the documentation.

However, schedule 1 of the Act requires that 23 matters must be provided for in the rules of an incorporated association. Schedule 4 of the *Associations Incorporation Reform Regulations 2012* provides the Model Rules that include the 23 matters.

If an association has adopted its own rules and does not include one or more of the 23 matters in their own rules, section 48 (3) of the Act deems that the Model Rules are taken to be included in the own rules of the association.

CAV notes that the following matters are missing from your association's own rules and therefore the Model Rules are deemed to be included in your association's rules. This letter provides the missing matter(s) and the Model Rule(s) and will form part of your association's own rules. Please advise your members that your association's rules must be read in conjunction with this letter and the following Model Rule(s).

- Rule 2 'Definitions'- The name of the Act should be updated to the Associations Incorporation Reform Act 2012
- Reference to Public Officer must be updated to the Secretary. -
- Rule 19.3 - Removal of committee member: add 'special' before the word "resolution".
- Provision for members to have access to and obtaining copies of, the records, securities and other relevant document of the incorporated association. Please see Model Rule 75(2), (3).



## Rules of The Australian Curling Federation

Provision for members to have access to and to be able to obtain copies of, minutes of general meetings of the incorporated association. Please see Model Rule 75.

- Right of access (if any) by members to minutes of meetings of the committee. Please see Model Rule 75.
- The Statement of Purposes must be part of your rules. *(Please see the Model Rules (rule 2) which can be found on our website)*

It is also noted that under Section 46 of the Act, the rules of an incorporated association constitute the terms of a contract between the incorporated association and its members. Therefore, matters concerning the rules are for the incorporated association and its members to consider.

For further information, please visit the rules guidance on our website at [www.consumer.vic.gov.au/rules](http://www.consumer.vic.gov.au/rules)

Yours sincerely



General Manager  
Registration Branch