

# HANG GLIDING FEDERATION OF AUSTRALIA INC

## CONSTITUTION AND RULES

### PART 1: PRELIMINARY

#### 1 Definitions.

1.1 In these rules, except in so far as the context or subject-matter otherwise indicates or requires

"Commission" means the Commissioner for Consumer Affairs.

"General Manager" is the person appointed by the committee of the Federation as an employee of the Federation, and responsible for the general management of the Federation.

"Hang glider" and "hang gliding" shall have the same meaning as appears in the Civil Aviation Orders, Regulations or Laws.

"Operations Manual" means the manual published by the federation relating to the operation of aircraft.

"Persons for the purposes of Part 2 of these Rules" means a natural person, company or corporation, or the Federation.

"secretary" means -

1.1.1 the person holding office under these rules as secretary of the federation; or

1.1.2 Where no such person holds that office - the public officer of the federation;

"special general meeting" means a general meeting of the federation other than an annual general meeting;

"the Act" means the Associations Incorporation Act 1984; New South Wales.

"the Regulation" means the Associations Incorporation Regulation 1985 New South Wales

"CIVL" refers to the Commission Internationale Vol Libre, being the Commission within the FAI for hang gliding sports.

"ASAC" refers to the Australian Sport Aviation Confederation being a national representative organisation for all aviation sports in Australia.

"CAS" refers to the Confederation of Australian Sports being a representative and lobby organisation for all sport in Australia.

"FAI" refers to the world federation consisting of national and international aeronautic and astronautic organisations.

1.1.3 a reference to a function includes a reference to a power, authority and duty; and

1.1.4 a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

1.2 The provisions of the Interpretation Act 1897 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

### 2 PART 2 - INTRODUCTION

#### 2.1 Name

The name of the organisation is "THE HANG GLIDING FEDERATION OF AUSTRALIA Incorporated" hereinafter known as "the HGFA" or the "Federation".

#### 2.2 Statement of Purpose.

The purposes and objects of the HGFA are:

2.2.1 To represent generally the views of persons connected with hang gliding

- and allied sports within Australia.
- 2.2.2 To coordinate and promote the development, progress and advancement of hang gliding and allied sports.
- 2.2.3 To acquire and disseminate information and advice on hang gliding and allied sports in all their aspects.
- 2.2.4 To promote competitions, contests, tests and records for hang gliding and allied sports throughout Australia.
- 2.2.5 To consider, originate, promote and procure reforms and improvements in the laws affecting hang gliding and allied sports.
- 2.2.6 To impart training, coaching and instruction in hang gliding and allied sports.
- 2.2.7 To promote, coordinate and regulate safety standards and procedures, engineering standards and procedures, flying and proficiency standards and all other matters relating to the safety and protection of members, participants, spectators and property.

### 2.3 Powers

Solely to further the Purposes and Objects set out above, the Federation shall have power to:

- 2.3.1 Liaise with the Federal and State Government and Federal and State Government Departments, on matters affecting hang gliding and associated activities both sporting and recreational.
- 2.3.2 Represent and process information to and from affiliated organisations, including but not limited to, the FAI and CIVL, ASAC and CAS.
- 2.3.3 Admit appropriate members.
- 2.3.4 Seek sponsorship and provide public relations on a national basis.
- 2.3.5 Investigate and act upon any other matter that may be of benefit to members including, but not limited to, insurance, travel, accommodation, etc.
- 2.3.6 Initiate and co-ordinate submissions, applications, representations, et cetera on behalf for members and affiliated clubs and associations, to government agencies and other organisations, with the aim of obtaining maximum benefits for members.
- 2.3.7 Apply for government funding in respect of both sporting and aviation aspects.
- 2.3.8 Develop specialist advisers in respect of legal, financial and other matters.
- 2.3.9 Develop and maintain a national headquarters.
- 2.3.10 Appoint, employ, remove or suspend such managers, clerks, secretaries and other employees as may be necessary or convenient.
- 2.3.11 Invest and deal with the monies of the Federation, including the purchase and disposal of property.
- 2.3.12 Print and publish any magazines, periodicals, books, manuals, leaflets, journals, brochures, et cetera and any form of electronic publication.
- 2.3.13 Publish By-laws and procedural documents approved by the Committee, to guide the implementation of the Constitution.
- 2.3.14 Produce an annual report, including audited financial statements.
- 2.3.15 Do all such other lawful things as are incidental or conducive to the attainment of the purposes and objects, and the exercise of the powers of the Federation.
- 2.3.16 Issue Certificates, Licences and privileges to members in connection with aviation.
- 2.3.17 To set up disciplinary and appeal tribunals for the purposes of suspending

and cancelling certificates, licences and privileges and to otherwise deal with discipline of members.

### PART 3: MEMBERSHIP

- 3.1 Members are those who pay the Annual Fee and Life Members.
- 3.2 Members have the right to vote in accordance with these rules and to be eligible for Pilot Flight Certificates\endorsements and existing Liability Insurance coverage from the time of application or renewal.
- 3.3 Associate Members include:
  - 3.3.1 Short Term Members
  - 3.3.2 Trainee Members
  - 3.3.3 Visiting Pilot Members
- 3.4 Associate Members have no right to vote, are eligible for Pilot flight Certificates and endorsements and appropriate Liability Insurance coverage for a period of 4 months from the time of application or renewal, or for such other time as is determined by the Committee.
- 3.5 Affiliate Members include hang gliding clubs, state and regional associations, and members of the organisations upon application from the organisations executive committees. This application shall include an appropriate Operations Manual detailing flight procedure and pilot certificate information relevant to the CASA Regulations that place those operations within the oversight of the HGFA.

#### Application for membership

- 3.6 An Application for any form of membership of the federation by a person
  - 3.6.1 shall be made in writing in the form as determined by the Committee from time to time.
  - 3.6.2 shall be lodged with any member or employee of the Federation authorised by the Federation to receive Applications, together with the appropriate Fee.
- 3.7 As soon as practicable after receiving an application for membership, the General Manager or his/her delegate shall determine whether to approve or to reject the application.
- 3.8 The General Manager or his/her delegate having approved the application and on receipt of the appropriate Fee, enter the applicant's name in the register of members.
- 3.9 On the entering of the name of the applicant on the register of members, the applicant is deemed to have become a member of the Federation from the time and date when the application and appropriate fee have been lodged with a member in accordance with Clause 3.6.2.
- 3.10 Membership of the Federation, other than Associate, Affiliate and Life membership shall be for a period of 12 months from date of payment of the Annual Fee, provided that where a member renews his membership, the period of membership shall be until the date of the next renewal date.

#### Nomination for Affiliate and Life Membership

- 3.11 A nomination of a person for affiliate or Life membership of the Federation:
  - 3.11.1 shall be made by a member of the Federation in writing in the form as determined by the Committee from time to time and,
  - 3.11.2 shall be lodged with the secretary or General Manager of the Federation.
- 3.12 As soon as is practicable after receiving such nomination for membership, the secretary shall refer the nomination to the Committee which shall determine whether to approve or to reject the nomination.
- 3.13 Where the Committee determines to approve a nomination for membership, the secretary shall as soon as practicable after that determination notify the nominee of that

approval and request the nominee to pay, within 28 days after receipt of the notification, any sum payable as determined by the committee.

- 3.14 The General Manager shall, on payment by the nominee of the amounts referred to in rule 3.13 within the period referred to in that rule, enter the nominee's name in the register of members and, upon the name being so entered, the nominee shall become a member of the Federation.

#### Cessation of membership

- 3.15 A person ceases to be a member of the federation if the person 3.15.1 dies;  
 3.15.2 resigns that membership  
 3.15.3 is expelled from the federation;  
 3.15.4 fails to renew membership of the Federation.

#### Membership entitlements not transferable

- 3.16A right, privilege or obligation which a person has by reason of being a member of the federation -  
 3.16.1 is not capable of being transferred or transmitted to another person; and  
 3.16.2 terminates upon cessation of the person's membership.

#### Resignation of membership

- 3.17 A member of the federation may resign by informing the General Manager in writing of his/her intention to resign.

#### Register of members

- 3.18 The public officer of the federation shall establish and maintain a register of members of the federation specifying the name and address of each person who is a member or associate member of the federation together with the date on which the person becomes a member.
- 3.19 The register of members and associate members shall be kept at the principal place of administration of the federation and shall be open for inspection, free of charge, by any member or associate member of the federation at any reasonable hour.

#### Fees. subscriptions etc

- 3.20 A member of the federation shall, upon admission to membership, and on renewal, pay to the federation the Annual fee as determined by the committee from time to time.
- 3.21 Associate members shall pay to the federation such fees as determined by the committee from time to time.

### PART 4: MEMBERS' LIABILITIES

- 4 The liability of a member of the federation to contribute towards the payment of the debts and liabilities of the federation or the costs, charges and expenses of the winding up of the federation is limited to the amount, if any, unpaid by the member in respect of the federation.

### PART 5: DISCIPLINING OF MEMBERS

- 5 Where the General Manager has received a complaint or, is of the opinion that a member of the Federation:
- 5.1 has failed to comply with a provision of these rules; or  
 5.2 has acted in a manner prejudicial to the interests of the federation; or  
 5.3 has breached any law, regulation, by-law or order relating to the operation of any aircraft;  
 or  
 5.4 has failed to comply with any provision of the Operations Manual; or

- 5.5 has breached the rules relating to aircraft, of a Club associated with the HGFA or Regional Association; or
- 5.6 has breached any directive, training syllabus or guidelines issued by the General Manager; or
- 5.7 has acted in a manner dangerous to themselves or others in the course of any aviation activity the General Manager may:
- 5.7.1 suspend any certificates, Licences or privileges issued by the Federation, pending a hearing before the Disciplinary Tribunal.
  - 5.7.2 notify the Committee who shall appoint a Disciplinary Tribunal consisting of 3 members of the Federation.
- 5.8 Where a Disciplinary Tribunal is appointed by the Committee, the General Manager shall:
- 5.8.1 prepare a complaint setting out the nature of the allegations made against the member.
  - 5.8.2 forward by post to the member, at the member's address in the Federation records:
    - 5.8.2.1 a copy of the complaint
    - 5.8.2.2 any documentation upon which the General Manager relies to support the complaint
    - 5.8.2.3 a request to the member to forward to the General Manager any defence and documentation in support within 14 days of the date of the letter.
- 5.9 On the expiry of the period of 14 days, the General Manager shall forward to the Disciplinary Tribunal a copy of the complaint together with copies of any documentation received by him from the member in response.
- 5.10 There shall be no oral hearing, nor right of appearance either in person or by legal representative before the Disciplinary Tribunal.
- 5.11 Unless the member specifically requests in writing that the question of penalty shall be dealt with separately from any finding of guilt, the member shall be deemed to have agreed that both issues of guilt and penalty will be heard together.
- 5.12 The Disciplinary Tribunal shall consider the material placed before it by the member and the General Manager and may confer by telephone with each other and make a decision without having to meet in one place.
- 5.13 The Disciplinary Tribunal may by resolution:
- 5.13.1 Cancel, suspend, or vary certificates, licences, or privileges issued by the Federation.
  - 5.13.2 Suspend the member from membership of the Federation for a specified period.
  - 5.13.3 Expel the member from the Federation.
- 5.14 The General Manager shall notify the member in writing of any resolution, and such resolution shall take effect from the date upon which the notice would, in the ordinary course of post, have been received by the member.

#### Right of appeal of disciplined member

- 5.15 A member may appeal to the Appeal Tribunal of the federation against a resolution of the Disciplinary Tribunal within 7 days after notice of the resolution is served on the member, by lodging with the General Manager a notice to that effect together with the Appeal fee as determined from time to time by the Committee.
- 5.16 Upon receipt of the notice of appeal, the Committee shall nominate 3 members of the Federation (not being members of the Disciplinary Tribunal).
- 5.17 The Appeal shall be by way of a new hearing on all issues of fact and law.
- 5.18 The member and the General Manager may lodge with the Federation such other written

material as each desires in respect of the appeal within 14 days of lodging the notice of appeal.

- 5.19 There shall be no oral hearing or right of appearance either in person or by legal representative before the Appeal Tribunal.
- 5.20 The Appeal Tribunal shall consider the material placed before the Disciplinary Tribunal and such other material placed before it by the General Manager and the member, and may confer by telephone with each other and make a decision without having to meet in one place.
- 5.21 The Appeal Tribunal shall have the same powers as the Disciplinary Tribunal set out in par 5.13 above.
- 5.22 The General Manager shall notify the member in writing of any resolution of the Appeal Tribunal. It shall take effect on the date when the notice, in the ordinary course of post, would have been received by the member.
- 5.23 Pending any appeal to the Appeal Tribunal, any penalty imposed by the Disciplinary Tribunal shall remain in force.

#### No Liability to Damages

- 5.24 No member who has been dealt with under Part 5 shall have any claim against the Federation, its employees or any member notwithstanding that
- 5.24.1 the proceedings may subsequently be found to be void or invalid or
- 5.24.2 that the finding is quashed or
- 5.24.3 that an appeal by the member may be upheld and notwithstanding any negligence, breach of contract or other right to damages.

#### PART 6: THE COMMITTEE

##### Powers etc of the committee

- 6 The committee shall be called the committee of management of the federation and, subject to the Act, the Regulation and these rules and to any resolution passed by the federation in general meeting -
- 6.1 shall control and manage the affairs of the federation;
- 6.2 may exercise all such functions as may be exercised by the federation other than those functions that are required by these rules to be exercised by a general meeting of members of the federation; and
- 6.3 has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the federation.

##### Constitution and membership.

- 6.4 the committee shall consist of -
- 6.4.1 the office bearers of the federation; and
- 6.4.2 5 members
- 6.5 the office bearers of the federation shall be -
- 6.5.1 the president;
- 6.5.2 the vice-president;
- 6.5.3 the treasurer; and
- 6.5.4 the secretary.
- 6.6 Each member of the committee shall, subject to these rules, hold office until the next postal ballot for the Committee is held in accordance with these rules.
- 6.7 In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the federation to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the completion of the postal ballot next following the date of appointment.

### Election of members

- 6.8 Applications for the election of the Committee of the federation -
- 6.8.1 shall be made in writing by the applicants and
  - 6.8.2 shall be delivered to the General Manager not less than 30 days before the date fixed for the sending out of ballot papers for the postal vote.
- 6.9 If insufficient applications are received to fill all vacancies on the committee, the candidates who have applied shall be deemed to be elected, and there shall be no requirement to conduct a postal ballot.
- 6.10 If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- 6.11 If the number of applications received is equal to the number of vacancies to be filled, the persons who have applied shall be deemed to be elected.
- 6.12 If the number of applications received exceeds the number of vacancies to be filled, a postal ballot shall be held.

### Postal Ballot

- 6.13 A postal ballot shall be conducted by the General Manager by forwarding to members, either through the federation magazine or otherwise, a ballot paper containing the names of the members applying for places on the committee.
- 6.14 The election of members of the committee shall be decided on the "first past the post" basis.
- 6.15 Only those votes received by the Federation within 28 days of forwarding the ballot paper shall be counted.
- 6.16 Subject to the decision of a general meeting, the Committee shall hold office for a period of two years.
- 6.17 The Office Bearers of the Federation shall be elected by the Committee after the completion of the postal vote.

### Secretary

- 6.18 The secretary of the federation shall, as soon as practicable after being appointed secretary, lodge notice with the federation of his or her address.
- 6.19 It is the duty of the secretary to keep minutes of -
- 6.19.1 all appointments of office-bearers and members of the committee;
  - 6.19.2 the names of members of the committee present at a committee meeting or a general meeting; and
  - 6.19.3 all proceedings at committee meetings and general meetings.
- 6.20 Minutes of proceeding at a meeting shall be signed by the chairperson of the next succeeding meeting.

### Treasurer

- 6.21 It is the duty of the treasurer of the federation to ensure that -
- 6.21.1 all money due to the federation is collected and received and that all payments authorised by the federation are made;
  - 6.21.2 correct books and accounts are kept showing the financial affairs of the federation including full details of all receipts and expenditure connected with the activities of the federation.

### Casual vacancies

- 6.22 For the purpose of these rules, a casual vacancy in the office of a member of the committee occurs if the member -

- 6.22.1 dies;
- 6.22.2 ceases to be a member of the federation;
- 6.22.3 becomes insolvent under administration within the meaning of the Corporations Act;
- 6.22.4 resigns office by notice in writing given to the secretary;
- 6.22.5 is removed from office under 6.21
- 6.22.6 being a natural person becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- 6.22.7 is absent without the consent of the committee from all meetings of the committee held during a period of 12 months.

#### Removal of member

- 6.23 The federation in general meeting may by resolution remove any member of the Committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the members so removed.
- 6.24 Where a member of the committee to whom a proposed resolution referred to in clause (1) relates, makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the federation, the secretary or the president may send a copy of the representations to each member of the federation or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

#### Meetings and quorum

- 6.25 The committee shall meet at least once in each period of 12 months at such place and time as the committee may determine.
- 6.26 Additional meetings of the committee maybe convened by the president or by any member of the committee, or by the General Manager.
- 6.27 Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- 6.28 Notice of a meeting given under clause(3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- 6.29 Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- 6.30 No business shall be transacted by the committee 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 stands adjourned to the same place and at the same hour of the same day in the following week.
- 6.31 If at the adjourned meeting a quorum is not present within half an hour 0 f the time appointed for the meeting, the meeting shall be dissolved.
- 6.32 At a meeting of the committee -
  - 6.32.1 the president or, in the president's absence, the vice-president shall preside; or
  - 6.32.2 if the president and the vice-president are absent or unwilling to act such one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.
- 6.33 A meeting of the Committee may take place by means of a telephone conference organised by the General Manager at his own behest or at the request of the Committee or any member of the Committee.

### Delegation by committee to sub-committee

- 6.34 The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the federation as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than -
- 6.34.1 this power of delegation; or
  - 6.34.2 a function which is a duty imposed on the committee by the Act or by any other law.
- 6.35 A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 6.36 A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- 6.37 Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
- 6.38 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- 6.39 The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- 6.40 A sub-committee may meet and adjourn as it thinks proper. Voting and decisions
- 6.41 Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- 6.42 Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 6.43 Subject to a quorum, the committee may act notwithstanding any vacancy on the committee.
- 6.44 Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

## PART 7: GENERAL MEETINGS

### Annual general meetings - holding of

- 7.1 The Federation shall, at least once in each calendar year and within the period of 4 months after the expiration of each financial year (of the Federation), convene an annual general meeting.
- 7.2 The annual general meeting of the Federation shall, subject to the Act, be convened on such date and at such place and time as the Committee thinks fit.
- 7.3 In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be
- 7.3.1 to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - 7.3.2 to receive from the President, Treasurer, Auditor, Insurance Broker and General Manager, reports on the activities of the Federation during the last preceding financial year.
  - 7.3.3 to receive from the Committee and sub-committees, reports on their activities for the last preceding year.
  - 7.3.4 To declare the results of any election of the Committee, or subcommittees.

### Annual general meetings - calling of and business at

7.4 An annual general meeting shall be specified as such in the notice of convening it.

### Special general meetings - calling of

7.5 The committee may, whenever it thinks fit convene a special general meeting of the federation.

7.6 The committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special general meeting of the federation.

7.7 A requisition of members for a special general meeting -

7.7.1 shall state the purpose or purposes of the meeting, and shall set out the motions which the members wish to pass.

7.7.2 shall be signed by the members making the requisition;

7.7.3 shall be lodged with the secretary; and

7.7.4 may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

7.8 If the committee fails to convene a special general meeting to be held within 3 months after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 4 months after that date.

7.9 In lieu of calling a special general meeting, the committee may circulate through the Federation magazine or otherwise the motions which the requisition of members wish to have passed at the Special General Meeting, together with a ballot paper to enable members to vote for or against the motions. Such circulation shall be deemed to be a convening of the special general meeting by the committee.

7.10 Only those votes received by the Federation within 28 days of forwarding the ballot paper shall be counted.

### Notice

7.12 Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the federation, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting, the motions proposed to be voted on at the meeting, and a ballot paper to enable the member to record a postal vote.

7.13 Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the federation, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in the preceding clause, specifying, in addition to the matter required in the preceding clause the intention to propose the resolution as a special resolution.

7.14 No business other than that specified in the notice convening a general meeting shall be transacted at the meeting.

7.15 A member desiring to bring any business before a general meeting may give notice in writing to the secretary, signed also by a second member, of the motions he desires to be voted on at the meeting.

7.16 The secretary shall include those motions in the next notice calling a general meeting given after receipt of the notice from that member.

### Procedure

7.17 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.

7.18 Five members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

- 7.19 If within half an hour after the appointed time for the commencement of a general meeting quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 7.20 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

#### Presiding member

- 7.21 The president or, in the president's absence, the vice-president, shall preside as chairperson at each general meeting of the federation.
- 7.22 If the president and the vice-president are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.

#### Adjournment

- 7.23 The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 7.24 Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each of the federation stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 7.25 Except as provided above notice of adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

#### Making of decisions

- 7.26 A question arising at a general meeting of the federation shall be determined by
- 7.26.1 a show of hands and
  - 7.26.2 The votes of members on the ballot paper which have been received by the Secretary prior to the meeting ("postal votes").
- 7.27 At a general meeting of the federation, a poll of the members present at the meeting may be demanded by the chairperson or by not less than 3 members in person or by proxy at the meeting.
- 7.28 Where the poll is demanded at a general meeting, the poll shall be taken
- 7.28.1 immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
  - 7.28.2 in any other case, in such manner and at such time before the close of the meeting as the chairperson directs.
- and the resolution of the poll on the matter together with the postal votes shall be deemed to be the resolution of the meeting on that matter.

#### Special resolution

- 7.29 A resolution of the federation is a special resolution if -
- 7.29.1 It is passed by a majority which comprises not less than three quarters of such members of the federation as, being entitled under these rules so to do, vote in person or by proxy or by postal vote at a general meeting, or where the Committee so determines, by postal vote alone, of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or

- 7.29.2 Where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) - the resolution is passed in a manner specified by the Commission.

### Voting

- 7.30 Upon any question arising at a general meeting of the federation a member has one vote only.
- 7.31 All votes shall be given personally or by proxy, or by postal vote.
- 7.32 In the ease of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 7.33 A member or proxy is not entitled to vote at any general meeting of the federation, or record a postal vote, unless all money due and payable by the member or proxy to the federation has been paid.

### Appointment of proxies

- 7.34 Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 7.35 The notice appointing the proxy shall be in the form as determined by the Committee from time to time.

### Postal Vote

- 7.36 With any Notice of General Meeting, the Secretary shall forward to the members a ballot paper setting out the agenda for the General Meeting and any Motions proposed for the meeting with places marked on the ballot paper to enable the member to vote for or against the motion.

### Notice through Skysailor

- 7.37 All Notices required to be given to Members, whether for General Meetings or otherwise, and all ballot papers, may be given through the Federation's Magazine, "Skysailor", or such other Magazine generally distributed to each member, as the Committee decides.
- 7.38 A notice may be served by or on behalf of the federation upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- 7.39 Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

## PART 8: MISCELLANEOUS

### Insurance

- 8.1 The federation shall effect and maintain insurance pursuant to section 44 of the Act.
- 8.2 In addition to the insurance required under clause (1), the federation may effect and maintain other insurance.

### Funds- source

- 8.3 The funds of the federation shall be derived from entrance fees and annual subscriptions of members, donations and, such other sources as the committee determines.
- 8.4 All money received by the federation shall be deposited as soon as practicable and without deduction to the credit of the federation's bank account.
- 8.5 The federation shall, as soon as practicable after receiving any money, issue an appropriate receipt.

### Funds - management

- 8.6 Subject to any resolution passed by the federation in general meeting, the funds of the federation

shall be used in pursuance of the objects of the federation in such manner as the committee determines.

- 8.7 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the committee or employees of the federation, being members or employees authorised to do so by the committee

#### Alteration of object and rules

- 8.8 The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the federation.

#### Common Seal

- 8.9 The common seal of the federation shall be kept in the custody of the public officer.  
8.10 The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

#### Custody of books etc

- 8.11 Except as otherwise provided by these rules, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the federation.

#### Inspection of books etc

- 8.12 The records books and other documents of the federation shall be open to inspection, free of charge, by a member of the federation at any reasonable hour.

#### Surplus property

- 8.13 At any meeting of the federation, the federation may pass a special resolution nominating an incorporated federation as the federation in which to vest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the federation.  
8.14 The incorporated federation so nominated shall be one which fulfils the requirements specified in section 53(2)(a)-(c) of the Act.

#### Legal Liability

- 8.15 Every member agrees that on becoming a member of the federation, their right to seek compensation against any officer, agent, employee, instructor/coach, safety or duty officer of the federation or its affiliated clubs, competition organiser and any person who is also acting in a supervisory or administrative capacity in the control of hang gliding ("the defendants") is limited (so far as this is permitted by law) as follows:  
8.16 If any member suffers personal injury (including death) or damage to property, while  
8.16.1 participating in hang gliding or  
8.16.2 any activity associated with hang gliding, including, but not limited to towing or being towed, assisted in launch or landing, and,  
8.16.3 a cause of the injury or damage was the negligence of or breach of other obligations imposed by law by any of the defendants, then the liability of the defendants or any of them, is limited to:  
8.16.4 the amount which the insurer is obliged to pay under a liability policy taken out by the Federation.  
8.16.5 On the liquidation of the insurer, the amount which the defendants or any of them can recover, whichever is the lesser.  
8.17 If the defendants or any of them are not entitled at law to an indemnity under a liability policy, for whatever reason, the liability of the defendants is nil.

- 8.18 Every member agrees that this limitation of liability applies after the person making the claim ceases to be a member of the federation.
- 8.19 Any claim for damages for personal injuries arising out of a breach of contract between members is subject to a defence of contributory negligence as if the claim were brought as a claim in tort.