

REQUEST FORM

Name of club and number.

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Preferred communication details:

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Preferred payment details:

Bank transfer: Westpac Bank BSB: 033055

Account No. 280848

Eftpos

Cheque made out to: the Rotary Club of Hampton Inc.

The Rotary Club named above:

- requests permission to download a copy of your 2010 constitutional documentation
- encloses a cheque or is making payment by direct deposit for \$150.00 as the price

on the following terms and conditions:

1. You own or have a licence for the copyright in the documentation on your website and will license us to use and copy it as follows. The licence will not be exclusive and is not transferable.
2. You will send us a password to use on your website to download one copy of your club's documentation
3. You will:
 - (a) use your best endeavours to ensure that all our personal and billing information that is identifiable to you will be kept confidential, and will be

protected by security identification particulars

- (b) not disclose that information (in a way that makes the information identifiable to you) to anyone else without your consent unless required to do so by law
4. Your documents are formatted in Microsoft Word 2003 and the licence authorises us to do the following:
- a. view, download, print, copy, adapt and print the documents on your website ('Templates')
 - b. modify the Templates by substituting our name and location and any variables ('Derivatives') and modify Derivatives
 - c. print and circulate copies (modified or not) for the purpose of updating our constitution
 - d. make and email digital copies of Templates and Derivatives for the purpose of updating our constitution and back-up copies
 - e. issue Derivatives to members to hold on terms corresponding to these terms and to third parties for our normal operational purposes to hold on terms corresponding to these terms
 - f. permit members to use Templates and Derivatives for the purpose of private study.
2. We will not at any time do the following:
- a. Make the documents available to any other Rotary club or to any other person or organisation except as permitted above without your prior approval in writing (hard copy)
 - b. Publish any digital copy on the internet or anywhere else accessible to unauthorised persons or organisations
 - c. Use any part of the documentation other than the standard Rotary club constitution for commercial purposes or as part of a service to others
 - d. Remove, or modify the copyright notice on, the footer of the documentation downloaded, modified, printed or copied.
3. We will use our best endeavours to keep all copies of the documentation downloaded, modified, printed or copied secure against copying by unauthorised persons or organisations.

4. You may:
 - a. terminate our licence if we breach any provision of it
 - b. modify the Templates at any time
 - c. amend your terms and conditions at any time for future orders.

5. You will provide a help desk service for minor queries for three months after we send you a password.

6. We acknowledge that:
 - a. you do not, under or in relation to the license, provide any legal advice to us, and consequently that it would be unreasonable to hold you liable in respect of our use of the Templates.
 - b. you have endeavored to ensure that the Templates conform with relevant legal requirements but do not warrant their comprehensiveness or accuracy.

PLEASE SIGN OR TICK AGREEING TO THESE TERMS AND CONDITIONS

Documents to be downloaded

1. Notice of special general meeting to be held immediately following the AGM
2. Draft replacement constitution of the club
3. Draft replacement by-laws of the club
4. Notice of the replacement of the constitution
5. Checklist for lodgement with the new constitution and notice.

Instructions regarding these documents are included:

Contents

➤ ***Notice of meeting***

The notice of meeting includes notes and a form for appointing a proxy if your club's current constitution permits.

➤ *Constitution*

Changes made by the 2010 RI council on legislation are highlighted in the draft replacement constitution before Article up to Article 19. They should be self-explanatory. There is also one change required by the law of the State of Victoria.

The constitution sets out the standard Rotary constitution first followed by additional provisions covering matters which must be dealt with according to law of the State of Victoria, as required by RI. The additional provisions were adopted some years ago on legal advice and have worked well for Hampton. You will need to decide whether they are suitable for your club.

Your club will need to insert variables on pages 1 and 16 of the constitution.

➤ *By-laws*

Consequential changes are highlighted in the draft replacement by-laws

The draft Bylaws are in a form which suits a club that has adopted, or is in the process of adopting, the Club Leadership Plan. Your club may need to review its procedures accordingly.

Consequences

You can see from the highlighting what the council on legislation has changed – in context.

In the same document you also have a consolidated copy, which the Registrar of Incorporated Associations requires to be lodged with every set of rule changes.

This method of updating has enabled communication to our board and members in context. It also saved duplication of document processing. You may also find this approach to be efficient.

Our constitution covers fundraising registration and establishment of trusts but is otherwise basic. It does not cover DGR status, carrying on a business or liquor licensing powers, for example.

Process

There are 2 main processes:

1. Board approval of items 1 – 3 above and issue of notice at least 21 days in advance of meeting (excluding the dates of despatch and meeting)
2. General meeting and lodgement with Consumer Affairs Victoria ASAP after the meeting (and in any event within 3 months).

Rules can be changed under section 22 of the Associations Incorporation Act, subject to section 51, by special resolution.

An alteration of the Rules of an incorporated association does not take effect unless and until it is approved by the Registrar of Incorporated Associations.

A separate resolution is required to the resolution altering the by-laws because only rules are referred to in the Associations Act.

The Registrar must approve that alteration unless the Registrar is satisfied that the alteration is contrary to the Associations Act or the regulations.

A checklist is as follows:

No.	Item	Action	Comments
1.	Amend Rules to cover council on legislation changes	Draft Rules	
2.	Amend the Rules of the to cover gaps in the mandatory scope of Rules under the Associations Act	By special resolution passed at a members' meeting in accordance with section 29 Associations Act and the Constitution. See next item	
3.	After completion of all above items, a general meeting of the members must be convened	By notice in accordance with the Associations Act and the Constitution	The notice must contain sufficient details of the proposed resolution and intention to change the Constitution
4.	On the date in the notice of meeting, a general meeting must be held at which the members resolve to: (special resolution) change the Constitution in accordance with section 29 Associations Incorporation Act		The minimum quorum is set out in your current constitution. The majority vote required is 75% of those present
5.	Register the amendment of the Constitution with the Community Affairs Victoria in accordance with section 22 Associations Act	By application in the approved form (CAV Form 408) made within three months of the passing of the resolution	The amendment does not take effect until registered
6.	Make a copy of the new		

	constitution available to members on request		
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