

TARFish

Tasmanian Association for Recreational Fishing Inc.

ABN 92 079 457 285

RULES

Effective from 5th February 2009.

Signed by the Public Officer _____ Date: _____

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1. Name

(1) The name of the Association is the Tasmanian Association for Recreational Fishing Incorporated (*also abbreviated to TARFish*)

2. Definitions

In these rules:

- (1) "Act" means the Associations Incorporation Act 1964,
- (2) "Associate Member" means any company, corporation, unincorporated body or individual whose objects or interests are altogether or in part similar to those of the Association and being connected or allied with recreational fishing.
- (3) "Association" means the Association referred to in Rule 1;
- (4) "Committee" means the group of members appointed to administer the Association;
- (5) "Executive Committee" means the Officers of the Association
- (6) "Delegate" means the person representing a Full Member on the Committee;
- (7) "Fisher" means all people who legally participate in fishing as a recreation and/or sport.
- (8) "Full Member" means a member admitted under Rule 6.1.1
- (8) "General meeting" includes the annual general meeting, any special general meeting, and any ordinary general meeting of the Association;
- (9) "Objects of the Association" means the objects and purposes of the Association as stated in Rule 4;
- (10) "Special general meeting" means any general meeting other than the annual general meeting or ordinary general meeting.
- (11) The masculine shall be taken to include the feminine and vice-versa and the singular shall be taken to include the plural and vice-versa.

3. Office

The office of the Association is to be at 179 Blessington Street, South Arm, Tasmania, 7022 or at any other place the Committee determines.

4. Objects and Purposes

The basic objects of the Association are:

- (1) to operate at all times as a fully independent body representing the interests of recreational fishers and recreational fishing industry Associates, having direct access to the Minister and his/her office;
- (2) to provide a forum for recreational fishers and recreational fishing industry Associates to raise relevant issues;

- (3) to represent the interests of recreational fishers and recreational fishing industry Associates in communication with government, industry, research and community organizations;
- (4) to provide a communication channel from government and other relevant bodies and organizations to recreational fishers;
- (5) to liaise and, if appropriate, to affiliate with national organizations with similar or allied interests to those of the Association;
- (6) to educate the community on recreational fishing, including environmental, issues;
- (7) to promote the wise use and conservation of fish stocks and habitat; and
- (8) to promote research to increase knowledge of fish habits, the environmental and other issues pertaining to the recreational fishery.

5. Powers

In conjunction with the basic objects of the Association, the powers of the Association include the following:

- (1) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property necessary or convenient for any of the objects or purposes of the Association;
- (2) the buying, selling and supplying of and dealing in goods of all kinds;
- (3) the construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
- (4) the accepting of any gift for any one or more of the objects or purposes of the Association;
- (5) the taking of any step the Committee or the members in general meeting consider expedient for the purpose of procuring contributions to the funds of the Association;
- (6) the printing and publishing of any newspapers, periodicals, books, leaflets or other documents the Committee or the members in general meeting consider desirable for the promotion of the objects and purposes of the Association;
- (7) the borrowing and raising of money in any manner and on terms –
 - a. the Committee thinks fit; or
 - b. approved or directed by resolution passed at a general meeting;
- (8) subject to the provisions of the Trustee Act 1898, the investment of any moneys of the Association not immediately required for any of its objects or purposes in any manner the Committee determines;
- (9) the making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which section 78(1)(a) of the Income Tax Assessment Act 1936 of the Commonwealth relates;
- (10) the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association;

(11) the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities and engagements of any association with which the Association is amalgamated in accordance with the provisions of the Act and the Rules of the Association;

(12) the doing of any lawful thing incidental or conducive to the attainment of the objects of the Association or of any of the objects and purposes specified in this Rule.

6. Membership

6.1 Classes of Membership

Subject to the Act and to the Rules, membership of the Association is open to Full Members or Associate Members.

(1) Full Members shall be:

a. Each of the five original member organisations involved in the formation of the Association. The five original member organisations are the Australian Fishing Trade Association (AFTA), Australian National Sportfishing Association (ANSA), Australian Underwater Federation (AUF), Sea Charter Boat Operators of Tasmania (SCBOOT) and the Tasmanian Game Fishing Association (TGFA).

b. Any incorporated State association or organisation with any involvement in the recreational fishing sector, with a combined membership of 40 or more, and incorporating at least 4 clubs

c. Any incorporated recreational fishing club or organisation, not already Associated with a State association with an individual membership of 75 or more.

d. Entitled to nominate a delegate as a Committee Member

(2) Associate Members are:

a. Any company, corporation, unincorporated body or individual admitted to membership of the Association.

b. Not entitled to be nominated as a Committee Member however can be considered by the Committee as a Committee Member under Rule 7(4) Expertise based Committee Member or Rule 7(6) Regional Representative Committee Member.

c. Entitled to the rights and privileges that membership of the Association provides.

(3) All applications for membership are to be made in writing on the prescribed Membership Application Form accompanied by all required information and are to be submitted to an Officer of the Association.

(4) An applicant becomes a Full Member of the Association upon acceptance of the application by a majority of the Committee, and notification in writing to the

applicant by an Officer of the Association and receipt of any applicable membership fee.

(5) An applicant becomes an Associate Member of the Association upon acceptance of the application by a majority of the Executive Committee, and notification in writing to the applicant by an Officer of the Association and receipt of any applicable membership fee.

(6) Membership is at the discretion of the Committee for Full Member applicants and the Executive Committee for Associate Member applicants.

6.2 Membership Fees

(1) The annual membership fees for the following year shall be reviewed and set at the annual general meeting each year.

(2) Annual Membership Fees are due and payable on the first day of the financial year of the Association.

(3) Each member shall pay any membership fees so levied within 60 days of the 1st July each year and if it is not paid within that time a member shall not be entitled to exercise the rights or enjoy the privileges of membership.

6.3 Full Member Delegates

(1) Each Full Member is entitled to nominate one delegate to represent that Full Member on the Committee for the ensuing two years.

(2) When the term of a delegate has expired, the Full Member must re-nominate its delegate; a Full Member may re-nominate the same delegate.

(3) The Committee has the discretion of rejecting the Full Member's delegate and requesting another.

6.4 Resignation of Member

(1) A member of the Association may resign from the Association by posting or delivering to an Officer of the Association a written notice of resignation. A member ceases to be a member of the Association upon receipt by an Officer of the Association of a written notice of resignation.

(2) With the exception of Rule 20 (2), any right, privilege or obligation of a member of the Association terminates on the cessation of the membership.

6.5 Expulsion of Member

(1) The Association, by a majority Committee vote, may at any time expel a member from the Association or deny participation to any delegate if, in the reasonable opinion of the Committee, the member or delegate is guilty of conduct detrimental to the interests of the Association.

(2) Particulars of the expulsion shall be communicated in writing to the member or delegate by an Officer of the Association.

- (3) The expulsion takes effect upon
 - a. the expiration of 14 days after notification to the member or delegate in writing under Rule 6.5(2), or
 - b. if the member or delegate exercises their right of appeal under this Rule, at the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.
- (4) The member or delegate may, within 14 days of receiving notification of expulsion, appeal against the expulsion by posting or delivering to the Public Officer, a written requisition for the convening of a special general meeting for the purpose of hearing this appeal.
- (5) Upon receipt of the requisition by the Public Officer, the Committee will convene a special general meeting of members within 21 days after the date on which the requisition is received.
- (6) At a special general meeting convened for the purpose of this Rule
 - a. no business other than the question of the expulsion is to be transacted; and
 - b. the Association may place before the meeting details of the grounds of the expulsion and the Association's reasons for the expulsion; and
 - c. the expelled member or delegate is to be given an opportunity to be heard; and
 - d. the Committee members present are to vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- (7) The decision of the majority of the Committee at the special general meeting, as to whether the expulsion should be confirmed or lifted, is final and takes effect immediately upon the conclusion of the special general meeting.

7. Committee

- (1) The Committee of the Association consists of the group of members appointed to administer the Association.
- (2) The Committee is comprised of Full Member Delegates, Expertise based Committee Members and Regional Representative Committee Members.
- (3) Full Member Delegates are defined under Rule 6.1.1
- (4) Expertise based Committee Members shall be any individual whom the Committee decides has a particular skill set or knowledge base that provides the Association with expertise that is required and not readily available through other membership categories.
- (5) Expertise based Committee Members are appointed for a period of 12 months from their appointment date or until the Committee so decides their skills/knowledge/expertise are no longer required.

(6) Regional Representatives shall be either the Chairperson of each Regional Representation Group set up as per Rule 16, or if a Regional Representation Group does not exist for a region then the Committee can appoint an individual whom it believes will adequately and appropriately represent the interests of recreational fishers in that region until such time as a Regional Representative Group is established.

(7) Where no Independent Chairperson is contracted, a Chairperson shall be elected from among the Committee, the Chairperson's organization then having the right to provide a replacement Committee Member. The Chairperson is entitled to vote for that meeting only, pending a replacement Committee Member for subsequent meetings.

(8) Meetings of the Committee may be convened by the Chairperson or a simple majority of its members at any time.

(9) The Committee will approve all Policies issued for the Association.

(10) An Executive Officer may be contracted by the Committee, on terms and conditions deemed appropriate by the Committee. The Executive Officer has no voting rights.

(11) A person convicted of any fishing offence within the previous 15 years, is not eligible to be a Committee Member or to hold any position or office of the Association, including any regional position and including any proxy.

8. Executive Committee

8.1 Members

The Executive Committee consists of the Officers of the Association.

8.2 Powers

The Executive Committee:

- (1) is to control and manage the business and affairs of the Association;
- (2) May exercise all the powers and perform all the functions of the Association, other than those powers and functions that are required by these Rules to be exercised by general meetings of the Committee of the Association; and
- (3) Has power to do anything that appears to the Executive Committee to be essential for the proper management of the business and affairs of the Association.

8.3 Meetings

- (1) Meetings of the Executive Committee may be convened by the Chairperson or a simple majority of its members at any time.

(2) A simple majority of members of the Executive Committee constitutes a quorum for the transaction of the business of a meeting of the Executive Committee.

(3) Decisions at Executive Committee meetings shall be carried by a simple majority of Executive Committee members present. In the case of an equality of votes, the Chairperson shall have the casting vote.

9. Officers of the Association

9.1 Association Officers

(1) The Officers of the Association are the Chairperson, Deputy Chairperson, Treasurer and Secretary, save and except that:

(2) No Secretary shall be elected if the Committee decides that it is in the best interests of the Association that a contracted Executive Officer also holds the position of Secretary.

(3) With the exception of the contracted Executive Officer, only a Committee Member can hold a position as an Officer.

- a. A Committee Member can hold more than one position.
- b. Each Committee Member has only one vote, regardless of the number of positions held.

(4) Each Officer is to hold office until the conclusion of the next annual general meeting after the date of election, and is eligible for re-election.

(5) If a casual vacancy in any office referred to in Sub-Rule (1) occurs the Committee may appoint one of its Committee Members to the vacant office, to hold the office up to and including the conclusion of the next annual general meeting following the date of the appointment.

9.2 Election of Officers

(1) Nomination of a candidate for election as an Officer of the Association is to be

- a. made in writing signed by a Committee Member and accompanied by the written consent of the candidate; and
- b. posted or delivered to the Executive Officer of the Association at least 10 days before the date fixed for the holding of the annual general meeting.

(2) To be eligible for election as an Officer a candidate must be a Committee Member, save and except for the contracted Executive Officer as in Rule 7.10

(3) The ballot for the election of Officers is to be conducted at the annual general meeting by means of a secret ballot if more than one nomination is received for each Officer position

10. Independent Chairperson

- (1) An Independent Chairperson may be contracted by the Committee on terms and conditions contained within a Contract for Services.
- (2) No Chairperson shall be elected during the term of appointment of an Independent Chairperson contracted by the Association;
- (3) The Independent Chairperson has no voting rights, however, in the case of an equality of voting on a question shall have the casting vote.

11. Public Officer

The Committee shall appoint a Public Officer of the Association, to hold the position until the Committee elects to appoint another Public Officer.

12. Publicity

Media contact shall be approved and released by the Chairperson, or other persons approved by the Committee.

13. Meetings

13.1 Ordinary General Meetings

- (1) The Committee may convene ordinary meetings of the Association at any time for the purposes of conducting routine and general business.
- (2) The Executive Officer of the Association, at least 7 days before the date fixed for holding an ordinary general meeting of the Association, is to cause all Committee Members to be notified in writing
 - a. specifying the place, day and time for the holding of the meeting; and
 - b. specifying the business to be transacted at the meeting.

13.2 Special General Meetings

- (1) The Committee may, at any time or on the requisition in writing of at least 50% of the Committee Members, convene a special general meeting of the Association.
- (2) A requisition for a special general meeting
 - a. is to state the objects and proposed business of the meeting; and
 - b. is to be signed by the requisitionists; and
 - c. is to be posted or delivered to the Public Officer of the Association.
- (3) If the Committee does not convene a special general meeting within 21 days from the day on which a requisition is received by the Public Officer of the Association, the requisitionists may convene the meeting within 3 months from the day of receipt of the requisition by the Public Officer.

- (4) A special general meeting convened by requisitionists is to be convened in the same manner as nearly as possible as meetings convened by the Committee.
- (5) All reasonable expenses incurred by requisitionists in convening a special general meeting are to be refunded by the Association.
- (6) The Public Officer of the Association, at least 14 days before the date fixed for holding a special general meeting of the Association, is to cause all Committee Members to be notified in writing:
 - a. specifying the place, day and time for the holding of the meeting; and
 - b. specifying the business to be transacted at the meeting.

13.3 Annual General Meeting

- (1) The Association is to hold an annual general meeting each year.
- (2) The annual general meeting is to be held on any day (being not later than 4 months after the close of the financial year of the Association) the Committee determines.
- (3) The annual general meeting is to be in addition to any other general meetings that may be held in the same year.
- (4) The ordinary business of the annual general meeting is to be as follows:
 - a. to confirm the minutes of the preceding annual general meeting;
 - b. to receive from the Association, auditor and servants of the Association, reports on the activities and transactions of the Association during the preceding financial year;
 - c. to elect the Officers of the Association;
 - d. to appoint the Auditor; and
 - e. to set the membership fees for the following financial year.
- (5) The annual general meeting may transact special business of which notice is given in accordance with Rule 13.2(6).
- (6) The Public Officer of the Association, at least 14 days before the date fixed for holding the annual general meeting of the Association, is to cause to be inserted in the appropriate newspapers as determined by the Committee a notice:
 - a. specifying the place, day and time for the holding of the meeting; and
 - b. specifying the business to be transacted at the meeting.

13.4 Chairperson to Preside

- (1) The Chairperson, or contracted Independent Chairperson, of the Association, or in their absence, the Deputy Chairperson, is to preside as Chairperson at every general meeting of the Association.

(2) If the Chairperson, or contracted Independent Chairperson, and Deputy Chairperson are absent from a general meeting, the Committee Members present are to elect one of their number to preside as Chairperson.

13.5 Attendance, Quorum, and Voting

- (1) Business is not to be transacted at a general meeting unless notice of that business has been given in accordance with these Rules and unless a quorum of Committee Members entitled to vote participates at the time the meeting is considering that business.
- (2) Where a Committee Member is unable to attend, a proxy may be nominated in writing and accepted with the prior approval of the Executive Officer and the Chairperson, the nomination being received not less than 24 hours before the meeting.
- (3) A simple majority of Committee Members (or proxies) present and entitled to vote, constitutes a quorum for the transaction of business.
- (4) Decisions at general meetings (except those made under Rules 14, 18.4(2) and 20.(1) will be carried by a simple majority of Committee Members (or proxies) present and entitled to vote.
- (5) On any question arising at a general meeting of the Association, each Committee Member has one vote only. All Committee Members have voting rights.
- (6) The Chairperson, or Independent Chairperson, has no voting rights. However, in the case of an equality of voting on a question, the Chairperson, whether an Independent Chairperson or an elected Chairperson, shall have the casting vote.

13.6 Standing Orders

- (1) General meetings of the Association will be conducted in accordance with the following Standing Orders:
 - a. The mover of a motion must not speak for more than 10 minutes. Subsequent speakers are allowed 5 minutes, and the mover of the motion 5 minutes to reply. The meeting may, however, by simple majority, extend in a particular instance, the time permitted by this Rule.
 - b. If an amendment to an original motion is proposed, no second amendment may be considered until the first amendment is disposed of.
 - c. If an amendment is carried, the motion as so amended displaces the original motion and may itself be amended.
 - d. If an amendment is defeated, then a further amendment may be moved to the original motion. However, only one amendment may be submitted to the meeting for discussion at one time.
 - e. The mover of every original motion, but not of an amendment, has the right to reply. Immediately after this, the question must be put from the Chairperson. No other Committee Member may speak more than once on

the same question, unless permission is given for an explanation, or the attention of the Chairperson is called to a point of order.

- f. Motions and amendments must be submitted in writing, if requested by the Chairperson.
 - g. Any discussion may be closed by a resolution “that the question be now put” being moved, seconded, and carried. That resolution must be put to the meeting without debate.
- (2) Any Committee Member, or guest previously invited to attend the meeting by the Committee, may speak on any issue with the permission of the Chairperson subject to any conditions imposed by the Chairperson.
- (3) These standing orders may be suspended for any period by ordinary resolution.

13.7 Adjournment

Where quorum is not present

- (1) If a quorum has not registered for participation 30 minutes after the appointed time for a general meeting
- a. if convened on the requisition of members, is to be dissolved: or
 - b. in any other case, may be adjourned or may proceed but no decisions may be taken.
- (2) If, at an adjourned meeting, a quorum is not present 30 minutes after the time appointed for the meeting, the Committee Members present shall form a quorum.

Where quorum is present

- (3) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of Committee Members present at the meeting, adjourn the meeting from time to time and place to place.
- (4) No business may be transacted at an adjourned meeting other than the business left unfinished at the meeting which was adjourned.

14. Special Resolutions

- (1) Alterations to these Rules may only be made by a Special Resolution in accordance with the Act.
- (2) A Special Resolution can only be considered at a special general meeting or at an annual general meeting.
- (3) A Special Resolution is any resolution which requires a majority of not less than 75% of Committee Members present and entitled to vote.
- (4) Notice of a Special Resolution is to be given in accordance with Rule 13.2(6) or 13.3(6).

15. Disclosure of Interest

(1) A Committee Member, or proxy, of the Association who has an interest in any contract, arrangement or matter proposed or under discussion by the Association is to disclose that interest

- a. at all meetings of the Association at which the contract, arrangement or matter is taken into consideration, if the interest then exists; or –
- b. in any other case, at the first meeting of the Association after the acquisition of the interest.

(2) If a Committee Member, or proxy, of the Association becomes interested in a contract, arrangement or matter after it is entered into or determined, he or she is to disclose the interest at the first meeting of the Association after he or she becomes so interested.

(3) A Committee Member, or proxy, of the Association is not to vote as a Committee Member of the Association in respect of any contract, arrangement or matter in which he or she has an interest, and any such vote is not to be counted.

16. Regional Representation Groups

(1) The Association may establish regional representation groups to represent regional recreational fishing interests.

(2) Regional representation groups shall be sub-committees of the Association, managed and co-ordinated by the Association, and shall not have an independent existence of their own outside the Association.

(3) The role, structure, responsibilities and operation of regional representation groups shall be defined by a Regional Handbook, as developed by the Association.

(4) Each Regional Representation Group shall be represented on the Association by the Chairperson of that Regional Representation Group, selected by the Committee of the Association, and sitting as a voting Committee Member of that Regional Representation Group.

(5) The purpose of a Regional Representation Group shall be to reflect the views of all recreational fishers, licensed and unlicensed, in that region, and that regional community, and to provide a communication channel for the flow of information between the Association and recreational fishers in each region.

17. Sub-Committees

(1) The Committee may

- a. appoint a sub-committee from the Committee Members of the Association; and
- b. prescribe the powers and functions of that sub-committee.

(2) The Committee may co-opt any person as a member of a sub-committee, without voting rights, whether or not the person is a member of the Association.

(3) A quorum at a meeting of any sub-committee is a simple majority.

18. Financial Matters, Banking, Property

18.1 Financial Year

The financial year of the Association is the period beginning on 1 July in one year and ending on the 30 June the next following year.

18.2 Travel Costs and Remuneration of Expenses

(1) The Association will reimburse Committee Members for reasonable out-of-pocket expenses, as determined by the Committee, to attend general meetings.

(2) Where meetings of the Association are held in regional centres, Committee Members shall be reimbursed for travel and accommodation expenses as determined by the Committee.

(3) Regional individuals attending regional representation group meetings or sub-committee meetings shall fund their own travel to such meetings.

(4) The Chairperson of the Association shall be reimbursed for reasonable out-of-pocket expenses.

18.3 Accounts and Banking

(1) True accounts are to be kept of

- a. all money received and expended by the Association; and
- b. the property, credits and liabilities of the Association.

(2) The accounts, books and records are to be kept at the Association's office or at any other place the Committee decides.

(3) Except with the authority of the Committee, a payment of any sum exceeding \$20 is not to be made from the funds of the Association otherwise than by cheque drawn on the Association's account.

(4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments are to be signed by two of three designated Officers of the Association.

18.4 Income, Property and Contracts

(1) The income and property of the Association are to be applied solely towards the promotion of the objects and purposes of the Association.

(2) No portion of the income and property of the Association is to be paid or transferred to any Committee Member of the Association without the approval of a 2/3 majority of the Committee of the Association.

- (3) A servant or contracted person of the Association may be paid
 - a. remuneration in return for services rendered to the Association or for goods supplied to the Association in the ordinary course of business; or
 - b. a reasonable and proper sum by way of rent for premises let to the Association.

19. Auditor

- (1) At each annual general meeting of the Association, the Committee Members present are to appoint a qualified person as the auditor of the Association.
- (2) The auditor is to hold office until the annual general meeting next after that at which he or she is appointed, and is eligible for re-appointment.
- (3) If no appointment is made at the annual general meeting or if a casual vacancy occurs, the Committee shall appoint an auditor for the current financial year.
- (4) All the accounts, books and records of the Association are to be provided to the auditor each financial year.
- (5) The auditor shall provide a full report to the annual general meeting as to the correctness of the accounts and the keeping of the books and records.

20. Winding up the Association

- (1) Upon the winding-up of the Association, a resolution relating to the distribution of any surplus assets may be passed by a 2/3 majority of the Committee of the Association.
- (2) If the Association is wound up every Full Member who, within the period of 12 months immediately preceding the commencement of the winding up, was a member of the Association is liable to contribute to the payment of the debts or liabilities of the Association, and to the costs, charges and expenses of the winding up.
- (3) Any liability under Sub-Rule (2) is limited to the value of the annual membership fee for Full Members.
- (4) In the event of surplus assets, the surplus shall not be distributed among members but shall be dealt with as determined by the Committee.

21. Seal of Association

- (1) The seal of the Association is to be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".
- (2) The seal of the Association is not to be affixed to any instrument except by the authority of the Committee. Every use of the seal is to be recorded.
- (3) The affixing of the seal is to be witnessed by two members of the Committee.
- (4) The seal is to remain in the custody of the Public Officer, or other person determined by the Committee.

TARFish Rules effective from 5th February 2009

This Constitution (Rules) was adopted at a meeting held for the purpose at

HOBART on 16 December 2003.

and amended on 11 September 2004.

and amended as the RULES on 19 July 2006.

and amended on 4 February 2009.