



## GDTA BY LAWS

Great Dividing Trail Association Inc

October 2013

### Notes:

- By Laws for incorporated associations are local rules or policy and do not need to be approved by Department of Justice/Consumer Affairs Victoria if they relate to the Model Rules.
- In the case of Bushwalking Victoria and its affiliated clubs, By Laws help to provide a local policy and operational framework for the association and for its present and future volunteers (ie a Procedures Manual )
- The GDTA By Laws generally state or clarify what GDTA already does, in the best interest of our members, without having had a formally approved framework as a reference point. This includes operational procedures, safety and privacy measures and where applicable, adapting the Model Rules to suit our local circumstances (for example, slow subscription payments).
- Additional By Laws can be included as necessary.

Alison Lanigan

Secretary/Public Officer

	By Law	Model Rules Reference
By Law 1 Membership: Subscription Renewal	For the purposes of consistency, subscription renewals will become due at the end of the month in which the subscription is due.	<u>Rule 12 p7 Annual subscription and fee on joining</u> (1) At each annual general meeting, the Association must determine – (a) The amount of the annual subscription (if any) for the following financial year; and (b) The date for payment of the annual subscription.
By Law 1.1 Membership: Subscription Renewal	(a) A member will receive a first notice either by email or post, stating their subscription renewal date. (b) A member who does not pay their subscription by the due date will receive one reminder notice by post.	As above
By Law 1.2 Membership: Subscription Renewal	A member who does not pay their subscription after the postal reminder will have their name listed on the next Committee agenda.	As above

<p>By Law 1.3 Membership: Lapsed Membership</p> <p>Members' Register</p> <p>Membership Rights</p> <p>After six months as Lapsed Members</p>	<p><i>Lapsed Members</i> are non-financial members. They have not paid their annual subscription and they have not formally resigned.</p> <p>If a member does not pay their subscription before the next committee meeting, the committee will be asked to approve their listing on the Members' Register as a <i>Lapsed Member</i> until –</p> <p>(a) They pay their subscription as from the due date; or (b) They resign; or (c) The Committee determines that they have resigned.</p> <p>The Members' Register will not show the contact details for <i>Lapsed Members</i>.</p> <p><i>Lapsed Members</i> will not have membership rights (which include attendance at meetings, voting rights, participation in walks or other activities and receipt of GDTA communications).</p> <p>After six or more months as <i>Lapsed Members</i>, the committee may formally note that they are taken to have resigned.</p>	<p><u>Rule 12 p7 Annual subscription and fee on joining</u> (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.</p> <p><u>Rule 17 p9 Resigning as a member</u> (1) A member may resign by notice in writing given to the Association. (2) A member is taken to have resigned if – (a) The member's annual subscription is more than 12 months in arrears.</p> <p><u>Rule 13 p8 General rights of members</u> (1) A member of the Association who is entitled to vote has the right – Refer Sections (a) ... (f) (2) A member is entitled to vote if – (c) The member's membership rights are not suspended for any reason.</p>
<p>By Law 1.4 Membership: Rights of Members - Register of Members</p> <p>Lapsed Members</p>	<p>GDTA will not reveal or publish the contact details of its members or committee members without their approval.</p> <p>The Members' Register will not show the contact details for <i>Lapsed Members</i>.</p>	<p><u>Rule 18 Register of Members pp 9-10</u> (1) The Secretary must keep and maintain a register of members that includes .... (2) Any member [<i>other than a Lapsed Member</i>] may, at a reasonable time and free of charge, inspect the register of members.</p> <p><u>Rule 75 Custody and inspection of books and records p33</u> (1) Members may on request inspect free of charge – (a) The register of members;</p>

Second Register	The Secretary will maintain a second register of members that does not show members' contact details. This register may be viewed by financial members on request.	(b) The minutes of general meetings; (c) Subject to sub rule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.
Temporary Members	Neither the formal nor the second register of members will include the names and contact details of <i>Temporary Members</i> who join GDTA for insurance purposes while on an approved activity.	(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.

By Law 1.5 Membership: Rights of Members - Voting	Honorary appointments include GDTA Patron and GDTA Track Ambassador and are not members. Honorary organisations include regional local government and landcare authorities and are not members. <i>Life Membership</i> may be awarded to financial members who have demonstrated outstanding leadership and commitment to the GDTA.	<u>Rule 13 General rights of members p8</u> (1) A member of the Association who is entitled to vote has the right – ... (2) A member is entitled to vote if –
Life Members	<i>Life Members</i> continue to be entitled to vote at general meetings including the AGM. If a <i>Life Member</i> is a <i>Committee Member</i> they are entitled to vote at a Committee meeting.	(a) The member is a member other than an associate member; and (b) More than 10 business days have passed since he or she became a member of the Association; and (c) The member's membership rights are not suspended for any reason.
Organisation Member	An <i>Organisation Member</i> is entitled to have one vote at general meetings including the Annual General Meeting, if their membership rights are not suspended for any reason.	
Organisation and Individual Members	Where an <i>Organisation Member</i> also pays an <i>Individual Member</i> subscription, they will be entitled to have two votes: one as the <i>Organisation Member</i> and one as the <i>Individual Member</i> , if their membership rights are not suspended for any reason.	

Temporary Members Lapsed Members	<i>Temporary Members and Lapsed Members do not have voting rights.</i>	
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By Law 1.6 Members: Visitors on walks  See also By Law 3 Guided Walks Policy	For insurance purposes, each visitor must become a Temporary GDTA Member for each walk or social activity.  In the one calendar year: <ul style="list-style-type: none"> <li>▪ Visitors can have up to three walks as Temporary Members at a fee of \$5.00 per walk.</li> <li>▪ After that they must become Financial Members before they walk again with GDTA.</li> <li>▪ Temporary Member fees will count towards payment of the first year's subscription.</li> </ul>	<u>Rule 5 Powers of Association p5</u> (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes. (2) ...
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By Law 1.7 Temporary Membership for Organisation Members	For insurance purposes If a participant in an official activity is a member or representative of a GDTA Organisation Member, that participant must become a GDTA Temporary Member before beginning the activity, unless they are a financial GDTA member in their own right.	
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By Law 1.7 approved for immediate implementation by GDTA Committee June 2014 – to be confirmed at February 2015 AGM

By Law 2 Committee: Co-opting Committee Members	The Committee has the power to co-opt a financial member or members to the Committee.	<u>Part 5 Committee. Division 1 Powers of Committee.</u> <u>Rule 42 Role and Powers, p21</u> (3) The Committee may – (a) Appoint and remove staff.
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<p>By Law 3 Guided Walks Policy</p> <p>Appointment of Walk Leaders</p> <p>Power and responsibility of Walk Leaders</p> <p>Incident Forms</p> <p>Acknowledgement of Risk forms</p> <p>Temporary Memberships</p> <p>Attendance Sheets</p> <p>Members</p> <p>Visitors/Temporary Members</p> <p>See also By Law 1.6 Membership: Visitors</p>	<p>Previously GDTA Heat Policy. <i>Copy attached.</i></p> <p>The Committee has the power to appoint Walk Leaders to lead guided walks.</p> <p>The Guided Walks Policy includes:</p> <ul style="list-style-type: none"> <li>▪ Automatic cancellation of walks</li> <li>▪ Power and responsibility of walk leaders to cancel or modify a walk</li> <li>▪ Power and responsibility of walk leaders to refuse to allow a walker to begin the walk</li> <li>▪ The walk leader being required to complete the Incident Form following an accident or incident</li> </ul> <p>Before the beginning of the walk or activity:</p> <ul style="list-style-type: none"> <li>▪ Requirement for members to have signed the Acknowledgement of Risk form (this is usually done in conjunction with payment of the annual subscription)</li> <li>▪ Requirement for visitors to become Temporary Members</li> <li>▪ Requirement for all participants to complete the Attendance Sheet.</li> </ul> <p>Members can have as many walks as they like, at no cost other than their annual subscription.</p> <p>In the one calendar year:</p> <ul style="list-style-type: none"> <li>▪ Visitors can have up to three walks as Temporary Members at a fee of \$5.00 per walk. After that they must become Financial Members before they walk again with GDTA.</li> <li>▪ Temporary Member fees will count towards</li> </ul>	<p><u>Rule 5 Powers of Association p5</u></p> <p>(3) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.</p> <p>(4) ...</p> <p><u>Division 2: Composition of Committee and duties of members</u></p> <p><u>Rule 45 General Duties p22</u></p> <p>(5) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.</p> <p>(6) Committee members must exercise their powers and discharge their duties –</p> <p>(a) In good faith in the best interests of the Association; and</p> <p>(b) For a proper purpose.</p> <p><u>Rule 5 Powers of Association p5</u></p> <p>(7) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.</p>
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Lapsed Members	<p>payment of the first year's subscription.</p> <p>Lapsed Members do not have membership rights and may not join in walks until they have paid their outstanding subscription.</p>	
Resigned Members	<p>Resigned Members, or members who the Committee has formally noted to be resigned, may join in walks as Temporary Members.</p>	

### GDTA By Law 3 - Guided Walks Policy: GDTA Heat Policy

Walks will be **automatically cancelled** on

- Days of Total Fire Ban
- When the Department of Environment and Primary Industries (DEPI, previously DSE) or Parks Victoria have Planned Burns in the area
- When there is smoke or fire activity in or near the area of the walk
- In extreme weather or when extreme weather conditions are forecast
- If the temperature is expected to be 35C or above.

The walk leader may cancel, change, modify or shorten a proposed walk if the combination of the walk difficulty, distance or terrain and the expected weather conditions gives rise to concern about possible excessive pressure on walkers.

Walkers are expected to wear protective clothing and to carry plenty of water so that they don't impose on others or put themselves or others in an unsafe situation.

The walk leader can refuse to allow a walker to join the group if the walker is considered to be insufficiently prepared.

Great Dividing Trail Association Inc  
 Committee Approval given 9 October 2013

By Law 4 Code of Conduct, including Formal Complaints	GDTA Code of Conduct. Revised October 2013. <i>Copy attached.</i>	<u>Members, Disciplinary Procedures and Grievances: Division 3 Grievance Procedure Rules 25, 26, 27, 28, 29, pp 13-14</u>
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## **GDTA By Law 4 - Code of Conduct**

**Revised October 2013**

*This Code of Conduct should be read in conjunction with the 2012 Model Rules (Part 3 – Members, Disciplinary Procedures and Grievances: Division 3 – Grievance Procedure, Rules 25, 26, 27, 28 and 29).*

In 2010 Bushwalking Victoria (BWV) developed and adopted a formal Code of Conduct. GDTA adopted the code at its April 2011 meeting and customised it for GDTA purposes at its committee meeting in June 2011.

The Code of Conduct is intended to set minimum standards of behaviour for all persons involved in GDTA activities.

This isn't intended to imply that the behaviour or conduct of GDTA members is less than desirable. Far from it – GDTA is one of the many clubs that enjoy good times and interaction between members during walks and other activities.

The formal Code of Conduct document gives a detailed process for dealing with complaints or breaches of the code. GDTA has developed a simpler process should there be a formal complaint that requires resolution.

However, if you believe that you have been affected by a breach of the Code, the best way to deal with it is to talk to the person/s concerned and try to sort out the issue before you make any formal complaint.

### **Every person participating in GDTA activities should strive to ensure:**

- The inclusion of every person regardless of their age, gender or sexual orientation;
- The inclusion of every person regardless of their race, culture or religion;
- There are opportunities for people of all abilities to participate in their activities;
- They demonstrate respect towards each other, their respective organisations and the broader community;
- There is a safe and inclusive environment for all;
- There is no violent or abusive behaviour;
- There is protection from sexual harassment or intimidation.

### **Breaches of the Code**

The following behaviours are considered to be breaches of the code:

- Violent or abusive behaviour towards another person
- Vilification of any kind towards another person
- Discrimination against another person based on their age, gender or sexual orientation
- Discrimination against another person based on their race, culture, religion or any other irrelevant personal characteristic
- Victimisation of another person for exercising their rights through this code of conduct
- Failure to maintain a safe environment free from violence, abuse, discrimination and harassment

### **GDTA responsibilities**

It is GDTA's responsibility to:

- Adopt, implement and comply with this code of conduct
- Make such amendments to its rules and policies necessary for this code of conduct to be applied and upheld
- Publish and promote this code of conduct for all members and visitors
- Deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner.

### **Responsibilities of individuals**

Members will agree to abide by the GDTA Code of Conduct. It is the responsibility of members to:

- Make themselves aware of the standards of behaviour required
- Be accountable for their behaviour
- Follow GDTA's procedures if they want to make a complaint or report a breach of the code of conduct.

### **Formal Complaints**

If you believe that you have been affected by a breach of the Code, the best way to deal with it is to talk to the person/s concerned and try to sort out the issue before you make any formal complaint.

However, if you wish to make a formal complaint, please contact The GDTA Secretary:

- By email, @ [gdtatrail@gmail.com](mailto:gdtatrail@gmail.com) or
- By letter, with the envelope clearly marked CONFIDENTIAL and addressed to the GDTA Secretary P O Box 374 Creswick Vic 3363.

Formal complaints will be referred to a meeting of the GDTA Executive Committee which comprises the President, Vice-President, Secretary and Treasurer.

The GDTA Executive Committee will endeavour to resolve the issue/s with the parties involved while complying with the New Model Rules.

Depending on the need for further information and the complexity of the complaint, then relevant information, advice or interpretation will be sought in confidence from specialist personnel associated with the bushwalking environment.



The resolution determined by the GDTA Executive Committee will be formally conveyed to all parties in writing in a timely manner.

**Model Rule 29: Failure to resolve dispute by mediation, p14**

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Great Dividing Trail Association Inc

This revised version was approved and adopted by the GDTA Committee at its meeting held on Wednesday 9 October 2013.

By Law 5 Financial: Debit card	The Treasurer may obtain a debit card for use by the Secretary to facilitate payment of purchases of under \$1,000. This will alleviate the need for holding a large cash float.	<u>Rule 69 p31 Management of funds</u> (1) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.
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Great Dividing Trail Association Inc, 2013