



MELBOURNE BUSHWALKERS (INCORPORATED) BY LAWS

0. Definitions

- 0.1 "Activity" in these By Laws and the Club's Rules refers to any activity such as a walk, cycle, canoe, ski, raft or lilo trip.
- 0.2 "Club" in these By Laws means Melbourne Bushwalkers (Incorporated).
- 0.3 "Rules" in these By Laws refers to the Club's Rules of Association.
- 0.4 "Member" in these By Laws refers to a member of the Club and excludes Temporary Members.
- 0.5 "Temporary Member" in these By Laws and other Club documentation refers to a person wishing to participate in the Club's activities but not qualified to be a member.

1. Financial

- 1.1 Bills of \$300 or more must be presented at a Committee Meeting to be approved for payment by the Treasurer. Urgent or regular payments can be made by the Treasurer and ratified at the next meeting.
- 1.2 The Treasurer may, at his/her discretion, settle debts of less than \$100 in cash without reference to the Committee. The recipient shall sign a petty cash slip for the payment and provide supporting dockets where possible.
- 1.3 Where a payment is required urgently for a programmed Club activity or social function and the Treasurer has received money from the activity or social function coordinator to cover that payment, the payment may be made without reference to the Committee as required in by law 1.1.
- 1.4 As far as possible at least one of the reviewers of the financial statements should be a person with qualifications or experience in accounting.
- 1.5 The Annual Financial Statement will include a balance sheet, and an income and expenditure statement. The latter is to be divided into the separate Club activities showing opening and closing balances and including any significant accrual amounts.
- 1.6 Any donations made from Club funds must be approved by the Committee and should be consistent with the purposes of the Club.
- 1.7 Preview Reimbursement
 - 1.7.1 The Club may reimburse the leader of an activity listed in the Club program or a special event approved by Committee for vehicle expenses incurred by or on behalf of the leader when previewing the activity.
 - 1.7.2 The leader must submit a written claim for the expenses to the Treasurer in a form approved by the Committee.
 - 1.7.3 The vehicle expenses are:
 - 1.7.3.1 limited to reimbursement for fuel and the cost of wear and tear to the vehicle of an amount or amounts for each kilometer travelled; and
 - 1.7.3.2 to be approved from time to time by the Committee.
 - 1.7.4 The total amount of reimbursement to a leader for an activity must not exceed \$120.
- 1.8 Where a private PLB is activated in 'good faith' for a Club Activity the Club will reimburse the owner for the repair or replacement of the PLB, whichever is the lesser. The Leader will submit a claim by email to the Treasurer with a General

Expenses Payment Claim Form giving the activity the PLB was activated on, the circumstances of the event, and a copy of their payment receipt, along with their bank account details.

- 1.9 An "Active Pack Carry or Base Camp Leader can, every 7 years, get one rebate of \$150 off the purchase of a PLB that they will use on Club Activities at the direction of the leader.
 - 1.9.1 "Active" is a leader who has led 2 such walks in the 2 years before applying for a rebate.
 - 1.9.2 Prior to purchasing a PLB written approval shall be obtained from the Secretary.
 - 1.9.2 The leader will submit a claim by email to the Treasurer with a General Expenses Payment Claim Form giving the details of the PLB purchased, a copy of their payment receipt, and their bank account details.
- 1.10 If a leader after reasonable efforts cannot get a Club or Private PLB for their trip then they can rent a PLB and claim the costs from the Club by submitting a claim by email to the Treasurer with a General Expenses Payment Claim Form giving the activity the PLB was taken on, the reasons for the rental, and a copy of their payment receipt, and with their bank account details.

2. Leaders' Duties

- 2.1 Leaders of activities must be members of the Club, unless agreed otherwise by the Committee for a particular activity.
- 2.2 Leaders of activities (and training mentors for the trip) using the Club bus are not required to pay a bus fee.
- 2.3 Walks leaders for a Sunday bus activity must attend the clubrooms for at least two Wednesdays prior to their walk. Walks leaders for a Sunday car pool activity must attend the clubrooms the Wednesday prior to their walk. This is for the purpose of providing information regarding the walk to interested walkers and assessing the fitness of visitors to undertake the activity. If unable to attend they must request another member to carry out this role.
- 2.4 Leaders of other activities may either be in attendance in the clubrooms or take bookings directly.
- 2.5 A leader may refuse to accept any person on an activity and should where appropriate explain the reason to the person. They should also be able to provide adequate reason to the Committee if called upon to do so.
- 2.6 If a leader is unable to be at the meeting place for commencement of an activity, or is unable to lead the activity, they must appoint another appropriate member to take charge. If possible, the relevant Walks Secretary is to be advised of the change of leadership before the commencement of the activity.
- 2.7 A leader has final authority as to the conduct of the activity. Where possible the published route shall be followed. Leaders are responsible for obtaining permission to cross private property.
- 2.8 A leader is responsible for giving accurate directions to the bus driver or car drivers.
- 2.9 Where there is more than one leader on an activity, one person will be designated as the main leader and will be responsible for the overall co-ordination of the activity, including bookings and directing bus and/or car drivers.
- 2.10 A leader is responsible for the welfare of those participating in the activity and shall guard against participants becoming separated from the party. Any person participating in an activity who voluntarily leaves the party relieves the leader of any further responsibility for that person. Where possible the leader should inform the person of the consequences of their actions.

- 2.11 In the event of an emergency, a leader shall take such actions as are appropriate, and they or another person appointed by them may incur any reasonable expenditure to ensure the party's safe return. If a leader or participant becomes ill or is injured on a walk, that person cannot be left on their own. At least one club member should stay with the person until help is provided. If necessary the activity may need to be abandoned.
- 2.12 Sunday Bus leaders will advise names of additional attendees including monies collected, any cancellations and reasons given, by the first Wednesday after the walk either by contacting the Sunday Walks Secretary or by sending an email to busbookings@mbw.org.au. Any monies collected need to be either banked or forwarded to the Club by the second Wednesday after the walk. A Walk Report form must also be completed and forwarded to the Sunday Walks Secretary. In addition an Incident Report form must be completed, if necessary, and forwarded to the Club Secretary within a week after the walk for action
- 2.13 All leaders of private transport activities shall forward a completed Walk Report together with any Temporary Members' fees to the relevant Walks Secretary/Treasurer as soon as possible after completion of an activity. In addition an Incident Report Form must be completed, if necessary, and forwarded to the Club Secretary within a week after the activity for action.
- 2.14 If a very serious incident occurs during an activity the leader must notify the President, a Vice President, the General Walks Secretary or the Secretary as soon as the leader is able to access phone coverage. Alternatively they can ask a Club Emergency Contact to do this for them.
- 2.15 Leaders must ensure that every activity carries the following safety equipment:
 - 2.15.1 A mobile phone or phones, preferably with remote area coverage.
 - 2.15.2 The Emergency Plus or GPS Application loaded on a phone, or a GPS device in order to provide accurate information for Emergency Services if required.
 - 2.15.3 First Aid Kits and Torches. For Sunday Walks a Club First Aid Kit must be taken by each leader.
 - 2.15.4 PLBs when required by the "Activity Policy: Use of PLBs on Club Activities.
 - 2.15.5 Electronic or Paper Maps for the Activity.
- 2.16 The leader of a Club Activity must operate that activity in **accordance** with:
 - 2.16.1 The law of Victoria and the jurisdiction where the activity is conducted,
 - 2.16.2 General community safety practices, and
 - 2.16.3 The Club's **Bylaws and Activity Policies** that are published on the Club's Website.
- 2.17 The leader of an activity must also take into consideration the Club's **Activity Guidelines** that are published on the Club Website when making their decisions and conducting the activity.

3. Club Emergency Contact System

- 3.1 The club must maintain procedures to ensure that, as far as practicable:
 - (a) each month a message is recorded on the Club's emergency mobile phone setting out the names of the Club's Emergency Contacts for the month and the mobile phone number of each of those contacts;
 - (b) at least one of those Club Emergency Contacts will be at their phone number listed on the recorded message while Club activities are taking place;
 - (c) if there is any substantial delay in the time of return of the members of the group undertaking the activity, the leader will phone one of the Club Emergency Contacts to advise of the delay in completing the activity and the expected time of return;
 - (d) a Club Emergency Contact will record a message on the Club's emergency mobile number advising of the delay in completing the Club activity and the

expected time of return of the members of the group undertaking the activity.

4. Booking and Transport for Activities

- 4.1 The use made of bus transport is under the control of the Committee via the Sunday Walks Secretary, who will make arrangements for its use on a Sunday. Use of bus transport for any other activity must be approved by the Committee.
- 4.2 Bookings should be made on the appropriate booking form to record participants on any activity.
- 4.3 All visitors (Temporary Members) must complete and sign an Acknowledgement of Risk form prior to each activity they undertake as a Temporary Member.
- 4.4 For trips using bus transport, a seat is only reserved for members and Temporary Members by payment of a Bus Fee (leaders excluded).
- 4.5 Any person who does not reserve a seat on the bus and who wishes to participate in an activity may do so provided that:
 - (a) there is room on the bus; and
 - (b) the leader is prepared to accept them; and
 - (c) they pay an extra fee - Late Fee (if applicable).
- 4.6 For activities using private cars, the costs shall be shared as specified in the Club's Quarterly Activities Program. The Temporary Member's fees are applicable.
- 4.7 For safety reasons, the minimum number of participants for a private transport based Club activity shall be four persons. This requirement does not apply to Previews.
- 4.8 All participants in overseas activities arranged by the club must complete and sign an Acknowledgement of Risk and Indemnity – Overseas Trips form.

5. Activity Fees and Costs

- 5.1 The fee for Sunday bus trips shall be set by the Committee. Charges for other activities shall be decided upon by the relevant leader to cover costs.
- 5.2 Any person who is not a financial member and is accepted on an activity as a Temporary Member shall be charged an extra fee (a Temporary Member's fee) at a rate set by the Committee.
- 5.3 Any visitor (Temporary Member) must pay the appropriate Temporary Member's fee.
- 5.4 The Temporary Member's fee ceases to be payable when a person has submitted their application for membership.
- 5.5 Full-time students, pensioners, persons receiving Centrelink benefits and children under the age of 18 years pay a concessionary Sunday Bus Fee.
- 5.6 Temporary members who are ineligible to become Members by reason of their age are exempt from Temporary Member's fees after their third activity.
- 5.7 Temporary Members under the age of 18 years are allowed on Club activities provided that:
 - (a) the leader is convinced that the person can satisfactorily complete the activity; and
 - (b) the leader is prepared to accept them; and
 - (c) the person is accompanied by a parent or guardian who will sign the Acknowledgement of Risk form on their behalf.
- 5.8 If a person pays a Sunday Bus Fee and/or Temporary Member's fee and does not participate in the activity, a credit/reimbursement will only be made if they can satisfy the Sunday Walks Secretary or relevant leader that their non-participation was due to illness, a situation under the Club's Fire Season, Total Fire Ban and Extreme Heat Policies or other unavoidable circumstances, and that they made a reasonable effort to notify them before the walk. Subject to the preceding, Sunday bus credits will be transferred from one activity to another.
- 5.9 If the leader of a private transport activity is likely to incur any costs before the activity exceeding \$300 the leader should previously obtain the Committee's approval to incur

- the costs. If a loss is incurred on the activity the Committee may reimburse, the leader for the loss if the leader has:
- (a) made all reasonable efforts to recover the loss; and
 - (b) applied to the Committee in writing for reimbursement of the loss.
- 5.10 If an activity requires outlays exceeding \$300 to service providers leaders are responsible for managing the financial success of the activity and should understand the terms and conditions regarding cancellation of a booking or service before paying any deposit. Leaders must collect deposits from sufficient participants to cover non-recoverable costs before paying the deposit to the service provider(s). This is particularly important where there are long lead times and where deposits may be forfeited if the trip does not eventuate.
 - 5.11 If a leader requires financial assistance to pay a deposit that is less than \$300 for a Club activity, the leader, after consultation with the relevant Activity Coordinator, may apply to the Committee which must consider the request. The Club may pay an amount not exceeding \$300 to assist the leader to pay the deposit in these circumstances.
 - 5.12 The preferred option is for the leader to seek Expressions of Interest from participants well in advance of the activity taking place and to collect a deposit from participants before making an outlay.
 - 5.13 Participant's deposits may be forfeited if the trip fails to eventuate due to cancellations or other reasons beyond the leader's control. The leader is responsible for informing participants that their deposits may be forfeited if the trip fails to eventuate. To avoid problems with participant cancellation, leaders should collect the balance of money for the trip and collect full payment for the service(s) as early as practicable.
 - 5.14 Leaders should avoid getting involved with the payment of any costs that can be paid directly by individual participants.
 - 5.15 Any refund relating to private transport activities for deposits, transport, booking fees or other costs paid to the leader will be dependent on whether the leader can reasonably recover those costs. A person who has paid any costs for the activity directly is responsible for recovering those costs.
 - 5.16 Refund of non-recoverable payments paid on behalf of participants who withdraw from the activity will only be considered if they find a suitable replacement.
 - 5.17 A Temporary Member fee will only be refunded if the leader is satisfied that a visitor's non-participation was due to illness, a situation under the Club's Fire Season, Total Fire Ban and Extreme Heat Policies or other unavoidable circumstances and that the visitor made a reasonable effort to notify the leader before the walk.

6. Responsibility and Conduct of Members and Temporary Member

- 6.1 Club activities require individual responsibility from all participants as described in the Club's Participants Responsibilities on Club Activities Policy and Code of Conduct.
- 6.2 Participants:
 - (a) Must satisfy the leader (or deputy) of their fitness and suitability for the particular activity they participate in and advise any relevant medical conditions, before their name and booking details are recorded and they pay any applicable fee.
 - (b) Shall recognize the authority of the leader, and carry out any reasonable requests by the leader.
 - (c) Demonstrate respect and consideration for other participants and refrain from any behaviour or actions likely to reflect adversely on the Club.
 - (d) Care for the environment by minimizing plant damage and avoiding pollution.
 - (e) Be aware of Club's Fire Season, Total Fire Ban and Extreme Heat Policies and the Club Emergency Contact System.
 - (f) Carry a completed Green Health Card with them on the activity.

- (g) Carry their own personal medications and a First Aid kit suitable for the activity.
- 6.3 Where a leader becomes aware of a problem during an activity, the leader, if practicable, is to approach the person privately and clearly describe the behaviour that is unacceptable, explain why this is so, and ask that it cease and not be repeated. The leader may decide that no further action is necessary or that the informal or formal procedures of the Club's Code of conduct may be initiated or that disciplinary action or a grievance procedure should be initiated under the Rules.
- 6.4 The Club's procedure for dealing with problem behaviour and breaches of the Code of Conduct must follow the principles of natural justice and if possible attempt to resolve the issue with an informal approach as follows:
 - (a) Wherever possible a person who believes they have been affected by a breach of the Club Code of Conduct or Club policies should if possible, first talk to the person or people involved to resolve the problem before making a formal complaint.
 - (b) If the person affected is not able to talk to the person or people involved, they may wish to talk confidentially with a Committee Member or Leader, or another appropriate person for advice and support. This person may assist the affected person in discussions with those whose behaviour is causing concern. The discussions and advice should be treated as confidential by all involved and may be sufficient to resolve the matter to the satisfaction of the affected person.
 - (c) The outcome from an informal approach may be that the complainant decides that the problem has been resolved or is minor and does not need further attention.
 - (d) If the complainant feels that the problem has not been properly addressed or is continuing, action under the Rules may be taken if appropriate.

7. Hire of Equipment

- 7.1. The Equipment Officer (or deputy) shall be responsible for the hire of Club equipment, and all bookings for any equipment must be made in person to him/her (or deputy). Hire charges shall be paid at the time of hire.
- 7.2 Issue and return of Club equipment shall be made at the Clubroom, unless the Equipment Officer agrees otherwise.
- 7.3 Equipment booked shall be collected from the Clubroom no sooner than one week in advance of the date of the activity and must be returned within a week of the activity for which it was hired. The Equipment Officer may:
 - (a) Extend the hiring period more than one week before the activity for which it is hired if the equipment is not booked out to anyone else and the member pays for hire charges for any extra use of the equipment; and
 - (b) Demand extra hire charges for equipment not returned promptly.
- 7.4 Persons hiring equipment shall be responsible for its care while in their possession, and shall be liable for any damage to or loss of equipment – fair wear and tear excepted. Any loss or damage must be reported to the Equipment Officer.
- 7.5 Only members of the Club and Temporary Members of the Club are eligible to hire Club equipment..
- 7.6 A Committee member may deputise for the Equipment Officer.

8. Membership

- 8.1 The proposer and seconder of an application for membership must have accompanied the applicant on at least one of his/her qualifying activities.
- 8.2 Qualifying activities must take place within the twelve months prior to an application for membership.

- 8.3 The following are considered, for the purpose of membership, to be qualifying activities:
- (a) Three, one day walks;
 - (b) one weekend plus one day walk;
 - (c) two weekend walks;
 - (d) any combination of Club activities as approved by the Committee;
 - (e) any other combination of activities as approved by the Committee.
- 8.4 New members joining after the 1st September shall pay 50% of the standard subscription.
- 8.5 Non-financial membership
- (a) A non-financial member may reinstate their membership within 12 months after their membership first became due by paying the full year subscription or any reduced subscription determined by the Committee under Rule 12(4)(b). The person seeking reinstatement is not required to do qualifying activities and does not require a proposer or a seconder.
 - (b) Any non-financial member who has resigned or is taken to have resigned under Rule 17 may apply for reinstatement to membership by lodging a completed and signed Membership Application form with the Membership Secretary or Club official and paying the current year's subscription or any reduced subscription determined by the Committee under Rule 12(4)(b). The person seeking reinstatement is not required to do qualifying activities and does not require a proposer or a seconder.
 - (c) Any member who has resigned or is taken to have resigned under Rule 17 may be reinstated in accordance with paragraph (b) within 5 years after the date the person's last subscription was due but unpaid.

9. Training

- 9.1 The Club will provide training information and activities for its members.
- 9.2 The Club will conduct leadership training on a regular basis. The aim is to train individuals to lead activities in a sensible and safe manner as set down in the Club's By Laws, Risk Management Plan and policies.
- 9.3 Training will include but is not limited to - Navigation, First Aid, Risk Management, Emergency procedures and Club policies.
- 9.4 While it is understood that individual members take responsibility for their own safety, the Club will endeavour to educate members on the hazards of the outdoor activities it organizes.

10. Club Positions

- 10.1. In addition to the offices defined in the Club's Rules the Club may establish any other offices required for the effective operation of the Club.

11. Badge

- 11.1 The Association's badge and logo shall be in the shape of a vertical rectangle with the following design:
"A walker with a pack, walking uphill, (in silver), silhouetted against a light blue sky. The sky is divided from the hill mass by a thin blue line sloping down to the right, starting two thirds of the way from the top of the badge. The hill mass is dark blue, with MELBOURNE BUSHWALKERS imprinted in silver on it. A thin silver border encloses the design."

12. Notice of new or amended By Laws

- 12.1 The Club must ensure that notification of new By Laws or changes to the By Laws are given to members within six weeks after the meeting of the Committee that made or amended the By Laws.

13. General

- 13.1 There shall be no smoking on any bus used by the Club.
- 13.2 Firearms are not permitted on Club activities.
- 13.3 Animals are not permitted on Club activities unless approved by the Committee.
- 13.4 Any rubbish shall not be left or buried, but brought back from an activity.
- 13.5 The convener of any programmed activity involving voluntary labour shall present their costs to the Committee for consideration prior to the event.