



**SAINTS MONARCHS ICE  
HOCKEY CLUB  
(INCORPORATED)**

**RULES OF INCORPORATION**

**SEPTEMBER 2010**

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## SAINTS – MONARCHS ICE HOCKEY CLUB (INCORPORATED)

### **STATEMENT OF PURPOSE:**

- TO ORGANIZE AND COMPETE IN THE SPORT OF ICE HOCKEY
- TO ENCOURAGE PEOPLE OF ALL AGES TO PARTICIPATE AND ENJOY THE SPORT OF ICE HOCKEY
- TO DO ALL MATTERS CONDUCIVE TO BENEFIT THE SPORT OF ICE HOCKEY
- TO AFFILIATE WITH ICE HOCKEY VICTORIA.

# SAINTS - MONARCHS ICE HOCKEY CLUB INC.

## RULES

### 1. NAME

The name of the Association is the Saints - Monarchs Ice Hockey Club Incorporated.

### 2. INTERPRETATION

(1) In these rules, unless the contrary intention appears:

- (a) “**Committee**” means the committee of management of the Association.
- (b) “**Financial Year**” means the year ending on 30th June.
- (c) “**General Meeting**” means a general meeting of members convened in accordance with Rule 11.
- (d) “**Member**” means a member of the Association.
- (e) “**Ordinary Member of the Committee**” means a member of the Committee who is not an officer of the Association under Rule 21.
- (f) “**The Act**” means the “Associations Incorporation Act 1981”.
- (g) “**The Regulations**” means regulations under the Act.
- (h) “**Rules and Regulations**” means the working rules of the Association and from time to time amended or to added to by the Committee of Management.

(2) In these Rules, a reference to the secretary of an Association is a reference -

- (a) where a person holds office under these Rules a secretary of the Association - to that person; and
- (b) in any other case, to the Public Officer of the Association.

### 3. QUALIFICATIONS OF MEMBERSHIP

- (1) A person who has provided all the required information on a formal membership form as provided in these rules is eligible to be a member of the Association on payment of the annual subscription payable under these rules or a person referred to in clause.
- (2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was such a member at the time but has ceased to be a member) shall not be admitted to membership-
  - (a) unless he/she is nominated as provided in sub-clause (3); and
  - (b) his/her admission as a member is approved by the Committee.
- (3) A nomination of a person for membership of the Association -
  - (a) shall be made in writing in the form set out in Appendix 1
  - (b) shall be lodged with the secretary of the Association.
- (4) As soon as is practicable after the receipt of a nomination, the secretary shall, with as little delay as possible, notify the nominee in writing that he/she is approved for membership of the association and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the first year's annual subscription.
- (5) The secretary shall, upon payment of the amount referred to in that sub-clause, enter the nominee's name in the register of members kept by him/her and, upon the name being so entered, the nominee becomes a member of the association.
- (6) A right, privilege or obligation of a person by reason of his/her membership of the association -
  - (a) is not capable of being transferred or transmitted to another person;
  - (b) terminates upon the cessation of his/her membership whether by death or resignation or otherwise.

### 4. ANNUAL SUBSCRIPTION

Unless or until otherwise determined, the annual subscription shall be decided by the committee each year at the annual general meeting.

The annual subscription shall be determined on the following categories:

Senior Members - Player/Associate

The Annual Subscription is payable with the payment of the IHV fee two weeks before the beginning of the next new season. [It is currently \$45.00.] A player will not be allowed to play a game until s/he has paid the fees for the entire

season and any outstanding fees from previous years. The Executive may consider applications for special consideration in exceptional circumstances.

- (1) The committee shall at their discretion, have the power to waive or lower the payment of subscription fees for Players where two or more Players from one family are playing with this association.
- (2) The committee shall at their discretion, have the power to waive or lower the payment of subscription fees for Players in special cases as determined by a full meeting of the committee.
- (3) The committee shall at their discretion, have the power to waive or lower the payment of subscription fees for volunteer members as determined by a full meeting of the committee.

## 5. CLASS OF MEMBERS

- (a) Senior Members - Player
- (b) Life Members
- (c) Associate
- (d) Patron

**SENIOR MEMBERS** - Player/Associate - are persons who have attained the age of 18 years by the 30th June in the current calendar year.

**LIFE MEMBERS** - A member of the Association may be elected an Honorary Life Member at a General Meeting of members in recognition of outstanding services to the Association and/or Ice Hockey. A two-thirds majority of all those present and voting shall be necessary for such election. The number of honorary life members elected in any one calendar year shall not exceed One (1).

**ASSOCIATE** - A registered member of the association who is a non-playing member of the association.

**PATRON** - A member of the association may be elected a patron of the association at an Annual General Meeting of members in recognition of outstanding services to the association or for possible beneficial service to the association. A two-third majority of all those present and voting shall be necessary for such to be elected. The election is for a minimum of one year, reviewed at the Annual General Meeting or extraordinary general meeting convened by the committee.

## 6. REGISTER OF MEMBERS

The secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register which shall be available for inspection by members at the address of the Public Officer.

## **7. RESIGNATION OF MEMBERS**

- (1) A member of the Association who has paid all monies due and payable by him/her to the Association may resign from the Association by first giving one month's notice in writing to the secretary of his/her intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- (2) Upon the expiration of a notice given under sub-clause (1) the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

## **8. EXPULSIONS, SUSPENSION OR FINING OF MEMBERS**

- (1) Subject to these rules, the Committee may by resolution –
  - (a) expel a member from the Association;
  - (b) suspend a member from membership of the Association for a specified period; or
  - (c) fine a member in accordance with the regulations - if the Committee is of the opinion that the member:
    - (d) has refused or neglected to comply with these rules; or
    - (e) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- (2) A resolution of the Committee under sub-clause (1) -
  - (a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (3) confirm the resolution in accordance with this clause; and
  - (b) where the member exercises a right of appeal to the Association under this clause does not take effect unless the Association confirms the resolution in accordance with this clause.
- (3) Where the Committee passes a resolution under sub-clause (1), the secretary shall, as soon as practicable, cause to be served on the member a notice in writing –

- (a) setting out the resolution of the Committee and the grounds on which it is based;
  - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after the service of the notice;
  - (c) stating the date, place and time of that meeting;
  - (d) informing the member that he/she may do one or more of the following:
    - (i) Attend that meeting;
    - (ii) Give the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
    - (iii) Not later than 24 hours before the date of the meeting, lodge with the secretary a notice to the effect that he/she wishes to appeal to the Association in general meeting against the resolution.
- (4) At a meeting of the Committee held in accordance with sub-clause (2), the Committee –
- (a) shall give to the member an opportunity to be heard;
  - (b) shall give due consideration to any written statement by the member; and
  - (c) shall by resolution determine whether to confirm or revoke the resolution.
- (5) Where the secretary receives a notice under sub-clause (3) he/she shall notify the Committee and convene a general meeting of the Association to be held within 21 days after the date on which the secretary received the notice.
- (6) At a general meeting of the Association convened under sub-clause (5) -
- (a) no business other than the question of the appeal shall be transacted;
  - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
  - (c) the member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (7) If at the general meeting –
- (a) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and

(b) in any other case, the resolution is revoked.

## **9. ANNUAL GENERAL MEETING**

- (1) The Association shall in each calendar year convene an annual general meeting of its members.
- (2) The annual general meeting shall be held on such day as the Committee determines.
- (3) The annual general meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the annual general meeting shall be –
  - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year;
  - (c) to elect officers of the Association and the ordinary members of the Committee; and
  - (d) to receive and consider the statement submitted by the Association in accordance with Section 30 (3) of the Act.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (6) The annual general meeting shall be an addition to any other general meetings that may be held in the same year.
- (7) The annual general meeting is to be held no later than 5 October in the same year.

## **10. SPECIAL GENERAL MEETING**

All general meetings other than the annual general meeting shall be called special general meetings.

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association and, where, but for this sub-clause, more than 15 months would lapse between annual general meetings, shall convene a special general meeting before the expiration of that period.
- (2) The Committee shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene a special general meeting of the Association.

- (3) The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- (4) If the Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by members in pursuance of these rules shall be convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

#### **11. GENERAL MEETINGS NOTICE**

- (1) The secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at his/her address appearing in the register of members, a notice by email and/or pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) No business other than that set out in the notice convening the meeting shall, be transacted at the meeting.
- (3) A member desiring to bring any business before a meeting may give notice of that business in writing to the secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

#### **12. PROCEDURE**

- (1) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
- (2) 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 when the meeting is considering that item.
- (3) 5 members personally present (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.
- (4) If within half an hour after the appointed time for the commencement of a general meeting, a 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 date in the next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the 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 be a quorum.

### **13. CHAIRMAN**

- (1) The President, or in his/her absence, the Vice-President shall preside as Chairman at each general meeting of the Association.
- (2) If the President and the Vice-President are absent from a general meeting, the members present shall elect one of their numbers to preside as Chairman at the meeting.

### **14. ADJOURNMENT**

- (1) The Chairman of a general meeting at which a quorum is present may, with the consent of 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.
- (2) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- (3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

### **15. VOTING**

A question arising at a general meeting of the Association shall be determined on a show of hands or ballot conducted by a returning officer and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute Book or computer records of the Association is evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

### **16. VOTING RIGHTS**

- (1) A member is not entitled to vote at any general meeting unless all moneys due and payable by him/her to the Association have been paid, in respect of the current financial year.
- (2) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (3) All members are eligible to vote.
- (4) All votes shall be given personally or by proxy.
- (5) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

## **17. POLLS**

- (1) If at a meeting a poll on any question is demanded by not less than 3 members, it shall be taken at the meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

## **18. PROXIES**

- (1) Each member shall be entitled to appoint another member as his/her 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
- (2) The notice appointing the proxy shall be in the form set out in appendix 2.

## **19. COMMITTEE POWERS**

- (1) The affairs of the Association shall be managed by a Committee of Management constituted-as provided in Rule 21.
- (2) The Committee -
  - (a) shall control and manage the business and affairs of the Association;
  - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association; and

- (b) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

## **20. CONSTITUTION**

- (1) The officers of the Association shall be -
  - (a) President
  - (b) Vice-President
  - (c) **Promotional Officer**
  - (d) Treasurer
  - (e) Secretary
  - (f) IHV Delegate
  - (g) **Up to 3 Ordinary members**
- (2) The provisions of Rule 23 so far as they are applicable and with the necessary modifications apply to and in relation to the election of persons to any of the offices mentioned in sub-clause (1).
- (3) Each officer of the Association shall hold office until the annual general meeting next after the date of his/her election but is eligible for re-election.
- (4) In the event of a casual vacancy in any office referred to in sub-clause (1) the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his/her appointment.

## **21. COMMITTEE MEMBERS**

- (1) Subject to Section 23 of the Act, the Committee shall consist of -
  - (a) the officers of the Association; and
  - (b) up to 3 ordinary members - each of whom shall be elected at the annual general meeting of the Association in each year
- (2) Each ordinary member of the Committee shall, subject to these rules, hold office until the annual general meeting next after the date of his/her election but is eligible for re-election.
- (3) In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold

office, subject to these rules, until the conclusion of the annual general meeting next following the date of his/her appointment.

## **22. ELECTION OF COMMITTEE MEMBERS**

- (1) Nominations of candidates for election as officers of the Association or as ordinary members of the Committee -
  - (a) shall be made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) shall be delivered to the secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.
- (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidate nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
  - (i) The ballot for the election of officers and ordinary members of the Committee shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.
- (6) A candidate may be nominated for more than one office in an election, but may hold only one office. After being elected to an office all other nominations for that candidate become invalid.

## **23. GROUNDS FOR TERMINATION OF OFFICE**

For the purposes of these rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member –

- (a) ceases to be a member of the Association;
- (b) becomes an insolvent under administration within the meaning of the Companies (Vic.) Code; or
- (c) resigns his/her office by notice in writing given to the secretary.

## **24. QUORUM AND PROCEDURE AT MEETINGS**

- (1) The Committee shall meet at least 3 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the President or by any 4 of the members of the Committee.
- (3) Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- (4) Any 4 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (5) No business shall be transacted 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 shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (6) At meetings of the Committee -
  - (a) the President or in his/her absence the Vice-President shall preside, or
  - (b) the President and the Vice-President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- (7) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- (8) 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 and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Written notice of each committee meeting shall be served on each member of the Committee by delivering to him/her at a reasonable time before the meeting or by sending it by email and/or pre-paid post addressed to him/her at his/her usual or last known place of abode at least 2 business days before the date of the meeting.
- (10) Subject to sub-clause (4) the Committee may act notwithstanding any vacancy on the Committee.

## **25. MINUTES**

The secretary of the Association shall keep minutes of the resolutions and proceedings of each committee meeting in books or computer records provided for that purpose together with a record of the names and persons present at committee meetings.

## **26. TREASURER**

- (1) The treasurer of the Association -
  - (a) shall collect and receive all moneys due to the Association and make all payments authorized by the Association; and
  - (b) shall keep correct accounts and books or computer records showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) The Accounts and books referred to in sub-clause (1) shall be available for inspection by members.

## **27. REMOVAL OF COMMITTEE MEMBERS**

- (1) The Association in general meeting may by resolution remove any member of the Committee before the expiration of his/her term of office and appoint another member in his/her stead to hold office until the expiration of the term of the first-mentioned member.
- (2) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if they are not so sent, the member may require that they be read out at the meeting.

## **28. SIGNING OF NEGOTIABLE INSTRUMENTS AND ONLINE VIEWING ONLY ACCESS TO INFORMATION IN ASSOCIATION'S BANK ACCOUNTS**

All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee. The Treasurer, President, Vice-President or Registrar of the Association must sign all cheques issued by the Association.

The Association will maintain online viewing access to the Association's bank account(s). The Treasurer, President and the Registrar of the Association shall have online access to view the Association's bank account.

**29. COMMON SEAL**

- (1) The Common Seal of the Association shall be kept in the custody of the Secretary.
- (2) 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 signature either of two members of the Committee or of one member of the Committee and of the Public Officer of the Association.

**30. ALTERATIONS OF STATEMENTS OF PURPOSES AND RULES**

These rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.

**31. SERVICE OF NOTICES**

- (1) A notice may be served by or on behalf of the Association upon any manner either personally or by sending it by email and/or post to the member at his/her address shown in the Register of Members.
- (2) Where a document is properly addressed pre-paid and posted and/or emailed to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

**32. WINDING UP**

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.

**33. CUSTODY OF BOOKS AND OTHER DOCUMENTS**

Except as otherwise provided in these Rules, either the President or the Secretary shall keep in his/her custody or under his/her control all books, computer records, documents and securities of the Association. The Association's Registrar shall keep records of all registered members of the Association.

**34. SOURCES OF FUNDS**

The funds of the Association shall be derived from annual subscriptions, donations, sponsorships and such other sources as the Committee determines.

**35. BY - LAWS**

The Committee shall have power from time to time, to make By-Laws and regulations, not inconsistent with these Rules, for the efficient working of the Association, and to alter, amend, or rescind the same as occasion may require. All By-Laws shall be entered by the Secretary in a book to be kept for the purpose, and be available for inspection by the members of the Association.

## Appendix I

Application for membership of the Saints Monarchs Ice Hockey Club (Inc)

Name: \_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

Occupation: \_\_\_\_\_

Player: Yes / No

In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2

### FORM OF APPOINTMENT OF PROXY

I \_\_\_\_\_

Of \_\_\_\_\_

being a member of the Saints Monarchs Ice Hockey Club (Inc) hereby appoint,

\_\_\_\_\_

being a member of the Saints Monarchs Ice Hockey Club (Inc.), as my proxy to vote for me on my behalf at the general meeting of the Association (annual general meeting or special general meeting, as the case may be) to be held on:

[date] \_\_\_\_\_

and at any adjournment of that meeting my proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

