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CONSTITUTION OF CARINA JUNIOR RUGBY LEAGUE CLUB INC.  
June 2022

Incorporated Association QLD – IA02671

## Table of Contents

1	PRELIMINARY .....	2
2	NAME .....	3
3	OBJECTS OF THE CLUB .....	3
4	POWERS OF THE CLUB .....	3
5	INCOME AND PROPERTY OF THE CLUB .....	3
6	MEMBERSHIP .....	3
7	MEMBERSHIP – PROCESSES .....	4
8	MEMBERSHIP – ADMISSION AND REJECTION OF NEW MEMBERS.....	4
9	MEMBERSHIP – CLASSES.....	4
10	MEMBERSHIP – SUBSCRIPTIONS .....	5
11	MEMBERSHIP - CEASING TO BE A MEMBER.....	5
12	MEMBERSHIP - CEASING TO BE A LIFE MEMBER.....	6
13	GENERAL MEETINGS - CONVENING GENERAL MEETINGS.....	6
14	GENERAL MEETINGS - NOTICE OF GENERAL MEETING .....	6
15	GENERAL MEETINGS – QUORUM .....	7
16	GENERAL MEETINGS – CHAIRPERSON .....	7
17	GENERAL MEETINGS – ADJOURNMENT .....	7
18	GENERAL MEETINGS – DECISIONS OF QUESTIONS .....	7
19	PROCEEDINGS AT GENERAL MEETINGS – TAKING A POLL.....	8
20	GENERAL MEETINGS – CASTING VOTE .....	8
21	MEMBERS   ENTITLEMENT TO VOTE.....	8
22	MINUTES OF GENERAL MEETINGS.....	8
23	OFFICIALS AND MANAGEMENT COMMITTEE.....	9
24	ELECTION OF OFFICE BEARERS AND MANAGEMENT COMMITTEE .....	9
25	RESIGNATION AND REMOVAL OF OFFICERS - PROCEDURE .....	9
26	FILLING OFFICER VACANCIES .....	10
27	MANAGEMENT COMMITTEE – POWERS .....	10
28	EXECUTIVE COMMITTEE .....	10
29	MANAGEMENT COMMITTEE – QUORUM .....	11
30	MEETINGS – STANDING ORDERS .....	11
31	ATTENDANCE AT MEETINGS.....	11
32	MINUTES OF MANAGEMENT COMMITTEE MEETINGS.....	11
33	DISCIPLINARY COMMITTEE .....	11
34	APPEAL AGAINST DECISION OF DISCIPLINARY COMMITTEE .....	13
35	REMOVAL OF NAME FROM ROLL OF MEMBERS .....	13
36	FINANCIAL MATTERS .....	14
37	AUDIT AND ACCOUNTS.....	15
38	DISTRIBUTION ON WINDING UP .....	15
39	INDEMNITY AND INSURANCE .....	15
40	MISCELLANEOUS.....	15
41	AMENDMENT OF CONSTITUTION.....	15

## 1 PRELIMINARY

- (a) In this Constitution unless the contrary intention appears:
- 'ACT' means the Associations Incorporation Act 1981 (Qld).
  - 'ARLC' means the Australian Rugby League Commission Limited ACN 003 107 293.
  - 'AUDITOR' means the Club's auditor.
  - 'CLUB' means Carina Junior Rugby League Club Inc.
  - 'CODE OF CONDUCT' means the code of ethics and behaviour required of Officials, Players and participants in the Game as determined in writing from time to time.
  - 'CONSTITUTION' means the constitution of the Club as amended from time to time.
  - 'GAME' means the organisation, administration of and participation in the game of Rugby League Football conducted throughout the State of Queensland and any other jurisdiction that the ARLC may delegate from time to time. This reference includes all formal codes, policies and procedures adopted and implemented by the governing bodies, namely the ARLC and/or the QRL including the Rules.
  - 'JURISDICTION' when used in relation to the Club means the approximate geographic area referred to in Clause 3(a)(ii) and the extent or range of the Club's lawful authority and control over Organisations or persons, as the case may require.
  - 'OFFICE' means the Club's registered office at Leo Williams Oval, 1390 Creek Road, Carina 4152.
  - 'QRL' means Queensland Rugby Football League Limited ACN 009 878 013.
  - 'RULES' means the Rules of the QRL, approved and adopted from time to time by the Board of Directors of the QRL.
  - 'REGISTER' means the register of Members of the Club.
  - 'REGISTERED ADDRESS' means the last known address of a Member as noted in the Register.
  - 'SECRETARY' means any person appointed by the Management Committee to perform any of the duties of a Secretary of the Club.
  - 'TREASURER' means any person appointed by the Management Committee to perform any of the duties of a treasurer of the Club.
- (b) In this Constitution, unless the contrary intention appears:
- (i) the singular includes the plural and vice versa and words importing a gender include other genders;
  - (ii) words importing natural persons include corporations;
  - (iii) words and expressions defined in the Act have the same meaning in this Constitution;
  - (iv) headings are for ease of reference only and do not affect the construction of this Constitution; and
  - (v) a reference to the Act is a reference to the Act as modified, amended or re-enacted from time to time.
- (c) An expression in a provision of the Constitution has the same meaning as in a provision of the Act that deals with the same matter as the provision, unless the contrary intention appears in this Constitution.
- (d) To the extent permitted by law, the replaceable rules in the Act do not apply to the Club.

## **2 NAME**

The name of the incorporated association is Carina Junior Rugby League Football Club Inc. (**the Association**).

## **3 OBJECTS OF THE CLUB**

- (a) The objects for which the Club is established are:
- (i) To encourage, foster and promote Rugby League and to do all things necessary or desirable in the interests of the Game;
  - (ii) To adopt and enforce the laws of the Game in its Jurisdiction which is the Carina and surrounding areas;
  - (iii) To comply with the Game and objects relating to the administration and playing of Rugby League;
  - (iv) To provide governance and control of, and regulatory and disciplinary procedures for, the Game, including all organisations, officials, players and spectators associated with Rugby League under its Jurisdiction and to enforce the same by suspension, expulsion, disqualification or the imposition of any such sanction as the Club may regard as appropriate;
  - (v) To seek sponsorship, corporate backing, grants and other funding or contributions for the benefit of the Club and to assist Members to do likewise;
  - (vi) To acquire, develop, own, take on, licence, protect and commercialise all intellectual property relating to the Club and to assist Members to do likewise for the benefit of the Club.
- (b) Each of the above objects constitutes a separate object of the Club and no such object may be construed by a reference to any other such object.

## **4 POWERS OF THE CLUB**

- (a) The Association has the powers of an individual.
- (b) The association may exercise powers, including:-
- (i) To enter into contracts.
  - (ii) To acquire, hold, deal with, give security over and dispose of property.
  - (iii) To make charges for services and facilities it supplies; and
  - (iv) To do any other things necessary or convenient to be done in carrying out its affairs.

## **5 INCOME AND PROPERTY OF THE CLUB**

- (a) The income and property of the Club will only be applied towards the promotion of the sport of Rugby League and in accordance with the objects of the Club.
- (b) No income or property will be paid or transferred directly or indirectly to any Member except for payments to a Member:
- (i) In return for any services rendered or goods supplied in the ordinary and usual course of business to the Club; or
  - (ii) Of interest at a rate not exceeding current bank overdraft rates of interest for moneys lent by the Member to the Club.

## **6 MEMBERSHIP**

- (a) The categories of Members of the Club shall consist of:
- (i) Ordinary Member;
  - (ii) Parent Member;
  - (iii) Senior Player Member;

- (iv) Junior Playing Member (non-voting); and
  - (v) Honorary Life Member.
- (b) The Secretary must maintain the Register which must contain a separate list of each category of Member together with the relevant voting rights of that Member for the current financial year.

## **7 MEMBERSHIP – PROCESSES**

- (a) General
- (i) In accordance with and subject to the provisions of this Constitution the number of Members of the Club shall be unlimited.
  - (ii) Any person over the age of 18 is able to apply for membership of the Club.
  - (iii) A person who becomes a Member of the Club agrees to comply with provisions of this Constitution and any Rules which are made thereunder.
- (b) Form of Application
- An application for membership must be:
- (i) In writing or electronic means on a form or format approved by the Club;
  - (ii) Signed by the applicant in person or electronically; and
  - (iii) Accompanied by any other documents or evidence as to the qualifications for membership which the Club may require.

## **8 MEMBERSHIP – ADMISSION AND REJECTION OF NEW MEMBERS**

- (a) The Management Committee must consider an application for membership made via the rugby league online registration process at the next committee meeting held after it receives the application for membership.
- (b) The Management Committee must ensure that, as soon as possible after the person applies to become a Member of the association, and before the Management Committee considers the person's application, a person is advised:
- (i) whether or not the association has public liability insurance; and
  - (ii) if the association has public liability insurance, the amount of the insurance.
- (c) The Management Committee must decide at the meeting whether to accept or reject the application.
- (d) The Secretary of the Association must, as soon as practicable after the Management Committee decides to reject an application, give the applicant a written notice of the decision.
- (e) There is no appeal against the decision to reject an application.

## **9 MEMBERSHIP – CLASSES**

- (a) Ordinary Members
- Ordinary Membership is available to any person who supports the Objects of the Club and registers online as a volunteer prior to 30 June of the calendar year. Ordinary Members (usually volunteers) may vote in elections, at any General Meeting held by the Club, are eligible to hold office within the Club and are entitled otherwise to full privileges of the Club.
- (b) Parent Members
- Parent Membership is available to a parent or guardian of a child playing for the Club in that year and who is named as a parent or guardian in the player's online registration file. Once a child ceases playing for the Club, the membership of the parent shall cease. Parent members may vote in elections, at meetings of the Club – one vote per family – and may hold office.

(c) Senior Player Members

Senior Player Membership is available for any person over the age of 18 years who plays for the Club and pays the agreed senior player subscription fee as prescribed by the Club for that year. Senior Player Members are entitled to vote at meetings or in elections, and to hold office.

(d) Junior Playing Members

Junior Playing Members are entitled to all the privileges of membership and are bound by the rules by-laws and policies of the Club but they are not entitled to vote at meetings or elections or to hold office (other than ceremonial office).

(e) Honorary Life Members

(i) Life Membership may be granted to any person who has given outstanding service to the Club over a substantial period of time in excess of ten years. A player with continuous playing service to the Club of twenty years must be considered by the Management Committee for nomination for election to Life Membership.

(ii) In addition to any player nominated, the Management Committee may nominate not more than one male and one female person for election to Life Membership each year, but need not do so. Any nomination for election to Life Membership must be included in the agenda for the next Annual General Meeting.

(iii) A person who has been nominated by the Management Committee may be elected to be a Life Member of the Club by a special resolution at an Annual General Meeting.

(iv) A Club Life Membership badge is presented to each Life Member.

(v) Life Members may vote in elections, or at any General Meeting held by the Club, are eligible to hold office within the Club, and are entitled otherwise to full privileges of the Club without payment of the prescribed annual subscription fee.

## 10 MEMBERSHIP – SUBSCRIPTIONS

(a) The Management Committee may determine with complete discretion the annual subscription fee payable by each category of Member.

(b) Annual membership subscription fees are not payable by Life Members, Ordinary Members, and/or Parent Members (but Parent Members must still pay their child's annual subscription fee).

(c) The annual subscription fee period will commence on 1st March each year (the 1st day of the Club's season) and the annual subscription fees will be due and payable to the Club on that day.

(d) The Management Committee may determine that any Member admitted to membership in the second half of any subscription fee period will pay only one-half of the annual subscription fee until that Member's next annual subscription fee falls due.

(e) If any Member cannot meet his/her financial obligations to the Club through illness or financial hardship, the Management Committee may waive all or part thereof, postpone or suspend his or her obligation to pay subscription or other fees for whatever time and under whatever conditions it thinks fit.

(f) If Member does not pay a subscription fee by the 15th April in each year the Management Committee:

(i) may give the Member written notice of the fact; and

(ii) if the subscription fee remains unpaid twenty-one (21) days from the date of that notice, the Management Committee may notify the Member in writing that the Member's membership is suspended until the Member's subscription fee arrears have been paid, and that the Member's voting rights have been suspended.

## 11 MEMBERSHIP - CEASING TO BE A MEMBER

(a) A Member will cease to be a Member of the Club:

- (i) If the Member gives the Secretary written notice of their intention to resign from membership of the Club, from the date of receipt of that notice by the Secretary;
  - (ii) If the Disciplinary Committee of the Club resolves to terminate the membership of a Member whose conduct in their opinion renders it undesirable that that Member continue to be a Member of the Club after the Member has been provided with natural justice; or
  - (iii) If the Member's annual subscription fee is in arrears for a period more than 60 days.
- (b) Any Member that ceases to be a Member pursuant to this clause:
- (i) Will not be entitled to any refund (or part refund) of a subscription fee; and
  - (ii) Will remain liable for and will pay to the Club all subscriptions and moneys which were due at the date of ceasing to be a Member.

## **12 MEMBERSHIP - CEASING TO BE A LIFE MEMBER**

- (a) A Life Member will cease to be a Life Member if the Life Member:
- (i) Dies;
  - (ii) Gives the Secretary written notice of the Life Member's intention to resign from membership of the Club, such resignation taking effect from the date of receipt by the Secretary of such notice; or
  - (iii) Is convicted of an indictable offence or is guilty of conduct which in the opinion of the Board is prejudicial to the interests of the Club and Game and a majority of the Management Committee by resolution vote to terminate the Life Member's membership.

## **13 GENERAL MEETINGS - CONVENING GENERAL MEETINGS**

- (a) The Management Committee may, at any time, call a General Meeting of the Club.
- (b) A Member may only request the Management Committee call an Extraordinary General Meeting of the Club if supported in writing by a minimum of 5% of the voting members of the Club.
- (c) The Club must hold an Annual General Meeting at least once in each calendar year and within two (2) months after the end of its financial year.

## **14 GENERAL MEETINGS - NOTICE OF GENERAL MEETING**

- (a) Subject to the provisions of the Act allowing General Meetings to be held with shorter notice, at least twenty-one (21) days written notice (exclusive of the day on which the notice is served or deemed to be served and of the day for which the notice is given) must be given to Members of any General Meeting.
- (b) A notice convening a General Meeting:
  - (i) Must be placed on the notice board of Club, sent to members via electronic mail or other electronic means;
  - (ii) Must specify the place, date and time of the meeting and if the meeting is to be held in two or more places, the technology that will be used to facilitate this; and
  - (iii) Must state the general nature of the business to be transacted at the meeting
- (c) A notice of an Annual General Meeting need not state that the business to be transacted at the meeting includes:
  - (i) Confirmation of minutes of previous meeting(s);
  - (ii) The consideration of the annual financial report, President's report and Auditor's report;
  - (iii) The election of executive officers and members of the Management Committee; or
  - (iv) The appointment of the Auditor; or

- (v) The appointment of the solicitor for, or the patron of the Club
- (d) The Executive Committee may postpone or cancel any General Meeting whenever they think fit (other than a meeting convened as the result of a request under Clause 13 (b)).
- (e) The Executive Committee must give notice of the postponement or cancellation to all persons entitled to receive notices from the Club
- (f) The failure or accidental omission to send a notice of a General Meeting to any Member or the non-receipt of a notice by any Member does not invalidate the proceedings at or any resolution passed at the General Meeting.

## **15 GENERAL MEETINGS – QUORUM**

- (a) In relation to voting and proceedings at General Meetings, a Member must be present in person.
- (b) No business may be transacted at a General Meeting unless a quorum of Members is present when the meeting proceeds to business.
- (c) A quorum of Members consists of twenty (20) Members entitled to vote listed on the Register.
- (d) If a quorum is not present within thirty (30) minutes after the time appointed for a meeting:
  - (i) If the meeting was convened on the requisition of one or more Members (under Clause 13(b)), it is automatically dissolved; or
  - (ii) In any other case:
    - (A) It will stand adjourned to the same time and place seven days after the meeting, or to another day, time and place determined by the Executive Committee; and
    - (B) If at the adjourned meeting a quorum is not present within thirty (30) minutes after the time appointed for the meeting, the meeting is automatically dissolved.

## **16 GENERAL MEETINGS – CHAIRPERSON**

- (a) The Chairperson of all meetings will be the Club President or in his/her absence the Vice-President or another member of the Executive Committee.
- (b) If there is a dispute at a General Meeting about a question of procedure, the Chairperson may determine the correct procedure.

## **17 GENERAL MEETINGS – ADJOURNMENT**

- (a) The Chairperson of a General Meeting at which a quorum is present:
  - (i) In his or her discretion may adjourn a General Meeting with consent of a majority of the Members present at the General Meeting; and
  - (ii) Must adjourn a General Meeting if a majority of the Members directs the Chairperson so to do.
- (b) An adjourned General Meeting may take place at a different venue to the initial General Meeting.
- (c) The only business that can be transacted at an adjourned General Meeting is the unfinished business of the initial General Meeting.
- (d) Notice of an adjourned General Meeting must only be given in accordance with Clause 14 (a) if a General Meeting has been adjourned for more than twenty-one (21) days.

## **18 GENERAL MEETINGS – DECISIONS OF QUESTIONS**

- (a) Subject to the Act or Constitution requiring a special resolution, , a resolution is carried if a majority of the votes cast are in favour of the resolution.



- (b) A resolution put to the vote of a General Meeting is decided on a show of hands unless a poll is demanded, before or on the declaration of the result of the show of hands, by
  - (i) The Chairperson; or
  - (ii) At least two Members entitled to vote on the resolution.
- (c) Unless a poll is demanded:
  - (i) A declaration by the Chairperson that a resolution has been carried, carried by a specified majority, or lost; and
  - (ii) An entry to that effect in the minutes of the General Meeting,are conclusive evidence of the fact without proof of the number or proportion of the votes in favour of or against the resolution.
- (d) The demand for a poll may be withdrawn.
- (e) A decision of a General Meeting may not be impeached or invalidated on the ground that a person voting at the meeting was not entitled to do so.

## **19 PROCEEDINGS AT GENERAL MEETINGS – TAKING A POLL**

- (a) A poll will be taken when and in the manner that the Chairperson directs.
- (b) The result of the poll will be the resolution of the General Meeting at which the poll was demanded.
- (c) The Chairperson may determine any dispute about the admission or rejection of a vote.
- (d) The Chairperson's determination, if made in good faith, will be final and conclusive.
- (e) A poll demanded on the election of the Chairperson or the adjournment of a meeting must be taken immediately.
- (f) After a poll has been demanded at a meeting, the meeting may continue for the transaction of business other than the question on which the poll was demanded.

## **20 GENERAL MEETINGS – CASTING VOTE**

In the event of a deadlock of Members on a resolution of a general meeting, the Chairperson of the General Meeting shall have a casting vote.

## **21 MEMBERS – ENTITLEMENT TO VOTE**

- (a) A Member is not entitled to vote at a General Meeting if a notice has been issued to the Member under Clause 10(f)(i), or the Member's annual subscription fee remains in arrears at the date of the General Meeting, or if the member is suspended under Clause 323(d)(ix).
- (b) No Member may vote at any meeting of the Club unless he or she attends in person – No proxies allowed.

## **22 MINUTES OF GENERAL MEETINGS**

- (a) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each General Meeting are kept.
- (b) To ensure the accuracy of the minutes:
  - (i) the minutes of each General Meeting must be signed by the Chairperson of the meeting, or the Chairperson of the next General Meeting, verifying their accuracy; and
  - (ii) the minutes of each Annual General Meeting must be signed by the Chairperson of the meeting, or the Chairperson of the next meeting of the Association that is a General Meeting or Annual General Meeting, verifying their accuracy.
- (c) If asked by a Member of the Association, the Secretary must, within 28 days after the request is made:
  - (i) make the minutes for a particular General Meeting available for inspection by the Member at a mutually agreed time and place; and

- (ii) give the Member copies of the minutes of the meeting.
- (d) The Association may require the Member to pay the reasonable costs of providing copies of the minutes.

### **23 OFFICIALS AND MANAGEMENT COMMITTEE**

- (a) The Office Bearers of the Club are:
  - (i) President, Vice-President, Secretary, Assistant Secretary, Treasurer;
  - (ii) Auditor, Patron
  - (iii) Other Management Committee members.
- (b) The Management Committee is made up of:
  - (i) President, Vice-President, Secretary, Assistant Secretary, Treasurer;
  - (ii) Fifteen other volunteer members, nominated and elected.
- (c) All Members of the Management Committee of the Club, must be adult (over 18 years) Members of the Club
- (d) The Members of the Management Committee may be varied in number from time to time on a resolution of the majority of the Management Committee.

### **24 ELECTION OF OFFICE BEARERS AND MANAGEMENT COMMITTEE**

- (a) Office Bearers and members of the Management Committee are elected at the Annual General Meeting and shall hold office until their successors are appointed. The auditor may be appointed by resolution at the Annual General Meeting.
- (b) Nominations for the various positions must be made in writing and must be signed by two (2) Members who are eligible to vote. The Nominee must consent in writing to act if nominated. The nomination must be lodged not later than one (1) week prior to the Annual General Meeting.
- (c) All retiring Office Bearers are eligible for re-election.
- (d) If no nomination for a particular office has been received at the time of the Annual General Meeting, nominations from the floor, and duly seconded may be received provided that the nominee is present and indicates his/her consent or has given his/her consent in writing.
- (e) If nominations for any office are in excess of the number required, election shall be by secret ballot, each ballot being exhaustive.
- (f) The President must appoint two scrutineers. A Member may object to either or both scrutineers. If duly seconded, objections must be determined by ordinary resolution until there are two acceptable appointees. The scrutineers so appointed should open ballot papers and count votes, and the result of the ballot must be handed to the Chairperson to announce the result. A scrutineer must not officiate at his own election to any position.
- (g) Should the office of President become vacant, the Vice-President shall automatically become President and the Office of Vice-President shall be deemed vacant. If any office other than that of President become vacant the Management Committee may appoint an eligible person to the vacant office until the next Annual General Meeting.

### **25 RESIGNATION AND REMOVAL OF OFFICERS - PROCEDURE**

- (a) A member of the Management Committee may resign from the committee by giving written notice of resignation to the Secretary. The resignation takes effect at the time the notice is received by the Secretary, or if a later time is stated in the notice, the later time.
- (b) Any Member of the Management Committee who has been duly elected or appointed to fill a vacancy must be removed from office if he/she ceases to be a Member of the Club or falls into arrears in payment of fines, levies or fees such that he / she is liable to be removed from the roll of Members in the terms of these rules.
- (c) Any Member of the Management Committee who has been duly elected, may be removed from office by a three quarters majority of the Management Committee present and voting,

if the Management Committee and the member of the Management Committee has been given at least 3 days notice of the motion to remove that officer if he/she fails to perform his/ her functions as required or in accordance with these rules and or the duty statement policies and by laws of the Club or is guilty of serious neglect in the performance of those duties.

- (d) Before a vote is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (e) A member has no right of appeal against the member's removal from office under this rule.
- (f) A member immediately vacates the office of member of the Management Committee in the circumstances mentioned in clause 24(c).

## **26 FILLING OFFICER VACANCIES**

The Management Committee may fill any vacancy in the Management Committee that occurs. The Member appointed must be a member who is eligible to vote at General Meetings of the Club at the time he/she takes up the appointment. The member so appointed holds office only until the next General Meeting when an election must be held to fill the vacancy.

## **27 MANAGEMENT COMMITTEE – POWERS**

- (a) Subject to these rules or a resolution of the Club members carried at a General Meeting, the Management Committee has:
  - (i) the general control and management of the administration of the affairs, property and funds of the Club; and
  - (ii) authority to interpret the meaning of these rules and any matter relating to the Club on which the rules are silent.
- (b) The Management Committee may make, amend or repeal by-laws, policies and duty statements, not inconsistent with these rules, for the internal management of the Club.
- (c) A by-law, rule, policy and duty statement may be set aside by a vote of Members at a General Meeting of the Club. Members must comply with by-laws and policies and appointees to positions must comply with the duty statement of their positions.
- (d) The Management Committee may declare a particular item of business to be confidential business. A Member of the Management Committee must not disclose the confidential business of the Club, until advised otherwise.

## **28 EXECUTIVE COMMITTEE**

- (a) The Executive Committee is a sub-committee of the Management Committee and shall comprise of the President, Vice-President, Secretary, Assistant Secretary, and Treasurer.
- (b) The powers of the Executive Committee will be as follows and as delegated by the Management Committee:
  - (i) To consider matters of Club policy and strategy, to formulate and make submissions to the Management Committee of the Club on those matters.
  - (ii) To supervise the conduct of all sub-committees to ensure that they perform their functions, and report to the Management Committee as these rules and the interests of the Club require, but this rule does not empower the Executive to direct any sub-committee in the performance of their functions but only to advise the sub-committee and investigate and report any perceived deficiency to the Management Committee.
  - (iii) To act as a tribunal (in the absence of the appointment by the Management Committee of a disciplinary tribunal) to adjudicate in all matters relating to disputes and breaches of discipline within the Club.
  - (iv) In an emergency, and when there is insufficient time to convene a meeting of the Management Committee, to exercise the powers of the Management Committee only to the extent that the emergency requires and to report to the next Management Committee meeting all the circumstances and seek ratification of the decision.

- (v) The Executive Committee must place before the Annual General Meeting a Report on the activities of the Club, a Financial Report and an Auditor's Report on the business transacted on behalf of the Club since the previous Annual General Meeting.

## **29 MANAGEMENT COMMITTEE – QUORUM**

- (a) At all Management Committee Meetings of the Club, four (4) members of the Management Committee form a Quorum.
- (b) At all sub-committee Meetings (including Executive), at least 50% of the number of members of that committee.

## **30 MEETINGS – STANDING ORDERS**

- (a) The following shall be standing orders for meetings of the Club and of the Committee:
  - (i) The President (or in his absence, the Vice-President) presides at all meetings of the Club and of the Management Committee. In the absence of the President and Vice-President, the meeting shall have the power to elect a Chairperson.
  - (ii) In the event of a quorum not being present within thirty (30) minutes after the time appointed for the meeting, the meeting lapses.
  - (iii) The first meeting of the incoming Management Committee must be held within fourteen (14) days after the conclusion of the Annual General Meeting each year.
  - (iv) The Management Committee must meet at least once a month or as determined necessary as by the Management Committee for the transaction of business whenever and wherever it decides.
- (b) The Management Committee must decide how a Management Committee meeting is called and the notice requirements of a meeting.

## **31 ATTENDANCE AT MEETINGS**

- (a) Members must sign the Attendance Book at all meetings of the Club.
- (b) Visitors at Meetings
  - (i) The Chairperson of a meeting (whether at the request of a Member or of his or her own volition), may invite a visitor to attend the meeting.
  - (ii) The presence of the visitor must be announced to the meeting at the earliest possible opportunity.
  - (iii) A Member may propose that the visitor be excluded from all or part of the meeting, and Members may object whereupon the members present may decide by majority to revoke the invitation or exclude the visitor for part or all of the meeting.

## **32 MINUTES OF MANAGEMENT COMMITTEE MEETINGS**

- (a) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Management Committee meeting are kept.
- (b) To ensure the accuracy of the minutes, the minutes of each Management Committee meeting must be signed by the Chairperson of the meeting, or the Chairperson of the next Management Committee meeting, verifying their accuracy.

## **33 DISCIPLINARY COMMITTEE**

- (a) Appointment of the Disciplinary Committee
  - (i) At its first meeting after each Annual General Meeting, the Management Committee should appoint the members of the Disciplinary Committee until its first meeting following the next Annual General Meeting.
  - (ii) The committee so appointed must consist of at least three members. One or more of the members must be a member of the Executive Committee.

- (iii) The Management Committee may appoint two or more reserve Disciplinary Committee members who may substitute for the appointed members in case of unavailability for any reason of that member.
  - (iv) The Disciplinary Committee may appoint a person with legal qualifications to assist in the conduct of a particular complaint. The person so appointed may take part in the proceedings or he/she may be consulted in the course of deliberations of the Disciplinary Committee.
- (b) Powers of the Disciplinary Committee
- (i) The Disciplinary Committee has the power to deal with and adjudicate on any complaints in regard to the misconduct of any Member (including a life member) and to summon any member on reasonable notice to attend any meeting convened for the purpose of investigation and consideration of matters before it and to require that member to state truthfully what he or she knows of the matter in issue.
- (c) Misconduct
- (i) Misconduct for the purposes of these rules is conduct which is contrary to the policies, interests or welfare of the Club. Without limiting the power of the Management Committee or the Disciplinary Committee to determine that any particular conduct amounts to misconduct for the purposes of these rules, misconduct shall include the following:
    - (ii) The use of abusive, obscene language on the Club premises or at any fixture or function connected with the Club.
    - (iii) Assaulting or threatening to assault any person on the club premises or at any fixture or function connected with the club.
    - (iv) Stealing.
    - (v) Wilful damage or destruction of property of the club or other organization, including damage to the Club or Club sponsors' brand.
    - (vi) The conviction of the member for any indictable offence.
    - (vii) Failing without good cause to appear in response to a summons or request by the Management Committee and failure without good cause to produce documents or refusal without good cause to answer or failure to answer truthfully the questions of the Management Committee or the Disciplinary Committee or other sub-committee to which the power to summon witnesses and to request information has been delegated by the Management Committee.
- (d) Disciplinary Procedure
- (i) Any complaint alleging misconduct against any Member or Officer must be in writing signed by the complainant and must be delivered to the Secretary within seven (7) days of the discovery of the alleged misconduct or such further time as the Disciplinary Committee considers is reasonable.
  - (ii) The Disciplinary Committee has the power to cite or cause to appear before it, any Member against whom a complaint for misconduct, or any infringement of the laws of the Club has been laid.
  - (iii) When dealing with or adjudicating on any complaint against a Member or Officer of the Club, the Disciplinary Committee, must act in accordance with the principles of natural justice and good conscience, and must make full inquiry before determining its verdict in accordance with those principles.
  - (iv) The Member complained against must be given written particulars of the complaint and notice of the time date and place that the complaint will be considered by the Disciplinary Committee.
  - (v) The Member complained against must be given an opportunity to be heard about the complaint either orally or in writing or both as the Disciplinary Committee considers necessary to do justice to all concerned.

- (vi) If the Member complained against is given adequate notice and does not appear or does not make any written or oral submission at or before the appointed time for hearing, the Disciplinary Committee may proceed to hear and determine the complaint having regard to the evidence it has in its possession at that time.
- (vii) In the event of any Member being judged guilty of misconduct, the Disciplinary Committee may resolve to expel, suspend, fine or reprimand such Member or to direct that Member to apologise for his or her misconduct or remove that Member from any office of the Club which he/she holds and the Secretary shall notify the Member in writing accordingly.
- (viii) If the matter arises from a complaint from a Member, the Secretary must notify the complainant in writing of the decision of the Disciplinary Committee.
- (ix) Where any penalty determined by the Disciplinary Committee constitutes or includes suspension, expulsion from the Club or removal from office, such suspension, expulsion or removal shall operate from the date on which it is imposed until an appeal therefrom is finally determined and allowed.
- (x) Where any penalty determined by the Disciplinary Committee is a fine, the fine shall be due for payment on the date which is the later of:-
  - (A) The expiry date of any appeal period;
  - (B) A later date that the Disciplinary Committee allows; or
  - (C) If an appeal is lodged in time, and the fine penalty is upheld or a fine is imposed on appeal instead of another penalty, seven (7) days after the appellant is informed of the result of the appeal
- (xi) All fees or Levies paid by any Member who has been either suspended or expelled, shall be forfeited.

### **34 APPEAL AGAINST DECISION OF DISCIPLINARY COMMITTEE**

- (a) A Member who is dissatisfied with a decision of the Disciplinary Committee may give the Secretary written notice of the person's intention to appeal the decision.
- (b) Despite the rule in the preceding paragraph, if the person complained against does not make a written or oral submission to the Disciplinary Committee about the complaint he/she may only appeal on the grounds that the Disciplinary Committee had no jurisdiction in the matter or that the penalty imposed is excessive and may not challenge the findings made by the Disciplinary Committee.
- (c) A notice of intention to appeal must be given to the Secretary within seven (7) days after the person receives written notice of the decision or such further time as the Secretary may allow in special circumstances.
- (d) If the Secretary receives a notice of intention to appeal, the Secretary must refer the appeal to an independent Appeal Committee. The Appeal Committee must fix a date and place for hearing and the Secretary must notify the appellant of the time date and place of the meeting of the Appeal Committee at which the appeal is to be heard.
- (e) The Appeal Committee must consist of at least three members including a Chairperson who must be a lawyer or a person with significant experience in disciplinary proceedings.
- (f) The Appeal Committee shall determine any proceedings brought before it in such manner as the Chairperson of the Appeal Committee thinks fit.
- (g) On the appeal, the rules of natural justice shall apply.
- (h) The Secretary may appoint a person with legal qualifications to assist in the conduct of a particular appeal.

### **35 REMOVAL OF NAME FROM ROLL OF MEMBERS**

- (a) If a Member has not paid the annual subscription fee twelve weeks after it has become due or if the Member is more than twelve weeks in arrears of or any levies which may have been imposed by the Management Committee or has failed to pay any fine or monetary

penalty for fourteen (14) days after the date on which the fine is due for payment, the Secretary may remove his/her name from the roll of Members and he /she shall cease to be a Member from the date of such removal.

- (b) Nothing in this rule prevents a Member from being readmitted to membership upon due application, but any arrears of fines or levies must be paid as a condition of such readmission.

### **36 FINANCIAL MATTERS**

#### **(a) Funds**

- (i) The Club income, funds and property are controlled by the Management Committee and must be used and applied solely in the promotion of the objects of the Club and in the exercise of its powers.
- (ii) All funds of the Club must be deposited in the Bank in the name of the Club.
- (iii) The Club's Account(s) must be operated upon by any two of the Executive Committee members or one of the Executive Committee Members and another Management Committee Member appointed by the Management Committee.
- (iv) Any one of the foregoing is empowered to endorse cheques, EFT, and other negotiable instruments drawn to the Club's order.
- (v) The funds of the Club are to be used solely for the benefit of the Club and its members. All expenditure must be approved or ratified at a Management Committee.
- (vi) The Secretary or Treasurer may keep on hand sufficient funds as the Management Committee may determine, for petty cash. Accounts for petty cash shall be maintained in accordance with the imprest system.
- (vii) An official numbered receipt must be issued for all moneys received. Player registration fees are paid online via a third party.
- (viii) All moneys raised by members in the Club's name must be paid to the Treasurer for payment to the Club's official banking account within fourteen (14) days of such funds being raised, and must be accompanied by a Statement of Receipts and Disbursements.
- (ix) The sanction of the Management Committee must be obtained prior to the arrangement of any fund-raising activity by a member or members.
- (x) All funds raised by members of Committees and team management must be paid to the Treasurer within fourteen (14) days of the date of receipt.
- (xi) The Management Committee may determine a required amount of fundraising and contribution for individual teams within the Club each year.

#### **(b) Expenses**

- (i) If a Member incurs an expense in attending to the business of the Club the amount of which has been authorised beforehand by the Management Committee, the Club must reimburse the member for that expense on production of a receipt or other evidence of the expense deemed satisfactory by the Management Committee.
- (ii) If a Member incurs an expense in attending to the business of the Club the amount of which has not been authorised beforehand by the Management Committee, the Club may reimburse the member for that expense on production of a receipt or other evidence of the expense deemed satisfactory by the committee, if it is satisfied that the expense was reasonably and necessarily incurred and that it was not reasonably practicable to obtain the approval of the committee beforehand.
- (iii) The reimbursement of the expense not authorised in advance is entirely in the discretion of the Management Committee.

#### **(c) Financial Year**

- (i) The business, and financial year, of the Club shall commence on the 1st day of July in each year and shall end on the 30th day of June in the following year.

### **37 AUDIT AND ACCOUNTS**

- (a) The Management Committee must keep written financial records in relation to the business of the Club in accordance with the requirements of the Act.
- (b) The Management Committee must arrange the financial records of the Club to be audited in accordance with the requirements of the Act.
- (c) The Auditor must at all times have access to the Club's and Committees' books of account, vouchers, documents and relevant matters, and has the right to require explanations relative to the finances and affairs of the Club and its accounts from the President, Secretary or Treasurer or any other Member. He/She must conduct an Annual Audit or special audits and investigations when required by the Management Committee of the Club.

### **38 DISTRIBUTION ON WINDING UP**

If the Club is wound up in accordance with the provisions of the Act, and there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same must not be paid to or distributed among the members of the Club, but must be given or transferred to some other institution or institutions having objects similar to the objects of the Club, and which prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Club, such institution or institutions to be determined by the members of the Club.

### **39 INDEMNITY AND INSURANCE**

The Management Committee and all officials are indemnified from the funds of the Club against all liability, damages and the cost of legal proceedings that may be instituted against them in consequence of the performance of their duties.

### **40 MISCELLANEOUS**

- (a) Functions - The Management Committee of the Club may decide from time to time who is eligible to attend any meetings or functions organised by the Club, including sponsors and local members of parliament or Council.
- (b) Training - The teams train as frequently as the Management Committee decides at the nominated ground, and at such times as may from time to time be decided upon by the Management Committee of the Club. The Club provides all training facilities.
- (c) Publications - A copy of the Constitution must be made available to members on request and upon payment of the reasonable cost of providing the copy.
- (d) Common seal - The Management Committee must ensure the Club has a common seal. The common seal must be:
  - (i) kept securely by the Management Committee; and
  - (ii) used only under the authority of the Management Committee.
  - (iii) Each instrument to which the seal is attached must be signed by a member of the Management Committee and countersigned by-
    - (A) the Secretary; or
    - (B) another member of the Management Committee; or
    - (C) someone appointed by the Management Committee.
- (e) Documents - The Management Committee must ensure the safe custody of books, documents, instruments of title and securities of the Club.

### **41 AMENDMENT OF CONSTITUTION**

- (a) This Constitution may only be amended pursuant to a resolution passed by three-quarters of those present and voting at a general meeting of the Club.
- (b) However, an amendment, repeal or addition is valid only if it is registered by the Chief Executive.