

## **COOLBINIA AMATEUR FOOTBALL & SPORTING CLUB INC CONSTITUTION AND RULES**

### **1. NAME OF CLUB**

The name of the Club shall be "Coolbinia Amateur Football and Sporting Club Inc." (Hereinafter called "the club").

### **2. OBJECTS**

The objects for which the Club is formed are:

- 2.1** To provide the opportunity for members to participate in competition in Australian Rules Football and other sports as may be determined by the Committee from time to time.
- 2.2** To provide members with the facilities required for training and competition.
- 2.3** To provide recreational facilities and to promote social activities and entertainment for all Club members and to promote good fellowship and true sportsmanship.
- 2.4** To ensure that the property and income of the Club shall be applied solely towards the promotion of the objects or purposes of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly to members of the Club except in good faith in the promotion of those objects or purposes.
- 2.5** To provide representation and liaise generally with the parent body (Western Australian Amateur Football League).

### **3. POWERS**

The Club shall have the following powers applicable for the attainment of the said objects:

- 3.1** The Committee on behalf of the Club shall have the power to expend monies for certain matters and incur debts and liabilities for and on behalf of the Club and every member of the Club. E.g. To take out insurances, to administer and hold any property on trust.
- 3.2** The Committee on behalf of the Club shall have the power to borrow, raise or secure the payment of monies to secure the payment or performance of any debt, liability, contract or guarantee incurred or to be entered into by the Club and any other means as may from time to time be approved by the Committee.
- 3.3** To appoint delegates and representatives of other associations, societies and bodies and to appoint or elect sub-committees and standing committees as it sees fit providing they are primarily responsible to the main Committee.
- 3.4** To appoint such employees, staff and contractors necessary from time to time including the appointment of auditors as required, provided that no auditor shall be a member of the Committee.

- 3.5** To approve the membership of any person eligible and to terminate the membership of any person as to suspend, expel, fine or otherwise deal with any member or official who has acted improperly, fraudulently or who has deemed to bring the Club into disrepute.
- 3.6** To determine from time to time the annual subscription for membership of the Club and the fees for playing the various sports for which the Club has a nominated team.
- 3.7** To carry on, conduct, manage and arrange teams for the purpose of competing in competitions or games of football and such other games or sports as the Committee may see fit and to form clubs or organisations.
- 3.8** To hire out or sub-lease the premises and to apply for, obtain and renew from time to time any necessary permits or licenses required under the provisions of the Liquor Act 1988 and its amendments.
- 3.9** To make by-laws for the betterment of the Club and to perform all such acts and responsibilities and to do such other things as are incidental or conducive to the attainment of the purposes and objects of the Club.

#### **4. INCOME AND PROPERTY**

The income and property of the Club shall be applied solely towards the promotion of the objects of the Club and no portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Club, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Club or to any person other than a member, in return for services actually rendered to the Club.

#### **5. MEMBERSHIP**

Members shall be classified either as Playing Members, Social Members or Life Members.

- i) All members shall be entitled to exercise every privilege open to a member of the Club once the qualification criteria, as determined by the Committee, has been met.
- ii) Any member may be elected to hold office in the Club at Special or Annual General Meetings of the Club.

The Club must keep an up to date register of members in respect of each class of membership. This register is to be continually available for inspection at the club premises.

The secretary, or other person authorised by the committee, will be responsible for keeping the register.

##### **5.1 Playing Members:**

A person wishing to become a playing member must register as a player through the appropriate registration procedures as laid out by the West Australian Amateur Football League. Upon meeting this condition, a playing Member is deemed to be a financial member provided

he has met the requirements of the player fee structure as determined by the Committee. This affords the player full privileges available to members.

## **5.2 Social Members:**

A Social Member on payment of the social membership fee, as determined by the Committee, will enjoy all membership privileges.

A Social Member shall mean a member not participating in the sporting activities of the Club but who wishes to support the Club in achieving the objects of the Club.

## **5.3 Life Members:**

- a) Life Members may be elected by the committee for especially meritorious services rendered to the club. A three-fourths (seventy five percent) majority of the committee must approve the recommendation for Life Membership. Life Members would at least pay the social component of the fees plus playing fees.
- b) Any Playing Member who as attained 150 games of football for the Club or merger clubs (Osborne Districts Amateur Football Club and Coolbinia Yokine Amateur Football Club or combination of both) shall be ratified by the Committee for election as a Life member of the Club.

## **5.4 Temporary Members**

Pursuant to section 49(5) of the Act, where a Club has as one of it's principal objects, the conduct of a sport, a person who is on any day visiting the club –

- a) As a member of an official, or a person assisting a team that is to contest a pre-arranged event in that sport on that day; or
- b) At the invitation of a member to engage in that sport on that day,

May be taken to be a person who is afforded a temporary membership on that day in accordance with the Constitution.

## **6. MEMBERSHIP FEES**

- a) The cost of membership and playing fees of the Club for all member classifications shall be at the discretion of the Committee and be decided by the incoming Committee following its election at an Annual General Meeting.
- b) A defined annual, half yearly or quarterly subscription fee shall be payable in advance.
- c) Outstanding fees, both membership and Playing Fees, must be paid prior to that member being eligible for current membership of the Club or selection of the team representing the Club.
- d) From time to time the Committee may come to an arrangement for the payment of fees with any member who makes written application to the Secretary for special consideration on the grounds of financial hardship.

- e) No member will be granted a clearance to play sport for any other club until such time as any arrears of membership fees, playing fees and fines or an amount determined by the Committee to be adequate settlement has been paid to the Club.
- f) A member ceases to be a member if they have not paid membership fees for the year in which they are due.

## **7. CONDUCT**

- a) The Committee shall have the power to fine or expel any member or rescind Life Membership of any member who is in the opinion of the Committee is guilty of conduct prejudicial to the interest of the Club or the sport that the member which is playing for the club.

The Committee shall provide written notification of its intentions not less than seven (7) days prior to the holding of a proper inquiry into the alleged misconduct of the member and the member shall have the right to be heard.

- b) A member who has been expelled or has had a Life Membership rescinded may appeal to a special general meeting of the Club and the decision of the Committee shall stand unless overturned by a three-fourths majority of the voting members present at such meeting. Written notice of such appeal must be made to the President or Secretary within seven (7) days notification of expulsion being given to such member.
- c) All members shall agree to be bound by this Constitution and by the decisions of the Committee properly arrived at in accordance with this Constitution and by any rules and by-laws, which the Committee may from time to time adopt.

## **8. DISPUTE RESOLUTION**

- 8.1 In the event that a dispute arises between

- a) Two or more members
- b) One or more members and the association

In the first instance, the parties to the dispute must attempt to resolve the dispute between themselves within 14 days of the dispute arising.

- 8.2 If the parties to the dispute are unable to resolve the dispute between themselves within the time required, either party may initiate the dispute resolution procedure by giving written notice to the secretary of

- a) The parties to the dispute
- b) The matters that are the subject of the dispute

- 8.3 Within 28 days after notification, a committee meeting must be convened to consider and determine the dispute
- 8.4 The secretary must give each party to the dispute written notice of the committee meeting, at which the dispute will be considered, at least 7 days before the meeting is

to be held. The notice must state

- a) where and when the meeting will be held
- b) that the party may attend and will be given an opportunity to make a submission to the committee about the dispute

8.5 At the committee meeting at which the dispute is to be considered, the committee must

- a) give each party a reasonable opportunity to provide (either orally or written) submissions to the committee about the dispute
- b) give due consideration to any submissions so made
- c) make a determination in relation to the dispute

8.6 The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 10 days of the determination being made

8.7 Should the determination of the committee result in the expulsion or termination of membership of one or more of the parties to the dispute, the effected party may appeal their termination or expulsion under the provisions set out in 7b.

## **9. MANAGEMENT COMMITTEE**

9.1 The management of the Club shall be vested in the Committee which shall consist of:

President  
Secretary  
Treasurer  
Vice-President  
WAAFL Delegate  
Social Coordinator  
At least 5 ordinary committee members

To be eligible to sit on the committee, the person must be a member (of any category) at the time of election.

9.2 The Committee may set up sub-committees composed of members of the Club for such purposes as it thinks fit. Such members shall report to and be responsible to the Committee and meet as authorised by the Committee.

9.3 The term of office of a committee member begins when the member

- a) Is elected at an annual general meeting, or
- b) is appointed to fill a casual vacancy

9.4 A committee member holds office until the positions on the committee are declared vacant at the next annual general meeting

- 9.5** A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.
- a) The resignation takes effect —
    - (i) when the notice is received by the secretary or chairperson; or
    - (ii) if a later time is stated in the notice, at the later time.
  - b) At a general meeting, the Association may by resolution —
    - (i) remove a committee member from office; and
    - (ii) elect a member who is eligible to fill the vacant position.
  - c) A committee member who is the subject of a proposed resolution under 8.5(b) may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.
  - d) The secretary or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.
- 9.6** A person ceases to be a committee member if the person
- a) dies or otherwise ceases to be a member; or
  - b) resigns from the committee or is removed from office under 9.5; or
  - c) becomes permanently unable to act as a committee member because of a mental or physical disability

## **10. MEETINGS**

### **10.1 Annual General Meeting**

- a) The committee shall be elected each year at the Annual General Meeting of members and the date for such meeting shall be within four months of the conclusion of the football season.
- b) The date and place of such meeting shall be circulated to members with voting rights not less than 14 days prior to such meeting.
- c) The Quorum for an Annual General Meeting shall be ten members with voting rights.
- d) Any changes to the Constitution must be included in the letter of invitation to attend the Annual General Meeting or a Special General Meeting.
- e) Any member wishing to propose an amendment to the Constitution or put a motion in accordance with d) must provide a copy to the Secretary not less than 21 days prior to the meeting.

- f) At the Annual General Meeting all officers will resign and elections held for all positions other than affiliated club delegates and coaches.

#### **10.2 Special General Meetings**

- a) A Special General Meeting may be called at any time by either the President or by not less than ten (10) percent of Members of the Club petitioning the President in writing and stating the purpose of the meeting.
- b) The purpose of such meeting and the date thereof shall be circulated to members with voting rights not less than seven (7) days prior to such meeting.
- c) The business transacted at such meeting shall be limited to the specific purpose or purposes set out in the circular to members.
- d) The Quorum for a Special General Meeting shall be ten (10) members with voting rights.

#### **10.3 General Meetings (Committee Meetings)**

- a) The Committee shall meet at least once in every month and at such other times as the Management Committee deems necessary.
- b) The quorum for a General Meeting shall be not less than half the total number of voting members on the Committee.
- c) If any member of the Committee shall absent themselves from any three consecutive meetings of the Committee without previously advising a satisfactory explanation or shall absent themselves from four meetings in any one year without previously advising a satisfactory explanation they shall be deemed to have vacated office and shall not be eligible for re-election at the next Annual General Meeting.
- d) The Committee shall have the power to fill any vacancy of office or other member of the Committee as may occur before the next Annual General Meeting.

#### **10.4 Patron**

- a) The Committee shall have the power from time to time as it sees fit to appoint a patron of the Club who shall hold office until the next Annual General Meeting.
- b) The patron may attend and have a voice at any Committee Meeting but does not hold voting rights.

#### **10.5 Coaches**

- a) The appointment of remuneration of football coaches shall be in the hands of the Committee.
- b) Football coaches have the right to vote at Committee meetings.

## **10.6 Procedure at Meetings**

The business of the club at meetings shall be conducted in the following order:

- Meeting declared open by the President
- Attendance and apologies recorded
- Minutes of previous meetings
- Correspondence
- Treasurer's Report
- Election of officers (AGM only)
- Other reports (if required)
  - Social Coordinator
  - Coaches
  - Others
- Motions with notice
- General Business
- Date of next meeting
- Closure

## **10.7 Voting**

- a) Resolutions at any meeting shall be carried by a simple majority of members eligible to vote who are in attendance at the meeting except where otherwise required by this Constitution. Where such voting is deadlocked the President shall have the casting vote.
- b) Members who are financial at 30 September, preceding the Annual General Meeting shall be entitled to vote at the Annual General Meeting or move or second a motion or to propose or second a candidate for any office.

## **10.8 Minutes**

- a) Minutes of the proceedings at every meeting shall be entered and kept in a book specifically provided for this purpose.
- b) Such minutes shall be submitted at the next meeting.
- c) Such minutes shall be conclusive evidence that the proceedings were regular and occurred at a meeting properly convened and conducted.
- d) Such recorded minutes shall be binding on all the members of the Committee and all resolutions and motions which were carried will stand unless rescinded or superseded by a resolution or motion at a future meeting.

## **10.9 Where no Quorum Present**

No business is to be conducted at a general meeting unless a quorum is present. If a quorum is not present within 30 minutes after the notified commencement time of a general meeting

- a) In the case of a special general meeting the meeting lapses



- b) In the case of the annual general meeting the meeting is adjourned to
  - I. the same date and time in the following week, and
  - II. the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to members before the day to which the meeting is adjourned.
- c) If a quorum is not present within 30 minutes after the scheduled commencement time of a previously adjourned annual general meeting and there are at least 3 members present at the meeting, those members present are taken to constitute a quorum.

#### **10.10 Giving Notice to Members**

A notice or other document that is to be provided to a member under the requirements of this constitution shall be in writing and delivered by

- a) Hand
- b) Post, or
- c) Electronically by email or through a social media application to which members have access

### **11. COMMITTEE FUNCTIONS**

**11.1** The Committee shall be responsible for:

- a) Upholding and advancing the objects of the club
- b) The general management of the club including day to day running and long term planning.
- c) The control of finances of the club.
- d) The appointment of officials or sub-committees to assist the Committee in the discharge of its functions.
- e) Filling any vacancies on the committee.
- f) The appointment of football coaches.

**11.2** Unless otherwise determined by the Committee:

- a) The President shall be the chairperson of all meetings and shall determine whether a quorum is present. In the absence of the President the Vice-President shall preside or in the absence of both a chairperson shall be elected by the Committee.
- b) The Secretary shall:

- i. Be responsible for informing members and officials of forthcoming events and other news.
  - ii. Keep accurate minutes of the proceedings of all meetings of the Club.
  - iii. Receive all incoming correspondence and deal with all outgoing correspondence as directed by the Committee.
- c) The Treasurer shall:
  - i. Cause true and accurate books to be kept in which a strict account of all monies received and disbursed shall be maintained.
  - ii. Issue all receipts for all monies received.
  - iii. Pay all accounts on the authority of the Committee.
  - iv. Report to the Annual General Meeting the financial standing of the Club.
  - v. Report to Committee Meetings the financial business and standing of the Club since the previous meeting.
- d) The Vice President in the absence of the President shall perform the duties of the President.
- e) The W.A.A.F.L. Delegate Shall:
  - i. Attend all meetings of the W.A.A.F.L. where a delegate is required.
  - ii. Act only in his capacity as the duly elected representative of the club and only upon the instructions of the Committee.
  - iii. Report to the Committee all decisions of such League meetings and shall report in particular any matters of concern to the Club or any of its members.
  - iv. Be responsible that if unable to attend any league meeting or obtain items from the league shall request that another Committee member undertake the duties in their place. Such Committee member shall be considered the duly appointed delegate of the club.
- f) The Social Coordinator shall form a subcommittee which shall be responsible for the organisation of social and fund raising activities for the Club as a whole as well as separate activities for the benefit of the members of the club connected with the sport of football.
- g) Ordinary Members shall assist in the running of the club as directed by the Committee.

## **12. FINANCE**

- 12.1** All funds shall be deposited to the credit of the Club at such financial institution as may be approved by the Committee. Any two of President, Treasurer, Secretary or Vice President shall sign all cheques drawn by the Club or authorise any electronic payment transacted via online means.
- 12.2** The financial year of the Coolbinia West Perth Football and Sporting Club Incorporated shall end on the 31<sup>st</sup> Day of October each year.
- 12.3** The Committee shall appoint an auditor and the auditor may not be a Committee Member.

## **13. PECUNIARY INTEREST**

No Committee Member shall have the power to vote themselves any free, honorarium or wage in respect of his service to the club except that the Committee shall have the power to reimburse any expense justly and properly incurred in good faith by any member (including Committee Members) for the purpose of furthering the interests of the Club.

## **14. COMMON SEAL**

The Secretary shall have custody of the common seal of the Club, which shall be affixed to all such deeds, instruments and documents as need to be under seal and signed in the presence of the President and attested by the Secretary.

## **15. INSPECTION OF CONSTITUTION**

The Secretary shall hold a copy of this Constitution for the purpose of inspection by any member or perspective member.

## **16. INTERPRETATION OF THE CONSTITUTION**

The interpretation of this Constitution and any arising question arising from or not covered by this Constitution shall be at the discretion of the Committee whose decision thereon shall be final and binding on all members.

## **17. AMENDMENT TO CONSTITUTION**

- 17.1** No rule shall be amended or repealed nor shall any new rule be added except on the vote of a seventy five percent majority of the voting members present at the Annual General Meeting of a Special General Meeting duly convened in accordance with the requirements of this Constitution.
- 17.2** Within fourteen (14) days of any amendment to this Constitution a certified copy of such amendment shall be delivered to the Principal Clerk of the Licensing Court of Western Australia and to the Department of Consumer and Employment Protection. As soon as is practicable after the making of any proposal for a change to the Constitution or Rules of the Club, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.

## **18. SALE OF LIQUOR AND RELATED MATTERS**

- 18.1** Liquor shall be sold strictly according to the provisions of the Liquor Act 1988 and its amendments for the particular permit or License, which the Club may hold.
- 18.2** No member under the age of eighteen (18) may be admitted to the premises subject to such permit or License during the hours of operation of such permit or license unless in the company of an adult person in authority over him or her.
- 18.3** A member may introduce to the Club, during the hours of operation of the permit license, guests not exceeding three (3) in number and in the member's company.
- 18.4** No Liquor shall be supplied or sold to any person under the age of eighteen (18).

## **19. DISSOLUTION**

- 19.1** The club may be dissolved at any time by a resolution of seventy five percent of the voting members present at either an Annual General Meeting or a Special General Meeting of the club duly convened in accordance with the requirements of this Constitution.
- 19.2** If upon winding up of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members or former members, but shall be given or transferred
  - (i) To another association under the Act which has similar objects; or
  - (ii) For charitable purposesWhich association of purposes, as the case requires, shall be determined by the resolution of members.