

HALLS HEAD FOOTBALL and NETBALL CLUB INCORPORATED

ABN: 99 600 468 260

PO Box 5270 Falcon WA 6210

Constitution

NAME

1. The name of the club is the Halls Head Football and Netball Club Incorporated referred to herein as "The Club".
2. The principal place of business of the club shall be the private address of the Secretary of the club from time to time or as otherwise determined by the Executive.
3. In these rules unless there is something in the context inconsistent therewith:

"Club" means Halls Head Football and Netball Club Incorporated.

"Juniors" means persons who play football within the boundaries of the club up to the age determined from time to time by the PDFDC

"Seniors" means persons who play football or netball within the boundaries of the club in the PNFL

"Management Committee" means the Executive of the Club.

"PDFDC" means Peel District Football Development Council

"PNFL" means Peel Football and Netball League

Words importing the masculine gender include the feminine and vice versa, and words importing the singular include the plural and vice versa.

Headings are included in these rules for guidance only and are not part of the rules.

OBJECTS AND PURPOSES

4. The object and purposes of the Club are:
 - 4.1 To promote encourage foster teach and improve the standard of the games of Australian Rules Football and Netball under the jurisdiction of the club as determined from time to time by the club.
 - 4.2 To participate in organized competitions for juniors & seniors in such age groups and under such rules and By-Laws as may be determined by the Club from time to time.
 - 4.3 To promote good fellowship, true sportsmanship and citizenship among members.
 - 4.4 To foster and promote social relationships between all Football and Netball Associations in the competition.

POWERS

- 5.0 The Club may do all things necessary or convenient for carrying out its objects rights or privileges.
- 5.1 Acquire, hold, deal with, and dispose of any real or personal property or any rights or privileges.
- 5.2 Conduct appeals for funds and accept donations, whether being real or personal property, and devises and bequests under testamentary dispositions and to generally raise fund by public subscription and any other means as may from time to time be approved by the Executive.
- 5.3 Invest in Trustee Securities or otherwise deal with Monies of the Club not immediately required for the purpose of the Club in such manner authorized by law as may from time to time be determined by the Executive.
- 5.4 Hold and administer property on trust.
- 5.5 Borrow money by way of loan or overdraft or by the issue of debentures.

- 5.6 Draws, accepts and negotiate cheque bills of exchange promissory notes and other negotiable instruments
- 5.7 Appoint and co-opt persons to positions on the Club and remove persons from such position as requested.
- 5.8 Suspend, fine or otherwise deal with any player or official of the Club for non-compliance with the laws of Australian Football and Netball the constitution or By Laws of the Club, or for conduct not deemed be in the best interests of the Club, or the game of Australian Rules Football or Netball
- 5.9 Apply and ensure compliance with the By Laws of the Club and perform all such acts and responsibilities to the attainment of its objects of the Club.
- 5.10 Determine from time to time any membership application and annual subscription.
- 5.11 The Club shall, subject to these rules, abide by the rules and requirements of the PDFDC & PFNL.
- 5.12 Enter into any other contract the Club considers necessary or desirable.

6.0 MEMBERSHIP

- 6.1 Membership shall be open to any person who wishes to further the interests of the Club.
- 6.2 Any person seeking membership shall make application to the Management Committee, and the Management Committee shall determine whether the application is successful or not. Applications denied membership shall be advised in writing.
- 6.3 Each person admitted to membership shall be:
 - 6.3.1 Bound by the Constitution and By Laws of the Club
 - 6.3.2 Come liable for such fees and subscriptions as may be fixed by the Club.
 - 6.3.3 Entitled to all advantages and privileges of membership.

6.4 Membership Categories

- 6.4.1 **Junior Member** - (A) Any person under the age of 18 years will become a Junior member upon the payment of annual fee. Such shall have no voting rights nor be entitled to hold any office.
 - (B) Any person aged 18 years or older who is a parent or legal guardian of a Junior member. This category is limited to 2 persons per Junior member. Such shall have voting rights & be entitled to hold office.
 - 6.4.2 **Senior Member** – Any person aged 18 years or older will become a Senior member upon the payment of annual fee. Such shall have voting rights & be entitled to hold office.
 - 6.4.3 **General Membership – a person wanting to be a member but does not fall into any other category will become a member upon payment of an annual membership fee decided by the Management committee**
 - 6.4.4 **Life Membership** - The Management Committee may elect any member who has given outstanding service to the Club as a Life Member. Any member may nominate a person to the Management Committee for consideration for Life Member.
 - 6.4.5 **Honorary Membership** - May be bestowed by the Management Committee on any person or persons of distinguished position or attainment for such duration and on such terms as the Management Committee may determine.
 - 6.4.6 **Patron** - The Club may at its discretion, elect a patron/s or vice patron/s of the Club for such period as may be deemed necessary. Such patron/s or vice patron/s shall not be eligible to vote unless they are current members of the Club.
- 6.5 The Club **Secretary** will maintain an up to date register of members of the Club

6.6 A member may at any reasonable time, with notice, inspect the records and documents of the Club.

7.0 Termination of Membership

7.1 Any person's membership may be terminated by the following events:

7.1.1 Resignation

7.1.2 False or inaccurate statements made in the member's application for membership of the Club, breach of any rule, regulation or By Law of the club or by any act detrimental to the Club.

7.2 The Management Committee shall have the power to suspend or expel any member of the Club for any of the events in Item 7.1 above.

7.3 Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final

8.0 Management Committee

8.1 Management of the Club shall be vested in the Management Committee elected by the members at the Annual General Meeting consisting of:

8.1.1 Club President

8.1.2 Senior President

8.1.3 Junior President

8.1.4 Netball President

8.1.5 Secretary

8.1.6 Treasurer

8.1.7 Sponsorship & Marketing Director

8.1.8 Facilities Director

8.2 Management Committee elected members must be made up of equal representation of both Junior and Senior Members, excluding the president

8.2.1 Membership status is determined by 6.4 of this constitution.

8.2.2 If a member is determined to be a dual member as per 6.4.1 and 6.4.2 of this constitution they will be regarded as a junior member for the appointment of a management committee position.

8.2.3 If management positions can't be filled by these criteria and persons have been nominated, positions will be filled by those whose are nominated and voted in.

8.3 No person shall hold more than one position on the Management Committee at any one time. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting, which follows their election, and they will be eligible for re-election.

8.4 A quorum of the Management Committee shall be half of its members plus one.

8.5 If the Club President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.

8.6 A member of the Management Committee may lose their seat on the committee for any of the following:

Absence from three or more meetings without leave of absence.

Found not to be a financial member.

False or inaccurate statements made in the member's application for membership of the Club breach of any rule, regulation or By Law of the club or by any act detrimental to the Club.

8.6.1 A person elected on a committee then removed from that committee position because of events above may still be a member of the club

9.0 MANAGEMENT COMMITTEE - TERMS OF REFERENCE

- 9.1 The Management Committee shall carry out the business affairs of the Club and shall have the power to:
- 9.1.1 Administer the finances, appoint bankers, and to direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
 - 9.1.2 Fix the manner in which such banking accounts shall be operated upon, providing all payments are passed by the Management Committee;
 - 9.1.3 Fix fees and subscriptions payable by members and decide such levies, fines, and charges as is deemed necessary and advisable, and to enforce payment thereof;
 - 9.1.4 Adjudicate on all matters brought before it, which in any way affect the Club;
 - 9.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
 - 9.1.6 Make, amend and rescind rulings and By-Laws;
 - 9.1.7 Ensure Junior, Senior and Netball budgets be drafted based on the previous year's end of season actuals, then ratified through the Management Committee prior to any agreed expenditure
 - 9.1.8
 - i) Will by January of the playing year set the club's paid players budget for the current playing season.
 - ii) Endorse club paid players contracts to a maximum payment per game, times the total amount of games that can be played for that season.
 - iii) Club paid players contracts to be signed off by at least two of the listed office bearers - Club President, Treasurer or Senior President on behalf of the club.
 - iv) Any agreement to pay players outside of terms of reference 9.1.7 i), ii) and iii) will have no obligations on the club to fulfill that agreement made by other persons.
 - 9.1.9 Have the power to form and appoint any subcommittee/s as required for specific purposes;
 - 9.1.10 May at their discretion employ a person or persons to carry out certain duties required by the Club, at salaries or remuneration for such a period of time, as may be deemed necessary;
 - 9.1.11 Should a vacancy occur on the Management Committee during the season, the Management Committee shall appoint a successor until the next Annual General Meeting;
 - 9.1.12 Appoint an officer/s or agent of the Management Committee to have custody of the Club records, documents and securities.

10.0 Junior Committee

- 10.1 Management of Junior Football shall be vested in the Junior Committee elected by the members at the Annual General Meeting consisting of:
- 10.1.1 Junior President
 - 10.1.2 Football Manager
 - 10.1.3 Secretary
 - 10.1.4 Youth Registrar
 - 10.1.5 Junior Registrar
 - 10.1.6 Auskick Coordinator
 - 10.1.7 Events Coordinator
- 10.2 No person shall hold more than one position on the Junior Committee at any one time. A person shall cease to be a member of the Junior Committee at the conclusion of the Annual General Meeting, which follows their election, and they will be eligible for re-election.
- 10.3 A quorum of the Junior Committee shall be half of its members plus one.
- 10.4 If the Junior President is unable to attend, then a chairperson nominated by the meeting shall

chair that meeting.

10.5 A member of the Junior Committee may lose their seat on the committee for any of the following:

- Absence from three or more meetings without leave of absence.
- Found not to be a financial member.
- False or inaccurate statements made in the member's application for membership of the Club, breach of any rule, regulation or By Law of the club or by any act detrimental to the Club.

10.5.1 A person elected on a committee then removed from that committee position because of events above may still be a member of the club

11.0 Junior Committee - TERMS OF REFERENCE

11.1 The Junior Committee shall carry out the delivery of the junior football affairs of the Club and shall have the power to:

- 11.1.1 Adjudicate on all matters brought before it, which in any way affect the junior football affairs;
- 11.1.2 Cause minutes to be made of all proceedings at meetings of the Committee;
- 11.1.3 Recommend the making, amending and rescinding of rulings and By-Laws that effect junior football affairs;
- 11.1.4 Have the power to form and appoint any sub-committee/s as required for specific purposes;

12.0 Senior Football Committee

12.1 Management of Senior Football shall be vested in Senior Committee elected by the members at the Annual General Meeting consisting of:

- 12.1.1 Senior President
- 12.1.2 Football Manager
- 12.1.3 Secretary
- 12.1.4 Registrar
- 12.1.5 Events Coordinator

12.2 No person shall hold more than one position on the Senior Committee at any one time. A person shall cease to be a member of the Senior Committee at the conclusion of the Annual General Meeting, which follows their election, and they will be eligible for re-election.

12.3 A quorum of the Senior Committee shall be half of its members plus one.

12.4 If the Senior President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.

12.5 A member of the Senior Committee may lose their seat on the committee for any of the following:

- Absence from three or more meetings without leave of absence.
- Found not to be a financial member.
- False or inaccurate statements made in the member's application for membership of the Club, breach of any rule, regulation or By Law of the club or by any act detrimental to the Club.

12.5.1 A person elected on a committee then removed from that committee position because of events above may still be a member of the club

13.0 Senior Football Committee - TERMS OF REFERENCE

13.1 The Senior Committee shall carry out the delivery of the senior football affairs of the Club and shall have the power to:

- 13.1.1 Adjudicate on all matters brought before it, which in any way affect the senior football affairs;
- 13.1.2 Cause minutes to be made of all proceedings at meetings of the Committee;

- 13.1.3 Recommend the making, amending and rescinding of rulings and By-Laws that effect senior football affairs;
- 13.1.4 Have the power to form and appoint any sub-committee/s as required for specific purposes;

14.0 Netball Committee

- 14.1 Management of Netball shall be vested in Netball Committee elected by the members at the Annual General Meeting consisting of:
 - 14.1.1 Netball President
 - 14.1.2 Netball Manager
 - 14.1.3 Secretary/ Registrar
 - 14.1.4 Facilities
 - 14.1.5 Events Coordinator
- 14.2 No person shall hold more than one position on the Netball Committee at any one time. A person shall cease to be a member of the Netball Committee at the conclusion of the Annual General Meeting, which follows their election, and they will be eligible for re-election.
- 14.3 A quorum of the Senior Committee shall be half of its members plus one.
- 14.4 If the Netball President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.
- 14.5 A member of the Netball Committee may lose their seat on the committee for either of the following:
 - Absence from three or more meetings without leave of absence.
 - Found not to be a financial member.
 - False or inaccurate statements made in the member's application for membership of the Club, breach of any rule, regulation or By Law of the club or by any act detrimental to the Club.
- 14.5.1 A person elected on a committee then removed from that committee position because of events above may still be a member

15.0 Netball Committee – TERMS OF REFERENCE

- 15.1 The Netball Committee shall carry out the delivery of the netball affairs of the Club and shall have the power to:
 - 15.1.1 Adjudicate on all matters brought before it, which in any way affect Netball affairs;
 - 15.1.2 Cause minutes to be made of all proceedings at meetings of the Committee;
 - 15.1.3 Recommend the making, amending and rescinding of rulings and By-Laws that effect Netball affairs;
 - 15.1.4 Have the power to form and appoint any sub-committee/s as required for specific purposes;

16.0 Resolving Disputes

16.1 Application of disputes procedure

The disputes procedure set out in this clause applies to disputes under this Constitution between:

- (a) A Member and another Member or Members;
- (b) A Member or Members and the Club.

16.2 Disputes procedure

- (a) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties. In the

case of a dispute involving the Club, the Presidents or another committee Member nominated by the Club President will represent the Association.

- (b) If the parties are unable to resolve the dispute within the 14 day period specified in clause 16.2(a), either party may initiate the dispute resolution procedure by giving a written notice to the Secretary identifying the parties to the dispute and the subject of the dispute.
- (c) Within 28 days of receipt of a notice under clause 16.2(b) a committee meeting must be convened to determine the dispute.
- (d) The Secretary must give the parties to the dispute at least 7 days' prior written notice of the date, time and place of the committee meeting. The notice must inform the parties that they (or their Representative) may attend the Board meeting and will be given a full and fair opportunity to make oral and written submissions to the Board.
- (e) At the Board meeting, the Board must:
 - (i) Give each party to the dispute, or the party's Representative, a fair opportunity to make oral submissions and must give reasonable consideration to any written submissions; and
 - (ii) Determine the dispute.
- (f) Written notice of the committee's decision regarding the dispute must be given to all parties to the dispute within 7 days after the Board meeting.

16.3 If dispute resolution results in decision to suspend or expel being revoked

If a disputes procedure under this clause 16 takes place concerning the revocation of a Member's membership and the result of the disputes procedure is that the Member's membership is reinstated, that revocation decision does not affect the validity of any decision made at a Committee meeting or General Meeting during the period in which the Member's membership was purported to be revoked.

17.0 AUDITOR

- 17.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors.
- 17.2 The Auditor/s shall examine and audit the books and accounts of the Club annually, and have power to call for all books, papers, accounts, receipts, etc, of the Club and report thereon to the Annual General Meeting.

18.0 GENERAL MEETINGS

18.1 Annual General Meetings

- 18.1.1 The Annual General Meeting must be held within two months of the end of the club's playing season.
- 18.1.2 The Secretary shall give at least fourteen (14) days' notice of the date of the Annual General Meeting, to members.
- 18.1.3 All financial members may attend the Annual General Meeting.
- 18.1.4 The quorum at the Annual General Meeting, shall be a minimum of 5% of members. If at the end of 30 minutes after the time appointed in the notice for the opening of the meeting, there be no quorum the meeting shall stand adjourned for one (1) week. If at such meeting there is no quorum those members present shall competent to discharge the business of the meeting.
- 18.1.5 The agenda for the Annual General Meeting shall be:
 - Opening of Meeting
 - Apologies
 - Confirmation of Minutes of previous Annual General Meeting
 - Presentation of Annual Report
 - Adoption of Annual Report
 - Presentation of Treasurer's Statement

- Election of New Executive, Senior Committee, Junior Committee & Netball Committee and appointment of Auditor
- Vote of thanks to outgoing Committees
- Notice/s of Motion
- Urgent General Business
- Closure

18.2 **General Meetings**

- 18.2.1 The Management Committee may call General Meetings at the request of the Club President and Secretary or on written request of 20 Members of the Club.
- 18.2.2 The Secretary shall give at least seven (7) days' notice, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.
- 18.2.3 The quorum at the General Meeting shall be a minimum of 5% of the membership
- 18.2.4 Communication for all meetings can be circulated by electronic means

19.0 **VOTING**

- 19.1 Voting powers at the Annual General Meeting and General Meetings:
- 19.1.1 The Club President shall be entitled to a deliberative vote and, in the event of a tied vote, the Club President shall exercise a casting vote.
- 19.1.2 Each individual financial member present shall have one (1) vote.
- 19.2 Voting powers at Management Committee Meetings:
- 19.2.1 The Club President shall be entitled to a deliberative vote, and in the event of a tied vote, the Club President shall exercise a casting vote.
- 19.2.2 Each individual committee member shall have one (1) vote.
- 19.3 Voting Powers at Senior, Junior and Netball Committee Meetings
- 19.3.1 The respective President shall be entitled to a deliberative vote, and in the event of a tied vote, the respective President shall exercise a casting vote.
- 19.3.2 Each individual committee member shall have one (1) vote.

20.0 **FINANCE**

- 20.1 All funds of the Club shall be deposited into the Club's accounts at such bank or recognized financial institution as the Management Committee may determine.
- 20.2 All accounts due by the Club shall be paid by the Treasurer, accounts shall be paid by either cheque, electronic transfer or cash when due and the action endorsed at the next Management Committee Meeting.
- 20.3 The Treasurer shall table a statement showing the financial position of the Club at each Management Committee Meeting.
- 20.4 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The Auditor's report shall be attached to such financial report.
- 20.5 The financial year of the Club shall commence on 1st October each year. The accounts, books and all financial records of the Club shall be audited each year.
- 20.6 The signatories to Clubs account/s will be the Treasurer and at least two other nominated persons sitting on the Management Committee
- 20.7 The property and income of the Club shall be applied solely towards the promotion of the objects and 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, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employer to the Club in return for services rendered
- 20.8 The Treasurer will reimburse any member if they have purchased an item for the club upon proof of payment with receipt or invoice stating the purchase made

21.0 ALTERATIONS TO THE CONSTITUTION AND BY LAWS

- 21.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting called for that purpose and notice of motions to alter, repeal or add to the constitution shall be given to the members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose. As well,
- 21.2 The Secretary shall forward such notices of motion to each Management Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.
- 21.3 Alterations to the By-laws can be made only at Management Committee Meetings provided notice of proposed alteration/s has been duly notified to Committee Members.
- 21.4 Such motions or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (special resolution) of those present and entitled to vote at the Annual General Meeting, General Meeting or Management Committee Meeting, as the case may be.
- 21.5 Within one (1) month of passing of a Special Resolution, the Secretary shall notify the relevant government department of the amendment.

22.0 DISSOLUTION

If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed:-

- (a) to another club incorporated under the Act; or
- (b) for charitable purposes

Which incorporated association or purposes as the case requires shall be determined by resolution of the members when authorizing and directing the Committee under Section 33 (3) of the Act to prepare a distribution plan for the distribution of the surplus property of the Club.