



## CONSTITUTION May 2019

### 1.0 NAME:

The name of the Club/Club is Mundaring Junior Football Club, (MJFC) herein after referred to as the “Club” or “Association” (Note: This document may refer to either Club or Association.)

The club association number is A0823617L as stipulated on the CERTIFICATE OF INCORPORATION issued on the Twenty Sixth day of July 1988

### 2.0 OBJECTS:

The objects of the Club are:-

- 2.1 To promote and encourage the Australian Rules Football Game in a junior setting in accordance with the rules, laws, bylaws and directives of the Australian Football Commission within the boundaries of the Western Australian Football League District that the Club is, from time to time, affiliated with and comes under the direction of;
- 2.2 To do all things, acts and deeds necessary to the Club’s interests in Australian Rules Football;
- 2.3 To provide an environment for boys and girls up to the age of 12 years subject to the District Development Bylaws to participate in and learn the game of Australian Rules Football;
- 2.4 To promote and create club spirit in a harmonious setting;
- 2.5 To promote and create fairness, equality and equity for all members and players.

### 3.0 ATTAINING OBJECTS

The Club shall be empowered to do all things necessary which are incidental to and necessary for the attainment of the objects of the Club.

### 4.0 PROPERTY OF THE CLUB

The Club must apply all property and income of the Club towards the promotion of the objects or purposes of the Club and no part of that property or income to 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.

### 5.0 POWERS OF THE CLUB:

- 5.1 To acquire, hold, deal with, and dispose of any real or personal property;
- 5.2 To open and operate bank accounts;
- 5.3 To invest its money –
  - (i) in any security in which trust moneys may be invested; or
  - (ii) in any other manner authorised by the rules of the Club;
- 5.4 To borrow money upon such terms and conditions as the Club thinks fit;
- 5.5 To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- 5.6 To appoint agents and employees to transact any business of the Club on its behalf for reward or otherwise;
- 5.7 In consultation with and permission from the local government body, to build, construct, erect, maintain, alter and repair any premises building or other structure of any kind and to furnish equip and improve the same for use by the Club;
- 5.8 Accept donations and gifts in accordance with the objects of the Club at the discretion of the Executive Committee;
- 5.9 Print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the Club;
- 5.10 Provide gifts and prizes in accordance with the objects of the Club;
- 5.11 Organise social events for Members and the promotion of the Club;
- 5.12 To enter into any other contract the Club considers necessary or desirable;
- 5.13 To make and implement policies and procedures relevant to the Club; and
- 5.14 To make and implement disciplinary procedures for players, coaches, members and spectators of the Club.

## **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;-
  - 6.2.1 If there is no dispute regarding membership then any Committee member may approve the application;
  - 6.2.2 If there is a dispute regarding membership, the Committee shall determine whether the application is successful or not.
- 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 **ORDINARY MEMBER**  
Any person who:-
    - a) has a child (for which they are the legal parent / guardian) registered as a junior member of the Club; or
    - b) wishes to participate in the playing activities or any role supporting playing activities of the Club;shall automatically have membership as an ordinary member, once membership has been paid.  
Any person who is an ordinary member of the Club is entitled to hold any office and enjoy the privileges of the Club.
  - 6.4.2 **SOCIAL MEMBER**  
Persons other than ordinary members who are interested in promoting the Club, but who do not wish to participate in the playing activities of the Club, may become a Social Member.
  - 6.4.3 **JUNIOR MEMBER**  
Any person up to the age of 12 years may become a Junior Member. Junior Members shall have no voting rights nor be entitled to hold any office.
  - 6.4.4 **LIFE MEMBERSHIP**  
The Executive Committee as a Life Member may elect any member who has given outstanding service to the Club. Any member may nominate a person to the Executive Committee for consideration for Life Membership.
- 6.5 The Registrar is to maintain an up to date register of members of the Club.
- 6.6 A member may at any reasonable time inspect the records and documents of the Club.

## **7.0 FEES & SUBSCRIPTIONS:**

- 7.1 Fees and subscriptions shall be levied annually and paid in full or a payment arrangement entered into, with the Executive Committee, within 3 weeks of the commencement of the Football season.
- 7.2 Fees and subscriptions shall be fixed annually by the Club/Executive Committee.
- 7.3 Any fines imposed on any members shall be paid within 2 weeks of the notice of the fine being sent to the member and shall be paid into the common funds of the Club.
- 7.4 If any member shall fail to pay any annual subscription, contribution call, fine or other payment for which such member is liable under these rules within the time specified for payment of the same, such member shall lose their representation in the Club until they shall have made such payment and if a resolution be carried by a majority in favour of expulsion, such member shall be expelled from the Club and the Executive Committee of the Club shall be the sole judge. Any member expelled from the Club shall lose and forfeit to the Club all interest and benefit of such member and in the funds and property of the Club as from the date of the expulsion.

## **8.0 TERMINATION OF MEMBERSHIP**

- 8.1 Any person's membership may be terminated by the following events;
  - 8.1.1 Resignation
  - 8.1.2 Expulsion
  - 8.1.3 A Member's annual membership fee remains unpaid after 30 days from falling due' unless the Executive Committee has agreed to waive the membership fee or enter into a payment agreement.
- 8.2 The Executive Committee shall have the power to suspend or expel any member of the Club for:
  - 8.2.1 any of the events in Item 8.1
  - 8.2.2 False or inaccurate statements made in the member's application for membership of the Club,
  - 8.2.3 breach of any rule, regulation or by-law of the Club after having undertaking due inquiry.
  - 8.2.4 by any act detrimental to the Club after having undertaken due inquiry.
- 8.3 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.

## **9.0 EXECUTIVE COMMITTEE**

- N.B a) Committee persons are sometimes referred to as Office Bearers.
  - b) The main Office Bearers are often referred to as The Executive.
- 9.1 Management of the Club shall be vested in the Executive Committee elected by the members at the Annual General Meeting and consisting of;
  - 9.1.1 President (for general duties etc. refer to the relevant Job Description).

- 9.1.2 Vice President (for general duties etc. refer to the relevant Job Description).
- 9.1.3 Secretary (for general duties etc. refer to the relevant Job Description).
- 9.1.4 Treasurer (for general duties etc. refer to the relevant Job Description).
- 9.1.5 Registrar (for general duties etc. refer to the relevant Job Description).
- 9.1.6 Committee members (as many as the Executive Committee deems appropriate)
- 9.1.7 Club or team delegates
- 9.1.8 Any other person or position the Executive Committee deems appropriate.
- 9.2 The election of the Executive Committee is performed at the Annual General Meeting.
  - 9.2.1 Nominations for the Executive Committee roles are accepted fourteen (14) days leading up to and including the Annual General Meeting when the election is performed.
- 9.3 To be eligible to sit on the Executive Committee the person must be an ordinary member who is at least eighteen (18) years old and as stated by the Act, the person will be prohibited from sitting on the Executive Committee (without prior approval by the Commissioner for Consumer Protection) if they:
  - Are an undischarged bankrupt or whose affairs are under insolvency law,
  - Been convicted with an offence involving fraud or dishonesty punishable on conviction by three (3) months or more imprisonment; and
  - Have been convicted of an offence in connection with the promotion, formation of management of a body corporate, including duties under the new law

Where a person is prohibited because they have been convicted of an offence they cannot be a committee member for a period of five (5) years from their conviction, except where the conviction resulted in imprisonment, in which case they cannot be a committee member for five years from their release from custody.
- 9.4 The following circumstances outline the conditions in which a current Executive Committee member will be cancelled and the position becomes vacant:
  - The person dies or ceases to be a member,
  - The person resigns or is removed from the position,
  - The person becomes ineligible to sit on the Executive Committee under the Act (refer to section 9.3),
  - The person becomes permanently unable because of a mental or physical disability,
  - The person fails to attend three consecutive Executive Committee Meetings without sending an apology.
  - Found not to be a financial member unless otherwise approved by the Management Committee.
- 9.5 The Executive Committee members elected at the Annual General Meeting shall take office on the 1<sup>st</sup> of October after the Annual General Meeting or as needed for handover.
- 9.6 No person shall hold more than one position on the Executive Committee at any one time. A person can have a position on the Executive Committee as well as another position within the Club e.g. the Clubs President can also be a Coach. A person shall cease to be a member of the Executive Committee at the conclusion of the Annual General Meeting which follows his/her election and he will be eligible for re-election.
- 9.7 In the event that an Executive Committee position becomes vacant, the Executive Committee can act to appoint a casual committee member to fill this vacancy until the term ends.

## **10.0 POWERS OF THE EXECUTIVE COMMITTEE**

- 10.1 The Executive Committee shall carry out the day-to-day running of the Club and shall have the power to:
  - 10.1.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
  - 10.1.2 Fix the manner in which such banking accounts shall be operated upon, providing the Executive Committee passes all payments;
  - 10.1.3 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;
  - 10.1.4 Adjudicate on all matters brought before it which in any way affect the Club.
  - 10.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
  - 10.1.6 Make, amend and rescind rulings and By-laws;
  - 10.1.7 Have the power to form and appoint any subcommittee/s as required for specific purposes;
  - 10.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Club, at salaries or remunerations for such period of time, as may be deemed necessary.
  - 10.1.9 Should a vacancy occur on the Executive Committee during the season, the Executive Committee shall appoint a successor until the next Annual General Meeting.
  - 10.1.10 Appoint an officer/s or agent of the Executive Committee to have custody of the Club's records, documents and securities.
  - 10.1.11 Should meet at least monthly as the fixture season begins and allow all Committee minutes to be public.

## **11.0 AUDITOR**

- 11.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors and have financials audited by the 1<sup>st</sup> of October.
- 11.2 The Auditor/s shall examine and audit all the books and accounts of the Club annually, and have the power to call for all books, papers, accounts, receipts etc., of the Club and report thereon to the Executive Committee prior to the beginning of each season being the 1<sup>st</sup> January of each year.
- 11.3 The records of the club are to be held by the following Executive Committee members:
  - The books and any securities of the club must be kept in the Secretary's custody or under the Secretary's control,

- The financial records and, as applicable, the financial statements or financial reports of the club must be kept in the Treasurer's custody or under the Treasurer's control,
- The books of the club must be retained for at least seven (7) years.

## **12.0 CLUB MEETINGS:**

- 12.1 Annual General Meeting
- 12.1.1 The Annual General Meeting of the Club must be held within one (1) month of the end of fixture games each season.
- 12.1.2 The Secretary shall give at least fourteen (14) days notice of the date of the Annual General Meeting, to members by either written or electronic communication.
- 12.1.3 All financial members and life members may attend the Annual General Meeting.
- 12.1.4 The quorum at the Annual General Meeting, shall be a minimum of 20 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 and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.
- 12.1.5 The agenda for an 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 and appointment of Auditor
  - Vote of thanks to outgoing Executive
  - Notice/s of Motion
  - Urgent general business
  - Closure
- 12.1.6 All officers elected at the Annual General Meeting shall take office on the 1<sup>st</sup> of October after the Annual General Meeting or as needed for handover.
- 12.1.7 Each member present has one vote and details of the voting process are outlined in section fourteen (14)
- 12.2 Executive Committee Meetings
- 12.2.1 The Executive Committee Meetings need to be held at least three (3) times per year.
- 12.2.2 A quorum of the Executive Committee shall be half its Executive Committee members plus one (1).
- 12.2.3 The authorised Executive Committee member shall give at least seven (7) days' notice of the date of the upcoming Executive Committee Meeting, to the Executive Committee by either written or electronic communication and with the meeting agenda attached.
- 12.2.4 If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.
- 12.2.5 Each Executive Committee member present has one vote and details of the voting process are outlined in section fourteen (14).
- 12.2.6 The Secretary will be responsible for keeping the minutes of the Executive Committee Meetings.
- 12.3 General Meetings
- 12.3.1 General Meetings to be called as required.
- 12.3.2 General Meetings may be called by the Executive Committee or at the request of the President and Secretary or on the written request of at least 20% of members of the club.
- 12.3.3 The Secretary shall give at least seven (7) days' notice by either written or electronic communication 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 unless an urgent motion is made and approved by the Executive Committee.
- 12.3.4 The quorum at the General Meeting shall be a minimum of at least one Executive Committee member and at least 20 members.
- 12.3.5 The chairperson must be an Executive Committee member.
- 12.3.6 The minutes for the General Meeting will be recorded by a person authorised by the Executive Committee.
- 12.3.7 Each member has one vote, they may vote personally or by proxy. Further details of the voting process are outlined in section fourteen (14).
- 12.3.8 Any notice of motion given by a member that proposes some decision or action to be discussed and voted on at the meeting may be delivered by hand, sent by post or sent electronically within five (5) days of the upcoming meeting.

## **13.0 STANDING ORDERS AND RULES OF DEBATE**

The following must be observed at a general meeting:-

- 13.1 Any member giving notice of a motion shall provide a copy of the motion to the secretary at least three (3) days before the scheduled meeting.
- 13.2 Once the motion has been put, debate shall take place and any motion not seconded shall lapse.

- 13.3 Once the debate over the motion has concluded, the President (or chair of the meeting if the President is absent) shall put the question of motion to the members present at the meeting for vote;
- 13.3.1 The majority vote of the present members shall prevail. The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote only after further discussion and a revote is done on a deadlocked issue does not reach agreement.
- 13.4 Any written motion requiring amendment prior to the motion being passed, such amendment shall be put to the members present at the meeting and voted upon. The majority vote as to the amendment shall prevail.
- 13.5 When an amendment is declared carried it shall take the place of the original motion, whereby a further amendment can be proposed until the question is finally decided.
- 13.6 It shall be lawful for a majority of members present at any meeting to suspend any standing orders.
- 13.7 Any member desiring to propose a motion or discuss any matter under consideration must address the Committee.
- 13.8 No member when speaking, shall be interrupted unless called to order, when they shall sit down and the member so calling order shall be heard in preference to any other speaker, and the President or chairman (as the case may be) shall then decide without discussion upon the point of order before the subject is resumed or any other subject discussed.
- 13.9 No member may speak to any motion after it has been voted upon. When two or more members wish to speak, the President shall call upon the member who in their opinion rose first.
- 13.10 In discussion, no member shall be allowed to speak more than once, except strictly in explanation, except the mover of the original motion who shall have the right of reply.
- 13.11 A member when speaking must confine his remarks to the subject under debate and avoid personal inferences or prejudices. No member shall use discourteous language or reflect personally on any member whilst in debate or at all.
- 13.12 Any member dissatisfied with the President's decision or ruling shall be dealt with as follows:-
- 13.12.1 temporary Chairperson shall be appointed and the following question asked of the members at the meeting:-
- 13.12.2 "Shall the decision of the President stand as the judgement of this meeting?"
- 13.13 If after two speakers have spoken successively on the same side of the question and no speaker follows on the opposite side of the argument, the President shall submit the motion to vote to the meeting after affording the mover the right of reply.
- 13.14 No resolution shall be rescinded except at a meeting after notice of motion shall have been given at a meeting held at least 14 days prior to such meeting and then motion for such rescission must be carried by a majority of the members present at the meeting and entitled to vote.
- 13.15 In the event that a resolution cannot be achieved, a non-biased mediator may be appointed by the Executive Committee to help resolve the issue at the clubs expense

#### **14.0 VOTING POWERS**

- 14.1 Voting powers at the Annual General Meeting and General Meetings:
- 14.1.1 The President shall be entitled to a deliberate vote and, in the event of a tied vote, the President shall exercise a casting vote only after further discussion and a revote is done on a deadlocked issue does not reach agreement.
- 14.1.2 Each individual financial member present shall have one (1) vote.
- 14.2 Voting powers at Executive Committee Meetings;
- 14.2.1 The President shall be entitled to a deliberate vote, and, in the event of a tied vote, the President shall exercise a casting vote only after further discussion and voting on a deadlocked issue does not reach agreement.
- 14.2.2 Each individual committee member present shall have one (1) vote.

#### **15.0 FINANCE:**

- 15.1 All funds of the Club shall be deposited into the Club's accounts at such bank or recognised financial institution as the Executive Committee may determine.
- 15.2 All accounts due by the Club shall be paid by cheque or direct debit after having being passed for payment at the Executive Committee Meeting.
- 15.3 Any Committee member shall not spend more than a set amount of Petty Cash without the consent of the Executive Committee, and shall keep a record of such expenditure.
- 15.4 A statement showing the financial position of the Club shall be tabled at each Executive Committee Meeting by the Treasurer.
- 15.5 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.
- 15.6 The financial year of the club shall commence of the 1<sup>st</sup> October each year. The accounts, books and all financial records of the club shall be audited each year after all invoices have been paid and prior to the beginning of each financial year.
- 15.7 The signatories to the club's accounts shall be the Treasurer and any one (1) from the following
1. President
  2. Vice President
  3. Secretary
  4. Registrar
- 15.8 All property and income of the Club will apply solely to the promotion of the objects of the Club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.

#### **16.0 ALTERNATIONS TO THE CONSTITUTION AND BY-LAWS:**

- 16.1 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 all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.
- 16.2 The Secretary shall forward such notices of motion to each Executive Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.
- 16.3 Alterations to the By-laws can be made only at Executive Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.
- 16.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) (Special Resolution) of those present and entitled to a vote at the Annual General Meeting, General Meeting or Executive Committee Meeting, as the case may be.

#### **17.0 DISSOLUTION**

- 17.1 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 incorporated association having objects similar to those of the Club; or
- (b) for charitable or benevolent purposes, which incorporated Association or purposes, as the case requires, shall be determined by resolution of the members.

#### **18.0 CLUB LOGO**

The club logo shall be as displayed below and shall be used with all official club documents and correspondence. This is only to be used by the Executive Committee.



#### **19.0 CLUB COLOURS**

The registered colours of the club shall be dark green and gold jumpers with dark green shorts and socks.

#### **20.0 CONSTITUTION REVISION**

The constitution should be revised by the Executive Committee every 5 years or as determined by the Executive Committee as long as ruling 16.0 is met.