

CONSTITUTION OF

BULLCREEK LEEMING JUNIOR FOOTBALL CLUB INCORPORATED

(updated on 30 April 2009)



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1. NAME

- a. The name of the Club shall be the BULLCREEK LEEMING JUNIOR FOOTBALL CLUB INC. and hereinafter shall be called the “Club”.

2. AFFILIATION

The Club shall be affiliated with the East Fremantle Football Club Junior Council or such other Junior Council as decreed by the Western Australian National Football League from time to time and will be subject to determinations laid down by the Junior Council in accordance with their Constitution and By-Laws.

3. OBJECTS

- a. Control and management of the Australian Rules game of football played by members of the Club.
- b. Encouragement and promotion of the Australian Rules game of football.
- c. To promote good fellowship true sportsmanship and citizenship among members of the Club.
- d. To accept subscriptions, donations or to borrow raise or secure the payments of monies for the purpose of acquiring the necessary facilities or equipment as required to assist promotion of the game in any such manner as the Club deems necessary.
- e. To legitimately acquire any equipment or property and provide facilities such as Club Rooms gear dress and otherwise as necessary and as may be required for the benefit of the Club and the purpose of teaching or playing of the game or calculated to assist the promotion of any of the Club’s objects.
- f. To provide facilities and promote healthy social life recreation entertainment and amusement to all members.
- g. Generally to take all such steps and proceedings and do all such acts and deeds which members of the Club may consider incidental or conducive to its interest or the interests of the game of the Australian Rules game of football and the attainment of all or any of the above objects.

- h. Ensure that all coaches at the Club are accredited by the Football Development Trust

4. POWERS

The Club shall have such powers as may be necessary to further the objects of the Club.

5. PROPERTY AND INCOME

- a. The property and income of the Club whensoever derived shall be applied towards the promotion of the objects of the Club set forth in Clauses 3 and 4 hereof and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profit to the members of the Club.
- b. Nothing herein contained shall prevent the payment in good faith and in the ordinary course of business of any reasonable amount to a member for any services rendered or goods supplied to the Club.
- c. Nothing herein contained shall prevent the payment in good faith of the amounts referred to in Clause 46 herein

6. ADDRESS

The registered address and the principal place of business of the Club shall be the Secretary's place of residence or at such place as the Management Committee of the Club may direct.

7. CLUB COLOURS AND EMBLEM

The colours of the Club shall be Navy Blue, Sturt Blue and White and the official emblem of the Club shall be as displayed on the frontispiece of this Constitution.

8. PATRONS

Patrons shall be those persons invited each year by the Management Committee in its discretion and who accept such invitation. Their appointment shall be confirmed at a general meeting of members and they shall retain office during the pleasure of the Management Committee or until they resign in writing.

9. HONORARY AUDITOR OR AUDITOR

- a. The honorary auditor or auditor shall be appointed at the Annual General Meeting of members and shall receive remuneration (if any) as approved by the Management Committee. The honorary auditor or auditor shall retire at each Annual General Meeting but shall be eligible for re-election.
- b. The honorary auditor or auditor shall from time to time inspect and check the books of the Club and for these purposes shall at all times have access to all records of the Club.
- c. The honorary auditor or auditor shall audit the accounts and balance sheet to be presented to the Ann8a General Meeting and shall report to the members thereon.
- d. The honorary auditor or auditor may at any time and shall when requested by the Management Committee investigate and report to the Management Committee upon the financial position of the Club or any aspect thereof.

10. DELEGATES

- a. Such delegates as the Club is permitted to appoint to represent the Club in any capacity and to any other body club or association whatsoever shall be appointed from time to time by the Management Committee.
- b. Delegates attending any meetings in that capacity shall act and vote as directed by the Management Committee in any case where they shall have received such a direction
- c. Following attendance at all meetings as may be required delegates shall give reports at the first meeting of the Management Committee provided however that any item arising from such meeting being deemed urgent and important shall be brought to the immediate attention of the President who shall act in accordance with Clause 29c herein.

11. MEMBERSHIP

Members of the Club shall be classified as follows:-

- a. Playing members who shall conform to the registration requirements prescribed by the Junior Council from time to time.
- b. Social members - not being a playing member. Parents and guardians of playing members qualify for membership under this sub-clause.

- c. Honorary members who shall be elected by the Management Committee and who in the opinion of the Management Committee are deserving of recognition for services rendered to the Club.
- d. Life members who shall be appointed at a General Meeting or Special General Meeting of Committee Members of the Club on the recommendation of the Management Committee as recognition of service rendered to the Club. Such nomination shall require a minimum of five (5) years service as a serving member of the committee.

12. MEMBERSHIP FEES

- a. Playing members shall pay an annual subscription as decided by the Management Committee. Only financial members can play for the club. The Management Committee has the power to override this clause in cases of financial hardship.
- b. Social members shall pay an annual subscription as decided by the Management Committee except however that parents and guardians of playing members shall be exempt from any such subscription under this sub-clause where subscriptions are paid under sub-clause 12a herein.
- c. Honorary Members and Life Members shall enjoy all the privileges of membership without payment of subscriptions.
- d. Any outstanding fees must be paid before the commencement of the next season following the unpaid fee or subscription.

13. VOTING RIGHTS

- a. No playing member shall be entitled to vote at any General Meeting.
- b. Subject to sub-clause (d) herein every member so entitled shall have one vote in respect of a show of hands or a poll or a ballot taken at any General Meeting.
- c. No member shall be entitled to vote at any General Meeting if the membership fee is due and unpaid at the date of the meeting or if membership has not been approved by the Management Committee in terms of 29a ii herein.
- d. In the case of an equality of votes where there is a show of hands or a poll or a ballot, the Chairman of the Meeting shall be entitled to a second or casting vote.

- e. No proxies are permitted.

14. GENERAL MEETINGS

An Annual General Meeting of the Club shall be held no later than the 30th day of October each year.

- 15.** All General Meetings other than an Annual General Meeting shall be called Special General Meetings and the President or the Management Committee may at any time and shall if requested to do so by not less than twenty (20) members entitled to vote, summon a Special General Meeting of the Club to deal with any business for which such Meeting has been summoned but for no other business. Any requisition signed by not less than twenty (20) members entitled to vote shall state specifically the purpose for which they desire a Special General Meeting to be summoned and the notice of such Meeting to members as hereinafter provided shall state specifically the business to be transacted at such meeting.

- 16.** At least fourteen (14) days and not more than twenty eight (28) days of notice of any General Meeting shall be given to each member entitled to vote.

- 17.**
- a. At all General Meetings fifteen (15) members present in person and entitled to vote shall constitute a quorum.
 - b. If there is not quorum within thirty (30) minutes after the time fixed for the commencement of the meeting, such meeting if convened on the requisition of members shall be dissolved otherwise it shall be adjourned to a date and time to be fixed by those present and a notice of such adjournment shall be sent to all members in accordance with Clauses 16, 44 and 45 herein.
 - c. If at the adjourned meeting there shall be no quorum present, those members present shall constitute a valid quorum for the meeting.

- 18.** At the Annual General Meeting the order of business unless otherwise determined by the Management Committee shall be as follows:-

- a. Apologies
- b. Minutes and confirmation thereof
- c. Business Arising
- d. Correspondence
- e. President's Report

- f. Financial Report
- g. Auditor's Report
- h. Election of Management Committee Members
- i. Election of Honorary Auditor or Auditors
- j. Motions on Notice
- k. General Business

19. The President or in his absence, the Vice President, shall be entitled to take the chair at any General Meeting. If no President or Vice President is present or is unwilling to act then the Management Committee shall appoint the Chairman failing which the members shall choose one of themselves to be Chairman.

20. a. At any General Meeting a resolution put to the vote of the meeting shall be decided on the voices or on the show of hands unless before or on the declaration of the result of the vote a poll is demanded:

i. By the Chairman; or

ii. By at least five (5) members present and entitled to vote.

b. Unless a poll is demanded a declaration of the result by the Chairman shall when entered in the Minutes of the proceedings be conclusive evidence of the fact without proof being required of the number or proportion of votes recorded for or against the resolution.

c. No resolution passed at any General Meeting shall be rescinded except after notice of motion for the proposed rescission has been stated in the notice of meeting required in Clause 16 herein.

21. MANAGEMENT COMMITTEE

The Management Committee shall be not less than thirteen (13) members and shall consist of:-

a. The following designated officers:

- The President who shall preside at all meetings of the Club and of the Management Committee.
- The Vice President who shall deputize for the President as necessary.
- The Honorary Secretary who shall be subject to the direction of the Management Committee and shall:

- i. Conduct the correspondence of the Club.
- ii. Keep a Minute Book containing a record of all the business transacted at all General Meetings and all meeting of the Management Committee.
- iii. Make available on demand for inspection by members an up-to-date copy of this Constitution and any Regulations made thereunder.
- iv. Carry out such duties as the Management Committee may direct.

- The Honorary Treasurer who shall subject to the direction of the Management Committee:

- i. Receive and account for all monies of behalf of the club.
- ii. Examine and report to the Management Committee on all outstanding accounts and tender recommendations as to payments thereof.

- b. iii. Keep correct accounts and books showing the financial affairs of the Club and particulars usually shown in the books of account of a like nature and shall make up the annual statement of income and expenditure and balance sheets at the end of each financial year.

- The Club Recorder who shall maintain a Register of Members in accordance with section 27 of the Association's Incorporation Act 1987 and amendments.
- The Committee Members, whose numbers shall not exceed eight (8) members, who will be allocated Management Committee positions by the Management Committee.

- 22.** All of the officers of the Management Committee shall retire at each Annual General Meeting but shall be eligible for re-election PROVIDED THAT a member who has been President for four (4) consecutive years shall not be eligible for re-election as President at the Annual General Meeting in the year immediately following his fourth term of office but shall be eligible in subsequent years.

23. Members of the Management Committee shall be appointed by members at each Annual General Meeting. Nominations for any office may be made in writing by any financial member entitled to vote and must be received by the Secretary by 5pm on the day prior to the meeting.
24. Election of the officers of the Management Committee shall be conducted in the same manner as for a resolution in Clause 20 to be effected and a demand for a poll shall be deemed to be a demand for a ballot which shall be conducted at the meeting.
25. Retiring officers of the Management Committee shall retain office until the conclusion of the Meeting at which they retire.
26. A vote of no confidence in a particular officer passed at a General Meeting by two thirds (2/3) of the majority of those personally present and entitled to vote shall automatically remove that member from office.
27. Any member of the Management Committee or any other Committee absenting himself for three (3) consecutive meetings of such Committee without reasonable excuse shall be deemed to have resigned therefrom.
28. The Management Committee may fill any vacancy or casual vacancy in its Committee whom shall hold office until the next succeeding Annual General Meeting.

29. POWERS AND DUTIES OF MANAGEMENT COMMITTEE

- a. The Management Committee;
 - i. Shall be responsible for the general conduct and management of the Club's affairs.
 - ii. Shall approve the admission of all members save and except life members.
 - iii. Shall construe and interpret this Constitution and any Regulation made thereunder and such constructions and interpretations shall be final unless revoked by resolution carried at an Annual General Meeting or Special General Meeting or by any court of competent jurisdiction.
 - iv. May delegate to a sub-committee any matter for investigation or report.
 - v. May engage and dismiss the servants of the Club.

- vi. May expel punish or otherwise deal with any member whose conduct in the opinion of the Management Committee is unworthy of a Club member. The decision of the Management Committee must be made at a Special Meeting called for the purpose and passed by no less than three quarters (3/4) of the members of the Management Committee entitled to vote. The decision of the Management Committee in any such case shall be final unless revoked or varied by a Special General Meeting called for the purpose and held within one month after the notice of such decision shall have been delivered or by a Court of competent jurisdiction PROVIDED THAT the Special General Meeting referred to in this sub-clause shall only be called and held if and when the member concerned gives to the Secretary within seven (7) days after delivery to him or notice of the decision aforesaid notice of his decision to appeal against such decision at such Special General Meeting.
 - vii. May make such regulations as may be necessary to the management of the Club and a copy of such regulations shall be held in the possession of the Secretary for inspection by members.
 - viii. Shall comply with all orders directions and references given to it in accordance with a resolution of members at any General Meeting.
- b. Where in the opinion of fifty (50) percent of the members present at a meeting of the Management Committee any act matter or thing shall not be proceeded with unless and until approved at a General Meeting of the Club.
 - c. Where immediate action is required in any matter affecting the policy or in the interest of the Club and it is impracticable to refer the matter to the appropriate Committee the President shall seek the advice of as many members of the Management Committee as may be practicable and shall act in such manner as the majority of such members approve.

30. MEETINGS AND PROCEEDINGS OF THE MANAGEMENT COMMITTEE

- a. The Management Committee shall meet as often as it shall respectively from time to time determine and on any special occasion when summoned by the President or Secretary PROVIDED THAT not more than two (2) calendar months shall elapse between meetings.
- b. At least three (3) days notice of meeting to the Management Committee shall be given in writing by the Secretary to each member of that

Committee PROVIDED THAT such notice may be dispensed with in respect of a meeting at which all members attend and consent.

31. At all meetings of the Management Committee five (5) members of the Management Committee present shall constitute a quorum.
32. The order of business at meetings of the Management Committee shall unless otherwise determined by the Management Committee be as follows:-
 - a. Apologies
 - b. Minutes and Confirmation thereof
 - c. Business arising from the Minutes
 - d. Correspondence
 - e. Financial Statements and Reports
 - f. Reports from Officers and Sub-Committees
 - g. Election of Committee Members
 - h. Notices of Motion
 - i. General Business

33. SUB-COMMITTEES

The Management Committee may appoint sub-committees responsible to the Management Committee and shall include but not be limited to the following:-

- a. Records Sub-Committee which will be chaired by the Club Recorder, shall be responsible to the Management Sub-Committee for the care and maintenance of records under its control and shall make such reports and recommendations to the management Committee as deemed necessary.
34.
 - a. The President of the Management Committee shall be an ex-officio member of all sub-committees.
 - b. The Chairman of any sub-committee shall only be appointed from among members of the Management Committee and shall have the power to select sub-committee members from other members of the Club.
35. The Management Committee may at any time terminate the appointment of any sub-committee and of the members thereto.
36. All of the members of the sub-committee shall retire at each Annual General Meeting but each shall be eligible for appointment to any position of office in the Club.

37. MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES

The Sub-Committee members shall meet as often as when they respectively from time to time determine and Notices of Meetings shall be determined by the Chairman of each sub-committee.

38. At all Meetings of Sub-Committees two (2) members of such Sub-Committee present shall constitute a quorum.

39. At all Meetings of Sub-Committees the Chairman shall determine the order of business.

40. COMMON SEAL

The Common Seal of the Club shall be in the custody of the Secretary or such other person as the Management Committee shall direct and shall not be affixed to any document or other instrument except pursuant to a resolution of the Management Committee and in the presence of two (2) of the President, Vice President or Treasure together with the Secretary shall sign any such document or instrument.

41. ACCOUNTS

The financial year of the Club shall commence on the first day of October of each year.

- 42.**
- a. The Management Committee shall cause proper accounting and other records to be kept and shall each year cause to be made out a Statement of Income and Expenditure and a Balance Sheet (hereinafter called “the Accounts”) made up to the Thirtieth day of September of each year.
 - b. The Management Committee shall make available on demand by any member of the Club entitled to vote a copy of the Accounts PROVIDED THAT no member shall be entitled to request a copy of the Accounts earlier than seven (7) days before the Annual General Meeting at which such Accounts are to be tabled.
 - c. The Management Committee shall lay the Accounts together with the Auditor’s Report thereon before each Annual General Meeting.

- d. The Accounts shall *inter alia* show separately:
 - i. The amounts (if any) paid or credited by way of Honoraria
 - ii. The amounts (if any) paid by way of donations
 - iii. The amounts (if any) paid as remuneration to the Auditor

43. FINANCE

- a. The bankers of the Club shall be such bank or banks building society or credit institution as the Management Committee may determine from time to time.
- b. All cheques drawn in the name of the Club shall be signed jointly by any two of the President, Honorary Treasurer or Secretary.
- c. All payments made by or on behalf of the Club shall where practicable be first passed for payment by the Management Committee. Where immediate payment is required the President shall act in accordance with Clause 29c and payment shall be confirmed at the next meeting of the Management Committee.

44. NOTICE

Notices of every General Meeting shall only be given to:

- a. Every member who is entitled to vote and has supplied an address to the Club.
- b. The Honorary Auditor or Auditor for the time being of the Club.
- c. Every Patron of the Club.

- 45. A notice may be given personally or to a playing member for onforwarding to a parent or guardian or by post in which case notice shall be deemed to have been effected on the day following that on which the envelope or wrapper containing the same was posted.

46. HONORARIA

Such honoraria shall be made given or paid as it is determined by the Management Committee from time to time.

47. ALTERATION OR AMENDMENT TO CONSTITUTION

- a. No new rule shall be adopted and no existing rule shall be repealed or amended except by a resolution carried by a three quarter majority of members present and entitled to vote at an Annual General Meeting or a Special General Meeting called for the purpose.
- b. Full particulars shall be given of any proposed new rule repeal or amendment or any existing rule in the notice convening the meeting.

48. GENDER AND PLURALITY

Subject as the contents permits every reference herein to the masculine includes the feminine gender and every reference herein to the singular number includes the plural and vice versa.

49. DISSOLUTION OF THE CLUB

A Special Meeting called for that purpose may, by a three quarter's majority of the Members present and entitled to vote, resolve to dissolve the Club. If such Resolution is confirmed by a similar majority at a subsequent Special General Meeting held not less than twenty one (21) days nor more than thirty five (35) days thereafter, the Club shall be thereupon dissolved.

- a. If on the dissolution 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 dissolution, that property shall be distributed -
 - i. To another Incorporated Club having objects similar to those of the Club.
 - ii. For Charitable purposes.

The Incorporated Club or purposes, as the case requires, shall be determined by the majority of Members present at the Special Meetings detailed in Clause 15.