



**PORTARLINGTON *DEMONS* FOOTBALL
NETBALL CLUB INC.**

CONSTITUTION AND RULES

(As adopted at the 2018 Annual General Meeting)

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PART 1—PRELIMINARY

1 Name

The name of the incorporated association is " **Portarlington Demons Football Netball Club Incorporated**" (the Club).

2 Purposes & Values

The purposes of the Club are:

- a) To promote and develop the playing of Australian Rules Football and Netball at both junior and senior levels;
- b) To purchase and acquire or hold any real or personal property for the purpose of the last mentioned or any other object of the club;
- c) To borrow money whether on security of the Club's assets or any of them or otherwise for the purpose of any of the objects of the Club;
- d) Generally, any objects necessary, conducive, ancillary, incidental or related howsoever to any of the above objects or which may in any way assist or promote them or any of them;
- e) To maintain incorporation under the Associations Incorporation Act.

The Club's values are as follows:

CLUB VALUES

Our personal values underpin our words and our actions. They are the standard by which we choose to conduct ourselves whether it is at home, at work or in the community. These values provide the foundation for our ability to work together.

i) Service

I will be caring and responsive in the way I provide help and support to my peers and the greater football/netball community.

ii) Respect for the individual

I will treat all people with dignity and respect

ii) Integrity

I will be honest and ethical in all my dealings with others. Compliance with the rules and policies of the Club is my minimum standard.

iv) Commitment and Accountability

I will do as I say and accept accountability for my actions.

v) Trust

I will trust my colleagues and rely on them in order to achieve our ultimate goals.

vi) Leadership and Teamwork

I will strive to be a member of a champion team through positive leadership, teamwork and collaboration.

3 Financial year

The financial year of the Club is each period of 12 months ending on 30 September.

4 Definitions

In these Rules—

absolute majority, of the Committee, means a majority of the Committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a Committee meeting);

associate member means a member referred to in rule 14(1);

Chairperson, of a general meeting or Committee meeting, means the person chairing the meeting as required under rule 47;

Committee means the Committee having management of the business of the Club;

committee meeting means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of the Club convened under rule 23(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Club convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

member means a member of the Club;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

PART 2—POWERS OF CLUB

5 Powers of Club

- (1) Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Club may—
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on any terms and in any manner as it thinks fit;

- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Club may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Club must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Club from paying a member—
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member—if this is done in good faith on terms no more favourable than if the member was not a member.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Club must have at least 5 members.

8 Who is eligible to be a member

Any person who supports the purposes of the Club is eligible for membership. The Club shall consist of the following classes of members:-

(1) Full members

- (a) Any person aged not less than eighteen years in the aggregate may be elected a Full Member of the Club.

(2) Honorary Members

- (a) Any person aged not less than eighteen years who in the opinion of the Committee has achieved special public distinction by virtue of public office or otherwise or has rendered exceptional service to the Club may be elected an Honorary Member of the Club on a resolution passed by the Committee.
- (b) Any member, player, umpire or official of any club which is competing in any competition on the Club premises may be elected Honorary Members of the Club for the day or days on which such competition is held.
- (c) Honorary Members shall not be required to pay any subscription or financial contribution to the Club other than for goods or services supplied but shall not be entitled to vote at meetings of the Club or hold office.

(3) Life Members

- (a) Any full member who has rendered exceptional and distinguished service to the Club (eg: ten years outstanding service or at least 200 senior games), may be nominated for life membership before a panel of not less than three existing life members.

- (b) The panel of three existing life members shall be elected by the Committee to adjudicate approval of nomination/s. The panel must meet and decide upon approval or otherwise within one month of nomination.
- (c) The panel's final decision must be returned in writing to the Secretary. If the nomination is approved, then a formal presentation will take place at the following official Club Presentation Night at the end of the season concerned. However, all rights of Life Membership will exist immediately upon approval of the nomination.
- (d) Any member of the Portarlington Demons Football Netball Club who achieves 200 games will automatically be entitled to become a Life Member of the club without nomination. Life Membership will be awarded retrospectively for 200 game members.
- (e) Life Members shall be entitled to all the rights and privileges of the Club for the duration of their lives, and shall not be required to pay any annual subscription or other financial contribution to the Club.

(4) Player Members

- (a) Any person who is for the time being the paid official coach or a salaried playing member thereof may be elected a Player Member of the Club for the period during which the position of such coach or salaried playing member is held. Player Members shall be entitled to all the rights and privileges of the Club other than the right to vote at meetings of the Club or hold office.

(5) Associate members

- (a) Associate members of the Club include—
 - (i) Any members under the age of 15 years; and
 - (ii) Any other category of member as determined by special resolution at a general meeting.
 - (b) An associate member may not vote but may have other rights as determined by the Committee or by resolution at a general meeting.
- (6) Only Life Members and Full Members shall be entitled to vote at meetings of the Club or hold office.
- (7) No persons shall be allowed to become Honorary or Player Members of the Club or to be relieved of the regular subscription except those possessing the qualifications defined in the rule and subject to the conditions and regulations prescribed therein.

9 Application for membership

- (1) To apply to become a member of the Club, a person must submit a written application to a committee member stating that the person—
 - (a) Wishes to become a member of the Club; and
 - (b) Supports the purposes and values of the Club; and

- (c) Agrees to comply with these Rules.
- (2) The application—
 - (a) Must be signed by the applicant; and
 - (b) May be accompanied by any joining fee determined by the Committee.

10 Consideration of application

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

11 New membership

- (1) If an application for membership is approved by the Committee—
 - (a) The resolution to accept the membership must be recorded in the minutes of the committee meeting; and
 - (b) The Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Club and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
 - (a) The Committee approves the person's membership; or
 - (b) The person pays the joining fee.

12 Annual subscription and fee on joining

- (1) At each annual general meeting, the Club must determine—
 - (a) The amount of the annual subscription (if any) for the following financial year; and
 - (b) The date for payment of the annual subscription.
- (2) The Club may determine that a lower annual subscription is payable by associate members.
- (3) The Club may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) The full annual subscription; or
 - (b) A pro rata annual subscription based on the remaining part of the financial year; or
 - (c) A fixed amount determined from time to time by the Club.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

13 General rights of members

- (1) A member of the Club who is entitled to vote has the right—
 - (a) To receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) To submit items of business for consideration at a general meeting; and

- (c) To attend and be heard at general meetings; and
 - (d) To vote at a general meeting; and
 - (e) To have access to the minutes of general meetings and other documents of the Club as provided under Rule 83; and
 - (f) To inspect the register of members.
- (2) A member is entitled to vote if—
- (a) The member is a member other than an associate member, honorary member or player member; and
 - (b) More than 10 business days have passed since he or she became a member of the Club; and
 - (c) The member's membership rights are not suspended for any reason.
- (3) For the avoidance of doubt, the period of membership covers until the end of the calendar year that the majority of the financial year covers. That means that while the financial year ceases on 30 September members' rights continue until 31 December of that year.

14 Late Payment

- (1) If any member shall fail to pay their annual subscription within three months after the same has become due and payable the Committee shall have power to terminate their membership and no member re-admitted to membership except as provided for in the Rules.
- (2) No member whose subscription is in arrears shall be entitled to attend or vote at any election or meeting of the Club.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Club, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Club.
- (2) A member is taken to have resigned if—
 - (a) The member's annual subscription is more than 12 months in arrears; or
 - (b) Where no annual subscription is payable—
 - (i) The Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) The member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

- (1) The Secretary in conjunction with the Membership Director must keep and maintain a register of members that includes—
 - (a) For each current member—

- (i) The member's name;
 - (ii) The address for notice last given by the member;
 - (iii) The date of becoming a member;
 - (iv) If the member is an associate member, a note to that effect;
 - (v) Any other information determined by the Committee; and
- (b) For each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Division 2—Disciplinary action

19 Grounds for taking disciplinary action

The Club may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) Has failed to comply with these Rules; or
- (b) Refuses to support the purposes and values of the Club; or
- (c) Has engaged in conduct prejudicial to the Club.
- (d) Has acted in a manner that has brought the Club into disrepute.

20 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
- (a) May be Committee members, members of the Club or anyone else; but
 - (b) Must not be biased against, or in favour of, the member concerned.

21 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
- (a) Stating that the Club proposes to take disciplinary action against the member; and
 - (b) Stating the grounds for the proposed disciplinary action; and
 - (c) Specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) Advising the member that he or she may do one or both of the following—
 - (i) Attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) Give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) Setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) Give the member an opportunity to be heard; and
 - (b) Consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
 - (a) Take no further action against the member; or
 - (b) Subject to subrule (3)—
 - (i) Reprimand the member; or
 - (ii) Suspend the membership rights of the member for a specified period; or
 - (iii) Expel the member from the Club.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Club under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - (a) To the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) To the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Club who is entitled to vote as soon as practicable and must—
 - (a) Specify the date, time and place of the meeting; and
 - (b) State—
 - (i) The name of the person against whom the disciplinary action has been taken; and
 - (ii) The grounds for taking that action; and
 - (iii) That at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

24 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
 - (a) No business other than the question of the appeal may be conducted; and
 - (b) The Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and

- (c) The person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

25 Summary Discipline

- (1) Notwithstanding the provisions of Rules 19 to 24 above, in the event that any member of the Committee of the Club shall witness any member behave in the Club premises in a violent, disorderly, abusive or offensive manner or has reasonable grounds to believe on the information of a member that any member has immediately or shortly prior to such information so behaved he may without prejudice to any other provisions of this rule order the offending member to leave the Club premises forthwith. Such member shall thereupon leave the Club premises and not be re-admitted thereto for the duration of the day concerned. If such member shall refuse to leave after being ordered the said member of the Committee after advising such member of the existence and effect of this rule may remove him/her or cause him/her to be removed with such reasonable force as may be necessary.

Division 3—Grievance procedure

26 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) A member and another member;
 - (b) A member and the Committee;
 - (c) A member and the Club.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

27 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

28 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 27, the parties must within 10 days—
 - (a) Notify the Committee of the dispute; and
 - (b) Agree to or request the appointment of a mediator; and
 - (c) Attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - (a) A person chosen by agreement between the parties; or

- (b) In the absence of agreement—
 - (i) If the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) If the dispute is between a member and the Committee or the Club—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Club but in any case must not be a person who—
 - (a) Has a personal interest in the dispute; or
 - (b) Is biased in favour of or against any party.

29 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) Give each party every opportunity to be heard; and
 - (b) Allow due consideration by all parties of any written statement submitted by any party; and
 - (c) Ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

30 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE CLUB

31 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Club to be held on the third Sunday in October each year.
- (2) The Committee may determine the, time and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows—
 - (a) To confirm the minutes of the previous annual general meeting and of any special general meetings held since then;
 - (b) To receive and consider—
 - (i) The annual report of the Committee on the activities of the Club during the preceding financial year; and
 - (ii) The financial statements of the Club for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) To elect the members of the Committee;
 - (d) To confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

32 Special general meetings

- (1) Any general meeting of the Club, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under Rule 34 may be conducted at the meeting.

33 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting must—
 - (a) Be in writing; and
 - (b) State the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) Include the names and signatures of the members requesting the meeting; and
 - (d) Be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
 - (a) Must be held within 3 months after the date on which the original request was made; and
 - (b) May only consider the business stated in that request.
- (5) The Club must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

34 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under Rule 33(3), the members convening the meeting) must give to each member of the Club—
 - (a) At least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) At least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) Specify the date, time and place of the meeting; and
 - (b) Indicate the general nature of each item of business to be considered at the meeting; and
 - (c) If a special resolution is to be proposed—
 - (i) State in full the proposed resolution; and
 - (ii) State the intention to propose the resolution as a special resolution; and
 - (d) Comply with Rule 35(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

35 Proxies

- (1) A member may appoint another member as their proxy to vote and speak on their behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on their behalf, otherwise the proxy may vote on behalf of the member in any matter as they see fit.
- (4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under Rule 34 must—
 - (a) State that the member may appoint another member as a proxy for the meeting; and
 - (b) Include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club no later than 24 hours before the commencement of the meeting.

36 Use of technology

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

37 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
 - (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 36) of twenty members entitled to vote.
 - (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
 - (a) In the case of a meeting convened by, or at the request of, members under Rule 33 the meeting must be dissolved;
 - (b) In any other case—
 - (i) The meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) Notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
 - (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.
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38 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
 - (a) If there is insufficient time to deal with the business at hand; or
 - (b) To give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with Rule 34.

39 Voting at general meeting

- (1) On any question arising at a general meeting—
 - (a) Subject to subrule (3), each member who is entitled to vote has one vote; and
 - (b) Members may vote personally or by proxy; and
 - (c) Except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under Rule 24.

40 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

41 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - (a) Carried; or
 - (b) Carried unanimously; or
 - (c) Carried by a particular majority; or
 - (d) Lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
 - (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) The poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) The Chairperson must declare the result of the resolution on the basis of the poll.
-

- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

42 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) The names of the members attending the meeting; and
 - (b) Proxy forms given to the Chairperson of the meeting under Rule 35(6); and
 - (c) The financial statements submitted to the members in accordance with Rule 31(3)(b)(ii); and
 - (d) The certificate signed by two Committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and
 - (e) Any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

43 Role and powers

- (1) The business of the Club must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Club except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Club.
- (3) The Committee may—
 - (a) Appoint and remove staff;
 - (b) Establish subcommittees consisting of members with terms of reference it considers appropriate.

44 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) This power of delegation; or
 - (b) A duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

45 Composition of Committee

The Committee consists of—

- (a) President; and
- (b) Secretary; and
- (c) Finance Director; and
- (d) Membership Director; and
- (e) Communications Director; and
- (f) Marketing Director; and
- (g) Social Director; and
- (h) Match Day Director; and
- (i) Football Director; and
- (j) Junior Football Director; and
- (k) Netball Director; and
- (l) Four ordinary members elected under Rule 62.



46 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Club complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) In good faith in the best interests of the Club; and
 - (b) For a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) Their position; or
 - (b) Information acquired by virtue of holding their position—
 so as to gain an advantage for themselves or any other person or to cause detriment to the Club.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated Club.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

47 President

- (1) Subject to subrule (2), the President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President is absent, or are unable to preside, the Chairperson of the meeting must be—
 - (a) In the case of a general meeting—a member elected by the other members present; or
 - (b) In the case of a committee meeting—a committee member elected by the other committee members present.

48 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.
- (2) The Secretary must—
 - (a) In conjunction with the Membership Director maintain the register of members in accordance with Rule 18; and
 - (b) Keep custody all books, documents and securities of the Club in accordance with Rules 75 and 83; and
 - (c) Subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) Perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of their appointment within 14 days after the appointment.

49 Finance Director

- (1) The Finance Director must—
 - (a) Receive all moneys paid to or received by the Club and issue receipts for those moneys in the name of the Club; and
 - (b) Ensure that all moneys received are paid into the account of the Club within 5 working days after receipt; and
 - (c) Make any payments authorised by the Committee or by a general meeting of the Club from the Club's funds; and
 - (d) Ensure cheques are signed by at least 2 committee members.
 - (e) Administer all electronic funds transfer transactions on behalf of the Club and ensure that such transactions are endorsed by two Committee members as soon as practicable thereafter.
- (2) The Finance Director must—
 - (a) Ensure that the financial records of the Club are kept in accordance with the Act; and
 - (b) Coordinate the preparation of the financial statements of the Club and their certification by the Committee prior to their submission to the annual general meeting of the Club.

- (3) The Finance Director must ensure that at least one other committee member has access to the accounts and financial records of the Club.

50 Membership Director

- (1) In conjunction with the Secretary, the Membership Director shall be responsible for member services and keep the Register of Members as required in accordance with Rule 18.

51 Communications Director

- (1) The Communication Director shall be responsible for the Club's communications with its members and supporters and for promoting the Club wherever possible using print, electronic and social media as appropriate.

52 Marketing Director

- (1) The Marketing Director shall be responsible for the commercial operations of the Club including Club promotions, sponsorship and fundraising and will be Chairperson of all Sub-Committees formed for the purpose.

53 Social Director

- (1) The Social Director shall be responsible for all of the major social efforts of the Club and will be Chairperson of all Sub-Committees formed for the purpose.

54 Match Day Director

- (1) The Match Day Director shall be responsible for all facilities and surrounds for games and functions scheduled on the Club's grounds, including but not limited to the grounds, building maintenance, bar, canteen and gate.

55 Football Director

- (1) The Football Director shall be responsible for all major activities necessary for the operations of the football teams and shall be the Chairperson of all Sub-Committees formed for the purpose to support the operations of the football teams such as:
- (a) Match and Recruitment Committee
 - (b) Selection Committee
 - (c) Junior Committee
- (2) The Football Director will also work in conjunction with the Junior Football Director to ensure that the overall direction of the Club is maintained and its playing personal are developed in a complementary manner.

56 Junior Football Director

- (1) The Junior Football Director shall be responsible for all major aspects of the Club's junior football program including:
- (a) Under 18 (Colts) team;

- (b) Under16 team;
- (c) Under 14 team;
- (d) Under 12 team;
- (e) the Club’s involvement in the Auskick program; and
- (f) the conduct of its Junior Days

57 Netball Director

(1) The Netball Director shall be responsible for all major aspects of the Netball department including co-ordinating the coaching staff and teams, managing match day activities and stakeholder liaison.

Division 3—Election of Committee members and tenure of office

58 Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member—

- (a) Is 18 years or over; and
- (b) Is entitled to vote at a general meeting.

59 Positions to be declared vacant

- (1) This rule applies to all annual general meetings of the Club, after the annual report and financial statements of the Club have been received.
- (2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with Rules 60 to 63.

60 Nominations

- (1) Not less than twenty one days prior to the annual general meeting, the Committee must call for nominations for all positions on it.
- (2) An eligible member of the Club may—
 - (a) nominate himself or herself; or
 - (b) with the member's consent, be nominated by another member.
- (3) A member may be nominated for more than one position and will be eligible for election to any other position for which an election is yet to be held if he/she fails to be elected to an earlier position that they may have been nominated for.

61 Election of President etc.

- (1) Should there be more one nomination, at the annual general meeting, separate elections must be held for each of the following positions—
 - (a) President;
 - (b) Secretary;
 - (c) Finance Director;
 - (d) Membership Director;
 - (e) Communications Director;
 - (f) Marketing Director;
 - (g) Social Director;
 - (h) Match Day Director;

- (i) Football Director;
 - (j) Junior Football Director;
 - (k) Netball Director
- (2) If only one member has been nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
 - (3) If more than one member has been nominated, a ballot must be held in accordance with rule 63.
 - (4) On their election, the new President may take over as Chairperson of the meeting.

62 Election of ordinary members

- (1) The annual general meeting must elect up to four ordinary members of the Committee to hold office for the next year.
- (2) A single election may be held to fill all of those positions.
- (3) If the number of members nominated for the position of ordinary committee member was less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeded the number to be elected, a ballot must be held in accordance with Rule 63.

63 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as Returning Officer to conduct the ballot.
- (2) The Returning Officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of their election.
- (4) The election must be by secret ballot.
- (5) The Returning Officer must give a ballot paper for—
 - (a) Each member present in person; and
 - (b) Each proxy appointed by a member.
- (6) The voter must indicate on the ballot paper a tick (√) by the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) The voter must indicate on the ballot paper a tick (√) by the name of each candidate for whom they wish to vote;
 - (b) The voter must not indicate on the ballot paper a tick (√) by names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been indicated by a tick (√) counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.

- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) Conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) With the agreement of those candidates, decide by lot which of them is to be elected.

64 Term of office

- (1) Subject to subrule (3) and Rule 65, a committee member holds office until the positions of the Committee are declared vacant prior to the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Club may—
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Club to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.
- (5) The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

65 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
 - (a) Ceases to be a member of the Club; or
 - (b) Fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under Rule 76; or
 - (c) Otherwise ceases to be a committee member by operation of section 78 of the Act.

66 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Club to fill a position on the Committee that—
 - (a) Has become vacant under Rule 65; or
 - (b) Was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 64 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

67 Meetings of Committee

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Club at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

68 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

69 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with Rule 68 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

70 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

71 Use of technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

72 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.

- (2) The quorum for a committee meeting is the presence (in person or as allowed under Rule 71) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
 - (a) in the case of a special meeting—the meeting lapses;
 - (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with Rule 68.

73 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

74 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - (a) Must not be present while the matter is being considered at the meeting; and
 - (b) Must not vote on the matter.
- (3) This rule does not apply to a material personal interest—
 - (a) That exists only because the member belongs to a class of persons for whose benefit the Club is established; or
 - (b) That the member has in common with all, or a substantial proportion of, the members of the Club.

75 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
 - (a) The names of the members in attendance at the meeting;
 - (b) The business considered at the meeting;
 - (c) Any resolution on which a vote is taken and the result of the vote;
 - (d) Any material personal interest disclosed under rule 74.

76 Leave of absence

- (1) The Committee may grant a Committee member leave of absence from Committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

77 Source of funds

The funds of the Club may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

78 Management of funds

- (1) The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Club, the Committee may approve expenditure on behalf of the Club.
- (3) The Committee may authorise the Finance Director to expend funds on behalf of the Club (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 Committee members.
- (5) All funds of the Club must be deposited into the financial account of the Club no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Finance Director may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

79 Financial records

- (1) The Club must keep financial records that—
 - (a) Correctly record and explain its transactions, financial position and performance; and
 - (b) Enable financial statements to be prepared as required by the Act.
- (2) The Club must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Finance Director must keep in their custody, or under their control—
 - (a) The financial records for the current financial year; and
 - (b) Any other financial records as authorised by the Committee.

80 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Club are met.
- (2) Without limiting subrule (1), those requirements include—
 - (a) The preparation of the financial statements;
 - (b) If required, the review or auditing of the financial statements;
 - (c) The certification of the financial statements by the Committee;
 - (d) The submission of the financial statements to the annual general meeting of the Club;
 - (e) The lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.
- (3) The Accounts of the Club shall be prepared in accordance with the Australian Accounting Standards, be certified annually by two Committee members and be reviewed by an

independent accountant who holds a current practicing certificate.

PART 7—GENERAL MATTERS

81 Registered address

The registered address of the Club is-

- (a) Portarlington Recreation Reserve, Boat Road, Portarlington (P O Box 75, PORTARLINGTON, VIC 3223; and
- (b) The address may be determined from time to time by resolution of the Committee; or
- (b) If the Committee has not determined an address to be the registered address - the postal address of the Secretary.

82 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules may be given-
 - (a) By handing the notice to the member personally; or
 - (b) By sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) By email, other electronic or facsimile transmission including SMS.
- (2) Subrule (1) does not apply to notice given under rule 69.
- (3) Any notice required to be given to the Club or the Committee may be given-
 - (a) By handing the notice to a member of the Committee; or
 - (b) By sending the notice by post to the registered address; or
 - (c) By leaving the notice at the registered address; or
 - (d) If the Committee determines that it is appropriate in the circumstances-
 - (i) By email to the email address of the Club or the Secretary; or
 - (ii) By facsimile transmission to the facsimile number of the Club.

83 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
 - (a) The register of members;
 - (b) The minutes of general meetings;
 - (c) Subject to subrule (2), the financial records, books, securities and any other relevant document of the Club, including minutes of Committee meetings.
 - (2) The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.
 - (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
 - (4) Subject to subrule (2), a member may make a copy of any of the other records of the Club referred to in this rule and the Club may charge a reasonable fee for provision of a copy of such a record.
-

(5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Club and includes the following—

- (a) Its membership records;
- (b) Its financial statements;
- (c) Its financial records;
- (d) Records and documents relating to transactions, dealings, business or property of the Club.

84 Winding up and cancellation

- (1) The Club may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any members or former members of the Club.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

85 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Club.

86 Club Alcohol Policy

A statement of the club's Alcohol Policy is at Appendix A



CLUB ALCOHOL POLICY

This policy aims to provide a basis for the responsible management of alcohol by the **Portarlington Demons Football Netball Club**.

The Club recognises the importance in holding a liquor licence in the value it adds to the Club, enabling it to generate income and hold social functions, but in doing so the club also accepts the responsibilities and expectations of the community in strictly adhering to the liquor licensing laws.

To ensure the aims of the Club are upheld, and that alcohol is managed responsibly by the Club and its members, the following requirements will apply when alcohol is served at the club or during a Club function.

Serving Alcohol

Alcohol will be served according to the requirements of the Club's liquor licence and in accordance with the safety and wellbeing of patrons.

- One trained server will be in attendance while alcohol is being served in the Club.
- The Club will discourage excessive or rapid consumption of alcohol
- Alcoholic drinks will be served in standard drink measures
- The Club will display posters on blood alcohol content and the ways alcohol affects the body
- The liquor licence will be displayed at the bar

Intoxicated patrons

Alcohol will not be served to any person who is intoxicated

- Servers will follow procedures, provided in their training by the liquor Licensing Commission, for dealing with and refusing alcohol to intoxicated patrons.
- Intoxicated patrons will be asked to leave the Club
- The Club will encourage safe transport options

Underage drinking

- Alcohol will not be served to minors
- Staff will request proof of age, where appropriate
- Only photographic ID will be accepted

Safe transport

- The Club will prominently display taxi phone numbers.
- Club members and bar staff will encourage intoxicated patrons to take safe transport home.

Alcohol into Home Match Days

Bringing alcohol into the ground at home match days is strictly prohibited.

The Club will display signs at ground entry gates advising members and visitors of this policy.

It also reserves the right to open car boots before entry to the ground is permitted on match days

Low alcohol and alcohol-free drinks

The club will provide a selection of low-cost, low-alcohol and alcohol-free drinks at the bar.

- Free jugs of water will be placed at the bar
- A range of low-alcohol and non-alcoholic drinks will be actively promoted and sold at prices competitive with those of full-strength alcoholic drinks.
- Tea and coffee will be available at the bar during social functions.

Provision of food

- The Club will actively promote and provide a range of snacks at all times and meals as often as possible when alcohol is served.
- The Club will use food or canteen awards rather than alcohol as prizes for player performance

Promoting the responsible use of alcohol

The Club will:

- Actively demonstrate its attitude relating to the responsible use of alcohol
- Not advertise, promote or serve alcohol at junior events or activities
- Educate club members and supporters about the alcohol policy
- Pursue non-alcohol sponsorship and revenue sources
- Provide alcohol-free social events for young people and families
- Ensure alcohol advertising will only appear at the bar
- Not promote alcohol through “cheap drink” strategies, such as happy hours
- Not serve alcohol during any junior game or on days when juniors are solely involved until at least 15 minutes after all games are competed
- Not serve alcohol during any official meeting of the club.

All Club Committee members will enforce the alcohol management policy and any non-compliance, particularly in regard to *Liquor Control Reform Act* will be handled according to the following process:

1. Explanation of the Club policy to the person/people concerned, including identification of the section of policy not being complied with.
2. Continued non-compliance with the policy should be handled by at least two Committee members who will use their discretion as to the action taken, which may include asking the person/people to leave the Club facilities or function.

Policy Review

To ensure this policy continues to be relevant for Club operation and that it reflects both community expectations and the provisions of the Liquor Control Reform Act, the policy will be reviewed annually.