

Constitution

of the

**Weston Creek Molonglo Wildcats
Junior Australian Football Club Inc**



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CONSTITUTION OF THE WESTON CREEK MOLONGLO WILDCATS JUNIOR AUSTRALIAN FOOTBALL CLUB INCORPORATED

1 DEFINITIONS

1.1 In this Constitution unless to the contrary appears:

'Club' means Weston Creek Molonglo Wildcats Junior Australian Football Club Incorporated.

'Constitution' means the Constitution of the Club as amended from time to time.

'Director' means any person occupying the position of director of the Club.

'Financial year' means the year ending on 30 September.

'Member' means a member under section 4.

'Seal' means the Club's common seal.

'The Act' means the Associations Incorporation Act 1991.

'The Regulation' means the Associations Incorporation Regulation 1991.

2 NAME

2.1 The Club shall be named the Weston Creek Molonglo Wildcats Junior Australian Football Club Incorporated. (WCWJAFC)

3 OBJECTIVES

3.1 The objectives for which the Club has been established are;

- (a) to promote and foster the game of Australian Rules football in the Woden, Weston Creek, Kambah and surrounding areas including future developments in the Molonglo valley in Stromlo.
- (b) to establish, develop and maintain teams for entry into organised competition at all junior levels of the game of Australian Rules football.
- (c) to uphold the Constitution and By-laws of AFL Canberra.

4 MEMBERSHIP

4.1 Membership qualifications

A person is qualified to be a member, if that person:

- (a) is a player in the under age competition.
- (b) parent or guardian of a player.
- (c) Committee member.
- (d) any other person involved in the conduct of the running the Club.

5 CONFERRAL OF MEMBERSHIP

- 5.1** A player becomes a member upon entering player registration via the on-line process under the Sports TG link, governing Junior League to play football for the Club.
- 5.2** Committee members become a member as soon as they are voted in at an Annual general meeting or at such time that they are approved by the Committee.
- 5.3** Other persons become members when approached to undertake duties on behalf of the Club.
- 5.4** Committee, Parents and Guardians are required to also fill in the on-line process as for playing members.

6 LIFE MEMBERS AND PATRONS

- 6.1** The Committee may by Special Resolution, elect any Member to be a Life Member.
- 6.2** Each life Member shall have all the rights, privileges and obligations of a Member.
- 6.3** The Club may appoint a patron or patrons who shall hold that appointment until resignation or termination by the Committee.
- 6.4** Each patron shall be entitled to all the rights and privileges of a Member except that they may not hold office as an Office Bearer.

7 MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

- 7.1** A right, privilege or obligation that a person has because of being a member of the Club:-
 - (a) cannot be transferred or transmitted to another person; and
 - (b) terminates on cessation of the persons membership.

8 CESSATION OF MEMBERSHIP

- 8.1** A person ceases to be a member of the Club if the person:-
 - (a) dies; or
 - (b) resigns from membership of the Club; or
 - (c) is expelled from the Club; or
 - (d) fails to renew registration of the Club.

9 RESIGNATION OF MEMBERSHIP

- 9.1** A member is not entitled to resign from membership of the Club except in accordance with this section.
- 9.2** A member who has paid all amounts payable by the member the Club may resign from membership of the Club by giving notice (of not less than 1 month or, if the Committee has determined a shorter period, that shorter period) in writing to the Secretary of the member's intention to resign and, at the end of the period of notice, the member ceases to be a member.
- 9.3** If a person ceases to be a member the Secretary must make an appropriate entry in the register of members, recording the date the member ceased to be a member.

10 FEE, SUBSCRIPTIONS, ETC

- 10.1** Unless the Committee shall from time to time otherwise determine, there shall be no entrance fee or proposal fee payable by Applicants for membership.
- 10.2** Unless the Committee shall from time to time otherwise determine, there shall be no Annual Subscription fee payable by members.
- 10.3** All Annual Subscriptions (if any) shall be payable within 14 days of demand.

11 MEMBERS' LIABILITIES

- 11.1** The liability of a member to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount (if any) unpaid by the member for annual Subscriptions.

12 DISCIPLINING OF MEMBERS

- 12.1** The Committee shall adjudicate upon any dispute between its members or between itself and a member or members and in relation to that adjudication, shall apply the rules of natural justice. The committee may determine procedures for such adjudications from time to time.

13 POWERS OF COMMITTEE

- 13.1** The Committee, subject to the Act, the regulation, and to any resolution passed by the Club in general meeting:-
 - (a) controls and manages the affairs of the Club; and
 - (e) may exercise all functions that may be exercised by the Club other than those functions that are required by these rules to be exercised by the Club in general meeting; and
 - (c) has power to perform all acts and do all things that appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.

14 CONSTITUTION AND MEMBERSHIP

- 14.1** The Committee shall consist of:
 - (a) the office bearers of the Club; and
 - (b) no less than 6 and no more than 12 ordinary Committee Members
 each of whom must be elected under section 15 or appointed in accordance with subsection 14.4.
- 14.2** The office-bearers of the Club are:-
 - (a) the President; and
 - (b) the Vice-president; and
 - (c) the Treasurer; and
 - (d) the clubs Secretary; and
 - (e) the clubs Registrar.

- 14.3** Each Member of the Committee holds office; subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- 14.4** If there is a vacancy in the membership of the Committee, the Committee may appoint a member of the Club to fill the vacancy and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of appointment.

15 ELECTION OF BOARD MEMBERS

- 15.1** The committee shall appoint a Returning Officer who shall call for nominations of candidates for election as office bearers of the Club or as ordinary committee members at the annual general meeting.
- 15.2** If insufficient nominations are received to fill the vacancies on the Committee the candidates nominated are taken to be elected.
- 15.3** If insufficient further nominations are received, any vacant positions are taken to be vacancies.
- 15.4** If the number of nominations received to fill all vacancies is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- 15.5** If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held.
- 15.6** The ballot for the election of office-bearers and ordinary members must be conducted at the annual general meeting in the way the Committee may direct.

16 SECRETARY

- 16.1** The Secretary of the Club must, as soon as practical after being appointed as Secretary, notify the Club of his or her address.
- 16.2** The Secretary must keep minutes of:-
- (a) all elections and appointments of office-bearers and ordinary board members; and
 - (b) the names of members of the Committee present at a Committee meeting or a general meeting; and
 - (c) all proceedings at Committee meetings and general meetings.

17 TREASURER

- 17.1** The Treasurer of the Club must:-
- (a) collect and receive all amounts owing to the Club and make all payments authorised by the Club; and
 - (b) keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club

18 VACANCIES

18.1 A vacancy in the office of a member of the Board happens if the member:-

- (a) dies; or
- (b) ceases to be a member of the Club; or
- (c) resigns the office; or
- (d) is removed from the office under section 19 (Removal of Committee Members); or
- (e) becomes insolvent under administration within the meaning of the Corporations Act; or
- (f) suffers from a mental or physical incapacity; or
- (g) is disqualified from office under the Act, section 63(1); or
- (h) is absent without consent of the Committee from all meetings of the Committee held during a period of 6 months.

19 REMOVAL OF COMMITTEE MEMBERS

19.1 The Club in general meeting may by resolution, subject to the Act, section 50, remove any member of the Committee from the office of member of the Committee before the end of the member's term of office.

20 COMMITTEE MEETING AND QUORUMS

20.1 The Committee must meet at least 6 times in each calendar year at a place and time that the Committee may decide.

20.2 Any member of the Committee may call additional meetings of the Committee.

20.3 Oral or written notice of a meeting of the Committee must be given by the Secretary to each member of the Committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the Committee) before the holding of the meeting.

20.4 Notice of a meeting given under subsection (25.1) must specify the general nature of the business to be transacted at the meeting and no other than that business may be transacted at the meeting, except business that the Board members present at the meeting unanimously agree to treat as urgent business.

20.5 Any 6 members of the Board constitute a quorum for the transaction of the business of the Board.

20.6 No business may be transacted by the Board unless a quorum is present and, if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.

20.7 If at the adjourned meeting a quorum is not present within a half an hour of the same day in the following week, the meeting is dissolved.

20.8 At meetings of the Committee:

- (a) the President or, in the absence of the President, the Vice-President presides; or
- (b) if the President and the Vice-President are absent – the members present may choose 1 of the remaining members.

21 DELEGATION BY COMMITTEE TO SUB-COMMITTEES

- 21.1** The Committee may delegate to 1 or more sub-committees (consisting of such member or members of the Club as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than –
- (a) this power of delegation; and
 - (b) a function which is a function imposed on the committee by the Act, by any other law of the Territory, or by resolution of the Club in general meeting.
- 21.2** A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 21.3** A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the delegation.
- 21.4** Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated.
- 21.5** Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.
- 21.6** The Committee may revoke wholly or in part any delegation under this rule.
- 21.7** A sub-committee may meet and adjourn as it thinks proper.

22 VOTING AND DECISIONS

- 22.1** Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee are decided by a majority of the votes of members of the Committee or sub-committee present at the meeting.
- 22.2** Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
- 22.3** Subject to subsection (20.5), the Committee may act despite any vacancy on the Committee.
- 22.4** Any act or thing done or suffered, or supporting to have been done or suffered, by the Committee or by a sub-committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.

GENERAL MEETINGS

23 ANNUAL GENERAL MEETINGS-HOLDING OF

- 23.1** With the exception of the first annual general meeting of the Club, the Club must, at least once in each calendar year and within 5 months after the end of each financial year of the Club, call an annual general meeting of its members.

23.2 The Club must hold its first annual general meeting:-

- (a) within 18 months after its incorporation under the Act; and
- (b) within 5 months after the end of the first financial year of the Club.

23.3 Subsections (a) and (b) have effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.

24 ANNUAL GENERAL MEETINGS – CALLING OF AND BUSINESS AT HAND

24.1 The annual general meeting of the Club must, subject to the Act be called on the date and at the place and time that the Committee considers appropriate.

24.2 In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is:-

- (a) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
- (b) to receive from the Board reports on the activities of the Club during the last financial year; and
- (c) to elect members of the Board, including office-bearers; and
- (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73(1).

24.3 An annual general meeting must be specified as such in the notice called it in accordance with section 26 (Notice).

24.4 An annual general meeting must be conducted in accordance with the provisions of this part

25 GENERAL MEETINGS – CALLING OF

25.1 The Committee may, whenever it considers appropriate, call a general meeting of the Club

25.2 The Committee must, on the requisition in writing of not less than 5% of the total number of members, call a general meeting of the Club.

25.3 A requisition of members for a general meeting:-

- (a) must state the purpose or purposes of the meeting; and
- (b) must be signed by the members making the requisition; and
- (c) must be lodged with the Secretary; and
- (d) may consist of several documents in a similar form, each signed by 1 or more members making the requisition.

25.4 If the Committee fails to call a general meeting within 1 month after the date when a requisition of members for the meeting is lodged with the Secretary, and 1 or more of the members who made the requisition may call a general meeting to be held not later than 3 months after that date.

- 25.5** A general meeting called by a member or members mentioned in subsection (25.4) must be called as early as practicable in the same way as general meetings are called by the Committee and any member who thereby incurs expense is entitled to be reimbursed by the Club for any reasonable expense so incurred.

26 NOTICE

- 26.1** Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least 14 days before the date fixed for the holding of the general meeting, advertise the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 26.2** If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be advertised in the manner provided in subsection (26.1) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- 26.3** No business other than that specified in the notice calling a special meeting may be transacted at the meeting except, for an annual general meeting, business that may be transacted under subsection (24.2).
- 26.4** A member desiring to bring any business before a general meeting may give written notice of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice of from the member.

27 GENERAL MEETINGS – PROCEDURE AND QUORUM

- 27.1** No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- 27.2** Ten members present in person (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- 27.3** If within 30 minutes of the appointed time for the start of a general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day to the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 27.4** If at the adjourned meeting a quorum is not present within 30 minutes after the time appointed for the start of the meeting, the members present (being not less than 6) constitute a quorum.

28 PRESIDING MEMBER

- 28.1** The president, or in the absence of the president, the vice-president, presides at each general meeting of the Club.
- 28.2** If the president and the vice-president are absent from a general meeting, the members present must elect 1 of their members to preside at the meeting.

29 ADJOURNMENT

- 29.1** The person presiding at the general meeting at which a quorum is present, may with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 29.2** If a general meeting is adjourned for 14 days or more, the Secretary must give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 29.3** Except as provided in subsections (29.1) and (29.2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30 MAKING OF DECISIONS

- 30.1** A question arising at a general meeting of the Club is to be decided on a show of hands and, before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 30.2** At a general meeting of the Club, a poll may be demanded by the person presiding or by not less than 4 members present in person at the meeting.
- 30.3** If the poll is demanded at a general meeting, the poll must be taken:-
 - (a) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (b) in any other case-in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

31 VOTING

- 31.1** Subject to subsection (31.3), on any question arising at a general meeting of the Club a member has 1 vote only.
- 31.2** All votes must be given personally.
- 31.3** If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- 31.4** A member is not entitled to vote at any general meeting of the Club unless all money due and payable by the member of the Club has been paid.

32 MISCELLANEOUS

- 32.1** The primary purpose of the club is to foster junior Australian Rules football in the local community.

33 FUNDS-SOURCE

- 33.1** The funds of the Club must be derived from annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting and subject to the Act, section 114, any other sources that the Committee decides.
- 33.2** All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
- 33.3** The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.

34 FUNDS-MANAGEMENT

- 34.1** Subject to any resolution passed by the Club in general meeting, the funds of the Club must be used for the objects of the Club in the way the Committee decides.
- 34.2** All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 members of the Committee, being members of the Committee or employees authorised to do so by the Committee.

35 AUDITORS

- 35.1** There shall be an Auditor not being a member of the Club who shall be appointed by the Club at its annual general meeting or at a Committee meeting thereafter. The Auditor shall hold office until the next annual general meeting, when the retiring Auditor shall be eligible for reappointment.
- 35.2** The Auditor shall have access at all reasonable times to the books and accounts of the Club and may require any officers of the Club to provide details and explanations that may be so required.

36 ALTERATION OF OBJECTS AND RULES

- 36.1** Neither the objects of the Club mentioned in the Act, neither section 29 nor these rules may be altered except in accordance with the Act.

37 COMMON SEAL

- 37.1** The common seal of the Club must be kept in the custody of the Secretary.
- 37.2** The common seal must not be attached to any instrument except by the authority of the Committee and the attaching of the common seal must be attested by the signatures either by 2 members of the Committee or of 1 member of the Committee and of the Secretary.

38 CUSTODY OF BOOKS

- 38.1** Subject to the Act, the regulation and these rules, the Secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the Club.

39 INSPECTION OF BOOKS

- 39.1** The records, books and other documents of the Club must be open for inspection at a place in the ACT, free of charge, to any member of the Club at any reasonable hour.

40 SERVICE OF NOTICE

- 40.1** For these rules, a notice may be served by or on behalf of the Club on any member either personally or by post to the member at the member's address shown in the register of members.
- 40.2** If a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document is taken for these rules, unless the contrary is proved, to have been served on the person at the time when the letter would have been delivered in the ordinary course of post.

41 SURPLUS PROPERTY

- 41.1** At the first general meeting of the Club, the Club must pass a special resolution nominating:-
- (a) another Club for the Act, section 92 (1) (a); or
 - (b) a fund, authority or institution for the Act, section 92 (1) (b); in which it is to invest its surplus property in the event of the dissolution or winding up of the Club.
- 41.2** A Club nominated under subsection (41.1) must fulfill the requirements specified in the Act, section 92 (2).