

**CONSTITUTION OF THE**  
**WEMBLEY JUNIOR FOOTBALL CLUB (INC)**

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**CONSTITUTION OF THE**  
**WEMBLEY JUNIOR FOOTBALL CLUB (INC)**

**1. NAME**

The Club shall be called the Wembley Junior Football Club (Inc) hereafter called the Club.

The Club shall be incorporated under the provisions of “The Associations Incorporation’s Act 1987”, as amended from time to time.

**2. OBJECTS OF THE CLUB**

The objects of the Club shall be:

- 2.1 To provide the opportunity to those members between the age of 5 & 17 years who wish to participate in Australian Rules football.
- 2.2 To promote good fellowship among those interested in Australian Rules football.
- 2.3 To educate, train, coach and encourage members of the Club.
- 2.4 To do all such things and acts conducive to the furtherance of the objects and interests of the Club.

**3. AFFILIATION**

The Club shall be affiliated with Claremont District Junior Football Competition.

**4. COMPOSITION**

The Club shall include a Management Committee and Sub-Committees consisting of members of the Club who shall have the powers to make rules and By-laws affecting the running of the Club.

**5. INCOME AND PROPERTY**

The income and property of the Club shall be applied solely the promotion of it’s objects and no part shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of pecuniary profit to the members

## **6. MEMBERSHIP**

- 6.1 Any person who is interested in Australian Rules football shall be eligible to be member of the Club.
- 6.2 The Club shall consist of the following members:
  - (i) Ordinary.
  - (ii) Life.
- 6.3 The annual fee for each class of membership shall be determined by the Management Committee.
- 6.4 Any member who sustains an injury or occupational relocation outside the Perth metropolitan area that prevents that member from participating in more than fifty percent of the seasons matches shall be refunded a proportion of fees paid as calculated by the Management Committee.
- 6.5 Any member may resign from the Club and such resignation shall be in writing and forwarded to the Secretary of the Club.
- 6.6 Upon any member resigning from the Club for any reason whatsoever, That member shall not be entitled to the return of his/her membership Subscription, or any portion thereof.
- 6.7 The Management Committee may expel from the Club, or otherwise Punish or penalise, any member who conduct, in the opinion of the Management Committee is discreditable or injurious to the character or interests of the Club.
- 6.8 Before any member is expelled or otherwise punished or penalised, the Management Committee shall investigate his/her conduct and the member shall be given the opportunity to defend him/herself and to justify or explain his/her conduct. Provided there is a quorum established and the majority of the Management Committee present when the matter is heard is of the opinion the member is guilty of such conduct or action as aforesaid, then the Management Committee may expel or suspend him/her from membership of the Club or otherwise punish or penalise him/her.
- 6.9 When notice is given by the Management Committee to a member of the Club's intentions to hold an inquiry referred to in clause 6.8, full details of the alleged misconduct must be specified in the Notice.

Three (3) days notice, prior to the inquiry, shall be given to the member provide the opportunity to prepare a defence.

At the inquiry, witnesses to the alleged misconduct shall be called to give evidence and the member charged shall be given the opportunity to cross-examine or question any witness on or relative to their evidence.

- 6.10 Should any member fail to appear at an enquiry conducted in accordance with Clause 6.9 hereof, or and adjournment thereof, the Management Committee may proceed in that member's absence to conduct the said inquiry and to make it's findings as empowered.
- 6.11 A member charged is entitled to be present at a hearing into the matter And is also entitled to call witnesses on his/her behalf.

## **7. MANAGEMENT COMMITTEE**

- 7.1 The business and affairs of the Club shall be administered by a Management Committee, hereafter called the Committee, without Prejudice to or limiting the powers of Claremont District Junior Football Competition.
- 7.2 The Committee shall consist of the following members:
- (a) President
  - (b) Vice President
  - (c) Secretary
  - (d) Treasurer
  - (e) Property Manager
  - (f) Registrar
  - (g) Social Sub-Committee representative
  - (h) Three (3) members of the Club
- 7.3 The Committee may, from time to time, Co-opt any member to join the Committee or Sub-Committee.
- 7.4 All members of the Committee shall serve for a period of one (1) year and may re-nominate for election each year in accordance with Clause 8.
- 7.5 Committee members shall be financial members of the Club.

## **8. ELECTIONS FOR COMMITTEE**

- 8.1 All elections shall be by open ballot. Not less than four (4) weeks prior to The Annual General Meeting of members, the Secretary shall place a notice on the notice board calling for nominations for all Committee Positions.
- 8.2 Nomination of each candidate for election as a Committee member shall be proposed and seconded by a financial member of the Club. If Nominations fall short of the required number, nominations, duly Seconded, may be called from the floor at the Annual General Meeting.
- 8.3 Only financial members shall be eligible to vote. All eligible members shall have one (1) vote.

- 8.4 Members may be nominated for more than one (1) position, provided that that any member elected to a position on the Committee shall be excluded automatically from holding any other position on that Committee.
- 8.5 All members of the Committee shall act in an honorary capacity.
- 8.6 Should any vacancy occur in the Committee of the club other than in the normal course of elections, the Committee shall fill such vacancy from the financial members of the Club and such member duly elected shall hold office for the remaining portion of his/her predecessor's term.
- 8.7 A vacancy on the Committee may be declared by the Committee as a result of unsatisfactory attendance of any member, (after being absent for three (3) consecutive meetings). The committee member shall be required to provide written explanation of his/her continued absence. Neglect or failure to do so shall result in the Committee having authority to determine whether or not the position of the member concerned shall be declared vacant.

## **9. MEETINGS OF COMMITTEE**

- 9.1 The Committee shall meet as often as may be required, but not less than once per month, to conduct the business of the Club. The Secretary shall call meetings of the Club when instructed to do so by the President or any three (3) Committee members.
- 9.2 At all Committee meetings, five (5) members shall form a quorum.
- 9.3 At all meetings the President shall preside. In the President's absence, the Vice President shall preside and in the absence of both, the meeting shall select a chairperson.
- 9.4 The chairperson at all Committee meetings shall have a casting vote in addition to a deliberative vote.
- 9.5 The Secretary shall keep minutes of each meeting. In the Secretary's absence, the chairperson shall nominate another member to keep minutes.
- 9.6 Where the date and place of a committee meeting set at the previous Meeting is changed, the Secretary shall inform each Committee member accordingly.
- 9.7 The accidental omission to give any member, or the non-receipt by any Member of any notice required by this constitution shall not invalidate or affect any proceedings at a Committee meeting.
- 9.8 The Committee shall have the power to delegate all, or any, of its powers, except the power of delegation, to a sub-committee to deal with any particular

matter or matters and upon such terms as the Committee may think fit. The President or Secretary shall be an ex-officio member of all Sub-Committees.

- 9.9 All acts of decisions done or made by any meeting of the Committee or any or any member thereof shall, notwithstanding that it be afterwards discovered there was some defect in the appointment of such member or all or any members of the Committee, be as valid and effective as if they had been properly appointed, unless it is proved the appointment was made in fraud or bad faith.

## **10. DUTIES OF OFFICE BEARERS**

The duties of the Club's office bearers shall be provided in By-laws.

## **11. COACHES**

- 11.1 The Committee is empowered to appoint coaches, either playing or non-playing, to each section of the Club. Applications for the positions of coaches shall be advertised each year.
- 11.2 Coaches shall not receive any remuneration other than re-imbusement for any extraneous expenses.
- 11.3 Coaches shall hold the position until the Annual General Meeting next following their appointment or until such time as determined by the Committee.
- 11.4 The Committee shall have the authority to terminate the services of any Coach for reasons, which may be considered detrimental to the welfare of the Club.

## **12. REGISTRATION OF PLAYERS**

- 12.1 All players shall be registered with Claremont District Junior Football Competition., and must be officially recorded as a player for the Club.
- 12.2 All players shall meet the age criteria as determined by the Claremont District Junior Football Competition.

## **13. CLEARANCE OF PLAYERS**

The Committee shall have the right to refuse to clear any player to another club if the player is in any way in debt to the Club.

## **14. APPOINTMENT OF EMPLOYEES**

The Committee shall have the power to appoint and/or remove any paid employee as may, in the opinion of the Committee, be necessary and to pay such a salary or wages to such paid employee.

## **15. CONDUCT OF EMPLOYEES**

The conduct of any employee of the Club shall in no case be made a matter of reprimand by any member.

## **16. PAYMENT OF GRATUITIES**

The Committee shall have the power to pay any employee of the club a gratuity of up to one thousand dollars (\$1,000.00) per annum for services to the Club.

## **17. ANNUAL GENERAL MEETING (“AGM”) OR SPECIAL GENERAL MEETING**

17.1 The Annual General Meeting of the Club shall be held within one (1) calendar month of the completion of the season at a place and time determined by the Committee.

17.2 A notice advising all members shall be placed on the notice board no later than twenty one (21) days prior to the date of the meeting.

17.3 At the Annual General Meeting and all Special General Meetings, twenty (20) or 50%, whichever is the greater, of the financial members of the Club shall form a quorum. If a quorum is not present, the AGM or Special General Meeting shall be adjourned for one (1) week and if at such adjourned meeting there is no quorum, those present shall be competent to conduct the business.

17.4 The order of business shall be:

- (a) Apologies
- (b) The reading and confirmation of the minutes of the last AGM and any business arising.
- (c) Correspondence
- (d) Presidents report
- (e) Treasurers report and financial statement
- (f) Auditors report (As per clause 27)
- (g) Motions on notice
- (h) Elections of the Committee
- (i) Elections of Auditors
- (j) General business



- 17.5 The Secretary shall call, by written notice, posted to member's last known address, advice of a Special General Meeting to be held within fourteen (14) days after receiving written request setting forth the objects of such a meeting and signed by no less than (10) members of the Club. If a Special General Meeting is not convened within the prescribed period of fourteen (14) days, the members who made the request concerned may themselves convene a Special General Meeting as if they were the Committee.
- 17.6 The Committee may call a Special General Meeting and notice of such a meeting shall be sent to each member of the Club not less than fourteen (14) days before the proposed meeting date.

## **18. RULES**

The rules of the Club shall be binding on all members and visitors and every member of the Club shall be presumed to have agreed to be bound by the Club's rules on receipt of his/her membership.

## **19. INTERPRETATION OF RULES**

The Committee shall decide all questions as to the interpretation of the rules and such decisions shall be binding unless as a general meeting such decision is over-ruled by a two-thirds majority of the members present.

## **20. AMENDMENT OR RULES**

- 20.1 No rule shall be amended or repealed nor shall any new rule be made except on the consent of 75% of the members voting at the AGM or a Special General Meeting called for such purpose.
- 20.2 Notice of any proposed amendment, repeal or addition must be given at least twenty one (21) days prior to such general meeting to the Secretary and must be posted on the notice board not less than fourteen (14) days prior to such general meeting.
- 20.3 Any amendment or alteration to the rules of the Club shall be forwarded to the Commissioner of Corporate Affairs, The Director of Liquor Licensing and Claremont District Junior Football Competition.
- 20.4 As soon as practicable after making of any proposal for a change to the Constitution or rules of the Club, the Secretary shall provide to the Director of Liquor Licensing certified particulars of the change proposed and shall ensure that effect is not given to the change without prior approval of the director.

## **21. LIQUOR LICENSING ACT INFLUENCE ON RULES**

On any application to the Liquor Licensing Division for a licence and whilst the Club shall hold such licence these rules shall be construed and interpreted as being subject to the provisions of the Liquor Licensing Act of 1988 which shall be deemed to be included in and form part of these rules.

## **22. BY - LAWS**

The Committee shall have the power to frame By-laws for the management of the Club consistent with the constitution. Such By-laws shall be binding on all members until repealed or amended by the Committee or by any general meeting of it's members.

Notice of such By-laws shall be displayed on the notice board of the Club for a period of fourteen (14) days after the By-laws have been made, varied or rescinded.

## **23. RESTRICTION OF USING CLUB NAME**

No member shall arrange, on his or her own responsibility, to use the Club name in any way without the concurrence of the Committee.

## **24. DEPOSITING OF FUNDS**

24.1 The funds of the Club shall be placed in such financial institutions as the Committee may from time to time determine to the credit of The Wembley Junior Football Club (Inc). All accounts shall be operated by any two of the following:

- (1) President
- (2) Vic President
- (3) Treasurer
- (4) Secretary

24.2 No monies shall be withdrawn from the Club's accounts save by cheque signed by the bank signatories authorised in the Club's By-laws.

## **25. LEGAL ACTION**

The Committee shall have power to take and defend all legal proceedings by or on behalf of the Club and to appoint all necessary attorneys for any such purpose.

## **26. NOTICE BOARD**

The Club notice board shall be affixed to a conspicuous part of Club premises.

## **27. REGISTER OF MEMBERS**

- 27.1 The Secretary shall on behalf of the Club keep and maintain the register of members in accordance with Section 27 of the Act and that register shall also be kept and maintained at his or her place of residence.
- 27.2 The Secretary shall cause the name of a person who dies that ceases to be a member under rule 6.3, 6.5, 6.7, to be deleted from the register of members referred to in 6.2.

## **28. COMMON SEAL OF THE CLUB**

- 28.1 The Club shall have a common seal, which its corporate name shall appear in legible characters.
- 28.2 The Common seal of the club shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book referred to in rule 9.5.
- 28.3 The affixing of the common seal of the Club shall be witnessed by any two of the Chairperson, the Secretary and the Treasurer.
- 28.4 The common seal of the Club shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

## **29. INSPECTION OF RECORDS, ETC OF THE CLUB**

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Club.

## **30. APPOINTMENT OF AUDITORS**

Members at the AGM shall appoint a suitably qualified independent person to act as Club Auditor for the ensuing year. An internal auditor may also be appointed for one (1) year. The Secretary and Treasurer shall give to the auditor(s), at all times, full access to the Club's books of accounts and vouchers and afford them every facility for the purposes of making a true audit of the Club's financial affairs.

The auditor shall examine the books, accounts, receipts and other financial records of the Club for the year in which he/she is appointed.

The Auditor, finding any deficiency in money or goods, shall report the same to the Committee.

The audit shall be performed in sufficient time for the report to be presented at the AGM for that year.

### **31. DUES RECOVERABLE AT LAW**

Notwithstanding anything herein contained all subscriptions owing by any member under these rules and all monies owing and payable by any member of the Club for liquors supplied or delivered to such member or any other account whatsoever shall be recoverable by the Club by action in court of law against such member whether such member shall at the time of commencement of the action have ceased to be a member or not. In any such proceedings the Club need not prove the election of the Committee, the passing of these rules or the authority to sue but all such matters may be sufficiently proved by the oral evidence of the Secretary.

### **32. COMPLAINTS**

Any complaints by members shall be in writing, signed by the member(s) complaining, and submitted to the Committee for consideration. The result of the Committee's decision shall be communicated to the member(s) making the complaint.

### **33. INDEMNITY OF CLUB OFFICERS**

The members of the Club for the time being acting in relation to any affairs of the Club shall be indemnified and saved harmless out of the funds of the Club from and against all actions, costs, charges, losses, damages and expenses which they or any of them may occur or sustain by or by reason of any act done, concerned in or omitted in or about the execution of their duty or supposed duty, in their respective offices or trusts except such (if any) as they shall have incurred or sustained from their own wrongful and wilful neglect or default respectively and none of them shall be answerable for the cause, neglect or default of them or others or any bankers or other persons with whom any monies or effects belonging to the Club shall or may be lodged or deposited or the insufficiency or deficiency of any security upon which the monies of or belonging to the Club shall be placed, put one, invested or any other loss, misfortune or damage which may happen in the execution of their respective offices or trusts in relation there to if the same shall happen by through their wrongful neglect or default respectively.

### **34. DISSOLUTION OF THE CLUB**

The Club may be dissolved by the consent of 75% of members voting at a Special General Meeting called for such a purpose and thereupon the Assets of the Club shall be realised.

### **35. DISPOSAL OF PROPERTY ON DISSOLUTION**

If upon the dissolution of the Club or winding up of the Club there remains, after the satisfaction of all its debts and liabilities and the costs, charges and expenses of that

dissolution or winding up, any property whatsoever, the same shall be paid or distributed:

- (a) to another association incorporated under the Associations Incorporation Act 1987,

or

- (b) for charitable purposes.

Which incorporated association or purposes, as the case requires shall be determined by resolution of the members when authorising and directing the Committee under Section 33(3) of the Associations Incorporation Act 1987 to prepare a distribution plan for the distribution of the surplus property of the Club.

### **36. THE CUSTODY OF RECORDS, BOOKS, DOCUMENTS AND SECURITIES.**

The custody of records, books, documents and securities will be kept with the Club Secretary

### **37. Financial Year.**

1st January to 31st December

### **38. Disputes Resolution**

#### **38.1 Application of disputes procedure**

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

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

#### **38.2 Disputes procedure**

38.2.1 The parties to the dispute must meet and discuss the matter in dispute with an opportunity for a mediator, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties. In the case of a dispute involving the Club, the President or another Committee Member nominated by the President will represent the Association.

38.2.2 If the parties are unable to resolve the dispute within the 14 day period specified in clause 1, either party may initiate the dispute resolution procedure by giving a written notice to the Secretary identifying the parties to the dispute and the subject of the dispute.

38.2.3 Within 28 days of receipt of a notice under clause 38.2.2, a Committee meeting must be convened to determine the dispute.

38.2.4 The Secretary must give the parties to the dispute at least 7 days' prior written notice of the date, time and place of the Committee meeting. The notice must inform the parties that they (or their Representative) may attend the Committee meeting and will

be given a full and fair opportunity to make oral and written submissions to the Committee.

38.2.5 At the Committee meeting, the Committee must:

38.2.5.1 give each party to the dispute, or the party's Representative, a fair opportunity to make oral submissions and must give reasonable consideration to any written submissions; and

38.2.5.2 determine the dispute.

38.2.6 Written notice of the Committee's decision regarding the dispute must be given to all parties to the dispute within 7 days after the Committee meeting.

### **38.3 If dispute resolution results in decision to suspend or expel being revoked**

If a disputes procedure under this clause 38 takes place concerning the revocation of a Member's membership and the result of the disputes procedure is that the Member's membership is reinstated, that revocation decision does not affect the validity of any decision made at a Committee meeting or General Meeting during the period in which the Member's membership was purported to be revoked.