

# Tugun Seahawks Junior Rugby League Football Club Inc.

# CONSTITUTION

Incorporation No. 9881079

A.B.N. 63625973260

History		
Adopted on:	19 <sup>th</sup> October	2003
Amended on:	30 <sup>th</sup> May	2013
Amended on:	21 <sup>st</sup> October	2013

## CLUB VISION:

To encourage our young players to strive for success, both on and off the field.

## CLUB CULTURE:

Take pride in and give loyalty to your club. Always be there for your fellow club mates.

Never by words or actions bring dishonor to your club or by same, tarnish your clubs image.

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**1. GENERAL**

1.1 Name of Association

The name of association is Tugun Seahawks Junior Rugby League Football Club.

**2. DEFINITIONS AND INTERPRETATION**

2.1 Definitions

In these rules unless it is inconsistent with the subject or context in which it is used.

Act means the Associations Incorporation Act 2009.

A.G.M means the Annual General Meeting of members.

Association means the Club.

Club means the Tugun Seahawks Junior Rugby League Football Club.

Committee means elected members of the Management Committee.

Executive means positions held on committee as described in Rule 10.1.

General Meeting means a Special General Meeting of members other than an Annual General Meeting.

Management committee means the members elected to manage the affairs of the club.

Resolution means a motion that requires a simple majority vote of voting members present to be passed.

Special resolution means a motion that requires a majority vote of three quarters of voting members present to be passed.

The League means the Tweed Byron Group 18 Junior Rugby League or its successor.

**3. OBJECTIVES**

3.1 The objectives of the club are:

(i) To promote and foster Ruby League in general but in particular in the Tugun and surrounding communities.

(ii) To field teams in the Tweed-Byron group 18 Junior Rugby League Competition or its successor.

**4. NON PROFIT NATURE OF THE CLUB**

4.1 Non Profit

(a) The income, property, profits and financial surplus of the club must be applied solely towards the promotions of the objects of the club.

(b) The club as a non-profit organisation will not carry on business for the purpose of profit or gain to its individual members, and no portion of its income, property, profits and financial surplus may be paid, distributed, transferred by way of bonus or otherwise by way of profit to the members or the management committee or their relatives except as provided by this constitution.

(c) Nothing in the constitution prevents;

(i) The payment in good faith of reasonable and proper remuneration for any service naturally rendered to the club or for goods supplied in the usual course of business.

(ii) The payment of interest at a rate not exceeding the rate at the time being charged by the clubs bank, for overdrawn accounts on money borrowed from a member.

#### 4.2 No distribution of profits to members on winding up

(a) Where property remains after the winding up of the club and satisfaction of all its debts and liabilities, it may not be paid to or distributed among the members, but must be given to another fund, authority or institution having objects similar to the objects of the club and be a non-profit organisation whose constitution prohibits the distribution of its income and property among its members.

#### 4.3 Members liabilities

The liability of a member of the club to contribute towards payments of the debts and liabilities of the club or any other expenses for the winding up of the club is limited to the amount of any unpaid membership fees.

### 5. **MEMBERSHIP**

5.1 The number of members is not limited.

#### 5.2 Types of membership

Unless otherwise determined by the full members at a general meeting, there will be the following class of members;

(a) Full members include:

- (i) Ordinary members
- (ii) Life members

#### 5.3 Ordinary Members

(a) The Management Committee may in its absolute discretion admit to ordinary membership of the club any individual person who has attained the age of 18, and has been nominated in writing by a member of the club.

(b) The Management committee will determine the annual membership and subscription fees and on what date they are due for payment.

(c) Upon payment of a junior players annual subscription fee, one (1) parent will be granted ordinary membership of the club and shall be deemed financial.

(b) The Management Committee at their discretion may grant without payment ordinary membership to a person who assists in the running of the club and such person shall be deemed financial.

#### 5.4 Life Members

(a) The Management Committee may nominate for life membership any member who in the opinion of the committee is regarded worthy of life membership by reasons of their outstanding service to the club.

(b) A life member will be admitted by special resolution if the nomination of the committee is approved by at least a three quarters majority of full members present and entitled to vote at an Annual General Meeting of the club.

(c) A life member is entitled for life to all the privileges of full membership without the payment of any further fees to the club.

## 5.5

An ordinary member or committee member may resign by giving written notice to the secretary, and such resignation will take effect as from the date on resignation, unless stipulated otherwise.

(a) No fees or any part of fees paid will be refunded to any member who resigns or has been expelled.

## 5.6 Voting Rights

All financial full members are entitled to one (1) vote either by a show of hands or ballot at any general meeting.

## 5.7 Proxy Votes

Proxy votes are not permitted at any general meeting of the club. But postal ballot will be accepted and counted in voting on any special resolution.

## 5.8 Variation of Members Rights

The rights of a member or any other amendments to the constitution whether or not the club is being wound up can be varied by the sanction of a special resolution of those full members with at least three quarters of all voting members present, passed at a general meeting.

## 6. DISCIPLINING OF MEMBERS

6.1 A complaint may be made to the committee by any person that a member of the club:

- (a) Has refused or neglected to comply to provisions of the constitution
- (b) or has wilfully acted in a manner prejudicial to the interest of the club.

6.2 The committee may refuse to deal with a complaint if it considers it to be trivial or vexatious.

6.3 If the committee decides to deal with the complaint the committee:

- (a) must give notice to the member concerned of the complaint
- (b) must give the member fourteen (14) days from time the notice is served to make submissions to the committee in connection with the complaint and,
- (c) must take into consideration any submissions made by the member.

6.4 The committee may by resolution if after considering the complaint and any submissions made it is satisfied that the facts alleged in the complaint have been proven, and if the circumstances warrant it, may suspend, or expel the members membership of the club.

6.5 If the committee expels or suspends a member, the secretary must within seven (7) days after the decision is made give written notice to the member of the decision and the reason given by the committee for the action taken and advise the member of their right of appeal.

6.6 The expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the decision or,
- (b) if within that period the member exercises the right of appeal under Clause 7.

## **7. RIGHT OF APPEAL OF DISCIPLINED MEMBERS**

7.1 A member may appeal the committees disciplined decision by within seven (7) days of receiving notice of the decision, give written notice of the intention to appeal to the secretary.

7.2 On receipt of a notice of appeal from a member, the committee is to convene a general meeting of the club, to be held within twenty eight (28) days after the date the secretary received the notice.

7.3 At a general meeting convened to hear an appeal against disciplined action:

- (a) No business other than the question of the appeal is to be transacted at the meeting
- (b) The member and the committee must be given the opportunity to state their respective cases orally or in writing or both, and
- (c) The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

7.4 The appeal is to be determined by a simple majority vote cast by the members present.

## **8. KEEPING OF FINANCIAL RECORDS**

8.1 The financial year of the club will commence on the first day of September and end on the thirty-first day of August.

8.2 Proper books and financial records must be kept and maintained showing the financial affairs of the club, and assure that relevant accounting and auditing requirements of the law are complied with.

## **9. BANKING OF MONEY**

9.1 The club shall maintain both a general account and a building account (term deposit) in the clubs name at such a bank as the committee determines.

- (a) All club banking and withdrawals for any financial year are to be transacted through the general account.
- (b) At each Annual General Meeting, the members shall allocate a proportion of any surplus funds recorded in the financial report to be deposited in the building account.
- (c) No money deposited in the building account (term deposit) can be withdrawn for any reason unless passed as a special resolution at an Annual General Meeting or General Meeting.

9.2 Inspection of records of club

Upon receiving a written request from a member

- (a) A member has the right to inspect records, books, financial documents, constitution and minutes of all committee and general meetings.
- (b) The request to inspect must be granted at a reasonable time within seven (7) days of receiving a written notice by the secretary.

## 10. MANAGEMENT COMMITTEE

10.1 The management committee is to comprise of at least five (5) including the executive

- |  |   |                     |
|--|---|---------------------|
| (i) President  | } | Executive Committee |
| (ii) Vice President                                  |   |                     |
| (iii) Treasurer                                      |   |                     |
| (iv) Secretary                                       |   |                     |
| (v) Director of Coaching and other committee members |   |                     |

10.2 Each member of the committee is subject to this constitution to hold office until the annual general meeting following the date of the members election, but is eligible for re-election.

(a) A committee member may hold up to two (2) positions other than both the President and Vice President.

## 11. ELECTION OF COMMITTEE MEMBERS

11.1 To be eligible for election to the executive committee, the nominee must have two (2) year proven involvement with the club and be currently involved in club activities.

11.2 To be eligible for election to the committee a person must be:

- (a) A financial full member of the club, nominated and seconded by a financial full member.
- (b) The nominee must give signed consent of all nominations.
- (c) To be valid, the written notice must be received by the secretary at least fourteen (14) days before the date of holding the Annual General Meeting.
- (d) if insufficient nominations are received to fill vacancies, nominations are to be received at the A.G.M.

11.3 At each A.G.M. the full voting members of the club will elect all members of the management committee.

11.4 At the first committee meeting after the A.G.M. the committee shall appoint from elected members positions and/or duties (other than those of the executive committee) of elected committee members.

## 12. POWERS OF THE COMMITTEE

12.1. Subject to the act, this constitution and to any resolution passed by the club members at a general meeting, the committee:

- (a) is to control and manage the affairs of the club.
- (b) has the power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the club.
- (c) must ensure that all coaches, trainers, first aid officers, and any other persons participating in the clubs children and young persons sporting activities has been properly screened and has the appropriate Blue Card.
- (d) may appoint sub committees of club members to carry out any function as specified by the committee, such sub committees shall be subject to any conditions or limitations as imposed by the committee.

### **13. PROCEDURES RELATING TO COMMITTEE MEETINGS**

13.1 The President or in the Presidents absence, the Vice President is to preside if both are absent or unwilling, one of the committee members present may be chosen by the members.

(a) any three (3) committee members constitute a Quorum.

(b) unless otherwise determined by the committee, the committee will meet on the first Thursday of each month at 6.00 pm.

(c) no business is to be transacted by the committee unless a Quorum is present.

(d) questions arising at a committee meeting are decided by a majority vote. The chairman has a second vote or casting vote in the event of equal votes.

(e) committee is to appoint delegates to attend monthly meetings of the league, restricted to two (2) voting delegates.

### **14. SECRETARY**

14.1 Must as soon as practicable after being appointed, advise the committee of his or her address.

(a) it is the duty of the secretary to keep minutes of all appointments of office-bearers and members of the committee, and

(b) the names of members of the committee present at the committee meeting or general meetings, and

(c) minutes of all proceedings at committee meetings and general meetings

(d) to receive and present to the committee all correspondence addressed to the club, and

(e) where necessary, reply to correspondence received

(f) give notice to members, details of general meeting and A.G.M.

14.2 Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

### **15. TREASURER**

15.1 It is the duty of the treasurer of the club to ensure:

(a) that all money due to the club is collected and received and that all payments authorised by the club are made.

(b) that correct books and accounts are kept, showing the financial affairs of the club including full details of all receipts and expenditure connected with the activities of the club.

(c) that all fees and charges in connection with membership of the Tweed--Byron Group 18 Junior Rugby League are paid on the due date.

(d) That a report is presented to the committee each monthly meeting, detailing all income and expenditure for the preceding month including any A.T.M. withdrawals or direct deposit payments, and liaise with the club auditor to product the audited financial report to be presented at the A.G.M.

### **16. COACHING DIRECTOR**

16.1 The coaching director must have the minimum qualification of an A.R.L. Club coaches certificate and:

(a) be responsible for but not limited to liaising with club coaches and assist them where and when requested.

## **17. REGISTER AND REGISTRAR**

17.1 A register must be kept on the club premises and open for inspection by a member, a copy of any part of the register may be obtained by the member on payment of a fee to cover printing costs.

(a) if a member requests that any information contained on the register about them (other than their name) not be available for inspection, that information must not be available for inspection.

(b) A member must not use information about a person obtained from the register to contact or send material to the person, other than for the purpose of sending the person newsletters, notices in respect of meetings or other events relating to the club.

17.2 The committee shall appoint a registrar to assist the public officer in maintaining an up to date register of members, specifying the name and postal address of each person and the date on which the person became a member, and

(a) a register of junior players specifying, age, date of birth, residential address, date of registration, the name of the parent nominated to be granted ordinary membership of the club under Rule 5.3(c) and if required details of clearance from other clubs.

## **18. CASUAL VACANCIES**

18.1 In the event of a casual vacancy occurring on the committee, the committee may appoint a member of the club to fill the vacancy, and the member so approved is to hold office subject to the constitution or until the next A.G.M.

18.2 A casual vacancy on the committee occurs if a member of the committee:

(a) dies

(b) ceases to become a member of the club

(c) is removed from office under Clause 19

(d) is convicted of an offence involving fraud or dishonesty

(e) requests a casual appointment to act on their behalf for a stipulated period (in excess of three (3) months) if he or she is unable to attend committee meetings due to other commitments.

## **19. REMOVAL FROM COMMITTEE**

19.1 Only at a general meeting by special resolution may an elected committee member be removed from the committee.

19.2 The member cannot be removed even by resolution at a general meeting, unless he or she is given the opportunity to present their view either in writing (which must be read out to the meeting) or orally before a vote of members is taken.

## **20. SERVICE OF NOTICE**

20.1 A notice is deemed to have been served on a member.

(a) if given to the person or delivered either personally or by pre-paid post to the address recorded in the clubs register or serving of notice

(b) by sending it by facsimile or some other form of electronic transmission to an address specified by the person for receiving notices or

(c) by the displaying of a prominent sign in a prominent position in the clubs premises.

## **21. ANNUAL GENERAL MEETING**

21.1 The club must hold its A.G.M. within six (6) months after the close of the clubs financial year, and a register of attending members must be taken.

21.2 Calling and business of Annual General Meeting:

(a) subject to Clause 21.1, the A.G.M. is to be convened on such a date, time and place that the committee thinks fit

(b) Notice to all members at least twenty one (21) days before the A.G.M. notifying them of the date, time and place of the meeting. The date (fourteen days (14) prior to A.G.M.) that nominations will close with the secretary for positions on the Management Committee, and state the nature of business to be discussed, and if any special resolutions are to be proposed

(c) at least seven (7) days before the A.G.M. notice shall be given to members – a list (in alphabetical order) of nominations for committee members.

## **22. BUSINESS TO BE TRANSACTED AT THE A.G.M.**

(a) to confirm the minutes of the last preceding A.G.M. and of any general meeting held since that meeting

(b) to receive the committees report on activities of the club during the preceding financial year

(c) to elect office-bearers and committee members of the club

(d) to receive and consider the audited financial report

(e) to discuss any other business detailed in the notice of A.G.M.

(f) to appoint a club patron.

## **23. APPOINTMENT OF AUDITOR**

23.1 At an A.G.M, the club must appoint and retain a properly qualified auditor, a member of the club may not act as the clubs auditor.

## **24. QUORUM**

24.1 No item of business is to be transacted at any general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering the item.

24.2 members present must be double the number of elected management committee members plus one (1), will constitute a quorum for all A.G.M. or general meetings

(a) a signed register of all members attending any A.G.M. or general meeting shall be kept and the number recorded in the minutes of the meeting.

24.3 If within half an hour after the appointed time for the commencement of an A.G.M. or general meeting a quorum is not present the meeting:-

(a) if convened by the request of members (refer Clause 25.1) is to be dissolved

(b) in any other case is to stand adjourned to the same day in the following week at the same time and place

(c) if at an adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement, the members present (being at least the numbers of the committee) are to constitute a quorum.

#### 24.4 Chairman.

The President or in the Presidents absence the Vice President is to preside as chairperson at each general meeting of the club.

(a) If the President and the Vice President are absent or unwilling to act as chairperson, the members present must elect one of their members to preside as chairperson at the meeting.

#### 24.5 Adjournment.

The Chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting which the adjournment took place.

### **25. GENERAL MEETING – SPECIAL.**

25.1 The committee may whenever it thinks necessary, convene a general meeting of the club or:

(a) on the requisition in writing of at least five percent of the total number of members convene a general meeting

(b) a requisition of members for a general meeting must state the purpose or purposes of the meeting, be signed by all the members making the request

(c) the requisition must be lodged with the secretary and may consist of several documents in a similar form, each signed by one or more of the members making the request

(d) the committee must convene a general meeting to be held within thirty (30) days after the date on which a requisition of members for the meeting is lodged with the secretary

(e) one or more of the members who made the requisition may convene a general meeting if the committee do not do so within thirty (30) days after the request is given to the club secretary, such a meeting must be held no later than three (3) months after that date.

#### 25.2 Notice of General Meeting

Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution, the secretary must at least fourteen (14) days before the date fixed for the holding of the general meeting, give notice to members specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting

(a) If the nature of business to be discussed at a general meeting requires a special resolution, matters required under Clause 25.2 must be followed except at least twenty one (21) days notice before the fixed date of holding the general meeting shall be given to the members.

### **26. GENERAL CONDUCT OF MEETINGS**

26.1 The general conduct of each general meeting of the club and the procedures to be adopted at the meeting are as determined by the chairman.

(a) if the chairman considers it necessary or desirable for the proper and orderly conduct of the meeting, he or she may demand the cessation of debate or discussion of any business or resolution being considered by the meeting to be put to a vote of the voting members present.

## **27. MAKING OF DECISIONS**

27.1 A question arising at a general meeting of the club is to be determined by either:

(a) a show of hands

(b) if on the motion of the chairperson or if five (5) or more members present at the meeting decide that the question or resolution should be determined by written ballot – a written ballot will be taken and conducted in accordance with the direction of the chairperson.

27.2 If the question or resolution is to be determined by a show of hands, a declaration by the chairperson that the question or resolution has been carried unanimously or by a particular majority or lost and an entry to that effect in the minutes, is evident of the fact.

## **28. INSURANCE**

The club must effect and maintain suitable Liability Insurance.

## **29. SOURCE OF FUNDS**

29.1 The funds of the club are to be derived from entrance fees, annual subscription and membership fees, canteens, raffles, sponsorship, donations and such other legal sources as the committee determines.

(a) all monies received in the clubs name must be deposited as soon as practicable into the clubs bank account and without deduction

(b) the treasurer on behalf of the club, as soon as practicable after receiving any money, issue an appropriate receipt.

## **30. FUND MANAGEMENT**

30.1 The funds of the club are to be used in pursuance of the objects of the club in such a manner as the committee determines.

(a) all withdrawals from the clubs bank account shall require two (2) signatures, one of which shall be that of the treasurer and one other executive committee person as approved by the committee

(b) immediately after the A.G.M. election of office bearers for the following financial year, the clubs bank is to be advised of any changes to authorised signatures to operate the account

(c) any payment for goods or services supplied under \$100.00 may be paid by cash providing an official receipt is provided and any payment over \$100.00 shall be paid by cheque or direct deposit

(d) any club credit card that can withdraw money from an ATM can only be operated by the treasurer

(e) at the end of the season or financial year after all accounts and liabilities have been paid, all other monies accrued remain the property of the club and is to be passed onto the incoming committee

(f) on a unanimous vote of the committee a donation can be made to any funds raised outside the clubs affairs to assist any team with an end of season function

(g) any donation made under Rule 30.1(f) cannot exceed five (5) percent of the funds raised outside the clubs affairs.

### **31. CUSTODY OF BOOKS**

31.1 Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records and other documents relating to the club.

31.2 An appointed public officer remains appointed until

(a) he or she dies

(b) resigns

(c) is removed from office by a special resolution passed by the members of the club at the Annual General Meeting or a General Meeting.

### **32. INTERPRETATION**

The meaning and interpretation of these rules shall be determined by the committee, but to remove any doubt, it is declared that if a rule in this constitution is inconsistent with the act, the act and regulations prevails to the extent of the inconsistency.