

# FIGTREE AUSTRALIAN FOOTBALL CLUB CONSTITUTION 2017

## 1. Name

The name of the club shall be 'Figtree Australian Football Club Inc', hereinafter referred to as the 'Club'.

## 2. Colours

The colours of the Club shall be blue and white.

## 3. Objectives

The objectives of the Club shall be:

- 3.1 To provide a safe physical playing environment,
- 3.2 To provide a fun and socially engaging atmosphere for it's members,
- 3.3 To promote the principles of teamwork, good sportsmanship and fair play,
- 3.4 To foster the game of Australian Football within Figtree & surrounding areas,
- 3.5 To provide teams to compete in the Illawarra Regional League, and abide by the rules, regulations & by-laws of the governing bodies,
- 3.6 To raise money necessary to providing all equipment and facilities required to compete and stay safe.

## 4. Membership

Membership is open to any person who supports the objectives of the Club; and is willing to abide by the rules, regulations and bylaws of the Club and all bodies governing the Club.

4.1 The memberships will fall into three categories:

- a) Registered Members – Playing  
Registered players will be registered with the league and are subject to payment of a fee as referred to in Rule 4.4 a).
- b) Registered Members – Non Playing  
Registered officials will be over 15 years of age. They will be registered with the league and are subject to payment of a fee as referred to in Rule 4.4 b).
- c) Unregistered Members – Non Playing  
Unregistered members will be over 18 years of age. They will be not be registered with the league and are subject to payment of a fee as referred to in Rule 4.4 c).

4.2 Cessation of Membership

A person ceases to be a member, and terminates all rights, privileges or obligations of being a member, of the Club if the person:

- a) dies, or
- b) resigns membership, by way of written or verbal notification, or
- c) fails to pay the nominated annual fee for membership,
- d) is expelled from the Club.

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### 4.3 Register of Members

- a) The secretary and/or registrar of the Club must establish and maintain a register of all members of the Club, with voting rights as specified in section 4.7. The register will specify the name and contact details of each person, including the date on which the person became a member.
- b) The register of members must be made available for inspection, free of charge, by any Club member within 7 days of request.
- c) A copy of the register shall be made available to any member, upon payment of a prescribed fee as determined by the Committee. The prescribed fee shall not be less than \$1 per page and not more than \$5 per page.

### 4.4 Member Fees

As membership falls into categories of playing and non playing members, the fees shall be determined as follows;

- a) Registered Playing Members  
Shall pay an annual registration fee prior to the first competition game of the season or in installments at the discretion of the Committee. This fee will include, but not be limited to:
  - i. A fee equal to that, determined by the Committee, to be paid by Non Playing Member,
  - ii. Any affiliation fees required by governing bodies,
  - iii. And an amount as determined by the Committee to cover administration, award and uniform costs.
- b) Registered Non Playing Members  
Shall pay an annual registration fee prior to the first competition game of the season, this fee will include, but not be limited to:
  - i. A fee equal to that, determined by the Committee, to be paid by Non Playing Member,
  - ii. Any affiliation fees required by governing bodies,
  - iii. And an amount as determined by the Committee to cover administration, award and uniform costs.
- c) Unregistered Non-playing members shall pay a nominal fee, as determined by the Committee, but not less than \$1.

### 4.5 Members' Liabilities

The liability of a member of the Club to contribute towards the payment of debts and liabilities of the Club is limited to the amount, if any, of any unpaid fees as required by Rule 4.4.

### 4.6 Life Members

- a) Life Membership may be offered to any person who has held membership for a minimum of ten (10) years, held an official position within the Club and performed special services to the Club. A sub-committee of three (3) members shall be selected by 1<sup>st</sup> August each year. Written recommendations will be submitted to the Committee by 15<sup>th</sup> August for selection process.

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- b) Life Membership **may** be offered to any person who has been continuously involved with the club in playing (senior level – 18 years old and over), coaching or committee roles **for a period of ten (10) years**.
- c) Life Membership shall be conferred at the Club presentation ceremonies, or at the next Annual General Meeting.

### 4.7 Voting Rights

- a) A member must be 18 years of age or over and financial to be eligible to vote.
- b) A member under the age of 18 years old cannot transfer voting rights to an adult. Parents or guardians must become members to hold voting rights.
- c) Life Members are considered to be financial.
- d) Non-Playing Members will become unfinancial, immediately following the end of the AGM. Payment of registration fees will be required prior to the next meeting.

### 4.8 Resolution of Disputes

- a) Disputes between members;
  - i. (in their capacity as members) of the Club, shall be referred to the full committee for resolution.
  - ii. and the Club, are to be referred to a community justice center for mediation in accordance with the Community Justice Centres Act 1983.
- b) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

### 4.9 Disciplining of Members

- a) The committee must accept a complaint made in writing by any person that a member of the club:
  - i. has persistently refused or neglected to comply with a provision or provisions of these rules, or
  - ii. has persistently and willfully acted in a manner prejudicial to the interests of the club, or
  - iii. has failed to comply with the code of conduct of the AFL, or
  - iv. has failed to comply with the protection policy of the Club, or
  - v. has deliberately or recklessly endangered other members.
- b) On receiving such a complaint, the committee must:
  - i. notify the member concerned of the complaint; and
  - ii. give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
  - iii. take into consideration any submissions made by the member in connection with the complaint.
- c) The committee may, by resolution, expel the member from the club or suspend the member from membership of the Club if, after considering the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- d) If the committee expels or suspends a member, the secretary must, within seven (7) days after the decision is taken, cause written notice to be given to the member of the

action to be taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 4.10.

- e) The expulsion or suspension does not take effect:
  - i. until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - ii. if within that period the member exercises the right of appeal, unless and until the club confirms the resolution under rule 4.10e, whichever is the later.

#### 4.10 Right of Appeal of Disciplined Members

- a) A member may appeal to the club in general meeting against a resolution of the committee under rule 4.9, within seven (7) days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect
- b) The notice may, but need not be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- c) On receipt of a notice from a member under clause 4.10a, the secretary must notify the committee which is to convene a special general meeting of the Club to be held within 28 days after the date on which the secretary received the notice.
- d) At a special general meeting of the Club convened under clause 4.10c:
  - i. no business other than the question of the appeal is to be transacted, and
  - ii. the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - iii. the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- e) If at the special general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

### 5. Committee & Management

5.1 Management of the club is to be controlled by a Club Management Committee and is referred to as the 'Committee'. The Committee subject to these rules, the Rules, Regulations and Bylaws of all governing bodies and to any resolution passed by the Club in a General Meeting:

- (a) is to control and manage the affairs of the club, and
- (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 affairs of the Club.

5.2 The Committee will include the Executive Officers, Functional Coordinators, representatives from grades and age groups, and other Club members at the discretion of the Executive.

- a) Executive Officers  
The executive positions shall consist of, and be limited to the Chairperson, President Senior Football, President Junior Football, Secretary, and Treasurer.  
The Executive shall be elected at the Annual General Meeting each year.

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The Executive shall be empowered to act in such matters as are approved by Committee and General Meeting resolutions pertaining to the conduct and running etc. of the Club.

In an emergency or when time does not allow for a Committee Meeting, then the Executive may decide and act on behalf of the Committee provided such decisions and acts etc. are:-

i) made according to and in agreement with all the clauses of the Constitution and with the rulings and decisions of any General Meeting

AND

ii) approved by any three (3) members of the Executive.

AND

iii) considered to be the most likely decision of a Committee Meeting

AND

iv) fully reported at the next Committee Meeting for confirmation or otherwise by the Committee.

b) Functional Coordinators

Functional Coordinator roles may consist of, but not be limited to, Football Operations, Membership & Recruitment, Marketing & Promotions, Facilities Maintenance, First Aid, Apparel & Equipment, Canteen Operations, Facilities Development, **Junior Development, and Female Football.**

Functional Coordinators will be appointed by the Executive as soon as possible after the Annual General Meeting each year.

The duties of these coordinators shall be defined in position descriptions kept and maintained by the Secretary.

c) Representatives from Grades and Age Groups

These representatives will be nominated by the Presidents Senior and Junior Football as soon as possible after the Annual General Meeting.

d) Other Club Members

Other Club members may attend Committee Meetings at the Executive's discretion.

### 5.3 Election of Executive Officers

a) Nominations of candidates for election as Executive Officers of the club:

i. Nominations must be made in writing, signed by two (2) members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the nomination form),

ii. Nominations can be accepted by the Secretary up until one week prior to the AGM, and

iii. The list of nominees will be advertised on the club's social media platforms and shown on the agenda for the AGM.

b) If only one nomination has been received for any Executive position, the candidate so nominated will be taken as elected at the AGM.

c) If multiple nominations have been received for any Executive position, election to the position will be by majority vote at the AGM.

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- d) If no nominations have been received to fill any vacancy on the Executive, further nominations will be called for from the floor at the annual general meeting.
  - e) If no further nominations are received, the vacant position remaining on the Executive will be taken as a casual vacancy to be filled by the Committee as soon as possible.
- 5.4 The Executive Officers will carry out the duties of their positions as outlined in the following sections.
- 5.5 Chairperson
- a) The Chairperson shall chair all General Meetings and Committee Meetings when available to do so.
  - b) The Chairperson shall provide overall supervision of the Club, and ensure appropriate people and processes are in place for successful operation of the Club.
  - c) The Chairperson shall represent the Club at external functions as required.
  - d) The Chairperson shall present an overview report at the Annual General Meeting
- 5.6 Presidents Senior and Junior Football
- a) The Presidents shall on behalf of the Club be responsible for all aspects of Senior and Junior football respectively.
  - b) The Presidents shall liaise with the Club's Functional Coordinators and other people as required to ensure that the appropriate and sufficient resources are available for their spheres of responsibility.
  - c) The Presidents shall represent the Club at external functions as required
  - d) The Presidents shall present reports at Committee Meetings and at the Annual General Meeting
- 5.7 Secretary
- a) The Secretary shall be responsible for the recording of minutes at all Committee Meetings and General Meetings of the Club.
  - b) Minutes of a meeting must be accepted by the Committee as an accurate record of proceedings at the next succeeding meeting.
  - c) The Secretary shall be responsible for keeping and maintaining all of the Club's internal files, records and data.
  - d) The Secretary shall be responsible for all incoming and outgoing correspondence of the club, and ensure that all incoming correspondence is directed to the correct recipient(s) within the Club.
- 5.8 Treasurer.
- a) The Treasurer shall ensure that all money due to the Club is collected and received and that all payments authorised by the Committee are made.
  - b) The Treasurer shall ensure 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) The Treasurer shall present financial reports at Committee Meetings and at the Annual General Meeting.

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- 5.9 In the event of a casual vacancy occurring in the membership of the Committee, the committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.
- 5.10 Delegation by Committee to sub-committee
- a) The Committee may, give instruction verbally or in writing, delegate to one or more sub-committees (consisting of such member or members of the Club as the Committee thinks fit) the exercise of such duties of the Committee as are specified in the instruction, other than this power of delegation.
  - b) Despite any delegation under this rule, the Committee may continue to exercise any function delegated.
  - c) 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.
  - d) The Committee may, by instruction verbally or in writing, revoke wholly or in part any delegation under this rule.
  - e) A sub-committee may meet and adjourn, as it thinks proper.

## 6. Meetings

### 6.1 Annual General Meeting

The Annual General Meeting shall be held no earlier than the 12<sup>th</sup> October and no later than 12<sup>th</sup> November each year.

- a) The business of the AGM will be:
  - Attendance
  - Confirmation of Minutes
  - Presentation of Chairperson's Report
  - Presentation of Presidents' Reports for Senior and Junior Football
  - Presentation of Annual Financial Report
  - Remits and Notice of Motions
  - Election of Executive Office Bearers
  - Award of Special Services or Life Membership
  - General Business
- b) To constitute a quorum for the transaction of the business of an AGM a minimum of ten (10) members of the Club are required.
- c) No business is to be transacted unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to another suitable place and time.
- d) At the AGM:
  - i. The Chairperson is to preside.
  - ii. if the Chairperson is absent, such one of the remaining members of the Club as may be chosen by the members present at the meeting is to preside.

### 6.2 Special General Meeting

A Special General Meeting shall be called upon a majority vote at a Committee Meeting or upon receipt of a:

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- a) requisition stating therein the object of the meeting of such a meeting and signed on behalf of not less than one-sixth (1/6) of the financial Club members. Such meetings shall be called within fourteen (14) days of receipt of such a requisition and not less than seven (7) days notice shall be sent to all Club members.
- b) notice pursuant to Section 4.10 c) & 4.10 d).

### 6.3 Committee Meetings

- e) Committee Meetings must be held at regular intervals of no greater than once a month, at such a place and time as the committee may determine.
- f) Additional meetings of the Committee may be convened by any member of the Committee.
- g) Oral or written notice of an additional meeting of the Committee must be given by the secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.
- h) Notice of a meeting given under clause 6.3 c) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- i) To constitute a quorum for the transaction of the business of a meeting of the Committee a minimum of five (5) members of the Committee are required.
- j) No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- k) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- l) At a meeting of the committee:
  - i. The Chairperson is to preside.
  - iii. if the Chairperson is absent, such one of the remaining members of the Committee as may be chosen by the members present at the meeting is to preside.

### 6.4 Voting and decisions

- a) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or sub-committee present at the meeting.
- b) 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 one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- c) Subject to rule 6.2a), the committee may act despite any vacancy on the committee.
- d) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a subcommittee 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.



**6.5 Proxies for Meetings**

- a) For any meeting of the club, members may appoint other members as proxies to attend the meeting and vote on their behalf.
- b) Proxy appointments must be submitted to the Secretary at least 48 hours prior to the meeting.

**7. Finance**

- 7.1 True and accurate accounts shall be kept of all monies received and expended by the Club. The accounts should be available for any member to examine within seven (7) days of a request. At least once a year, an Income/Expenditure Report and a Balance Sheet should be prepared, and the correctness of the accounts and balance sheets ascertained by one or more auditors.
- 7.2 The financial year of the Club shall end on the thirtieth day of June (30<sup>th</sup> June) each year.
- 7.3 The committee shall be empowered to invest the funds and property of the Club upon such securities as the Committee shall from time to time think fit.
- 7.4 Subject to any resolution passed by the Club in general meeting, the funds of the Club are to be used in pursuance of the objects of the Club in such manner as the committee determines.
- 7.5 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee of the Club, being members authorised to do so by the committee.

**8. Awards**

**8.1 Individual Player Awards**

- a) Each registered junior player shall receive an award at the end of every playing season and prior to the AGM. The award shall be in the form of a trophy or medallion.
- b) Subject to the availability of funds, any of the following Individual Player Recognition Award may also be presented:
  - i. Best and Fairest Award, as determined by a 3 2 1 vote system, or
  - ii. Most Improved, as determined by the coach, or
  - iii. Coaches Award, as determined by the coach, or
  - iv. Team Player Award, as determined by the coach.

**8.2 Perpetual Trophies**

Subject to the availability of funds, the following Perpetual Trophies may be awarded:

- a) Club Person Trophy, for special service to the Club.

**8.3 Award Eligibility**

For the purpose of determining eligibility for a player award, a player must have attended at least five (5) competition games.

**8.4 Other Awards**

For any other individual and team awards a sub-committee will be appointed to select and collate votes, according to the selection criteria set down in the Club by-laws.

**9. Club Protection Policies**

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- 9.1 The Club shall adopt and / or develop policies, strategies and guidelines for the protection of all members from discrimination, harassment and child protection, as required by law and by the governing bodies.
- 9.2 The Club shall provide and support clear processes and procedures for the handling and resolution of any complaint.
- 9.3 The Club shall not allow any person deemed to be a 'prohibited person' or a 'registrable person' to work in the Club in any capacity.
- 9.4 All office bearers, coaches, assistant coaches, managers and any other volunteers working on behalf of the Club shall;
  - 9.4.1 complete any form required by law for the protection of children, or by the governing bodies or as deemed necessary by the Committee.
  - 9.4.2 agree to abide by and enforce any and all codes of conduct, anti-discrimination and/or protection policies adopted by the Club.
- 9.5 Failure to comply with the completion of any form required in Section 9.4.1, will render the person ineligible to work in any capacity within the Club.
- 9.6 The Club shall maintain records of all distribution of information processes relating to all protection policies.
- 9.7 The Club shall maintain accurate and detailed records of all matters relating to the handling of any complaint arising as a result of incidents relating to any of the protection policies.
- 9.8 The Club shall review the policies, strategies and guidelines for the protection of all members from discrimination, harassment and child protection, on an annual basis. This review shall consider content, ACT alterations and legal updates as well as implementation, facilitation and complaint processes.

### **10. Dissolution**

- 10.1 The Club shall be dissolved if:
  - a) a resolution to this effect is carried by a General Meeting, fourteen (14) days of notice of the proposed resolution having been given
  - b) financial membership falls to below ten (10) or less members.
- 10.2 If upon the dissolution of the Club there remains, after satisfaction of any debts and liabilities, any property or funds whatsoever, the same shall not be distributed or paid among the members of the Club but shall be transferred or given to some other Club or institution having objects similar to those of the Club, to be determined by members of the Club at or before the time of dissolution, and in default thereof as may be directed upon application to the Supreme Court of Australia in that behalf.

### **11. Amendments or Alterations of Rules**

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These rules may be altered, rescinded or added to only by a four-fifths majority at a General Meeting provided seven (7) days notice of the proposed amendment has been given to all members.

### 12. Rule Interpretation

#### 12.1 Definitions

For the purposes of these rules:

**the Association** means the governing body of whom the clubs in the Illawarra Junior Australian Football League are affiliated.

**the League** means the committee governing the Illawarra Junior Australian Football competition.

**contact details** means either a postal address or an email address.

**ordinary member** means a member of the committee who is not an office-bearer of the club, as referred to in rule

**secretary** means: (a) the person holding office under these rules as secretary of the Club, or (b) if no such person holds that office – the public officer of the Club.

**special general meeting** means a general meeting of the association other than an annual general meeting.

**casual vacancy** is any office bearer's position which is unfilled due to a lack of nominations or becomes unfilled during a term due to a member being unable to fulfill the duties of that office.

12.2 Any doubt arising as to the application or meaning of any clause shall be decided by the Committee whose decision will remain until altered by a vote of a General Meeting, whose decision shall then be final and conclusive.

12.3 If any case occurs which, in the opinion of the Committee, is not provided for in this constitution, it shall be determined by the Committee in such manner as deemed expedient.

#### 12.4 Service of notices

- a) For the purpose of these rules, a notice may be served on or given to a person:
  - i. by delivering to the person personally, or
  - ii. by sending it by pre-paid post to the address of the person, or
  - iii. by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- b) for the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
  - i. in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - ii. in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and

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- iii. in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent, or if the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.
- iv.

### **13. Copies of Constitution**

The Secretary shall supply a copy of this constitution, without charge, upon reasonable request, to any new member or existing member.

### **14. Custody and Use of Common Seal**

The Club shall have a Common Seal, which shall consist of the words Figtree AFC. The seal shall be kept in the custody of the Secretary and shall only be affixed by the Secretary to documents at a meeting of the Committee and in pursuance of a resolution of the Committee; the affixing of the same shall be attested to by at least two (2) members of the Committee.