

**BORONIA HAWKS FOOTBALL NETBALL CLUB INCORPORATED - A0008165X**

**CONSTITUTION - OCTOBER 2023**

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# **Boronia Hawks Football Netball Club Inc. A0008165X**

## **Rules for Boronia Hawks Football Netball Club Inc.**

**Note** - The persons who from time to time are members of the Club are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the Associations Incorporation Reform Act 2012, these Rules are taken to constitute the terms of a contract between the Association and its members.

## **PART 1 - PRELIMINARY**

### **1 Name**

The name of the incorporated association is "Boronia Hawks Football Netball Club Incorporated" (**BHFNC**).

**Note:** Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

### **2 Purposes**

The purpose of the Club is through Australian Rules Football and Netball to ensure people within our community have access to well organised and well managed sporting opportunities that maximise positive health outcomes and support individual, family and community growth.

The Club will do this by:

- Providing a safe non-threatening environment that engenders participation of all.
- Promoting a team sport by providing a structure under which members can participate and develop.
- Encouraging leadership and development through sport.
- Providing pathways for individuals who wish to pursue further football or netball development opportunities.
- Promoting volunteer and community participation.
- Ensuring the club's viability and stability for future generations to come.

The Boronia Hawks Football Netball Club prides itself on being a family and community -based club. We strive to provide fair administration based on these Incorporated Association Rules and all associated club policy documents.

### **3 Financial Year**

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

### **4 Definitions**

In these Rules:

## **Boronia Hawks Football Netball Club Inc. A0008165X**

***absolute majority*** of the Board or Committees means a majority of the board or committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

***board*** means executive level management of the business of the Club;

***chairperson*** means Chairman of all Club operations including Auskick, Football & Netball;

***a chairperson*** of a general meeting or committee meeting means the person chairing the meeting as required under rule 47;

***a committee*** means the Senior and/or Junior Committee or other sub-committee that may be approved by the Board;

***committee meeting*** means a meeting of the Senior and/or Junior Committee or other sub-committee that may be approved by the Board held in accordance with these Rules;

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

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

***disciplinary meeting*** means a meeting of the Committee convened for the purposes of rule 21;

***disciplinary subcommittee*** means the subcommittee appointed under rule 20;

***financial year*** means the 12 months period specified in rule 3;

***Director of Administration*** means administration controller of all Club operations.

***Director of Finance*** means financial controller of all Club operations.

***Director of Community and Inclusion*** means director of Club operations in respect of community and inclusion programs;

***General Committee*** means having general levels of management of the business of the Club;

***General Manager*** means day to day manager of Club operations as directed by the Board.

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

***Juniors*** means teams consisting of players under 18 years of age; or as determined by the league or association;

***Junior Committee*** means a committee responsible for all Junior Football Operations;

***Junior President*** means President responsible for all Junior Football Operations;

***Junior Secretary*** means Secretary responsible for all Junior Football Club operations;

***Junior Treasurer*** means Treasurer responsible for all Junior Football Club Operations;

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**Junior Vice President** means Vice President responsible for all Junior Football Operations;

**member** means a member of the Club. A financial member of the Club in a playing or non-playing capacity;

**member entitled to vote** means a member who under rule 14(2) is entitled to vote at a general meeting;

**rules** mean the rules of the Constitution or as determined by the Officiating League;

**Seniors** means teams consisting mainly of players over 18 years of age or as determined by the league or association;

**Senior President** means President responsible for all Senior Football and Netball Club Operations;

**Senior Secretary** means Secretary responsible for all Senior Football and Netball Club Operations;

**Senior Treasurer** means Treasurer responsible for all Senior Football and Netball Club Operations;

**Senior Vice President** means Vice President responsible for all Senior Football and Netball Club Operations;

**special resolution** means a resolution that requires majority of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

**temporary member** means a member referred to in rule 8(5);

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

**the Club** means Boronia Hawks Football Netball Club Incorporated (**BHFNC**)

## **PART 2 - POWERS OF ASSOCIATION**

### **5 Powers of Association**

1. Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.
2. Without limiting sub rule (1), the Club may:
  - a. acquire, hold and dispose of real or personal property;
  - b. open and operate accounts with financial institutions;
  - c. invest its money in any security in which trust monies may lawfully be invested;
  - d. raise and borrow money on any terms and in any manner as it thinks fit;
  - e. secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - f. appoint agents to transact business on its behalf;
  - g. enter into any other contract it considers necessary or desirable.

3. The Club may only exercise its powers and use its income and assets (including any surplus) for its purposes.

## **6 Not for Profit Organisation**

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

**Note:** Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

## **PART 3 - MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES**

### **Division 1 - Membership**

#### **7 Minimum number of members**

The Club must have at least 50 members.

#### **8 Membership Classification**

The Club can consist of any of the following classes of membership.

##### **1. Full Member**

A person aged not less than 18 years may become a Full Member of the Club on payment of the amount due under the Rules and may include:

- a. Any player 18 years and over whom has paid the amount due under the Rules.
- b. Any person who has paid the amount due under the Rules.
- c. One parent of a junior player (or family) who has paid the amount due under the Rules.
- d. Any person elected on the committee or who has an official club role shall be given honorary full club membership with voting rights and this club membership shall be for the period of their tenure.

##### **2. Life Member**

- a. Any member of the Club may be nominated for consideration as a Life Member of the Club as mark of high esteem in appreciation of exceptional services, by any two other members of the Board or Committees.



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- Nominations in writing should include the member's reasons for putting forward the candidate for Life Members and use an official BHFNC Life Membership Nomination Form.
- b. A member of the club will be automatically nominated provide they satisfy at least one of the following criteria and have provided significant an loyal contribution to the club:
  - i. Be a board member of the Club with a least 6 years voluntary service or a committee member of 10 years voluntary service; or
  - ii. Playing career;
    - Senior Men's: Played at least 200 Senior/Premier grade or 250 open age games as a member of the Club;
    - Senior Women's: Played at last 150 Senior/Premier grade or 200 open age games as a member of the Club;
    - Netball: Played at least 150 Senior/Premier grade or 200 open age games as a member of the Club\*;
  - iii. Coaching career;
    - Senior Men's: Coached at least 150 Senior/Premier grade or 200 open age games as a member of the Club.
    - Senior Women's: Coached at least 120 Senior/Premier grade or 150 open age games as a member of the Club.
  - iv. Provided a significant and loyal contribution to the Club for more than 20 years of voluntary service.
- c. Satisfaction of sub rule 2b does not infer automatic granting of life membership.
- d. The board shall verify or check the information provided in the nomination and upon satisfaction as to the eligibility and suitability of the candidate the Board shall vote to elect a Life Member.,
- e. No member shall become a Life Member unless the candidate receive at least 75% of votes from the Board members present at the elections; if the Board members are evenly divided the Chairperson presiding may exercise a second or casting vote.
- f. The criteria for candidature as described herein may be adjusted in extreme circumstances including but not limited to posthumous Life Membership, at the discretion of the Board.
- g. A Life Member of the Club will be presented with a plaque at the Club Presentation Night to recognise and commemorate their significant contribution of the Club and will be record at the Annual General Meeting each year.
- h. A Life Member shall have full privileges of the Club and shall not be obliged to pay any future subscription or levies.
- i. Only two candidates may be conferred with Life Membership each year.

### **3. Junior Member**

Any person under the age of eighteen years may be a Junior Member of the Club upon payment of the amount due under the Rules but will not be eligible for voting rights until attaining the age of eighteen years.

### **4. Social Member**

- a. Any person over the age of eighteen years may be admitted as a Social Member upon payment of the amount due under the Rules.
- b. A Social Member of the Club shall be entitled to all the privileges of the Club.
- c. A member of a Board approved Coterie or Supporter group shall be deemed to be a Social Member of the Club.

### **5. Temporary Member**

- a. Members and supporters of other Football Clubs present at the Club for the purpose of playing or officiating, or spectators, or other invited guests of the Club may be Temporary Members for that spectating day without payment of any amount and submitting a written application to a Committee Member as provided in rule 10 below.
- b. A Temporary Member shall be entitled to use the amenities of the Club.
- c. A Temporary Member shall not be entitled to vote or speak at any Club election or Club meeting, shall not be entitled to offer themselves for membership of any of the Club Committees and shall not be entitled to introduce visitors to Club premises.
- d. The Committee shall have the power to withdraw any or all privileges from a Temporary Member.

## **9 Who is eligible to be a members**

Any person who supports the purposes of the Club is eligible for membership.

## **10 Application for membership**

1. To apply to become a social member of the Club, a person must submit an application to a Committee member stating that the person:
  - a. wishes to become a member of the Club;
  - b. supports the purposes of the Club; and
  - c. agrees to comply with these Rules.
2. The application:
  - a. must be signed by the applicant and / or submitted electronically as per Club requirements.

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- b. may be accompanied by the joining fee or full membership fee determined by the Club.

**Note:** The joining fee is the fee (if any) determined by the Club under rule 13.

### 3. Player registration:

- a. must be signed by the applicant and parent or legal guardian; or
- b. submitted electronically as per Club and Officiating League requirements; and
- c. may be accompanied by the joining fee or full membership fee determined by the Club.

## **11 Consideration of application**

1. All applications are to be considered approved unless they are rejected at the next Committee meeting.
2. If the Committee rejects the application, it must return any money accompanying the application to the applicant.
3. No reason need be given for the rejection of an application.

## **12 New membership**

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

## **13 Annual subscription and fee on joining**

1. Generally, at the first Board meeting, the Board must determine:
  - a. the amount of the annual subscription (if any) for the following financial year;
  - b. the date for payment of the annual subscription.

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2. The Board may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to:
  - a. the full annual subscription;
  - b. or a prorata annual subscription based on the remaining part of the relevant season;
  - c. or a fixed amount determined from time to time by the Board.
3. The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

### **14 General rights of members**

1. A member of the Club who is entitled to vote as the right:
  - a. to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules;
  - b. to submit items of business for consideration at a general meeting;
  - c. to attend and be heard at general meetings;
  - d. to vote at a general meeting;
  - e. to have access to the minutes of general meetings and other documents of the Club as provided under rule 76;
  - f. and to inspect the register of members.
2. A member is entitled to vote if:
  - a. the member is a Full Member; and
  - b. more than 10 business days have passed since he or she became a member of the Club; and
  - c. the member's membership rights are not suspended for any reason; and all subscription fees are paid and no money, fees or fines are outstanding.
3. No member shall be eligible for selection for any team representing the club in any organised competition unless his/her annual subscription has been paid by the due date.
4. If a member by any breach of these Rules or by any unlawful act causes the Club or an officer of the Club to pay any moneys or to become liable for the payment of moneys such member shall be civilly liable to the Club or to such officer for the amount so paid or due to be paid.

### **15 Right not transferable**

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

## **16 Ceasing membership**

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

## **17 Resigning as a member**

1. A member may resign by notice in writing given to the Committee.

**Note:** Rule 75(3) sets out how notice may be given to the Club. It includes by post or by handing the notice to a member of the committee.

2. A member is taken to have resigned if:
  - a. the member's annual subscription is more than 12 months in arrears; or
  - b. where no annual subscription is payable if:
    - i. the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
    - ii. the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

## **18 Register of members**

1. The Senior Secretary and/or Registrar must keep and maintain a register of members that includes:
  - a. for each current member
    - i. the member's name;
    - ii. the address of the member;
    - iii. the email address
    - iv. the date of becoming a member;
    - v. any other information determined by the Committee; and
  - b. for each former member, the date of ceasing to be a member.
2. Any member may, at a reasonable time and free of charge, inspect the register of members.

**Note** - Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

## **DIVISON 2 - DISCIPLINARY ACTION**

### **19 Grounds for taking disciplinary action**

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

- a. has failed to comply with these Rules and /or any associated policies or bylaws; or
- b. refuses to support the purposes of the Club; or
- c. has engaged in conduct prejudicial to the Club.

### **20 Disciplinary sub-committee**

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

### **21 Notice to member**

1. Before disciplinary action is taken against a member, the Director of Administration (or member of the Board on behalf of) must give written notice to the member—
  - a. stating that the Club proposes to take disciplinary action against the member; and
  - b. stating the grounds for the proposed disciplinary action; and
  - c. specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (*the disciplinary meeting*); and
  - d. advising the member that he or she may do one or both of the following—
    - i. Attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
    - ii. give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
  - e. setting out the member's appeal rights under rule 23.
2. The notice must be given no earlier than 7 days, and no later than 3 days, before the disciplinary meeting is held.

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3. An initial verbal notice is permissible in an extreme case as deemed necessary by a member of the Board, upon which must be followed up by a written notice as per rule 21(1) above.

### **22 Decision of sub-committee**

1. At the disciplinary meeting, the disciplinary subcommittee must—
  - a. give the member an opportunity to be heard; and
  - b. consider any written statement submitted by the member.
2. After complying with sub rule (1), the disciplinary subcommittee may—
  - a. take no further action against the member; or (b) (i) reprimand the member; and/or
  - b. suspend the membership rights of the member for a specified period; and/or (iii) expel the member from the Club; and/or
  - c. fine the member;
3. The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

### **23 Appeal rights**

1. A person whose membership rights have been suspended, who has been expelled from the Club or fined under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension, expulsion or fine.
2. The notice must be in writing and given—
  - a. to the disciplinary subcommittee immediately after the vote to suspend, expel or fine the person is taken; or
  - b. to the Director of Administration not later than 48 hours after the vote.
3. If a person has given notice under sub rule (2), a *disciplinary appeal meeting* must be convened by the Committee as soon as practicable, but in any event not later than 7 days, after the notice is received.

### **24 Conduct of disciplinary appeal meeting**

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

- c. the person whose membership has been suspended, who has been expelled or fined must be given an opportunity to be heard.

## **DIVISION 3 - GREIVANCE PROCEDURES**

### **25 Application**

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

### **26 Parties must attempt to resolve the dispute**

The parties to a dispute must attempt to resolve the dispute between themselves within 7 days of the dispute coming to the attention of each party.

### **27 Appointment of mediator**

1. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 3 days—
  - a. notify the Board of the dispute; and
  - b. agree to or request the appointment of a mediator; and
  - c. attempt in good faith to settle the dispute by mediation.
2. The mediator must be—
  - a. a person chosen by agreement between the parties; or
  - b. in the absence of agreement—
    - i. If the dispute is between a member and another member—a person appointed by the Board; or
    - ii. If the dispute is between a member and the Committee/Board or a member and the Club—a person appointed or employed by the Dispute Settlement Centre of Victoria or the Victorian Governing Body of the competition or a Justice of the Peace agreed to by the parties of the dispute.



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3. A mediator appointed by the Board may be a member or former member of the Club but in any case must not be a person who—
  - a. has a personal interest in the dispute; or
  - b. is biased in favour of or against any party.

### **28 Mediation process**

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

### **29 Failure to resolve dispute by mediation**

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

## **PART 4 - GENERAL MEETINGS OF THE ASSOCIATION**

### **30 Annual general meetings**

1. The Board must convene an annual general meeting of the Club to be held within 5 months after the end of each financial year.
2. The Board may determine the date, time and place of the annual general meeting.
3. The ordinary business of the annual general meeting is as follows—
  - a. to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
  - b. to receive and consider—
    - i. the annual report of the Board & Committee(s) on the activities of the Club during the preceding financial year; and
    - ii. the financial statements of the Club for the preceding financial year submitted by the Board in accordance with Part 7 of the Act;
  - c. to elect the members of the Board & Committee(s);

## **Boronia Hawks Football Netball Club Inc. A0008165X**

4. The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

### **31 Special general meetings**

1. Any general meeting of the Club, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
2. The Board may convene a special general meeting whenever it thinks fit.
3. No business other than that set out in the notice under rule 33 may be conducted at the meeting.

**Note** - General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

### **32 Special general meetings held at request of members**

1. The Board must convene a special general meeting if a request to do so is made in accordance with sub rule (2) by at least 20% of the total number of members
2. A request for a special general meeting must—
  - a. be in writing; and
  - b. state the business to be considered at the meeting and any resolutions to be proposed; and
  - c. include the names and signatures of the members requesting the meeting; and
  - d. be given to the Director of Administration.
3. If the Board does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
4. A special general meeting convened by members under sub rule (3)—
  - a. must be held within 3 months after the date on which the original request was made; and
  - b. may only consider the business stated in that request.

### **33 Notice of general meetings**

1. The Director of Administration (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Club—

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- a. At least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - b. at least 14 days' notice of a general meeting in any other case.
2. The notice must—
- a. specify the date, time and place of the meeting; and
  - b. indicate the general nature of each item of business to be considered at the meeting; and
  - c. if a special resolution is to be proposed—
    - i. state in full the proposed resolution; and
    - ii. state the intention to propose the resolution as a special resolution; and
  - d. comply with rule 34(4).
3. This rule does not apply to a disciplinary appeal meeting.  
**Note** - Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

### **34 Proxies**

1. A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
2. The appointment of a proxy must be in writing and signed by the member making the appointment on the approved form.
3. The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
4. Notice of a general meeting given to a member under rule 33 must
  - a. state that the member may appoint another member as a proxy for the meeting; and
  - b. include a copy of any form that the Board has approved for the appointment of a proxy.
5. A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
6. A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club no later than 24 hours before the commencement of the meeting.

### **35 Use of technology**

1. A member not physically present at a general meeting may be permitted to participate in the meeting by the use of visual technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other. Such member must be verified by the Director of Administration.
2. For the purposes of this Part, a member participating in a general meeting as permitted under sub rule (1) is taken to be present at the meeting and, if the member votes at the meeting is taken to have voted in person.
3. The Club is not bound to make such technology available. If a member requires such then he/she may organise at their own expense.

### **36 Quorum at general meetings**

1. No business may be conducted at a general meeting unless a quorum of members is present.
2. The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 4 of the members entitled to vote.
3. If a quorum is not present within 30 minutes after the notified commencement time of a general meeting -
  - a. in the case of a meeting convened by, or at the request of, members under rule 32— the meeting must be dissolved;

**Note** – If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

- b. in any other case—
      - i. the meeting must be adjourned to a date not more than 21 days after the adjournment; and
      - ii. notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
4. If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under sub rule (3)(b), the members present at the meeting (if not fewer than 11) may proceed with the business of the meeting as if a quorum were present.

### **37 Adjournment of general meeting**

1. The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
2. Without limiting sub rule (1), a meeting may be adjourned—
  - a. if there is insufficient time to deal with the business at hand; or
  - b. to give the members more time to consider an item of business.

#### **Example**

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

3. No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
4. Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

### **38 Voting at general meeting**

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

### **39 Special resolutions**

A special resolution is passed if at least 75% of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

**Note** - In addition to certain matters specified in the Act, a special resolution is required—

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- a. to remove a committee member from office;
- b. to alter these Rules, including changing the name or any of the purposes of the Club.

### **40 Determining whether resolution carried**

1. Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
  - a. carried; or
  - b. carried unanimously; or
  - c. carried by a particular majority; or
  - d. lost—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

2. If a poll (where votes are cast in writing) is demanded by three or more members on any question—
  - a. the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
  - b. the Chairperson must declare the result of the resolution on the basis of the poll.
3. A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
4. A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

### **41 Minutes of general meeting**

1. The Board and Committee's must ensure that minutes are taken and kept of each general meeting.
2. The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
3. In addition, the minutes of each annual general meeting must include—
  - a. the names of the members attending the meeting; and
  - b. proxy forms given to the Chairperson of the meeting under rule 34(6); and
  - c. the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
  - d. the certificate signed by two Board members certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and

- e. any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

## **PART 5 - COMMITTEE**

### **Division 1 - Powers of Boards & Committee/s**

#### **42 Role and powers**

1. The business of the Club must be managed by or under the direction of a Board.
2. The Board may exercise all the powers of the Club except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Club.
3. The Board may establish subcommittees consisting of members with terms of reference it considers appropriate.

#### **43 Delegation**

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

### **Division 2 - Composition of Board and duties of members**

#### **44 Composition of Board**

1. The Executive Board consists of
  - a. Chairperson; and
  - b. a Director of Administration; and
  - c. a Director of Finance; and
  - d. a Senior President; and
  - e. a Junior President; and
  - f. a Director of Community and Inclusion; and
  - g. Up to three additional Directors with portfolios determined by the Board

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2. The Board consists of ordinary members elected under rule 55 with a maximum of 9 and a minimum of 6.

### **45 Composition of Senior Committee**

1. The Senior Committee consists of
  - a. President; and
  - b. a Vice President; and
  - c. a Secretary; and
  - d. a Treasurer; and
  - e. a Football Operations Manager Men's; and
  - f. A Football Operations Manager Women's; and
  - g. A Netball Operations Manager; and
  - h. Up to three additional committee members with portfolios determined by the Committee
2. The Committee consists of ordinary members elected under rule 55 with a maximum of 12 and a minimum of 6

### **46 Composition of Junior Committee**

1. The Junior Committee consists of
  - a. President; and
  - b. a Vice President; and
  - c. a Secretary; and
  - d. a Treasurer; and
  - e. An Auskick Co-ordinator; and
  - f. A Registrar; and
  - g. Up to four additional committee members with portfolios determined by the Committee
2. The Committee consists of ordinary members elected under rule 55 with a maximum of 10 and a minimum of 6



## **47 Power and Duties of the Board**

1. The sole management of the Club, including dismissal of all servants of the Club, shall be in the hands of the Board which shall have the power to perform acts and deeds that appear to the Board as necessary or essential in the interests of or for the proper management of the Club.
2. The Board shall have power to make, amend or repeal any Club policies that may appear to the Board as necessary or essential in the interests of or for the proper conduct of the affairs of the Club.
3. No such rule or regulation shall be inconsistent with or shall affect or repeal anything contained in this Constitution.
4. The Board shall have power to determine the division of members into different classes of members.
5. The Board shall have the right to refuse membership to any person without assigning any reason for doing so.
6. The Board shall have power to fix penalties for violation of the Club policies or the Constitution's rules and regulations or for misconduct which, in the opinion of the Board, is detrimental to the welfare of the Club and to enforce or rescind such penalties.
7. The Board shall meet when considered necessary.
8. Five (5) members of the Board, present in person or by proxy shall form a quorum at any meeting of the Board of Management.
9. The Board shall have power to invite any person to any meeting deemed necessary.
10. The Board shall have power to borrow raise or secure the payment of money in any such manner as the Board shall think fit and in particular by the issue of debentures or debenture stock, perpetual or otherwise charged upon all or any of the Club's property both present and future.
11. The Board shall have the power:
  - a. to interpret the Rules of the Club or any word or expression used in the Constitution in the event of any doubt or difficulty, with the interpretation being final and binding on all members subject to confirmation or contradiction by a special general meeting of members that may be called for that purpose.
  - b. to carry out all resolutions passed at any annual general meeting or special general meeting of the Club.
  - c. on the authority of the annual general meeting or special general meeting of the Club to impose levies on members.
  - d. to deal with members resignations which must be in writing. (e) to initiate and or enforce the discipline of any member.
  - e. to deal with other matters which may arise or which are not specifically provided for in the Constitution of the Club.

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12. The Board shall keep correct books of account showing the financial affairs of the Club and the particulars usually shown in the books of account of like nature.
13. The Board shall authorise all expenditure including any expenditure passed on at the annual general meeting or special general meeting of the Club.
14. The Board shall direct the method of dealing with monies received for and on behalf of the Club.
15. The Board shall have power to appoint an assistant or assistants to the Director of Finance.
16. The Board shall submit to members a statement containing the following:
  - a. the income and expenditure of the Club during its last financial year.
  - b. the assets and liabilities of the Club at the end of its last financial year.
  - c. the Mortgages, charges and securities affecting any of the property of the Club at the end of its last financial year.
17. The Board has the power to
  - a. appoint a Club member to an unoccupied position on the Committees.
  - b. appoint a Club member to an unoccupied position on the Board.

### **48 General Duties**

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

**Note** - See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

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

### **49 Chairman and Presidents**

1. Subject to sub rule (2), the Chairperson, or in the Chairperson's absence, the Senior or Junior President will be the Chairperson for any general meetings.
2. If the Senior or Junior Presidents and Senior or Junior Vice-Presidents are absent from a committee meeting, or are unable to preside, the meeting must be postponed

### **50 Director of Administration**

1. The Director of Administration must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

**Example** - Under the Act, the Director of Administration of an incorporated association is responsible for lodging documents of the Club with the Registrar.

2. The Director of Administration must—
  - a. keep custody of the common seal (if any) of the Club and, except for the financial records referred to in rule 71(3), all books, documents and securities of the Club in accordance with rules 74 and 75; and
  - b. subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
  - c. perform any other duty or function imposed on the Director of Administration by these Rules.
3. The Director of Administration must give to the Registrar notice of his or her appointment within 14 days after the appointment.

### **51 Director of Finance**

1. The Director of Finance and or Treasurers must -
  - a. receive all moneys paid to or received by the Club and issue receipts for those moneys in the name of the Club; and
  - b. ensure that all moneys received are paid into the account of the Club within 7 working days after receipt; and
  - c. make any payments authorised by the Board/Committees or by a general meeting of the Club from the Club's funds; and
  - d. ensure cheques, EFT or other electronic payments payments are authorised by at least two (2) Board members or one (1) Board Member and a Treasurer.

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2. The Director of Finance must -
  - a. ensure that the financial records of the Club are kept in accordance with the Act; and
  - b. coordinate the preparation of the financial statements of the Club and their certification by the Board prior to their submission to the annual general meeting of the Club.
3. The Director of Finance must ensure that at least one other Board member has access to the accounts and financial records of the Club.

### **Division 3 - Election of Board/Committee members and tenure of office**

#### **52 Who is eligible to be a Board/Committee member**

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

- a. is 18 years or over;
- b. is entitled to vote at a general meeting; and
- c. is financial.

#### **53 Positions to be declared vacant**

1. This rule applies to—
  - a. the first annual general meeting of the Club after its incorporation; or
  - b. any subsequent annual general meeting of the Club, after the annual report and financial statements of the Club have been received.
2. The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 55.

#### **54 Nominations**

1. Nominations of candidates for election as officers of the Club or as ordinary members of the Board/Committee must be –
  - a. made in writing, signed by two members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - b. delivered to the Director of Administration of the Club before the date fixed for the holding of the annual general meeting.
2. A candidate may only be nominated for one office, or as an ordinary member of the Board/Committee, prior to the annual general meeting.

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3. If insufficient nominations are received to fill all vacancies on the Board/Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.
4. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
5. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
6. The ballot for the election of officers and ordinary members of the Board/Committee must be conducted at the annual general meeting by show of hands.

### **55 Election of Board etc.**

1. At the annual general meeting, separate elections must be held for each of the following positions—
  - a. Chairperson;
  - b. Director of Administration;
  - c. Director of Finance;
  - d. Senior President;
  - e. Director of Community and Inclusion
  - f. Junior President;
  - g. additional Board positions as determined by the Board
2. If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
3. If more than one member is nominated, a ballot must be held in accordance with rule 55.
4. On his or her election, the new Chairman may take over as Chairperson of the meeting.

### **56 Election of committees**

1. The number of ordinary members of the Senior Committee consists of ordinary members elected under rule 55 with a maximum of 12 and a minimum of 6. The number of ordinary members of the Junior Committee consists of ordinary members elected under rule 55 with a maximum of 10 and a minimum of 6.
2. A single election may be held to fill all of those positions.
3. If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.

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4. If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 55.

### **57 Ballot**

1. If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
2. The returning officer must not be a member nominated for the position.
3. Before the ballot is taken, each candidate may make a short speech in support of his or her election.
4. The election must be by a show of hands.
5. The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
6. If the returning officer is unable to declare the result of an election under sub rule (10) because 2 or more candidates received the same number of votes, the returning officer must—
  - a. conduct a further election for the position in accordance with sub rules (4) to (5) to decide which of those candidates is to be elected; or
  - b. with the agreement of those candidates, decide by lot which of them is to be elected.

**Examples** - The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

### **58 Term of office**

1. Subject to sub rule (3) and rule 56, a board/committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
2. A board/committee member may be re-elected.
3. A general meeting of the Club may—
  - a. by special resolution remove a board/committee member from office; and
  - b. elect an eligible member of the Club to fill the vacant position in accordance with this Division.
4. A member who is the subject of a proposed special resolution under sub rule (3)(a) may make representations in writing to the Director of Administration or Chairman of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.

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5. The Director of Administration or Chairperson may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

### **59 Vacation of office**

1. A board/committee member may resign from the Board/Committee by written notice addressed to the Board or Committee.
2. A person ceases to be a board/committee member if he or she—
  - a. ceases to be a member of the Club; or
  - b. fails to attend (3) three consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 68

### **60 Filling casual vacancies**

1. The Board/Committee may appoint an eligible member of the Club to fill a position on the Board/Committee that—
  - a. has become vacant under rule 57; or
  - b. was not filled by election at the last annual general meeting.
2. If the position of Director of Administration becomes vacant, the Committee must appoint a member to the position within 28 days after the vacancy arises.
3. Rule 56 applies to any board/committee member appointed by the Board/Committee under subrule (1) or (2).
4. The Board/Committee may continue to act despite any vacancy in its membership.

### **61 Meetings of Committee**

1. The Board/Committee must meet at least 6 times in each year at the dates, times and places determined by the Board/Committee.
2. The date, time and place of the first board/committee meeting must be determined by the members of the Board/Committee as soon as practicable after the annual general meeting of the Club at which the members of the Board/Committee were elected.
3. Special board meetings may be convened by the Chairman or by any 4 members of the Board.

## **62 Notice of meetings**

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

## **63 Urgent meetings**

1. In cases of urgency, a meeting can be held without notice being given in accordance with rule 60 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
2. Any resolution made at the meeting must be passed by an absolute majority of the Board.
3. The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

## **64 Procedure and order of business**

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

## **65 Use of technology**

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



## **66 Quorum**

1. No business may be conducted at a board/committee meeting unless a quorum is present.
2. The quorum for a board/committee meeting is the presence (in person or as allowed under rule 63) of a majority of the board/committee members holding office.
3. If a quorum is not present within 30 minutes after the notified commencement time of a board/committee meeting—
  - a. In the case of a special meeting - the meeting lapses;
  - b. In any other case - the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 60.

## **67 Voting**

1. On any question arising at a board/committee meeting, each board/committee member present at the meeting has one vote.
2. A motion is carried if a majority of board/committee members present at the meeting vote in favour of the motion.
3. If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
4. Voting by proxy is permitted as approved by the Chairman.

## **68 Conflict of interest**

1. A board/committee member who has a material personal interest in a matter being considered at a board/committee meeting must disclose the nature and extent of that interest to the Board/Committee.
2. The member—
  - a. must not be present while the matter is being considered at the meeting; and
  - b. must not vote on the matter.

## **69 Minutes of meeting**

1. The Board/Committee must ensure that minutes are taken and kept of each board/committee meeting.
2. The minutes must record the following—
  - a. the names of the members in attendance at the meeting;

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- b. the business considered at the meeting;
- c. any resolution on which a vote is taken and the result of the vote;
- d. any material personal interest disclosed under rule 66.

### **70 Leave of absence**

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

## **Part 6 - Financial Matters**

### **71 Source of funds**

1. The funds of the Club may be derived from joining fees, annual subscriptions, donations, fund-raising activities, social activities, grants, levies, interest, sponsors contributions, bar trading, canteen trading and any other sources approved by the Committee.
2. Annual subscriptions, all levies and fines shall be deemed to be debts due and recoverable by the Director of Finance in the name of the Club.

### **72 Management of funds**

1. The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited.
2. Subject to any restrictions imposed by a general meeting of the Club, the Board may approve expenditure on behalf of the Club.
3. All EFT, cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by at least two (2) Board members or one (1) Board Member and a Treasurer.
4. All funds of the Clubs must be deposited into the financial account of the Club no later than 7 working days after receipt.
5. With the approval of the Board, the Treasurers may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

### **73 Financial records**

1. The Club must keep financial records that—
  - a. correctly record and explain its transactions, financial position and performance; and
  - b. enable financial statements to be prepared as required by the Act.
2. The Club must retain the financial records for 7 years after the transactions covered by the records are completed.
3. The Director of Finance must keep in his or her custody, or under his or her control—
  - a. the financial records for the current financial year; and
  - b. any other financial records as authorised by the Board.

### **74 Financials statements**

1. For each financial year, the Board must ensure that the requirements under the Act relating to the financial statements of the Club are met.
2. Without limiting subrule (1), those requirements include—
  - a. the preparation of the financial statements;
  - b. if required, the review or auditing of the financial statements;
  - c. the certification of the financial statements by the Board;
  - d. the submission of the financial statements to the annual general meeting of the Club;
  - e. the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

## **Part 7 - General Matters**

### **75 Common seal**

1. The Club may have a common seal.
2. If the Club has a common seal—
  - a. the name of the Club must appear in legible characters on the common seal;
  - b. a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
  - c. the common seal must be kept in the custody of the Director of Administration.

## **76 Registered address**

1. The registered address of the Club is—
  - a. the address determined from time to time by resolution of the Committee; or
  - b. if the Committee has not determined an address to be the registered address— the postal address of the Director of Administration.

## **77 Notice requirements**

1. Any notice required to be given to a member or a board/committee member under these Rules may be given—
  - a. by handing the notice to the member personally; or
  - b. by sending it by post to the member at the address recorded for the member on the register of members; or
  - c. by email
2. Subrule (1) does not apply to notice given under rule 63.
3. Any notice required to be given to the Club or the Board/Committee may be given—
  - a. by handing the notice to a member of the Board/Committee; or
  - b. by sending the notice by post to the registered address; or
  - c. by leaving the notice at the registered address; or
  - d. by email to the email address of the Club or the Director of Administration

## **78 Custody and inspection of books and records**

1. Members **may on request inspect free of charge**—
  - a. the register of members;
  - b. the minutes of general meetings;
  - c. subject to sub rule (2), the financial records, books, securities and any other relevant document of the Club, including minutes of board/committee meetings.

**Note** - See note following rule 18 for details of access to the register of members.

2. The Board may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.
3. The Board must on request make copies of these rules available to members and applicants for membership free of charge.

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4. A member may not make a copy of any records of the Club referred to in this rule.
5. For purposes of this rule—

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

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

### **79 Winding up and cancellation**

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

### **80 Alteration of Rules**

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

**Note** - An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Club is taken to have adopted its own rules, not the model rules.

### **81 Colours**

The colours of the Club shall be brown & gold and shall be worn by all teams representing the Club in competitive sports subject to the conditions, rules and regulations of the bodies in which the club is represented.

## **82 Appointment of Coaches**

The Committees or appointed delegate/s must advertise for and shall appoint a coach or coaches for all teams for the following season on such conditions as it thinks fit subject to ratification by the Board.

## **83 Appointment of Captains and Vice-Captains**

The Captain and Vice-captain of any team representing the Senior Club shall be appointed by the Coach of the teams subject to ratification by the Board or appointed delegate.

## **84 Indemnity of all Officers**

If any Board/Committee members in their offices as such have paid or are liable to pay money for any act, default, or any omission of or by any other person such money shall be refunded to such office bearer of the Club.

## **85 Bank Accounts**

1. The Bank accounts of the Club shall be kept with such bank, or other financial institutions as from time to time appointed by the Board and all monies banked therein.
2. Any investment accounts held by the Club must require three (3) signatories of the Board
3. All bank accounts shall be in the name of "*Boronia Hawks Football Netball Club Inc*".
4. Bank accounts shall not be opened until approved by the Board.
5. All bank accounts of the Club shall have the registered signatories of the Chairperson, Presidents, Director of Finance and The Treasurers.
6. All cheques drawn on the Club accounts shall be signed by at least two (2) Board members or one (1) Board Member and a Treasurer registered with the Bank.

## **86 Employees Personnel**

1. All positions of employment of the Club must be made vacant at the end of the Clubs financial year and must be advertised if that position is to be refilled or as the Board sees fit.
2. People holding positions of employment within the Club may not hold an official voting position on any Board/Committee.

**Part 8 - Junior By-laws**

**BORONIA JUNIOR FOOTBALL CLUB (INCORPORATED)**

**A0004878P**

**CLUB BY-LAWS**

**PART A. MANAGEMENT AND FINANCIAL**

1. Standing orders at Junior Committee of Management meetings will be:
  - d. Members Present
  - e. Apologies
  - f. Previous Minutes
  - g. Secretary's Report
  - h. Treasurer's Report
  - i. Other Reports
  - j. General Business
2. Conventional rules of debate shall apply at all meetings. A motion must be put and seconded before there is any debate on the matter. Speakers shall have a maximum time of three minutes.
3. The Annual Subscriptions for the ensuing twelve months shall be determined at the first Committee meeting after the date of the affiliated Associations Annual General Meeting. Any outstanding fees from prior seasons MUST be recouped from the family before registration will be accepted for the new season.
4. The following matters shall be determined after the first committee following the Annual General Meeting:
  - a. Age Groups for the following season
  - b. Upon availability of players, the club will only field teams covering all age groups from under 8's through to and including under 17's.
  - c. Commencement date of training
  - d. Advertising re Players and date of Club/Player Registration day
  - e. Confirmation of all coaches for the following season
5. To avoid any conflict of interest the Team Manager(s) may not be in a de facto or spousal relationship with the team coach.
6. Age groups commence on the first of January of the current year. The date of birth of the player will determine the age group the player shall play in. A player wishing to play outside of their age group must completed a BHFNC player permit. The permit must be submitted to the Junior Secretary a minimum 48 hours prior to the players first game. The player must not play until

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permission is granted. Permit players will be monitored during the season. The club services the right to rescind a permit at any time.

7. For non competitive age groups being Under 8, 9 and 10 the wearing of helmets is compulsory for all games and will be supplied by the Club. For all competitive age groups the wearing of helmets is optional and will be supplied by the club.
8. The appointment of coaches shall be approved by the Committee using the following procedure:
  - a. In the week following the completion of Round 12 of the current season the positions of all Coaches for the following season shall be appropriately advertised for at least two weeks.
  - b. The applications must be in writing and delivered to the Secretary by the closing date specified in the relevant advertisements or at such latter date as agreed by the Committee.
  - c. The Committee shall appoint a sub-committee of at least three (3) members who shall be responsible for arranging, conducting and reporting back to the committee at the next general committee meeting the results of the interviews.
  - d. At the interview each applicant must be acquainted in writing with the Committee requirements of Club Coaches as set out by the coaching Code of Conduct.
  - e. The Committee shall receive the sub-committee reports and by resolution either accept or reject the application. This notification can be in the form of email or text. Majority of Committee acceptance or rejection rules.
  - f. All applicants must then be notified in writing and/ or by phone call as to the success or failure of their application.
  - g. Successful applicants are required to advise their acceptance in writing or by phone call or email of both the position and the Committee requirements of Club Coaches (The Coach's Code of Conduct).
  - h. The preferred length of time that a coach can coach the same team is two consecutive years. Extension beyond the two years will be at the Committee's discretion. Existing coaches wishing to continue coaching must submit a new application each year.
9. For all age groups up to and including Under 17, a limit of 26 players will apply with any subsequent players put on a waiting list for a 2nd team. Teams should be rotated on a fair and equitable basis during the home and away season subject to a reasonable training attitude. Teams playing in finals will field the best team and club loyalty will be considered.
10. Any player playing a fifty (50) or hundred (100) game or one hundred and fifty (150) match must be given the opportunity to play a full game subject to reasonable training attitude unless in finals where best team will be chosen for finals .
11. The Best and Fairest and Runner-up Best and Fairest player in each competitive age group shall be determined as follows:
  - a. A coaching panel (comprising of coach, assistant coach and one other member of team management group) and two (2) families shall vote at each match independently noting five award winners. The coaching panel to award 1 player with 6 votes, 1 player with 5 votes, 1 player with 4 votes, 1 player with 3 votes and 1 player with 2 votes (being 6 - 5 -



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- 4 - 3 - 2 and five different players). The two (2) families to each award 1 player with 3 votes, 1 player with 2 votes, and three other players with 1 vote each (being 3 - 2 - 1 - 1 - 1 and five different players) respectively to the players considered to be best and fairest in the match for the Boronia Hawks Football Netball Club Inc.
- b. It shall be the Team Manager's responsibility to ensure the voting over the season is well distributed and that all families are on a roster system and that all individuals are counselled in good voting procedure.
  - c. Completed votes must be sealed by the voter and returned to the Team Manager who will pass them on to the Secretary or other Committee Member nominated by the Committee for safe custody until the official vote count.
  - d. The official vote count shall be conducted at a date nominated by the Committee.
  - e. The Best and Fairest winner shall be the player receiving the highest number of votes and the Runner-up Best and Fairest the player who receives the next highest number of votes.
  - f. In the event of an equality of votes for either Best and Fairest or Runner-up Best and Fairest then the players receiving the equal votes shall be declared equal winners of the category with no count back being conducted.
  - g. In the event of an equality of votes for the Best and Fairest player the Runner-up Best & Fairest category will still be awarded.
  - h. During the fixtured season any player suspended by the EFL or Boronia Junior Football Club, at the discretion of the committee may be eligible to win an end of season award.
  - i. After the count of each teams votes has been completed, verified and the results recorded by the Secretary the votes and tally sheets shall be destroyed.
12. For competitive age groups The Club shall provide (5) trophies each Season for each team with two (2) allocated to the Best and Fairest and Runner-Up Best and Fairest and three (3) trophies to be awarded to each team at the Coach's discretion unless there is a tie for Best and Fairest and/or Runner-Up Best and Fairest. If a tie occurs in these two (2) categories, there will be another trophy awarded for that team. For non-competitive age groups The Club shall provide participation mementoes only.
13. The Club shall also maintain a perpetual trophy in the memory of "Mick Spencer" to be presented to a person, selected by the President and all the Team Coaches, who has made a consistent and significant contribution to the club. In addition to the perpetual trophy, which remains the property of the Club and must be returned the Club at the end of the next season, the Club shall present the ball, used in the last Under 14 game of the season signed by all the Under 14 players, suitably mounted to the recipient as a personal memento. In the event that the Club does not field an Under 14 team in a year then the Committee shall nominate which team shall provide the ball and signatures for that year only.
14. In the event of two teams in the same age group, the Club Team Selection Policy will apply.
15. The Under 17's shall have an open vote count known as The Under 17 Presentation Dinner with the best and fairest winner of the team in the highest division receiving the Ray Lacey medal. In the event that a second Under 17s team is fielded the best and fairest winner of the second team will be awarded the Dean Grice medal.

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16. Any Player, Coach or Coaching staff (including runner and trainer), parents, family members or spectators involved with the Boronia Junior Football Club, witnessed or reported to committee displaying the following behaviour on game day and/or training:

- Abusing any member of the opposition club or umpire
- Vilifying any member of the opposition club or umpire
- Swearing at any member of the opposition club or umpire
- Any player found to have intentionally committed a violent act to an opposition player

Will be asked to front the President and another member of the executive committee, to explain their actions and shall/may be subject to a minimum of 1 week suspension from Boronia Junior Football club games.

17. In the event the Club sustains a fine from the EFL or any other governing body that pertains directly to a player or their direct family members, that fine will be directed to that family for payment within two weeks of receipt.

**By-laws updated at the Annual General Meeting held on 30 October 2017**

**Appendix**

Appendix 1 - Board/Committee Nomination Form & Proxy Form

**APPENDIX 1 -**

**NOMINATION FOR BORONIA FOOTBALL NETBALL CLUB BOARD OR  
COMMITTEE**

**NAME:**

**POSITION NOMINATED:**

**NOMINATED:**

**SECONDED:**

FORM OF APPOINTMENT OF PROXY

I, \_\_\_\_\_ of \_\_\_\_\_

Being a member of BORONIA FOOTBALL NETBALL CLUB (INCORPORATED) hereby appoint

\_\_\_\_\_ of \_\_\_\_\_

on my behalf at the general meeting of the Association (annual general meeting or special general meeting, as the case may be) to be held on the \_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_ and at any adjournment of that meeting.

Signed \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_