**TUART HILL JUNIOR SOCCER CLUB**

**CONSTITUTION**



Copy of Constitution dated 11th February 1983.

Amended 2nd December 2009 document no 1560046.

1. **NAME –** The name of the club shall be the Tuart Hill Junior Soccer Club, hereinafter called “the club”.
2. **OBJECTS**
   1. To promote and encourage the playing of Association Football (Soccer) in accordance with the laws of the game as laid down from time to time by the Governing Body of Football (Soccer) in Western Australia and the FFA.
   2. In particular to promote and encourage junior soccer in Tuart Hill and surrounding districts and to promote and encourage sportsmanship and good behaviour both on and off the field of play.
   3. To purchase, lease or hire or otherwise acquire any real or personal estate or goods and to do all things necessary to secure the objectives of the club.
   4. The property and income of the association must be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the association, except in good faith in the promotion of those objects or purposes.
3. **CLUB COLOURS AND EMBLEM**
   1. The colours of the club shall be as determined from time to time by the AGM.
   2. The club emblem shall comprise a shield with diagonal division with symbolic Tuart tree on a hill, plus letters T H in green, blue lower half shield with swan with outstretched wings on white and blue soccer ball.
4. **MEMBERSHIP AND FEES**
   1. Membership of the club will consist of:-
5. Playing members to be of an age limit in accordance with regulations as set down by the Governing Body of Football (Soccer) in Western Australia.
6. Provisional playing members – being persons eligible as playing members but shall enjoy all the benefits of a playing member but shall not be eligible to play in a league team until elected as a playing member.
7. Ordinary members – being any non-playing member and open to persons over 18 years of age who are interested in the objects of the club. The spouse of a member is also deemed to be an ordinary member.
8. Honorary Life Members – being persons who, in recognition of conspicuous service to the club, are elected by a three fourths majority of members at an AGM of general meeting, and on recommendation of the management committee.
9. The annual fees for playing and ordinary members shall be as determined by the AGM and all fees so determined shall be paid by no later than 30th April of each year.
10. If any playing or ordinary member shall have not paid his fees by the due date mentioned in clause 4.1(d) or in the case of a member who joins after 30th April within 30 days of his election, he shall cease to be a member unless he seeks and secures re-election and pays all outstanding fees.
11. All persons wishing to become a member of the Club shall first obtain the support of the management committee and the management committee may veto any persons from becoming a member of the club.
12. All ordinary members who have paid the annual fee shall be financial members and such term shall include Honorary Life members.
13. The parent of a playing member shall be deemed to be an ordinary member.
14. **REGISTER OF MEMBERS**
    1. The secretary, or another person authorised by the committee, is responsible for the requirements imposed on the association under Section 53 of the Act to maintain the register of members and record in that register any change in the membership of the association.
    2. In addition to the matters referred to in Section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.
    3. The register of members must be kept at the secretary’s place of residence, or at another place determined by the committee.
    4. A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements.
    5. If-
15. A member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
16. A member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

The committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.

1. **MANAGEMENT**
   1. The club shall be managed by a management committee hereinafter called the committee comprising:-
2. President
3. Vice-President
4. Secretary
5. Treasurer
6. Registrar
7. Up to six financial general committee members who shall be elected at the AGM of the club.
   1. Nominations for election shall be in writing and in the hands of the secretary fourteen days prior to the

AGM.

* 1. If insufficient nominations are received prior to the AGM the meeting may accept nominations from

Members present. Item 6.2 notwithstanding.

1. **COMMITTEE MEMBERS**

**Act requirements – Persons who are not to be members of Committee**

**Under Section 39 of the Act the following persons must not, without leave of the Commissioner, accept an appointment or act as a member of the management committee of an association:**

* 1. A person who is, according to the interpretation Act 1984 Section 13D, a bankrupt or person whose

Affairs are under insolvency laws;

* 1. A person who has been convicted, within or outside the State of –

1. An indictable offence in relation to the promotion, formation or management of a body corporate; or
2. An offence involving fraud or dishonesty punishable by imprisonment for a period of not less than 3 months; or
3. An offence under Part 4 Division 3 or section 127 of the Act.

Section 39 only applies to a person who has been convicted of the above offences only for a period of 5 years from the time of the person’s conviction, or if the conviction results in a term of imprisonment, from the time of the person’s release from custody.

1. **THE MANAGEMENT COMMITTEE**
   1. The committee shall have control and management of the affairs and finances of the Club and shall be responsible to the AGM.
   2. The committee shall have the power to declare vacant the seat of any of its members, who without leave or reasonable excuse, is absent from three consecutive meetings of the committee.
   3. The committee may, during its term of office, fill any vacancy which might arise and such person so appointed to fill the vacancy shall become a member of the committee as if elected by the AGM.
   4. The committee may form a sub-committee and may co-opt non-members of the committee to serve on any sub-committee so formed provided that at least one member of the sub-committee shall be a member of the committee.
   5. The President, Vice President, Secretary and Treasurer shall serve for a period of 2 years. The President and Treasurer shall be elected on alternate years to the Vice President and Secretary. General committee members serve for a period of 1 year.
   6. In the event of the resignation of the whole committee during its term of office, the affairs of the Club shall be managed by the outgoing President, Secretary and Treasurer who shall, as soon as possible, but within one month, convene a special general meeting for the purpose of selecting a new committee. A new committee so elected shall remain in office for the unexpired term of the outgoing committee.
   7. The committee may make by-laws for the purpose of securing the objects of the smooth running of the club. Such by-laws shall be consistent with this constitution and shall be binding on members until repealed or amended by the committee or Annual or Special general meeting.
2. **CONFLICTS OF INTEREST**
   1. Committee members must not put themselves in a position where there is a conflict between their duties and responsibilities to the Association and their personal interests.
   2. The Act requires members of the committee to disclose any material personal interest they may have in any contract, or proposed contract, entered into or being considered by the committee. A committee member has a material personal interest when that member has a personal interest in a matter which could be seen to compromise their ability to act in the interests of the association and make an impartial decision. The interest may be financial or non-financial.
   3. If a committee member declares an interest in a contract or proposed contract, the Act requires that:
3. The disclosure must be recorded in the minutes of the meeting;
4. The committee member with the conflict of interest must not discuss or vote on the contract; and
5. The committee member with the conflict of interest must leave the meeting while the matter is being considered. If there are not enough members remaining to form a quorum, a special general meeting must be called and a resolution on the matter passed by the members.
6. The member with the conflict of interest must also disclose the nature and extent of their interest in the matter at the next general meeting of the association.
7. **DUTIES OF PRESIDENT**
   1. The president shall preside at all general meetings and management committee meetings of the club.
   2. In the event of the president and vice president not being present at a general meeting or management committee meeting, as the case may be, the meeting shall elect a chairman from amongst its number for the occasion.
   3. The president shall have the same right to speak on any question under discussion as any other member.

**11. DUTIES OF THE SECRETARY**

11.1 The secretary shall be responsible for the correspondence of the club, shall have custody of its

documents and shall ensure that full and correct minutes of all general and executive meetings are kept

and that reports of all sub-committees are recorded.

11.2 The secretary shall be responsible for all administration duties and provides the coordinating link

between the member, the committee and various stakeholders.

11.3 The secretary shall have the same right to speak on any question under discussion as any other member.

**12. DUTIES OF THE TREASURER**

12.1 Ensuring that any amounts payable to the Association are collected and issuing receipts for those

amounts in the Association’s name;

12.2 Ensuring that any amounts paid to the Association are credited to the appropriate account of the

Association, as directed by the committee;

12.3 Ensuring that any payments to be made by the Association that have been authorised by the committee

Or at a general meeting are made on time;

12.4 Table a statement showing the financial position of the Association at each Management Committee

Meeting;

12.5 Ensuring that the Association complies with the relevant requirements of Part 5 of the Act;

12.6 Ensuring the safe custody of the Association’s financial records, financial statements and financial

Reports, as applicable to the Association;

12.7 If the Association is a Tier 1 association, coordinating the preparation of the Association’s financial

Statements before their submission to the Association’s annual general meeting;

12.8 If the Association is a Tier 2 association or Tier 3 association, coordinating the preparation of the

Association’s financial report before its submission to the Association’s annual general meeting;

12.9 Providing any assistance required by an auditor or reviewer conducting an audit or review of the

Association’s financial statements or financial report under Part 5 Division 5 of the Act;

12.10 Carrying out any other duty given to the treasurer under these rules or by the committee.

12.11 The treasurer shall maintain adequate books of account and shall submit annual reports, balance sheet

And such other information as the committee may require at each AGM.

12.12 The treasurer shall have the same right to speak on any question under discussion as any other

member.

**13. CONTROL OF FUNDS**

13.1 The Association must open an account in the name of the Association with a financial institution from

which all expenditure of the Association is made and into which all funds received by the Association are

deposited.

13.2 Subject to any restrictions imposed at a general meeting, the committee may approve expenditure on

behalf of the Association.

13.3 The committee may authorise the treasurer to expend funds on behalf of the Association up to a

specified limit without requiring approval from the committee for each item on which the funds are

expended.

1. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association must be signed by the treasurer and any one of the president or secretary.
2. Payments by electronic banking must be authorised by the treasurer and any one of the president or secretary.

13.4 All funds of the Association must be deposited into the Association’s account within 5 working days

after their receipt.

13.5 The Act allows a member to be reimbursed for any out of pocket expenses relating to the affairs of the

Association. It is normal to request that the member provide evidence of the payment such as a receipt

before the refund is paid.

If any payments are to be made to committee members (apart from reimbursement of expenses) the

rules must provide for approval of the payments by members of the association.

**14. FINANCIAL STATEMENTS AND FINANCIAL REPORTS**

14.1 For each financial year, the committee must ensure that the requirements imposed on the Association

under Part 5 of the Act relating to the financial statements or financial reports of the Association are met.

14.2 Without limiting sub rule (14.1) those requirements include-

1. the preparation of financial statements; and
2. the review and auditing of the financial statements or financial report, as applicable; and
3. the presentation to the annual general meeting of the financial statements or financial report as
   * 1. applicable; and
4. If required, the presentation to the annual general meeting of the copy of the report of the review
   * 1. or auditor’s report, as applicable, on the financial statements or financial report.

**15. AUDITOR**

15.1 At each AGM there shall be elected an honorary auditor who shall audit and verify the annual statement

of accounts and balance sheet of the club.

15.2 The auditor shall not be an officer or member of the management committee.

**16. FINANCIAL YEAR**

16.1 The financial year of the club shall be from the 1st October to 30th September.

**17. MEETINGS**

17.1 The AGM of the club shall be held not later than the first week of November of each year.

17.2 Notice of the AGM shall be sent to all members not later than fourteen days prior to the date of the

Meeting.

17.3 The following business shall be dealt with at the AGM:-

(a) President’s Report

(b) Treasurer’s Report

(c) Election of office bearers and management committee.

(d) To confirm or vary the registration fees, subscriptions and other amounts (if any) to be paid by

members.

1. Any other business of which notice has been given in accordance with these rules may be conducted

at the annual general meeting.

17.4 General meetings of the club shall be held at such times and places determined by the general meeting

or the management committee.

17.5 Special general meetings of the club –

The committee must convene a special general meeting of at least 6% of the members and may be

convened by the president, vice-president, secretary, treasurer or by a requisition signed by 6% of the

members of the club provided that

1. A minimum of 48 hours’ notice of a meeting is given to all members and
2. The notice of the meeting states specifically the item of business to be considered.

17.6 Management committee meetings of the club shall be at such times and places determined by the

Committee, but any two members of the committee may convene a meeting providing the rules of 17.5

1. and (b) are complied with.

17.7 At all management meetings five members shall form a quorum, at all general and special meetings, at

least 6% of members entitled to vote will form a quorum.

**18. VOTING**

18.1 With the exception of the president, who in addition to a deliberative vote shall have a casting vote, all

Financial members shall be entitled to exercise one vote each on any resolution or election at a meeting

At which they are present and entitled to vote.

18.2 Voting shall be by simple majority.

18.3 Voting shall be by show of hands but the president or 2 members may require a secret ballot.

18.4 Only financial members shall be entitled to vote at any meeting of the club.

**19. ALTERATIONS TO CONSTITUTION**

19.1 The constitution may be amended, altered, enlarged or repealed from time to time by a resolution passed

by two thirds majority of members present and entitled to vote at any AGM or special general meeting

provided that such motion to amend, alter, enlarge or repeal the constitution duly proposed and

seconded by two members is forwarded in writing to the secretary and sent to each member of the club

at least 14 days prior to the meeting.

**20. COACHES**

20.1 The committee shall prior to the commencement of each season appoint a coach and team manager for

each team squad and may fill any vacancies which may occur during the playing season. The committee

may also suspend or terminate the services of a coach or team manager where it considers that to do so

would be in the best interests of the club.

20.2 The coaches may hold coaches meetings to assist in the coaching of players and may appoint one of their

number as the club’s senior coach. The coach so appointed shall become a full member of the

committee.

20.3 Any person officially appointed as a coach or team manager as required under 20.1 and who is not an

ordinary member under the provisions of 4.1 (h) but qualifies under 4.1 (b) shall not be required to pay

the annual fees as required by 4.1 (d) but will be deemed to be an ordinary member with full rights and

privileges of an ordinary member.

**21. DISPUTES AND MEDIATION**

21.1 The procedure set out in this Division (the grievance procedure) applies to disputes-

1. Between members; or
2. Between one or more members and the Association.
3. If the association provides services to non-members, those non-members who receive services from the Association, and the Association.

21.2 Parties to attempt to resolve dispute

The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties

21.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting

then the parties must, within 10 days, hold a meeting in the presence of a mediator.

21.4 The mediator can be –

* 1. The Club President
  2. A member of the committee
  3. The mediator cannot be a party to the dispute.
  4. The parties to the dispute must, in good faith attempt to settle the dispute by mediation.
  5. The mediator, in conducting the mediation, must –

1. Give the parties to the mediation process every opportunity to be heard;
2. Allow due consideration by all parties of any written statement submitted by any party.
3. Ensure that natural justice accorded to the parties to the dispute throughout the mediation process.
   1. The mediator must not determine the dispute.
   2. The mediation must be confidential and without prejudice.
   3. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise by law.
4. **DETERMINATION OF DISPUTE BY COMMITTEE**

22.1 At the committee meeting at which a disputeis to be considered, and determined**,** the committee must

1. Give each party to the dispute, or the party’s representative, a reasonable opportunity to make written or oral ( or both written and oral) submissions to the committee about the dispute; and
2. Give due consideration to any submissions so made; and
3. Determine the dispute.

22.2 The committee must give each party to the dispute written notice of the committee’s determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.

* 1. A party to the dispute may, within 14 days after receiving notice of the committee’s determination under sub rule (1) (c), give written notice to the secretary requesting the appointment of a mediator under rule 21.
  2. If notice is given under sub rule (22.3), each party to the dispute is a party to the mediation.

**23 DISCIPLINARY ACTION**

**Suspension or Expulsion**

* 1. The committee may decide to suspend a member’s membership or to expel a member from the Association if –

1. The member contravenes any of these rules; or
2. The member acts detrimentally to the interests of the Association
   1. The secretary must give the member written notice of the proposed suspension or expulsion at least 14 days before the committee meeting at which the proposed is to be considered by the committee.
   2. The notice given to the member must state –
3. When and where the committee meeting is to be held; and
4. The grounds on which the proposed suspension or expulsion is based; and
5. That the member, or the member’s representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submission to the committee about the proposed suspension or expulsion;
   1. At the committee meeting, the committee must –
6. Give the member, or the member’s representative a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
7. Give due consideration to any submission so made; and
8. Decide –
9. Whether or not to suspend the member’s membership and, if the decision is to suspend the membership, the period of suspension; or
10. Whether or not to expel the member from the Association.
    1. A decision of the committee to suspend the member’s membership or to expel the member from the Association takes immediate effect.
    2. The committee must give the member written notice of the committee’s decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
    3. A member whose membership is suspended or who is expelled from the Association may, within 14 days after receiving the notice of the Committee’s decision under sub-rule (6), give written notice to the secretary requesting the appointment of a mediator under rule 21.
    4. If notice is given under sub-rule (23.7), the member who gives the notice and the committee are the parties to the mediation.

**Consequences of Suspension**

1. During the period a member’s membership is suspended, the member –
2. Loses any rights (including voting rights) arising as a result of membership; and
3. Is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Association.
4. When a member’s membership is suspended, the secretary must record in the register of members –
5. That the member’s membership is suspended; and
6. The date on which the suspension takes effect; and
7. The period of suspension.
8. When the period of suspension ends, the secretary must record in the register of members that the member’s membership is no longer suspended.

**24. DISPOSITION OF ASSETS ON DISSOLUTION**

24.1 The club shall be wound up voluntarily if and when a resolution requiring the club to be so wound up is

passed and approved by at least 75% of members voting at a general meeting to dissolve the association

of the club at a general meeting called for such purposes.

24.2 If upon the winding up or dissolution of the Association there remains, after satisfaction of all its debts

and liabilities, any property whatsoever the same must not be paid or distributed among the members, or

former members. The surplus property must be given or transferred to another association incorporated

under the Act which has similar and which is not carried out for the purposes of profit or gain to its

individual members, and which association shall be determined by resolution of the members.

**25. COMMON SEAL**

25.1 The Common Seal of the Club shall be in the custody of the secretary and shall be affixed to any document

only pursuant to a resolution of the committee. The affixation of the seal shall be witnessed by any 2 of

the president, the secretary and the treasurer.

Sworn at Nollamara this day of 2018