



# FOREST LAKES BALL CLUB

# CONSTITUTION AND RULES

As at February 16, 1999

## **1. NAME:**

The name of the Club is the Forest Lakes Ball Club, hereafter referred to as the "Club". The Club's common name will be "Magpies".

## **2. ELIGIBILITY FOR MEMBERSHIP:**

All registered players and their parents shall be members of the Club. Membership shall be for a period of twelve months from date of registration as set by the Committee each year.

## **3. LIFE MEMBERS:**

Members of the Club who have rendered specially meritorious direct services to the Club may, on recommendation by the full Committee to the members at an Annual General Meeting, be elected life members of the Club by a three-fourths majority of members voting. A maximum of two (2) life memberships may be given in any one year.

## **4. HONORARY MEMBERS:**

The Executive committee may elect honorary members to the Club for a period of twelve (12) months who: -

- a) Wish to play but, in the opinion of the Executive Committee, cannot afford to do so.
- b) Are adults (without children playing) who wish to assist in the administration and activities of the Club.

## **5. OBJECTIVES:**

The objectives of the Club shall be to: -

- a) Promote the games of tee-ball, baseball and softball in the Perth metropolitan area.
- b) Promote the games of tee-ball, baseball and softball in other parts of Western Australia as a secondary consideration to 5(a).
- c) Obtain sponsorship for the sport when and where desirable (excluding liquor and cigarette companies).
- d) Do all such other things as are conducive or incidental to the above objectives or any of them.

## **6. COLOURS:**

The official colours of the Club shall be black and white (tee-ball), blue and grey (softball). However, exceptions may be made to sponsored teams of the Club if a change of colour is necessary as part of the sponsorship agreement, or if a competition/Association demands a differentiating colour to that of another club. All changes require the approval of the Committee.

The Club colours are to be worn by all representative teams competing on behalf of the club. Officials of the Club should be encouraged to wear Club colours when accompanying representative teams.

Current Club uniforms should not be worn during training sessions, unless necessary for approved reasons, such as team photos.

## **7. AFFILIATIONS:**

The Club shall affiliate with the Thornlie and Districts Tee-Ball Association, the South East Metropolitan Softball Association and Dale Districts Association and any other organisation that from time to time may be deemed beneficial or necessary by the Executive Committee.

## **8. SUBSCRIPTIONS:**

Each playing member of the Club, subject to Rule s Three (3) and Four (4) shall pay a subscription, which will be determined from time to time by the Executive Committee. The amount will be set prior to the first training date or registration day whichever is the earlier.

## **9. CLUB FINANCIAL YEAR:**

The financial year of the Club shall terminate on the 28th day of February in each year and all Club books and accounts shall close on that day. The Annual Report and duly audited Annual Statements of Income and Expenditure and Balance Sheets shall be submitted by the Secretary to the next Annual General Meeting of the Club.

## **10. PATRONS:**

The general body of members may elect persons or organisations to be patron(s) at any Annual General Meeting. A simple majority of those present will be sufficient to elect any patron for a period of twelve (12) months.

## **11. COMMON SEAL:**

The Common Seal of the Club shall 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 the President and the Secretary.

## **12. NON-PROFIT MAKING CLAUSE:**

The income and property of the Club, so ever derived, shall be applied solely towards the promotion of its objects as set forth in this constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise, to its members, provided that nothing herein shall prevent the payment in good faith or remuneration to any officer or servant of the Club for services actively rendered to the Club.

### **13. DISSOLUTION:**

The Club at any time, with the consent of a majority of 75% of the members present, at a General Meeting called for the purpose, be dissolved.

If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed -

- a) To another association incorporated under the act; or
- b) For charitable purposes.

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

### **14. THE REPEAL AND ALTERATIONS AND ADDITIONS TO RULES:**

These rules may be repealed, altered or added to only by resolution of a Special Meeting of the Club. Any intention to move such motions has to be advised with the notice of the meeting at least three (3) weeks prior to the date of the Special Meeting.

### **15. EXECUTIVE COMMITTEE:**

The Executive Committee of the Club shall be; -

- a) President
- b) Vice-President
- c) Secretary
- d) Treasurer
- e) Registrar
- f) Delegate

### **16. COMMITTEE:**

Subject to the provisions of these rules the affair of the Club as defined in these rules shall be managed by a Committee which shall consist of a President, Vice-President, Secretary, Treasurer, Registrar, Delegate(s) and a minimum of four other members.

## **POWERS AND DUTIES OF EXECUTIVE:**

### **17. PRESIDENT & VICE-PRESIDENT;**

#### **The President shall; -**

- a) Act as Chairman of all meetings of the Club and Executive Committee.
- b) Maintain the impartiality of the chair.
- c) Conform to the rules of procedures and maintain in order throughout the meeting.
- d) To decide that the quorum is present, intimate the objectives of the meetings if it called to consider special matters, to announce all other business matters of the meeting, decide points of order and points of privilege or priority, explain matters to those in doubt.
- e) Instruct the Secretary to read the minutes of the previous meeting, request confirmation and when confirmed, to sign same.
- f) In the event of a ballot being required, to announce the method of voting, count the votes, exercise his/her right to a casting vote, in the event of equality of votes and announce the result of the vote.
- g) To decide and announce the next speaker, to confine speakers to the matter under discussion and if necessary confine speakers to a reasonable time limit.
- h) To introduce invited guests.
- i) To accelerate and finalise the business of the meeting within a reasonable time limit.
- j) To sign cheques of approved expenditure when called upon so to do.
- k) Represent the Club at functions and meetings as required.
- l) Appoint the time and place of the next meeting.
- m) Perform any duties committed to him/her by these rules.
- n) The Vice-President shall preside in the absence; of the President with the full powers of the President. In the absence of the President and Vice-President, some other member of the Committee shall be chosen by the meeting to preside and shall have all the powers to perform all the duties of the President at such meeting.
- o) The President and Vice-President shall be authorised signing officers of the Club.
- p) The Vice-President to be an authorising signing officer of the Club's cheques.

## **18. SECRETARY:**

### **The Secretary shall; -**

- a) Convene all General and Committee meetings of the Club.
- b) Attend General and Committee meetings of the Club.
- c) Be answerable for the giving of due notice for the calling of all meetings as provided in these rules.
- d) Be answerable for keeping a true record of the proceedings for all meetings.
- e) Prepare an Annual Report and assist in the preparation of the Annual Statement of Income and Expenditure and Balance Sheets.
- f) Attend to all correspondence, keep and answer it and produce it to Committee meetings.
- g) Perform such other duties as may be necessary to give effect to carry out the rules of the Club and any duties assigned by the Club or Committee in meeting assembled.
- h) Be an authorised signing officer of the Club's cheques.

## **19. TREASURER:**

### **The Treasurer shall;**

- a) Not pay, lend or otherwise appropriate any of the funds of the Club or any other moneys for any purpose except in accordance with the rules of the Club and the resolution of the Committee or General Meeting of the Club.
- b) Keep in appropriate books of accounts a correct account of all moneys received and expended by the Club together with date of receipt and expenditure.
- c) Have charge of the Club's books of accounts and produce them for inspection at all reasonable times when requested by the President, Executive Committee or Auditor.
- d) Examine all accounts to be passed for payment and make all authorised payments from the funds of the Club.
- e) Forthwith pay all moneys received by him/her into the Club's account to the credit of the Club.
- f) Receive and issue proper receipts for all moneys paid to the Club.
- g) A reconciled statement of current income and expenditure shall be prepared and presented at each committee meeting.
- h) Assist, if required, the Auditor when he is auditing the accounts of the Club,
- i) Prepare an Annual Statement of Income & Expenditure and balance Sheet
- j) Assist the Secretary as required.

- k) Be an authorised signing officer of the Club's cheques and shall ensure that all cheques are signed by authorised persons.

## **20. REGISTRAR:**

### **The Registrar shall; -**

- a) Keep an accurate personal record of each player, including the player's surname, given names, address, age, date of birth, or any other statistics as may be required.

## **21. DELEGATES:**

### **The Delegates shall; -**

- a) Attend all meetings as a representative of the club as required.
- b) Request any information, etc, as required by the Club.
- c) Vote on any motion that may arise for and on behalf of the Club and hence bind the Club to such motions.
- d) Supply a report of the meetings he/she has attended and present them at the next Committee meeting.

## **22. POWERS OF THE EXECUTIVE:**

Should any matters arise, or be brought under the notice of the President, Vice-President, Secretary, Treasurer, Registrar, or Delegates, which in their opinion is not of sufficient importance to warrant a special meeting, the President or Secretary shall have power to deal with such matters at their discretion.

In the event of their disagreement on any urgent question the matter can only be dealt with by a majority opinion at a Special Meeting.

## **23. POWERS AND DUTIES OF Committee:**

The Committee subject to the control by members as shown in the minutes have the following powers and perform the following duties; -

- a) To control, superintend and manage the affairs of the Club, its elected officers, members' funds and property.
- b) To suspend for any period or expel any member or playing members of the Club for any breach or infringement of the rules of the Club or for any misconduct or dereliction of duty or for any misapplication/misappropriation of the funds or property of the Club, or for any non-compliance with or disobedience of any order contained in any resolution of the Committee or conduct in its opinion unworthy of a member.
- c) To cause to be made or to demand an audit of the books and accounts of the Club at any time.

- d) Generally, all such decisions as may be necessary for the proper conduct of the business of the Club.

## **24. ABSENCE OF MEMBERS OF COMMITTEE:**

The Committee may declare vacant the office of any member who absents themselves from three (3) consecutive meetings without proper cause. The Committee shall fill any vacancy that may occur by appointing any member of the Club.

## **25. FILLING VACANT COMMITTEE OFFICES:**

Should the President die, resign or be removed from office, the President's office shall be filled by another member of the Committee appointed by the remaining members thereof, an such member so appointed shall hold office as President for the remainder of the term for which the predecessor was appointed.

Should any other member of the Committee die, resign or be removed from office or be appointed President pursuant to these rules, this member's place on the Committee shall be filled by a member appointed by the remaining members of the Committee and such member so appointed shall hold office for the remainder of the term for which the predecessor was appointed.

## **26. CLUB MEETINGS:**

### **A) ANNUAL GENERAL MEETINGS AND SPECIAL MEETINGS.**

The Annual General Meeting of the Club shall be held in the month of March in each year at such time as may be determined by the Executive. Such meetings shall deal with the elections of officers to the Committee and the appointment of auditor, consider the Annual Report, Annual Statement of Income & Expenditure and Balance Sheet, discuss any matters brought forward and take any constitutional action which may be deemed advisable.

The Secretary shall upon the request of the president or any two members of the Committee or upon requisition signed by at least one quarter of the members of the Club, summon a special meeting.

### **B) EXECUTIVE COMMITTEE MEETINGS**

The Executive Committee shall transact any business that requires attention and shall report any special matter to the next Committee meeting. The Committee shall meet at such time and place as it may determine.

## **27. QUORUMS:**

At any meeting of the Committee, seven (7) members shall form a quorum. In the case of Executive Committee meetings, four (4) shall be a quorum.

At a Special General Meeting of the Club, eight (8) of the members shall form a quorum.

At an Annual General Meeting of the Club, ten (10) of the members shall form a quorum.

If no quorum is present within 15 minutes from the time set down for any meeting of any Committee the meeting will be reconvened at a later date to be decided by those present.

## **28. VOTING AT MEETINGS:**

At the Annual General Meeting, or Special Meeting, of the Club only financial members, honorary members and life members of the Club shall be entitled to vote. New members however who are nominated and elected to a position on will thereafter be eligible to vote.

Any financial member, honorary member, or life member of the Club is entitled to attend Committee meetings and ask questions but is not entitled to vote. Persons on the Committee only shall be entitled to vote.

The decision of any question to be decided at any meeting shall be by show of hands except upon a resolution carried by one third majority of the members present it is decided to submit the question to ballot.

The vote of the President shall only be taken when required to resolve a deadlock.

## **29. AUDIT:**

One or more persons shall be appointed at the Annual General Meeting of the Club.

The Auditors shall examine and audit the books and accounts of the Club annually or at any time as required by the Committee and have the power to call for all books, papers, accounts, receipts, etc, relating to the affairs of the Club and compile a report to be presented to the Annual General Meeting or at any time as requested by the Executive.

## **30. ELECTIONS:**

Members of the Committee shall hold office for a period of twelve (12) months and be eligible for re-election.

Nominations for office on the Committee shall be declared open by the Secretary for a period not less than 14 days and received by the Secretary up to a time and date fixed by the retiring Committee and not later than the date of the Annual General Meeting.

Nominations shall be in writing signed by the proposer and shall have the written consent of the person nominated. The proposer shall be a member of the Club at the date of nomination.

A Returning Officer shall be appointed to carry out the process of reading all nominations and counting the votes for nominees for the Committee

Should more than one nomination be received for any one position, the nominee elected would be indicated by a voted majority of the meeting.

Should insufficient nominations be received for the number of vacancies or where a nominee becomes ineligible between the closing time for nominations and the proposed declaration of the poll resulting in insufficient eligible nominations, those people nominated and still eligible shall be deemed elected from and after the date of the Annual General Meeting and the Committee shall select a financial member to fill each position still remaining vacant.

Should a person nominate for and be elected to more than one position on the Committee, he/she shall be deemed to be elected to the higher position on the order of President, Vice-President, Secretary, Treasurer, Registrar, Delegate, other Committee member.

Once elected to a position, the candidate shall be ineligible to receive votes for a lower position.

Persons elected pursuant to these rules shall be deemed elected members from and after the date of the Annual General Meeting.

### **31. TEAM REPRESENTATION:**

Notwithstanding Section 30 each club team not represented on the Committee (as defined at 16) shall be entitled to appoint a financial member to represent that team on the Committee.

Each team shall have one person attend each Club Meeting, in the period teams are selected until the end of the season, and record that person's name in the register of attendees. Teams not represented at the meetings scheduled in the period of the season shall have a penalty imposed as determined by the Executive Committee.

(END)

1/3/99



## **FOREST LAKE S BALL CLUB**

### **SUMMARY OF CHANGES TO CONSTITUTION:**

#### **SECTION 6:**

Add the word "Tee Ball" to Club colours of Black & White.

Add the words "The Club colours for Softball will be Blue & Grey"

#### **SECTION 7:**

Add - South East Metropolitan Softball Association and Dale Districts Association.

#### **SECTION 13:**

Remove the complete section

Replace with suggested wording from The Ministry of Fair Trading.

# **FOREST LAKES BALL CLUB**

## **SECTIONS**

1. Name
2. Eligibility for Membership
3. Life Members
4. Honorary Members
5. Objectives
6. Colours
7. Affiliations
8. Subscriptions
9. Club Financial Year
10. Patrons
11. Common Seal
12. Non-Profit making clause
13. Dissolution
14. The Repeal and Alterations and Additions is to Rules
15. Executive Committee
16. Committee
17. President & Vice-President
18. Secretary
19. Treasurer
20. Registrar
21. Delegate(s)
22. Power of the Executive
23. Powers and Duties of Committee
24. Absence of Members of Committee
25. Filling Vacant Committee Offices
26. Club Meetings
27. Quorums
28. Voting at Meetings
29. Audit
30. Elections
31. Team Representation