
BELMONT SPORTS AND RECREATION CLUB (Inc)

Established 1986

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CONSTITUTION OF THE

BELMONT SPORT and RECREATION CLUB (INC)

1. NAME AND OFFICE

- a) The name of the club shall be Belmont Sports and Recreation Club (Inc.) (herein after referred to as the "club").
- b) The office of the club shall be the corner of Keane Street and Abernethy Road, Cloverdale WA or at such other places as the committee may from time to time determine.

2. OBJECTIVE

- a) To encourage, promote and advance sporting ,recreational, social and community activities of all kinds within the club and in the City of Belmont

3. POWERS

- a) To promote and conduct entertainment and other functions, inclusive of raffles and/or lotteries where legally permitted so to do for the raising of funds, for the purpose of furthering the aims and objectives of the club.
- b) To invest the moneys of the club not immediately required for any of its objectives upon such securities and in such manner as may from time to time be determined.
- c) To borrow or raise or secure the payment of money in such manner and on such terms as the club shall think fit and in particular to execute mortgages, bills of sale, charges or other securities upon all or any of the club's property and to purchase redeem pay off or agree to a variation of all or any such securities.
- d) To appoint sub-committees as deemed appropriate from time to time to help achieve the objective of the club and enhance good governance of the club and to provide other conveniences and generally to afford all the usual privileges, advantages, conveniences and accommodation of a club to members and their guests.
- e) To obtain a licence under the Liquor Act 1988, and any amendments, and operate the club under the same
- f) To provide gifts of appreciation and prizes to such members of the club as the committee may determine.
- g) To do all such other acts, matters and things as are incidental or conducive to the attainment of all or any of the above objectives.
- h) To appoint, employ, pay insure and superannuate servant and agents and to dismiss and suspend them.
- i) To open and operate bank accounts and to borrow money upon such terms and conditions the club thinks the Management Committee deems fit.

4. CLUB INCOME

- a) The income and property of the club whosoever derived shall be applied solely towards the promotion of the objectives of the club, and no portion thereof shall be paid or transferred directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profit to the persons who at any time are or have been members of the club, or to any of them or to any person claiming through any of them. Subject to Clause 3 (f) no member shall be entitled to derive any benefit or advantage from the club which is not shared equally by every other member thereof. Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servant of the club, or to any member thereof, or other person in return for any services actually rendered or value given to the club, nor prevent the payment of interest on money borrowed from any members of the club.

5. CLUB YEAR

- a) The financial year of the club shall commence on the 1st Day of July in each year and end on the 30th day of June the next following year.

6. MEMBERSHIP

Any person who is NOT a member of a Affiliated/Divisional club is considered to be a social member.

Any person who is a member of a Affiliated/Divisional club is considered to be a ordinary member.

- a) Any person either male or female and over the age of eighteen (18) years and not a member of a Affiliated/Divisional club may apply to be admitted as a social member of the club.
- b) Any person either male or female and over the age of twelve (12) and under the age of eighteen (18) years may apply to be admitted as an junior member of the club providing they are engaged in an competition of an Affiliated/Divisional club.
- c) All Affiliated/Divisional club members must be ordinary members of the Belmont Sports and Recreation Club Inc.
- d) Any organisation who plays sport or participates in activities in the club house or on the grounds of the club may be approved as an Affiliated/Divisional member of the club.
- e) All applications for membership shall be in the prescribed manner as required and the prescribed nomination fee, if any, be lodged with the club.
- f) Any person deemed to be a contractor, sub contractor or employee of the club may be granted membership under the category of Staff member. Staff members shall have all the entitlements of an ordinary member except they are not entitled to speak or vote at any General Meetings of the club.
- g) The Committee shall always be entitled to refuse any application for membership at its discretion. The Management committee shall provide the applicant a statement outlining the reasons for refusal and a time line when they may re apply if any.
- h) All persons whose application for membership is approved by the committee shall be deemed to have subscribed to this constitution on receipt of notice of their admission to the membership of the club.
- i) Ordinary and social members shall be entitled to speak and vote at all General meetings of the club.
- j) Group or corporate organisations may seek membership for their organisation upon conditions determined by the management committee from time to time. Up to (5) five members of the group or corporation may become members of the club and enjoy all the privileges' attached thereto.

7. LIFE MEMBERSHIP

- a) Any person who has rendered services to the club over an extended period may be eligible for Life Membership
 - i. No more than two (2) members may be granted Life Membership in any one year for services rendered to the club.
 - ii. All nominations for Life Membership of the Club shall be submitted to the Secretary for committee approval sixty (60) days before the Annual General Meeting.
 - iii. Person nominated and accepted for Life Membership may be elected at the Annual General Meeting.
 - iv. Life members are entitled to attend any meeting of the club and speak and vote at such
 - v. Life members are relieved of payment of fees.

8. TEMPORARY MEMBERS

- i. A person who is on any day visiting the club as a member or an official or a person assisting a team that is to contest a pre arranged event on that day.
- ii. As a guest of a member to engage in sports or activities conducted by Club members that day in either of which cases the person shall be a Temporary member of the club during its authorised trading hours for that day.
- iii. Professional sporting coaches and their assistants when employed by the club.
- iv. Any other person who provides coaching or member services with the permission of the manager or a member of the executive.
- v. Temporary members shall not be entitled to vote or be present at any meeting of the members of the club.

9. DISQUALIFICATION OF MEMBERS

- a) Upon receipt of a complaint of a member's behaviour which is considered either a breach of the liquor act, unacceptable member behaviour pursuant to the Club code of conduct or where police involvement is required, not less than two (2) members of the Management Committee or the manager may suspend the member for a period of time until disciplinary action is completed.
- b) The Management Committee may expel or otherwise deal with any member convicted of an indictable offence or guilty of infringing this constitution or any By-laws including the codes of conduct there under or of any conduct prejudicial to the interest of the Club provided that any person so expelled may appeal to a Special Committee Meeting of the club by giving to the Management Committee notice of such appeal by service of such notice on the Secretary stating the grounds of such appeal and the appeal shall be heard at a Special Committee Meeting held 14 days after receiving such notice
- c) The decision must be conveyed to the member and recorded in the minute records.
- d) Until the hearing of such appeal the decision of the Management Committee shall stand and on the hearing of the appeal at the Special Committee Meeting shall determine whether to uphold or dismiss such appeal.
- e) No further appeals on the same grounds will be considered.

10. DISPUTES AND MEDIATION

A The grievance procedure set out in this rule applies to disputes under these rules between-

- i. A member and another member; or
- ii. A member and the Club; or
- iii. Non-members who receive services from the Club.

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 parties.

B 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 the mediator.

The mediator must be-

- i. A person chosen by agreement between the parties; or
- ii. In the absence of agreement-
 1. In the case of a dispute between a member and another member, a person appointed by the Management Committee of the Club;

2. In the case of a dispute between a member or relevant non-member (as defined by sub-rule (a)(iii) and the Club, a person who is a mediator appointed to, or employed with, a not for profit organisation

A member of the Club can be a mediator

The mediator cannot be a member who is a party to the dispute

The parties to the dispute must, in good faith, attempt to settle the dispute by mediation

C The mediator, in conducting the mediation, must-

- i. Give the parties to the mediation process every opportunity to be heard;
- ii. Allow due consideration by all parties of any written statement which must be submitted at least 5 days before mediation by any party; and
- iii. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process

The mediator must not determine the dispute

The mediator must be confidential and without prejudice

11. COMMITTEE OF MANAGEMENT OF THE CLUB

The affairs of the club will be managed exclusively by a Committee of Management consisting of

- a) President (Chairperson)
- b) Deputy President (Deputy Chairperson)
- c) Secretary
- d) Treasurer and
- e) No more than three committee members

The Executive Committee shall comprise the President, the Deputy President, the Secretary, and the Treasurer.

12. ELECTION OF COMMITTEE OF MANAGEMENT

- a) Nominations for the position of Management Committee person of the club shall be in writing signed by the nominator and two financial members and lodged with the Secretary or Returning Officer (as determined by the committee) at least twenty eight (28) days prior to the Annual General Meeting. In the event of an insufficient number of members being nominated for election, nominations may, with the consent of the Annual General Meeting, be accepted without notice from the floor of the meeting.
- b) The Management Committee shall be elected every two years. In the event that a ballot is necessary the order of candidates on the ballot paper shall be chosen by lot drawn by the Secretary or Returning Officer in the presence of two other members.
- c) The Secretary/Returning Officer shall prepare and cause a ballot paper to be sent to each financial member as recorded in the Register of Members to be returned to the Secretary or Returning officer to be received not less than three (3) days before the Annual General Meeting
- d) The method of election of the committee of the club will be in accordance with the provisions of the Standard Non Parliamentary election Rules of the West Australian Electoral Commission
- e) Should it be necessary to fill a vacancy or vacancies, they shall be filled for the balance of the term by a majority decision of the remaining members of the Management Committee.
- f) Retiring Committee persons shall be eligible for re-election

- g) All persons appointed to any office, committee or sub-committee of the club formed for any particular purpose shall be financial members of the club and report to and be responsible to the Management Committee of the club.
- h) Any person who is an undischarged bankrupt or their affairs are under solvency laws is ineligible to nominate
- i) Any person convicted of an offence relating to dishonesty, such as stealing or fraud and has been imprisoned for three months or more is ineligible to nominate for the committee. When a person is prohibited because they have been convicted of an offence they cannot be a committee member for a period of five years or five years from release from custody.
- j) Paid employee of the club or any person deriving financial benefit on a regular basis from the club is ineligible to nominate for any position of the club or remain in the position if employed or engaged by the club.

13. DUTIES OF OFFICERS

The Chairperson shall:

- i. Be entitled to preside at all Meetings of the club and see that business is conducted in a proper manner and on those occasions where the vote shall at any time be equal he/she shall have the casting vote.
- ii. May call Committee meetings and generally shall ensure the well being and objectives of the club are upheld and maintained.
- iii. On written requisition of ten (10) per cent of the Ordinary Members or Fifty (50) Ordinary Members, whichever is the lesser figure call a Special General Meeting to discuss the business contained in such requisition and such meeting shall be called within twenty eight (28) days from the date of receipt of the requisition.
- iv. Attend committee meetings of the club and ensure good governance of the affairs of the club and vote as a member of the committee and on a tied vote have the casting vote
- v. The chairperson must ensure that the minutes of a general or committee meeting are checked and signed as correct by the chairperson of the general committee meeting to which those minutes relate or by the chairperson of the next succeeding general or committee meeting as case requires
- vi. The chairperson may attend any sub-committee meetings or other meetings affecting the governance of the club from time to time.

The Deputy Chairperson

- i. Assist the Chairperson at all meetings of the club and in his or her absence shall perform all the functions indicated for the Chairperson if the Chairperson for any reason is unable to perform them.

The Secretary shall:

- i. Attend all Management Committee meetings and ensure that minutes of such meetings are accurately recorded, receive all correspondence and answer such questions as may be asked in accordance with the constitution.
- ii. Keep a record of all correspondence inward and outward.
- iii. At the Annual General Meeting shall have available a list of officers and members as at the close of the preceding year and their addresses.
- iv. At the Annual General Meeting shall read to the meeting the names of persons comprising the Management Committee for the preceding year and their attendance at meetings during the year.
- v. Be entitled to attend all Special General Meetings of the club and shall ensure that minutes of such meetings are accurately recorded.

- vi. Keep and maintain in an up to date condition the rules of the Association in a hard copy or make such information available online and, upon the request of a member of the Association, make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules
- vii. Upon the request of a member of the Association, make available the minutes in hard copy format or online and make available for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
- viii. Unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, including duplicate copies of those required to be kept and maintained by, or in the custody of the Treasurer
- ix. Keep a register of all members including social, ordinary, junior and life with name address and type of membership and make available for inspection on request a list of members names only.
- x. Maintain and preserve all digital records of the club

The Treasurer shall:

- i. Ensure the receipt and issue of receipts in the name of the Club for all moneys received
- ii. Ensure the payment of all moneys belonging to the club into such bank or banks as shall be approved by the Management Committee in the name of the club and keep an account of all money received and expended by the club
- iii. Ensure the balance of the books for the purpose of the Annual Audit and shall prepare an income and expenditure statement and balance sheet to be presented to the Annual General Meeting.
- iv. Present a monthly profit and loss statement, balance sheet, and a list of payments made in the preceding month to each Management Committee meeting for inclusion in the minutes.
- v. Ensure the payment from the funds of the club with the authority of the Management Committee and in doing so ensure all cheques or electronic transfers are signed or authorised by the appropriate person or persons so authorised by the Management Committee.
- i. Have custody of all securities, books, and documents of a financial nature and accounting records of the club

14. AUDITORS

Auditors shall be appointed at the Annual General Meeting to examine the books, accounts, receipts, vouchers, etc. for the year following their election and compare same with the statement of income and expenditure and balance sheet. They shall certify as to the correctness or otherwise of such statements of income and expenditure and balance sheet and furnish the Secretary with a report as to the state of the funds. The Auditor finding any deficiency and/or irregularities in moneys or effects shall state the particulars in their report.

15. MANAGEMENT COMMITTEE

The Management Committee shall: -

- i. Consist of the duly elected or appointed office bearers as provided in clause 11 and 12 (e) thereof.
- ii. Each Committee member has a deliberative vote
- iii. Decide by a majority of votes a question arising at a Committee meeting, but, if there is no majority, the person presiding at the Committee meeting will have the casting vote in addition to his or her deliberate vote.
- iv. Shall meet at least monthly and minute all resolutions and proceedings of such meetings shall be recorded, maintained and archived .The minutes must be made available online and/or made available on the notice board at the club

- v. May be removed by a majority vote at a Special General Meeting and a new committee appointed in its place until the next Annual General meeting
- vi. Appoint from the members of the club any sub-committees and may co-opt any members of the club who may not be committee persons for any purpose whatsoever connected with the affairs or purpose of the club including fund raising and social functions;
- vii. Frame by-laws not inconsistent with this constitution and shall take active steps to ensure that such by-laws including codes of conduct are complied with;
- viii. Set membership and nomination fees and fix and pay honorariums to any Officer
- ix. At all times promote the objective of the club and act with integrity, honesty and ensure good governance of the club
- x. Determine the procedure and order of business to be followed at a committee or general meeting
- xi. Ensure that a committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established) must as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and not take part in any deliberations or decision of the Committee with respect to that contract.
- xii. The Secretary must cause every disclosure made under sub-rule (15) (xi) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made
- xiii. Not offer employment or any contract to any member of the management committee or any direct or indirect family member of a member of the management committee.
- xiv. must oversee the conduct of all events and entertainment offered at the club to ensure they operate in accordance with the Liquor Act and any other legislation
- xv. Must set an annual budget and approve the capital works budget
- xvi. Must approve all external marketing by the club and be solely responsible for all sponsorship programs and maintain an up to date policy and procedures manual for the club.
- xvii. The management committee must appoint a suitably qualified person to act as the Venue Manager of the club and monitor the performance of that person in the discharge of their duties.

16. CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE

A casual vacancy occurs in the office of a committee member and that office becomes vacant if the committee member

- a) is convicted of an offence under the Incorporations Act 2015.
- b) dies or is permanently incapacitated by mental or physical health
- c) is absent from more than three (3) consecutive committee meetings with out apology
- d) ceases to be a member of the association or resigns in writing to the chairperson
- e) is a subject of a resolution passed by a special general meeting of members terminating his or her appointment as a Committee member

The casual vacancy is filled as per clause 12 (e)

17. COMMITTEE MEETINGS

- a) The executive shall have power to call meetings of the Management Committee whenever it is deemed necessary.
- b) In the absence of the President or Deputy President those present may elect one of their numbers to chair the meeting.
- c) Meetings to be held monthly on a predetermined day and time.

18. ANNUAL GENERAL MEETING

- a) The Annual General Meeting of the club shall be held on such day and time and place as the Management Committee may determine provided always that the Annual General Meeting shall be held prior to the 31st October in each year. Notice of the meeting shall be posted in a prominent position in the club premises or sent to members at least twenty one (21) days before the meeting.
- b) The business of the Annual General Meeting shall be the reception of the statement of income and expenditure balance sheet, annual report and auditor's report, the Presidents report, the budget for the coming year, the election of officers and Auditors and the transaction of any other business that may be properly raised at such meeting.
- c) If a quorum is not present the meeting shall stand adjourned to the same time on the same day in the following week and to the same venue
- d) If within 30 minutes of the time appointed for the resumption of an adjourned meeting a quorum is still not present, the meeting shall proceed, and the business as listed on the Agenda for the meeting shall be dealt with accordingly.
- e) There must not be transacted at an adjourned general meeting any business other than the business left unfinished or on the agenda when the general meeting was adjourned
- f) In the absence of the President or the Deputy President the meeting may elect a member to chair the meeting in their absence.

19. SPECIAL GENERAL MEETINGS

- a) The Management Committee may at any time call a Special General meeting.
- b) A Special General Meeting shall be called on written requisition made to the President or a member of the executive by not less than ten (10%) of the club members entitled to vote or (50) members entitled to vote (whichever is the lesser figure) stating in a notice the proposed resolution not less than fourteen (14) days before the meeting.
- c) Only business of which notice has been given shall be dealt with at the meeting which must be called with in twenty eight (28) days of receipt of the requisition.
- g) If a quorum is not present the meeting shall stand adjourned to the same time on the same day in the following week and to the same venue
- h) There must not be transacted at an adjourned general meeting any business other than the business left unfinished or on the agenda when the general meeting was adjourned

20. QUORUMS AND VOTING

- a) At the Annual General Meeting and all Special General Meetings of the Club the quorum shall be twenty five (25) Club Members entitled to vote or ten (10%) of Club Members entitled to vote, whichever is the lesser.
- b) Only financial members and life members of the club are entitled to vote at Annual General or Special General Meetings of the club. Each member present is entitled to a deliberative vote.
- c) The quorum for meetings of the Management Committee shall be four (4)
- d) The quorum for meetings of the Executive Committee shall be three (3)

21.SUBSCRIPTIONS

- a) A subscription fee, a joining fee, or affiliate fees, if any, shall be payable in advance and the amount shall be determined by the Management Committee .
- b) Subject clause 7 members shall not be relieved of their subscription under any circumstances.

22. PAYMENT OF FEES

- a) Members' subscriptions shall be paid to the club in person or online with in thirty (30) days of the due date with or without notice.
- b) A member resigning from the club shall pay all debts due to the date of resignation on a pro rata basis. If a member resigns after thirty (30) days into the new year then the member shall be liable to pay quarter of the annual fee.

23. BY-LAWS

The Management Committee shall have power to make such by-laws from time to time as may be necessary to carry out the objectives of the club and to vary or rescind such by-laws from time to time as they may consider necessary .

The By-Laws must be made available to members either on line or in hard copy form.

24. FUNDS AND BANKING SYSTEM

- a) No sum of money in excess of one hundred dollars (\$100.00) shall be paid on account of the club except by an approved method outlined in the by-laws upon the Bankers of the club.
- b) All withdrawal drawn on the Bank Account of the club shall be approved by any two of the following Secretary, Treasurer , Deputy President, President or Manager.
- c) It shall not be lawful for any meeting of members to vote a sum of money for any purpose other than those prescribed in this constitution.
- d) The clubs bankers shall only open or close or vary signatories to the bank accounts in the clubs name under written authority from the club Secretary and approval by the committee.

25. DISSOLUTION

- a) The club may be dissolved by a special resolution passed at any General or Special General meeting by three fourths of the financial Members present and eligible to vote
- b) 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 to 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 objects 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.

26. INTERPRETATION OF CONSTITUTION

- a) The constitution is non gender specific and any reference to the will be in masculine includes the feminine;
- b) Interpretation will be in accordance with the common meaning.
- c) In case of any doubt arising to the correct interpretation of the Constitution, the majority decision of the Management Committee shall be taken and acted upon.

27. ALTERATIONS AND REPEAL OF RULES OF THE CONSTITUTION

- a) No Repeal of any existing rules and no new rule alteration amendment or suspension of a rule shall be valid unless a motion thereof be carried by a three fourths majority of members present and entitled to vote at a General Meeting or Special General Meeting of the club held for this purpose.
- b) No motion to repeal alter, amend, or suspend any rule shall be put before a meeting unless notice of the proposed repeal, alteration, amendment or suspension be approved by the Management committee and exhibited on any public notice board of the club.
- c) All resolutions passed at all meetings of the club shall be conclusive and binding on all members provided that such meetings are held in conformity with the Rules of the club then in force.
- d) Within thirty (30) days after the making of any amendment or alteration to the Rules of the Club the Management Committee of the club shall lodge with the Director of Liquor Licensing and to the Commissioner of Consumer Protection or relevant governing department a certified copy of the amendment or alterations. No effect will be given to the change without the prior approval of the Commissioner.

28. GENERAL

- a) The equipment is to be provided and maintained from the joint funds of the club and no person shall be entitled under these rules to derive any benefit or advantage from the club which is not shared equally by every member thereof.
- b) No member shall without the prior approval of the Management Committee use the club name for any purpose whatsoever .
- c) No liquor shall be sold or supplied to any person under eighteen(18) years of age
- d) No person under the age of eighteen (18) shall be employed by the club
- e) All members shall observe and comply with the provisions of the Liquor Control Act 1988 and any amendments.
- f) No unlawful gambling or betting shall be allowed on the premises
- g) No member or committee person shall have the power to remove or loan or borrow club property without the prior consent of the Management Committee.
- h) No payment to members or servant of the club shall be made by the way of liquor
- i) The management committee shall appoint a member, not being a candidate nor a member of the management committee, to act as the returning officer to conduct the elections who shall have an absolute discretion in regard to the procedure. Upon the completion of the election he shall convey the results to the chairman of the annual general meeting (whether or not the meeting shall have concluded) and the Chairman shall declare the poll.
- j) The management committee shall have the power to appoint a Property Manager to assist in the proper maintenance of the property and assets of the club.
- k) All necessary deeds ,instruments ,agreements and contracts must be approved by a resolution of the management committee and executed by and in the presence of any (2) two of the President, Deputy President and Secretary.