

# CONSTITUTION OF SANDY BAY LIONS JUNIOR FOOTBALL CLUB INC

## 1 NAME

The Name of the association shall be **SANDY BAY LIONS JUNIOR FOOTBALL CLUB INC** (in these rules called "the Association").

## 2 DEFINITIONS AND INTERPRETATION

2.1 In these rules, unless the contrary intention appears:

2.1.1 "Act" means the Associations Incorporations Act 1964 as amended;

2.1.2 "basic objects" means the objects described in Sub-rule 4(1);

2.1.3 "committee" means the committee of management of the Association;

2.1.4 "general meeting" means a general meeting of members convened in accordance with rule 13;

2.1.5 "ordinary committeeman" means a member of the committee to whom sub-clause 23.1.2 relates.

2.2 In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form.

2.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the *Acts Interpretation Act 1931* and the Act as in force on the date on which these rules are adopted by the Association.

## 3 OFFICE

The office of the Association shall be at Level 2, 39 Sandy Bay Road, Hobart in Tasmania or such other place as the committee may from time to time determine.

## 4 OBJECTS

4.1 The basic objects of the Association are as follows:

4.1.1 to acquire the assets and undertakings of the unincorporated Association known as the Sandy Bay Lions Junior Football Club;

4.1.2 to promote, develop and encourage Junior Football within the Association;

4.1.3 organise and encourage the participation of Junior Football teams in such Junior Football League as the Committee shall from time to time determine;

- 4.1.4 to co-operate with the Tasmanian Football League, Australian Football League and any other bodies, agencies or associations that the Committee may from time to time determine in such manner which will enhance the status of Junior Football with the Association, the Junior Football League within which the Association participates and in the State of Tasmania.
- 4.2 In addition to the basic objects of the Association, the objects and purposes of the Association shall be deemed to include:
- 4.2.1 the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association;
- 4.2.2 the buying, selling and supplying of, and dealing in, goods of all kinds;
- 4.2.3 the construction, maintenance and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
- 4.2.4 the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;
- 4.2.5 the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donations, subscriptions or otherwise;
- 4.2.6 the printing and publishing of such newspapers, periodicals, books, leaflets or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;
- 4.2.7 the borrowing and raising of money in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at a general meeting;
- 4.2.8 subject to the provisions of the *Trustee Act 1898*, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine;
- 4.2.9 the making of a gift, subscription or donation to any of the funds, authorities or institutions to which *item 1 of the table in Section 30-15 of the Income Tax Assessment Act 1997* of the Commonwealth relates;
- 4.2.10 the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes, and conveniences calculated to benefit servants or past servants of the Association and their dependants, and the granting of pensions, allowances, or other benefits to servants or past servants of the

Association and their dependants, and the making of payments towards insurance in relation to any of those purposes;

- 4.2.11 the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association;
- 4.2.12 the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities, and engagements of any association with which the Association may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Association; and
- 4.2.13 the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

## **5 MEMBERSHIP**

- 5.1 A person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the annual subscription prescribed in, or fixed under, these rules.
- 5.2 All persons who are members of the unincorporated association known as the Sandy Bay Lions Junior Football Club as at the time of incorporation are deemed to be members of the Association.
- 5.3 A person who is not a member of the Association at the time of the incorporation of the Association shall not be admitted to membership:
  - 5.3.1 unless he is nominated as provided in sub-rule 5.4; and
  - 5.3.2 his admission as a member is approved by the committee.
- 5.4 A nomination of a person for membership of the Association-
  - 5.4.1 shall be made in writing, signed by one (1) member of the Association;
  - 5.4.2 shall be accompanied by the written consent of the person nominated (which may be endorsed on the form of nomination); and
  - 5.4.3 shall be lodged, including but not limited to lodgement by post, in person, by facsimile or by email, with the public officer of the Association.
- 5.5 If a person who is under the age of eighteen (18) years is nominated for membership, the nomination must also include the name of their parent or guardian, who will upon a successful application, also be approved for membership.
- 5.6 As soon as is practicable after the receipt of a nomination the public officer shall refer the nomination to the committee.

- 5.7 Upon a nomination being approved by the committee, the public officer shall, with as little delay as possible, notify the nominee, and if applicable their parent or guardian, in writing, that the nominee and their parent or guardian has been approved for membership of the Association and, upon receipt of the sum payable by or on behalf of the nominee as the nominee's first year's subscription, shall enter the nominee's name in a register of members to be kept by the public officer, whereupon the nominee and if applicable, their parent or guardian, becomes a member of the Association.
- 5.8 A member of the Association may, at any time, resign from the Association by delivering or sending by post to the public officer a written notice of resignation.
- 5.9 If made by a member under the age of eighteen (18) years, or their parent or guardian member, a written notice of resignation made pursuant to sub-rule 5.8 will be taken as a resignation on behalf of both members.
- 5.10 Upon any member ceasing to be a member of the Association for whatsoever reason that member shall be deemed to retire from any office (as an Officer or ordinary Committeeman of the Association) held by that member in the Association.
- 5.11 Upon receipt of a notice under sub-rule 5.7 of this rule, the public officer shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Association.
- 5.12 There shall be no refund (pro rata or otherwise) of any fee or part thereof to a person ceasing to be a member for any reason whatsoever.
- 5.13 A right, privilege, or obligation of a person by virtue of his membership of the Association:
- 5.13.1 is not capable of being transferred or transmitted to another person; and
- 5.13.2 terminates upon the cessation of his membership, whether by death, resignation, or otherwise.
- 5.14 In the event of the Association being wound up:
- 5.14.1 every member of the Association; and
- 5.14.2 every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a member of the Association,
- is liable to contribute to the assets of the Association for payment of the debts or liabilities of the Association and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding Five Dollars (\$5.00) as may be required, but a former member is not liable so to contribute in respect of any debt or liability of the Association contracted after he ceased to be a member.

## **6 APPLICATION OF INCOME**

- 6.1 The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Association.
- 6.2 Nothing herein prevents the payment in good faith to a servant or member of the Association or Committee of:
- 6.2.1 Remuneration in return for services actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business;
  - 6.2.2 Interest at a rate not exceeding seven and one-quarter per cent (7.25%) on moneys lent to the Association by the servant or member; or
  - 6.2.3 A reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

## **7 ACCOUNTS**

- 7.1 True accounts shall be kept:
- 7.1.1 of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
  - 7.1.2 of the property, credits, and liabilities of the Association,
- and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, those accounts shall be open to the inspection of the members of the Association.
- 7.2 The Treasurer of the Association shall faithfully keep all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the Association in such form and manner as the committee may direct.
- 7.3 The accounts, books, and records referred to in sub-rules 7.1 and 7.2 shall be kept at the office of the Association or at such other place as the committee may decide.

## **8 RECEIPTS AND CHEQUES**

- 8.1 The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof issue official receipts therefore.
- 8.2 The committee shall cause to be opened with such bank as the committee selects a banking account in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.

- 8.3 The committee may receive from the Association's bank or bankers for the time being the cheques drawn by the Association on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Association.
- 8.4 Except with the authority of the committee, no payment of a sum exceeding One Hundred Dollars (\$100.00) shall be made from the funds of the Association otherwise than by cheque drawn on or by an electronic funds transfer from the Association's bank account, but the committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the committee may impose.
- 8.5 No cheques shall be drawn on the Association's bank account except for the payment of expenditure that has been authorised by the committee.
- 8.6 All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by the Treasurer or, in his absence, by such other member or members of the committee as the committee may nominate for that purpose, and shall be countersigned by the public officer.

## **9 AUDITOR**

- 9.1 At each annual general meeting of the Association, the members present shall appoint a person as the auditor of the Association.
- 9.2 A person so appointed shall hold office until the annual general meeting next after that at which he is appointed, and is eligible for re-appointment.
- 9.3 The first auditor of the Association may be appointed by the committee before the first annual general meeting, and, if so appointed, shall hold office until the first annual general meeting, unless previously removed by a resolution of the members at a general meeting, in which case the members at that meeting may appoint an auditor to act until the first annual general meeting.
- 9.4 If an appointment is not made at an annual general meeting the committee shall appoint an auditor of the Association for the then current financial year of the Association.
- 9.5 Except as provided in sub-rule 9.3, the auditor may only be removed from office by special resolution.
- 9.6 If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the committee may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

## **10 AUDITOR'S REPORT**

- 10.1 Once at least in each financial year of the Association, the accounts of the Association shall be examined by the auditor.

- 10.2 The auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the annual general meeting.
- 10.3 In his report, and in certifying to the accounts, the auditor shall state:
  - 10.3.1 whether he has obtained the information required by him;
  - 10.3.2 whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his disposal and the explanations given to him and as shown by the books of the Association; and
  - 10.3.3 whether the rules relating to the administration of the funds of the Association have been observed.
- 10.4 The public officer of the Association shall cause to be delivered to the auditor a list of all the accounts, books and records of the Association.
- 10.5 The auditor:
  - 10.5.1 has a right of access to the accounts, books, records, vouchers and documents of the Association;
  - 10.5.2 may require from the servants of the Association such information and explanations as may be necessary for the performance of his duties as auditor;
  - 10.5.3 may employ persons to assist him in investigating the accounts of the Association; and
  - 10.5.4 may, in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.

## **11 ANNUAL GENERAL MEETING**

- 11.1 The Association shall, in each year, hold an annual general meeting.
- 11.2 The annual general meeting shall be held on such day (being not later than three months after the close of the financial year of the Association) as the committee may determine.
- 11.3 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
- 11.4 The annual general meeting shall be specified as such in the notice convening it.
- 11.5 The ordinary business of the annual general meeting shall be:
  - 11.5.1 to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;

- 11.5.2 to receive from the committee, auditor, and servants of the Association reports upon the transactions of the Association during the last preceding financial year;
  - 11.5.3 to elect the officers of the Association and the ordinary committeemen;
  - 11.5.4 to appoint the auditor and determine his remuneration;
  - 11.5.5 to determine the remuneration of servants of the Association; and
  - 11.5.6 to determine the annual subscription payable by Members for the forthcoming financial year.
- 11.6 The annual general meeting may transact special business of which notice is given in accordance with these rules.
- 11.7 All general meetings other than the annual general meeting shall be called special general meetings.

## **12 SPECIAL GENERAL MEETING**

- 12.1 The committee may, whenever it thinks fit, convene a special general meeting of the Association.
- 12.2 The committee shall, on the requisition in writing of not less than ten per cent (10%) of members, convene a special general meeting of the Association.
- 12.3 A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Association and may consist of several documents in the like form, each signed by one or more of the requisitionists.
- 12.4 If the committee does not cause a special general meeting to be held within twenty-one (21) days from the date on which a requisition therefore is deposited at the office of the Association, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three (3) months from the date of the deposit of the requisition.
- 12.5 A special general meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

## **13 PUBLIC OFFICER**

The public officer of the Association shall, at least fourteen (14) days before the date fixed for holding a general meeting of the Association, cause notice to be given or posted to members of the Association, such notice to specify the place, day, and time for the holding of the meeting, and the nature of the business to be transacted thereat.



## **14 BUSINESS AT GENERAL MEETING**

- 14.1 All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- 14.2 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- 14.3 Three (3) members personally present (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.
- 14.4 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the time and (unless another place is specified by the chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting the meeting shall be dissolved.

## **15 CHAIRMAN**

- 15.1 The President, or in his absence, the Vice President shall preside as chairman at every general meeting of the Association.
- 15.2 If the President and the Vice President are absent from a general meeting, the members present shall elect one or their number to preside as chairman thereat.

## **16 ADJOURNMENT**

- 16.1 The chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 16.2 Where a meeting is adjourned for fourteen (14) days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
- 16.3 Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

## **17 POLL**

A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a

show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the minute book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

## **18 VOTING**

18.1 Subject to sub-rule 18.2, upon any question arising at a general meeting of the Association, a member has one vote only.

18.2 Members under the age of eighteen (18) years do not have the right to vote and any such vote casted will not be counted.

18.3 All votes shall be given personally.

18.4 In the case of an equality of voting on a question the chairman of the meeting is entitled to exercise a second or casting vote.

## **19 CONDUCT OF POLL**

If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairman may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

## **20 TIME OF POLL**

A poll that is demanded on the election of a chairman, or on a question or adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairman may direct.

## **21 MINUTES OF COMMITTEE**

21.1 The affairs of the Association shall be managed by a committee of management constituted as provided in rule 23.

21.2 The committee:

21.2.1 shall control and manage the business and affairs of the Association;

21.2.2 shall exercise overall control and responsibility, receive reports and formulate policy and approve budgets and expenditure;

21.2.3 may, subject to these rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association; and

21.2.4 subject to the Act and these rules, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association.

21.3 Notwithstanding any other provision or rule contained herein, the Committee shall not enter into any Agreement to borrow funds or to commit the

Association to on-going debts unless the arrangement or agreement to borrow funds or to commit the Association to on-going debts as aforesaid is approved of by special resolution of the Committee.

## **22 ASSOCIATION OF OFFICERS**

- 22.1 The officers of the Association shall be:
- 22.1.1 a President;
  - 22.1.2 a Vice President;
  - 22.1.3 a Treasurer;
  - 22.1.4 a Secretary;
  - 22.1.5 a Registrar/s; and
  - 22.1.6 a Public Officer.
- 22.2 No Officer of the Association shall hold more than two (2) offices concurrently;
- 22.3 No person shall hold the office of President for more than four (4) consecutive terms of Office;
- 22.4 No Member under the age of eighteen (18) years is eligible to hold any of the offices mentioned in sub-rule 22.1.
- 22.5 Each officer of the Association shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.
- 22.6 In the event of a casual vacancy in any office mentioned in sub-rule 22.1 of this rule, the committee may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.

## **23 COMMITTEE**

- 23.1 The committee shall consist of the officers of the Association (all of whom shall be elected at the Annual General Meeting of the Association each year); and
- 23.2 For the avoidance of doubt, no Member under the age of eighteen (18) years is eligible to sit on the Committee.
- 23.3 Each ordinary committeeman shall, subject to these rules, hold office until the annual general meeting next after the date of his election, but is eligible for re-election.
- 23.4 In the event of a casual vacancy occurring in the office of ordinary committeeman, the committee may appoint a member of the Association to fill the vacancy, and the member so appointed shall hold office, subject to these rules until the conclusion of the annual general meeting next following the date of his appointment.

## **24 COMMITTEE ELECTION**

- 24.1 Nominations of candidates for election as officers of the Association:
- 24.1.1 shall be made in writing signed by two (2) members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - 24.1.2 shall be delivered to the public officer of the Association at least ten (10) days before the date fixed for the holding of the annual general meeting.
- 24.2 If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- 24.3 If the number of nominations received is less than or equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 24.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 24.5 The ballot for the election of officers shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- 24.6 For the avoidance of doubt, no Member under the age of eighteen (18) years will be eligible to vote for any other member, or personally be nominated or elected, as an officer of the Association or to sit on the Committee in any capacity.

## **25 VACATION OF OFFICE**

- 25.1 For the purposes of these rules, the office of an officer of the Association or of an ordinary committeeman becomes vacant if the officer or committeeman:
- 25.1.1 dies;
  - 25.1.2 becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors, or makes any assignment of his estate for their benefit;
  - 25.1.3 becomes of unsound mind;
  - 25.1.4 resigns his office by writing under his hand addressed to the committee;
  - 25.1.5 ceases to be resident in the State;
  - 25.1.6 fails, without leave granted by the committee, to attend three consecutive meetings of the committee;
  - 25.1.7 in the case of an ordinary committeeman, ceases to be a coach or team manager of a Junior Football Team of the Association;

25.1.8 fails to pay all arrears of subscription due by him within fourteen days after he has received a notice in writing signed by the public officer stating that he has ceased to be a financial member of the Association.

25.2 If the office of an Officer or Committeeman of the Association becomes vacant as aforesaid the said Officer or Committeeman shall be deemed to retire as a Member of the Association.

## **26 COMMITTEE MEETINGS**

26.1 The committee shall meet at least three (3) times each financial year at such place and at such times as the committee may determine.

26.2 Special meetings of the committee may be convened by the President, or any four of its members.

26.3 Notice shall be given to members of the committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.

26.4 Any three (3) members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

26.5 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting, in which case it lapses.

26.6 At meetings of the committee:

26.6.1 the President, or in his absence the Secretary; or

26.6.2 if the President and the Secretary are absent, such one of the remaining members of the committee as may be chosen by the members present,

shall preside.

26.7 Questions arising at meetings of the committee or of any sub-committee appointed by the committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

26.8 Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one (1) vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

26.9 Notice of each committee meeting shall be given to on each member of the committee by advising the Committee Member at a reasonable time before the meeting or by sending notice thereof by post in a prepaid letter addressed

to him at his usual or last-known place of abode in time to reach him in due course of post before the date of the meeting.

## **27 CONFLICT OF INTEREST**

- 27.1 A member of the committee who is interested in any contract or arrangement made or proposed to be made with the Association shall disclose his interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of his interest.
- 27.2 If a member of the committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the committee after he becomes so interested.
- 27.3 No member of the committee shall vote as a member of the committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.

## **28 SUB-COMMITTEE**

- 28.1 The committee may at any time appoint a sub-committee from the committee as it may think fit and shall prescribe the powers and functions thereof.
- 28.2 The committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those persons are members of the Association, but a person so co-opted is not entitled to vote.
- 28.3 Three appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.
- 28.4 The appointed Chairman of any Sub-committee of the Association is responsible for calling meetings of a sub-committee.
- 28.5 Notice of each sub-committee meeting shall be given to each member of the sub-committee by advising him at a reasonable time before the meeting or by sending notices by post in a pre-paid letter addressed to him at his usual or last-known place of abode in time to reach him in due course of post before the date of the meeting.
- 28.6 The President, the Treasurer the Secretary constitute an executive committee, which may issue instructions to the public officer and the servants of the Association in matters or urgency connected with the management of the affairs of the Association during the intervals between meetings of the committee, and where any such instructions are issued shall report thereon to the next meeting of the committee.

## **29 ANNUAL SUBSCRIPTION**

- 29.1 Until otherwise fixed pursuant to sub-rule 29.2, the annual subscription payable by members shall be the sum of Five Dollars (\$5.00).

- 29.2 No annual subscription is payable by people who are members as parents or guardians of members under the age of eighteen (18) years pursuant to sub-rule 5.5.
- 29.3 The amount of the annual subscription may be altered from time to time by the members by special resolution.
- 29.4 The annual subscription of a member is due and payable on or before the first day of the financial year of the Association.

### **30 FINANCIAL YEAR**

The financial year of the Association is the period beginning on the 1<sup>st</sup> November in each year and ending on the 31<sup>st</sup> October next following.

### **31 ACCOUNTS**

- 31.1 The Association's accounts shall be audited by an Auditor appointed by the Committee unless the Association is otherwise exempted by the Commissioner for Corporate Affairs from submitting audited accounts;
- 31.2 The person appointed as Auditor by the Committee must be qualified to audit the accounts in accordance with the provisions of the Act;
- 31.3 Annual returns shall be lodged by the Association in accordance with the Act.

### **32 INSURANCE**

- 32.1 The Committee shall cause the Association to take out a policy of insurance for public risk liability for such amount and for such period of time as the Committee shall from time to time determine.
- 32.2 The Committee shall, at every annual general meeting of the Association, review and renew annually the insurance taken out by the Association for public risk liability.

### **33 NOTICE**

A notice may be served by or on behalf of the Association upon any member either personally or by sending it through the post in a prepaid letter addressed to the member at his usual or last-known place of abode.

### **34 EXPULSION**

- 34.1 Subject to this rule, the committee may expel a member from the Association if, in the opinion of the committee the member has been guilty of conduct detrimental to the interests of the Association.
- 34.2 If a member under the age of eighteen (18) years, or their parent or guardian member, is expelled, it is taken as an expulsion on behalf of both members.
- 34.3 The expulsion of a member pursuant to sub-rule 34.1 does not take effect:
- 34.3.1 until the expiration of fourteen days after the service on the member of a notice under sub-rule 34.4; or

34.3.2 if the member exercises his right of appeal under this rule, until the conclusion of the special general meeting convened to hear the appeal,

whichever is the later date.

34.4 Where the committee expels a member from the Association, the public officer of the Association shall, without undue delay, cause to be served on the member a notice in writing:

34.4.1 stating that the committee has expelled the member;

34.4.2 specifying the grounds for the expulsion; and

34.4.3 informing the member that if he so desires he may, within fourteen days after the service of the notice on him, appeal against the expulsion as provided in this rule.

34.5 A member on whom a notice under sub-rule 34.4 is served may appeal against the expulsion to a special general meeting by delivering or sending by post to the public officer of the Association, within fourteen (14) days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his appeal.

34.6 Upon receipt of a requisition under sub-rule 34.5, the public officer shall forthwith notify the committee of its receipt and the committee shall thereupon cause a special general meeting of members to be held within twenty-one (21) days after the date on which the requisition is received by the public officer.

34.7 At a special general meeting convened for the purpose of this rule:

34.7.1 no business other than the question of the expulsion shall be transacted;

34.7.2 the committee may place before the meeting details of the grounds of the expulsion and the committee's reasons for the expulsion;

34.7.3 the expelled member shall be given an opportunity to be heard; and

34.7.4 the members present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.

34.8 If at the special general meeting a majority of the members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his membership of the Association.

34.9 If at the special general meeting a majority of the members present vote in favour of the confirmation of the expulsion, the expulsion takes effect, and the expelled member ceases to be a member of the Association.



## **35 DISPUTE**

35.1 Subject to this rule, a dispute between a member of the Association, in his capacity as a member, and the Association shall be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 2011*.

35.2 Nothing in this rule affects the operation or effect of rule 34.

## **36 SEAL**

36.1 The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".

36.2 The seal of the Association shall not be affixed to any instrument except by the authority of the committee, and the affixing thereof shall be attested by the signatures either of two (2) members of the committee or of one (1) member of the committee and of the public officer of the Association or such other person as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.

36.3 The seal shall remain in the custody of the public officer.

## **37 ALTERATION TO RULES**

These Rules shall not be altered otherwise than in accordance with the provisions of the Act.

## **38 WINDING UP**

38.1 If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the surplus (if any) shall not be distributed among the Members of the Association, but shall be given or transferred to Ultra Tasmania Inc or some other Institution, Association or Company having objects similar to the objects of the Association and whose constitution or Memorandum of Association shall prohibit the distribution of its or their income and property amongst its or their members to an extent at least as great as is imposed on the Association by virtue of the provisions of this Constitution. Such Institution(s), Association(s) or Company(s) to be determined by the Committee at or before the time of the winding-up or dissolution of the Association and in default thereof by application made by the Committee to the Supreme Court of Tasmania for determination.

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**MURDOCH CLARKE**

**BARRISTERS  
AND  
SOLICITORS**

# **RULES OF ASSOCIATION**

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