



**CONSTITUTION OF THE  
EAST BRIGHTON VAMPIRES JUNIOR  
FOOTBALL CLUB  
INCORPORATED**

# Constitution

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## EAST BRIGHTON VAMPIRES JUNIOR FOOTBALL CLUB INCORPORATED CONSTITUTION AND BY LAWS

### DEFINITIONS

- A. In these Laws, a reference to any particular gender is to be construed as a reference to all or any genders.
- B. A “natural person” or “person” is not meant to include any reference to bodies corporate or other legal entities.

### NAME

- 1.1. The name of the incorporated association shall be EAST BRIGHTON VAMPIRES JUNIOR Football Club Incorporated, hereinafter called “the Club’.
- 1.2 The operating name of the Club shall be known as “EAST BRIGHTON VAMPIRES JUNIOR Football Club”.

### COLOURS

- 2.1 The colours of the Club shall comprise:
- Red jumper with White V on the chest and Red Collar, Sleeves and Cuffs.
  - Red shorts; and
  - Red socks
- OR
- Such other colours as the General committee shall determine from time to time.

### OBJECTS

- 3.1 The objects of the Club are:
- (i) To provide the opportunity for physical and social development of junior footballers of both sexes through the provision of healthy competition.
  - (ii) Through training and competition, to expand and develop Australian Rules Football (hereinafter referred to as “Football”) skills and overall team participation of and by all Junior Members.
  - (iii) To give children pleasure and satisfaction from participating in team efforts.
  - (iv) To develop self-discipline and the respect for peers.
  - (v) To develop team spirit, pride, and co-operation within Junior Members.
  - (vi) To provide an opportunity for Junior Members to inter-act with their peers from competing clubs.
  - (vii) To provide an opportunity for both individuals and teams to achieve their maximum potential:
  - (viii) To provide an opportunity for recognition and the development of confidence in individuals through sporting achievement:
  - (ix) To provide and maintain the best possible conditions for Junior Members both on and off the sporting field; and

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- (x) To subscribe for membership in other associations and leagues, whether they be incorporated under the Associations Incorporation Act 1981 (subsequently amended, novated, or replaced) or not, in order to achieve the foregoing objectives.

### MEMBERSHIP

4.1 A “Member” means a natural person (other than a Junior Member) who has paid the prescribed membership fee for the applicable financial period, or who is a parent or legal guardian of a Junior Member, or who is a Life Member, Honorary Office Bearer or Patron of the Club.

4.2 A “Junior Footballer” or “Junior Member” is a person who has paid the prescribed membership fee for the applicable financial period and who, by virtue of age alone, is therefore eligible to be a participating member of any team fielded by the Club in that particular financial period.

4.3. Within one month of receipt of the prescribed membership fee for the relevant class of membership, the General Committee shall have the right to refuse membership of the Club to any person, without giving any reason whatsoever. In such cases, the fee paid shall be refundable in full to the person who has been refused membership.

4.4 The Secretary shall keep and maintain a register in which shall be kept the full name, address, and date of birth of each Junior Member and the Member who is the parent or legal guardian of such Junior Member. A separate register shall be kept for those Members who are not Members by virtue of being the parent or legal guardian of Junior Members, such separate register to contain the full name, address and date of entry of the name of such Members. Both registers shall be available for inspection by Members at the address of the Public Officer.

### SUBSCRIPTIONS

5.1 The annual membership fee (or “subscription”) for each class of membership of the Club shall be determined by the General Committee from time to time, but once set, shall be fixed for that particular financial period. The Club shall not charge any form of entrance or joining fee to any person applying to become a Member.

5.2 All subscriptions shall be due by the first day of May in each year. No person shall be entitled to any of the privileges of membership until his or her subscription has been paid unless the provisions of clause 5.3 have been invoked on behalf of that person by the General Committee.

5.3 The General Committee, acting on advice and recommendation of the officials of the relevant team, shall have absolute discretion to decide whether a Junior Member's subscription may be waived in the case of financial hardship or for any other reason whatsoever and the individual person may be invited by the General Committee to become a Junior Member of the Club.

5.4 The payment of the subscription or acceptance of an invitation from the General Committee to become a member or a Junior Member under the provisions of clause 5.3 shall constitute acquiescence by that Member or Junior Member in the Constitution, Laws and By- Laws of the Club.

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## OFFICE BEARERS

6.1. The Office Bearers of the Club shall consist of “Honorary Office Bearer Members” and “Honorary Office Bearers”.

6.2 The Honorary Office Bearer Members shall consist of a President, Senior Vice President Junior Vice President, Secretary and Treasurer.

6.3. The Honorary Office Bearers shall be elected “Honorary Vice Presidents” and Patrons.

6.4 Subject to clause 8.6, the Office Bearers shall be elected at an Annual General Meeting or in accordance with clause 7.3 for a term of one year.

## GENERAL COMMITTEE

7.1 The affairs of the Club shall be under the management and control of the General Committee, which shall consist of not more than fifteen members and shall comprise the Honorary Office Bearer Members and up to ten other members (hereinafter referred to as the “Elected Members”).

7.2 Team Coaches and Team Managers whose appointments have been ratified by the General Committee shall be classified as “ex-officio” members of the General Committee and shall be entitled to attend General Committee Meetings and be available for appointment to any sub-committees formed to assist the General Committee in the execution of its responsibilities. Unless they are also an Elected Member, however, they shall not be entitled to vote on any issue raised at a General Committee Meeting.

7.3 If, at any time subsequent to the relevant Annual General Meeting, a vacancy on the General Committee or the Honorary Office Bearer Members arises, or was not filled at the Annual General Meeting, the remaining elected members may appoint such natural persons as are deemed appropriate by them to fill the vacancy until the next Annual General Meeting.

7.4 Any Member, being a committee member of another football club which fields teams in the same approximate age groups as the Club shall be ineligible to hold office in the Club unless agreed by the General Committee.

## ELECTION OF OFFICE BEARERS AND ELECTED MEMBERS

8.1 Subject to clause 7, nomination of any candidate for election as an Office Bearer or elected member shall be made known to the Secretary, (preferably in writing) not later than prior to the commencement of the Annual General Meeting.

8.2 If, in any one year, there are more candidates for election than there are positions to be filled or there is more than one candidate for any particular Honorary Office Bearer Member position, the election shall be by ballot at the Annual General Meeting.

8.3. Where an election by ballot is necessary, such ballot shall initially be by show of hands with the outgoing Secretary and Treasurer or such other attendees at the Annual General Meeting as are agreed by a simple majority of Members present being scrutineers. If the Chairman at the Annual General Meeting is unable to categorically announce a clear winner for the position being contested, the Secretary is to cause a ballot paper showing the names of the candidates nominated in alphabetical order to be distributed to all



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Members present at the Annual General Meeting. The winner shall be that candidate who records a simple majority of the votes cast with the Secretary and Treasurer again acting as scrutineers (unless the position being voted on is one of those positions in which case the Chairman shall nominate two scrutineers from those Members present). If necessary, the Annual General Meeting may be adjourned for a period of two weeks for this purpose.

8.4 If, at any election, an equal number of votes be cast in favour of two or more candidates for the one position, the Chairman of the Meeting shall have a casting vote (in addition to his discretionary vote) to determine which of the candidates shall be elected to such position.

8.5 All Office Bearers shall be elected annually in accordance with clause 6 hereof.

### MANAGEMENT

9.1 The General Committee shall be responsible for the management of all affairs and concerns of the Club, including the appointment and dismissal of all officers and servants of the Club (except the Auditor if such has previously been appointed) and shall have the power to perform all such acts and deeds as shall appear to them to be necessary or advisable for the proper management and advancement of the Club. The General Committee shall have the power to make By-laws and Regulations and to alter, amend, novate, or rescind as occasion may require such By-laws and Regulations. The By-laws and Regulations shall have the same force and effect as these Laws but must not be, in any way whatsoever, opposed to these Laws.

9.2 The Executive Committee is empowered to deal with any urgent Club matters provided it is impracticable at the time to call a meeting of the General Committee or to postpone dealing with the matter until the next scheduled meeting of the General Committee.

The Executive Committee shall comprise any three of the President, Senior Vice President, Junior Vice President, Chairman of the Match Committee, Secretary, Property Steward, or the Treasurer. The Executive Committee shall act in accordance with the Laws of the Club. The decisions of, and the actions taken by, the Executive Committee shall be referred by the said Committee to the next meeting of the General Committee which shall be empowered, where necessary and if possible, to vary, alter, reverse, confirm or ratify the decisions or actions taken.

9.3. The General Committee shall meet at least once in every three months throughout the year and more regularly when necessary for the purpose of transacting the business of the Club. Three days' notice of such meetings shall be communicated to each Elected member and Honorary Office Bearer Member.

Seven Members of the General Committee, of which at least three shall be Honorary Office Bearer Members, shall form a quorum for the purpose of conducting a meeting. Honorary Office Bearers (other than those who are also members of the General Committee) and others invited to attend General Committee Meetings from time to time shall be entitled to vote on any issue.

9.4 Any Member of the General Committee absenting himself from three consecutive meetings without first communicating an explanation to the Secretary and which is acceptable to the General Committee shall be deemed to have vacated his position and it shall be in the power of the General Committee to fill the vacancy. The Secretary must keep a register of all attendees at General Committee Meetings and must

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advise any defaulting General Committee Member of this Law before the Meeting at which the General committee is to consider the General Committee Member to be in default.

9.5 Any vacancy on the General Committee or in the Office Bearers of the Club which may occur from any cause whatsoever shall be filled by a person nominated by the General Committee and who is eligible to fill the vacancy. The remaining General Committee Members may continue to act notwithstanding any vacancy in their body.

9.6 Minutes of all resolutions and proceedings of the General Committee shall be recorded and retained as part of the Club records.

9.7. The opinion of the General Committee shall be immediately taken as final and binding on all Members and Junior Members and is to be acted upon should any question arise which is not provided for by these Laws or which relates to the interpretation of these Laws.

9.8 The General Committee shall have the power to grant honorariums as a gift to any person, however such honorariums are to be disclosed in the accounts presented at the next Annual General Meeting.

### HONORARY SECRETARY

10.1 The Honorary Secretary (to be known as “the Secretary”) is to cause all the directions of the General Committee to be carried out and to keep all necessary records.

10.2 The Secretary shall act as agent for the General Committee and is empowered to order the necessary material authorised by the General Committee; record all player and Junior Member registrations; arrange matches; attend and cause to be taken minutes of all meetings and attend to correspondence. The Secretary shall call General Committee Meetings when considered necessary or when requested in writing by not less than five General Committee Members and, in any case, at intervals not exceeding three months.

10.3 The Secretary has the power to delegate all of his powers and responsibilities with the exception of this particular power.

### HONORARY TREASURER

11.1 The Honorary Treasurer (to be known as “the Treasurer”) shall keep the accounts of all receipts and expenditures of the Club. All moneys received shall be paid into an account in the name of the Club at such Bank as may be decided by the General Committee. Any amounts invested on behalf of the Club must be approved by the General Committee and be held in the name of the Club or in the name or names of appointed Trustees of the Club. All cheques and withdrawals of funds from any account of the Club must be signed by any two of the President, Treasurer or Secretary or any one of the President, Treasurer or Secretary and countersigned by any Elected Member. All expenditure must be sanctioned or ratified by the General Committee.

11.2 Accounts and books shall be kept by the Treasurer showing the financial affairs of the Club and other particulars usually shown in books of account of a like and similar nature. The Treasurer shall present a written statement showing the receipts and expenditure of the Club subsequent to the last General Committee Meeting to each General Committee Meeting.

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11.3 The Treasurer shall prepare a written financial statement made up to the thirty-first day of August of the particular year for presentation to the next Annual General Meeting of the Club.

11.4 The Treasurer shall fulfil the role of Public Officer in accordance with clause 25.1 of these Laws.

### SUB-COMMITTEES

12.1 The General Committee may, from time to time, appoint sub-committees as may be deemed necessary or desirable for any purpose prescribed by the General Committee. Although members of any such Sub-Committee may be drafted from Members of the Club and elsewhere who are not necessarily General Committee Members, the Chairmanship of any Sub-Committee is to be vested in a General Committee Member.

12.2 The Chairman, or his appointed proxy in the event he is unable to attend, of each Sub-Committee shall report to the General Committee on the activities of the Sub-Committee and any decisions or recommendations made by the Sub-Committee must be made known to the General Committee at its next Meeting and either approved or adopted by the General Committee.

12.3 If a Sub-Committee is appointed to administer day to day coaching or playing matters, or the policy to oversee these matters as they may arise within the Club, this Sub-Committee shall be known as the "Match Committee" and shall be governed by these Laws with the exception being that the Chairman of the Match Committee shall be appointed from within the Honorary Office Bearer Members of the Club.

### DELEGATES

13.1 The General Committee shall appoint a sufficient number of delegates to the associations and leagues with which it is affiliated.

13.2 The Delegates shall represent the Club at meetings of the relevant associations or leagues with which the Club is affiliated and shall report on the proceedings of such associations and leagues at the next General Committee Meeting.

### LIFE MEMBERS AND PATRONS

14.1 The General Committee, at its discretion, may nominate natural persons or other legal entities to the position of Patron in consideration for service to the Club and such nomination is to be brought before an Annual General Meeting of the Members of the Club who alone shall have the power to elect the Patron by the voting of a majority of those Members present at the pertinent Annual General Meeting.

14.2 The Club shall have the power to elect Life Members, such membership to be awarded to those individuals who have rendered special service to the Club or Australian Football. Nominations for Life Membership shall be on the recommendation of the General Committee which shall be brought before the Members at any Annual General Meeting and such recommendation shall be adopted by the voting of a simple majority of those Members of the Club present at the pertinent Annual General Meeting.

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## DISPUTES & MEDIATION

15.1 The grievance procedure set out in this rule applies to disputes under these Rules between—

- (a) A member and another member; or
- (6) A member and the Association.

15.2 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.

15.3 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.

15.4 the mediator must be—

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement—
  - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or
  - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (iii) A member of the Association can be a mediator.
- (iv) The mediator cannot be a member who is a party to the dispute.
- (v) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

15.5 The mediator, in conducting the mediation, must—

- (a) give the parties to the mediation process every opportunity to be heard; and
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

15.6 The mediator must not determine the dispute.

15.7 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 at law.

## ANNUAL GENERAL MEETING

16.1. The Annual General Meeting shall be held not later than the end of each Calendar Year at such time and place as the General Committee shall determine. The Annual General Meeting is to be convened for the following purposes:

- (i) To receive the annual report of the General Committee.
- (ii) To receive the Financial Statement of the Club from by the Treasurer:
- (iii) To elect Honorary Office Bearers, Honorary Office Bearer Members and Elected Members for the succeeding year.
- (iv) If recommended by the General Committee, to consider the election of an Auditor, with such recommendation to be adopted if a simple majority of the Members present vote to do so.

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- (v) If recommended by the General Committee, to consider the election of Patrons and/or Life Members in terms of clause 14 above.
- (vi) To transact any other business relating to the affairs of the Club of which due notice has been given in accordance with these Laws.
- (vii) To present trophies and awards as considered appropriate by the General Committee to Junior Members and Members of the Club.

16.2 The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.

16.3 Five members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.

16.4 The Chairman may, with the consent of a simple majority of Members present at any Annual General Meeting, adjourn the Meeting from time to time and from place to place, however no business is to be transacted at any adjourned Meeting other than that business left unfinished at the Meeting from which the adjournment took place.

16.5 Any Member desirous of moving any resolution relating to the affairs of the Club at any Annual General meeting shall give notice in writing thereof to the Secretary not less than ten days prior to the date of such Meeting. Such proposed resolutions shall be circularised to the Members prior to the Annual General Meeting being declared open and the resolutions shall be adopted by the Annual General Meeting by the Members present voting a simple majority in their favour.

### SPECIAL GENERAL MEETINGS

17.1 The General Committee shall have the power to call a Special General Meeting of Members whenever matters and questions shall arise upon which the General Committee deems it necessary or desirable to obtain the opinion and/or the direction of the Members. Fifteen Members who are eligible to vote at any Special General Meeting shall form a quorum.

17.2 The Secretary shall call a Special General Meeting of Members upon receiving a requisition setting forth the objects of the Meeting signed by seven General Committee Members; by fifteen Members of the Club who are eligible to vote; or by a person seeking an appeal under clause 23.5 hereof. Such meetings must be held within twenty-eight days of the requisition being received by the Secretary and at such meetings; fifteen Members eligible to vote shall form a quorum.

17.3. Twenty-one days' notice of any Special General Meeting shall be given by delivering to each Member a notice of the Meeting and the nature of the business to be transacted thereat. The failure to give notice to any individual Member or Members shall not invalidate any resolution passed at the meeting.

17.4 If, at any Special General Meeting, no quorum shall be present within forty-five minutes of the time appointed for the holding of the Meeting then the Meeting shall lapse.

17.5 The Chairman may, with the consent of a simple majority of those Members present at a Special General Meeting, adjourn the Meeting from time to time and from place to place but no business shall be

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transacted at any adjourned Meeting other than the business left unfinished at the Meeting from which the adjournment took place.

### CHAIRMAN

18.1 The President, or in his absence one of the Vice Presidents (with precedence being given to the Senior Vice President) shall chair each Annual General Meeting, Special General Meeting or General Committee Meeting. In the event of the President and Vice Presidents not being present, the Meeting shall appoint a Chairman.

18.2 The Chairman of all meetings shall, in addition to his deliberative vote, have a casting vote except where the casting of his extra vote would resolve any motion which already has a tied vote in the negative.

### VOTING

19.1 No one will be permitted to vote at any Meeting unless they are a Member in accordance with these Laws and are present at the Meeting. Voting by proxy is not acceptable.

19.2 Junior Members shall not be entitled to vote at any Meetings of the Club unless they are also a General Committee Member.

### PROXIES

20.1 Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

20.2 The notice appointing the proxy must be—

- (a) For a meeting of the Association convened under rule 7(7), in the form set out in Appendix 2; or
- (b) In any other case, in the form set out in Appendix 3.

### BALLOT

21.1 At every Annual General meeting, Special General Meeting or Committee Meeting all questions shall be decided by a show of hands unless a ballot is called for by one fifth (1/5<sup>th</sup>) of the Members present. Subject to a contrary intention herein, all matters shall be decided by a simple majority vote by those Members present who are eligible to vote.

### CAPTAINS AND VICE CAPTAINS

22.1 The General Committee, after taking into account the recommendation of the relevant team coach, shall elect the captains and vice captains of each team.

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## TROPHIES and AWARDS

23.1 The General Committee shall have the power to award any prize to any Junior Member that it may think desirable, but no player shall receive any cash trophy or award.

23.2 The General committee is required to at least provide awards to the three leading vote winners in each team (as cast by team officials at matches throughout the season) if it decides to provide awards at all.

## CLEARANCES and PERMITS

24.1 If a player or Junior Member desires a clearance or permit to play with another club he shall apply on the prescribed form to the Secretary. The Match Committee (if there is one, else the General Committee) shall deal with the matter in accordance with the Laws of the Club.

24.2 No player, Junior Member or official shall be granted a clearance or permit to play for another club whilst he owes money to the Club; holds any Club property; is under suspension from the Club; or, in the opinion of the General Committee, is guilty of an offence under clause 23 hereof.

## MISCONDUCT OF MEMBERS and JUNIOR MEMBERS

25.1 The General Committee shall have the power to enquire into and deal with any Member or Junior Member of the Club in a manner the General Committee feels fit, if that Member or Junior Member has:

- (i) committed any breach of any of these Laws or a By-law of the Club or any publicised order or direction of the General Committee.
- (ii) in the opinion of the General Committee been guilty of any act or misconduct unbecoming of a footballer or sportsperson generally.
- (iii) in the opinion of the General Committee acted in a manner prejudicial to the interests of the Club or which would bring the Club into disrepute.

Any allegation(s) made against a Member or Junior Member must be forwarded in writing to the Secretary giving full details and particulars of the allegation(s).

25.2 The General Committee shall not proceed with any enquiry in terms of the preceding clause 25.1 without:

- (i) informing the particular person concerned, in writing at least seven days prior to the General Committee Meeting at which it is intended to deal with the allegation(s), of the date, time and place of the Meeting.
- (ii) informing the particular person, in writing and at least seven days prior to the Meeting required under the preceding clause 25.2 (i), of the details and particulars of any allegation(s) made against him; and
- (iii) giving the particular person an opportunity to be heard at that Meeting in reply to the allegation(s) made against him.

25.3 The person has no right to be represented (although Junior Members may have an adult parent or guardian present at the Meeting) and the General Committee may proceed in the person's absence if it is satisfied the requirements of the remainder of this Law 25 have been satisfied.

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25.4 At least two thirds (2/3rds) of the General Committee Members present at a General Committee Meeting properly convened to hear the allegation(s) must resolve to take action before the General Committee may exercise its powers under this Law 25.

25.5 The person charged and found guilty under this law has the right of appeal, but such appeal must:

- (i) be received by the Secretary within seven days of the date of the written notice of the decision of the General Committee: and
- (ii) state the grounds for the appeal.

Such appeal shall be heard by a fully constituted Meeting of the General Committee or a Special General Meeting, at the option of the person seeking the appeal.

25.6 Until the hearing of any appeal has been concluded, the decision of the General Committee shall have full force and effect.

### SEAL

26.1 The Common Seal of the Club shall be kept in the custody of the Secretary.

26.2 The Common Seal shall not be affixed to any instrument except by the authority of the General Committee and the affixing of the Common Seal shall be attested by signatures of an Honorary Office Bearer Member and a General Committee Member.

### PUBLIC OFFICER

27.1 The Treasurer shall perform the duties required of the Public Officer as laid down in the associations Incorporation Act 1981 as it is amended, novated, or replaced from time to time.

### FUNDS

28.1. The funds of the Club shall be derived from annual subscriptions, sponsorships, donations, and such other sources as the General Committee determines.

### ALTERATIONS OF THESE LAWS

29.1 Any of the present Laws or Objects of the Club may be amended, repealed, novated or a new Law or Object introduced, if it is elected to do so by seventy five per cent (75%) of the Members of the Club who are present and eligible to vote at a properly convened Annual General Meeting or Special General Meeting.

29.2 By-laws may be made, altered, amended or rescinded by the General Committee in accordance with clause 9.1 of these Laws.

### CUSTODY INSPECTION OF BOOKS RECORDS AND DOCUMENTS OF THE CLUB

30.1 Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents, and securities of the Association.



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30.2 All accounts, books, securities, and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.

30.3. A member may make a copy of any accounts, books, securities, and any other relevant documents of the Association.

### WINDING UP or CANCELLATION

31.1 In the event of the Club being disbanded or wound up or its incorporation being cancelled, its net assets will not be distributed to Members but will be distributed to:

- (i) a fund, club, or association with objectives similar to those of the Club set out in clause 3.1; or
- (ii) a fund which has a philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity, and including the benefiting of a fund certified to be patriotic under section 24 of the Patriotic Funds Act 1958 or the fund or part of the fund of the Australian Red Cross Society; or
- (iii) A community or charitable organization.