



Joondalup Sports Association
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NOTICE OF MOTION

to amend the Constitution of the Joondalup Sports Association by Special Resolution:

Items 1 to 5 below address inconsistencies in the Constitution.

Item 6 below addresses proposed amendments to Rule 19 concerning Misconduct and Penalties.

Item 7 below addresses anomalies in Rule 10 concerning the Powers of the Management Committee.

Item 8 below addresses anomalies in Rule 13 concerning matters to be included in the Agenda of the Annual General Meeting.

1. Delete Rule 8.3:

Rule 8.3 is inconsistent with rule 19.7, delete Rule 8.3 (marked up in red and struck through).

~~8.3 - Any member who is expelled, suspended or have their membership terminated shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.~~

19.7 - A decision of the Management Committee under Rule 19.6 shall be final and not subject to any appeal.

2. Amendment to Rule 9.7

Rule 9.7 is inconsistent with Rule 9.2, Members of the JSA Management Committee are appointed not elected.

Amend Rule 9.7 by Substituting "appointment " and "re-appointment" (marked up in red) for "election" and "re-election " (marked up in red and struck through).

9.7 - No person shall hold more than one position on the Management Committee at any one time. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting next following his/her ~~election~~ *appointment* and he/she will be eligible for ~~re-election~~ *re-appointment*.

3. Amendment to Rule 19.3:

(a) Change to Rule 19.3 to include provision for Management Committee disciplinary action if members act in an abusive or inappropriate manner toward JSA staff members by inserting as a new Sub-Rule 19.3 (c).

(c) Acts in an abusive or inappropriate way towards any staff of the Association

with subsequent Sub-Rules re-lettered accordingly.

(b) Change former Rule 9.3 (e), to be amended to Rule 19.3 (f) pursuant to proposed amendment (a) in order to permit disciplinary action for any conduct not specified which is detrimental, above by adding "other" before "way" in that Rule.

~~(e)~~ *(f) Acts in any other way detrimentally to the interests of the Association.*



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4. Amendment to Rule 6.1.

The JSA Constitution references the Associate Club Constitutions as Appendices, the Associate club Constitutions have not previously been included and would become difficult to keep aligned if they were. With the current wording they should be appendices because the privileges of a member of the JSA depend on what privileges apply under the Associate Club Constitution.

(a) Remove requirement to refer to Associate Club Constitutions by amending Rule 6.1: by deleting the words marked up in red and struck through below:

6.1 Ordinary Members

Any person who is a current member of an Associate Club may be afforded the privileges of an Ordinary Member of the Association, ~~to the same extent as the privileges afforded by membership to that Associate Club.~~ Ordinary members shall have no right to vote unless they are current delegates of the Management Committee.

(b) Amend the Index by deleting reference to Appendices A, B and C and by deleting the last 3 pages of the Constitution which are blank save for headings referring to the Appendices.

5. Amendment to Rules 19.1 and 19.2.

Currently Rule 19.1 allows the Management Committee to give notice to an Associate Club that a particular dispute shall be determined by the Association rather than the Associate Club. If that notice is not given the Associate Club has power to determine the dispute and Rule 19.2 provides that the decision of the Associate Club shall take effect as though it was a determination by the Association. The intention is to ensure that both the Association and an Associate Club do not both hold disciplinary proceedings over the same incident to avoid the risk of inconsistent decisions and to avoid members being exposed to any double jeopardy.

The amendment to Rule 19.1 clarifies that an Associate Club cannot conduct separate disciplinary proceedings when the Association has decided to determine the matter. The amendment to rule 19.2 clarifies that a disciplinary decision will take effect as a decision of the Associate Club when the decision is made by the Association.

(a) Amend Rule 19.1 by adding the words marked in red and deleting the words marked up in red and struck through:

19.1 - In the event of any alleged misconduct involving a member or members of an Associate Club, or a dispute arising between members of an Associate Club, ~~being also members of the Association,~~ the matter shall be determined in accordance with the rules of the Associate Club; ~~That is~~ unless the Management Committee causes written notice to be given to the Associate Club and to the parties involved that the matter is to be determined by the Association under its rules. ~~independently of any determination by the Associate Club.~~

(b) Amend Rule 19.2 by adding the words marked in red and deleting the words marked up in red and struck through:

19.2 - Any decision by an Associate Club to suspend or terminate the membership of a member, or to impose any other penalty, shall take effect as though it was the



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determination of the Association. Conversely, any decision by the Association, to suspend or terminate the membership of a member, or to impose any other penalty, shall take effect also as though it was a determination of the Associate Club

6. Amendment to Rule 19.4.

There has been concern that Rule 19 does not adequately cover staff (see also 3. above) and that there is a need to be able to act more decisively without any delay while an incident is considered by the Management Committee or the Executive. The proposed amendment addresses this.

(a) Delete the existing Rule 19.4

~~*19.4 Where, in the opinion of the Management Committee or any member of the Management Committee present at the time of the incident, the behaviour of a member places at risk the physical well-being of other members or staff of the Association, that member may be suspended immediately pending the misconduct procedure to be undertaken.*~~

and substitute the following:

19.4 (a) Should the behaviour of a member place at risk the physical well-being of other members or staff of the Association, or if a member acts in an abusive or inappropriate way towards any staff of the Association, that member may be suspended immediately pending the misconduct procedure to be undertaken if:

(i) the Management Committee forms an opinion to that effect;

(ii) a member of the Management Committee present at the time of the incident forms an opinion to that effect;

and in either event the Secretary shall give written notice to the member of such suspension pending the misconduct procedure to be undertaken;
or,

(iii) a member of staff reports that a member has acted in such a manner to the Administration Manager, who forms an opinion to that effect and that there are circumstances that warrant the matter being dealt with prior to referral to the Management Committee, in which event the Administration Manager may give written notice to the member of such suspension pending the misconduct procedure to be undertaken.

(b) If notice of suspension is given to a member pending the misconduct procedure to be undertaken pursuant to either (a) (ii) or (iii) of this Rule the decision to suspend must be reviewed by the Management Committee within 14 days of the date of the notice, when the decision must either be affirmed or set aside and written notice must be given to the member of the review decision.

(c) Any notice given to a member pursuant either (a) (ii) or (iii) of this Rule shall advise the member that the decision to suspend pending the misconduct procedure to be undertaken shall be reviewed by the Management Committee within 14 days of the date of the notice and will be either affirmed or set aside.



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7. Rule 10 sets out the Powers of the Management Committee but the opening preamble refers to it carrying out the day to day running of the Association. This is inconsistent with Rule 9 which provides that the management of the Association vests in the Management Committee and the powers bestowed which relate to management and administrative functions which are more consistent with an oversight responsibility. The day to day running of the Association is carried out by employed staff.

Amend Rule 10.1 by adding the words marked in red and deleting the words marked up in red and struck through:

10.1 The Management Committee ~~shall carry out the day to day running of the Association~~ shall be responsible for the management and administration of the affairs, property and funds of the Association and shall have the power to:

8. Rule 12 prescribes that the Annual General Meeting shall elect or appoint an Auditor or Auditors and that the Auditor(s) examine and audit the books and accounts and report thereon to the Annual General Meeting. Rule 13 (e) prescribes that the agenda of an Annual General Meeting shall include certain matters but omits to include the presentation of the auditor(s) report.

Amend Sub-rule 13 (e) by inserting a new clause (vii).

(vii) Presentation of Auditor's report.

with subsequent Sub-Rules re-lettered accordingly.