Joondalup Sports Association Incorporated
(ABN: 28052611 422)

## Constitution

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## 1. Name

The name of the Association is the Joondalup Sports Association Incorporated (ABN: 28052611 422).

## 2. Objects

The objects of the Association are:
2.1 To promote and foster sport(s) of all kinds and codes and to promote, advance and manage sporting, cultural and social activities of all kinds within the Association.
2.2 To promote, organise and conduct entertainment and other functions inclusive of raffles and/or lotteries and/or gaming machines where legally permitted to do so, for the purpose of furthering the aims and objectives of the Association.
2.3 To layout, construct, maintain and provide grounds for sport or other pastimes or activities necessary for the purpose of the Association.
2.4 To obtain and renew from time to time a liquor licence under the Liquor Control Act 1988 and its amendments.
2.5 That the property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objectives.

## 3. Definitions

In constructing this Constitution, unless the context or such otherwise indicates or requires:

Association means the Joondalup Sports Association Incorporated, comprising the following associates (known as the Associate Clubs):
(a) Beaumaris Bowling Club Incorporated trading as Joondalup Bowling Club;
(b) Joondalup Districts Cricket Club Incorporated;
(c) Joondalup City Football Club Incorporated.

Auditor means a registered company auditor or an authorised audit company.
Management Committee means the Management committee of the Joondalup Sports Association Inc.

Director means the Director of Liquor Licensing.
Financial Year means the twelve month period commencing on the first ( $\left.1^{\text {st }}\right)$ day of July in each year and ending on the thirtieth $\left(30^{\text {th }}\right)$ day of June the following year.

Liquor Act means the Liquor Control Act of 1988.

## 4. Power

The Management Committee shall have power:
4.1 To conduct, control and manage the business undertakings of the Association by operating, whether by itself or others, all facilities and buildings occupied by the Association including but not limited to the bar and kitchen facilities.
4.2 To open and operate bank accounts.
4.3 To borrow or raise money or secure the payment of money in such a manner and such terms, as the Association shall think fit and, in particular to execute mortgage bills of sale, charges or other securities charged upon all or any of the Association's property (present and future or other) and to purchase, redeem, payoff or agree to variation of all or any such securities.
4.4 To give such security for the discharge of liabilities incurred by the Association as the Association thinks fit.
4.5 To appoint agents to transact any business of the Association on its behalf.
4.6 To enter into any contract the Association considers necessary or desirable.
4.7 To purchase, sell, hold, lease or rent and otherwise deal with and dispose of any real or personal property.
4.8 To enter into any arrangements with any government or local government authority or instrumentality.
4.9 To employ, hire or engage managers, clerks, secretaries, workmen, curators, coaches or other persons.
4.10 To invest the monies of the Association in any security in which trust monies may be invested or In any other manner authorised by those Rules.
4.11 To enter into any other contract it considered necessary or desirable.
4.12 To make gifts or give prizes.

## 5. Membership

5.1 Membership shall be open to any person who wishes to further the interests of the Association and who is eligible to become a member of an Associate Club.
5.2 Written applications must be made to apply for membership;
(a) Any person seeking membership shall make an application to the Associate Club of their choice which application shall also constitute an application for membership of the Association.
(b) All membership applications shall be submitted to the Management Committee for approval, which shall determine whether the application is successful or not.
(c) Applicants denied membership shall be advised in writing.
5.3 Each person admitted to membership shall be:
(a) Bound by the Constitution and bylaws of the Association;
(b) Liable for fees and subscriptions as may be fixed by this Association; and
(c) Entitled to all advantages and privileges associated with the category of membership under which the member is admitted.

## 6. Membership Categories

### 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.

### 6.2 Honorary Members

Persons may become Honorary Members of the Association subject to the following:
(a) The maximum period of Honorary Membership of the Association shall be limited to two (2) months in any one year, provided that the Management Committee has the authority to extend the two-month limit where it is deemed appropriate,
(b) The Management Committee can bestow Honorary Membership on distinguished persons not associated or affiliated with the Association for such a period as it determines, provided that the maximum number of such Honorary Members appointed at any one time is limited to five (5).
(c) Honorary Members are not entitled to hold office on the Management Committee or sub-committees and therefore shall have no right to attend, speak or vote at any meeting of the Association. They shall in all other respects conform to and be bound by this Constitution and by the bylaws of the Association for the time being in force.
(d) Members of the clubs that visit the Association for the purpose of competing in the game of sport under the sponsorship of any sporting association with which the Association is affiliated, or who are entitled to reciprocity with an Associate Club, shall be deemed Honorary Members for the period of the visit for the purpose of being eligible to use Association facilities. A subscription fee is not payable for such Honorary Members.
(e) Guests of a member of the Association who visit for the purpose of competing in a game of sport shall be deemed Honorary Members for the period of the visit, for the purpose of being eligible to use Association facilities. A subscription fee is not payable for such Honorary Members.

### 6.3 Junior Members

Any person who is a Junior member of an Associate Club may become a Junior Member of the Association for so long as they remain financial with the Associate Club and the Association. Junior Members shall have no right to attend, speak or vote at ant meeting of the Association.

### 6.4 Life Membership

Any member who is deemed by the Management Committee to have given outstanding service to the Association may be elected by the Management Committee as a Life Member. Any member may nominate a person to the Management Committee for consideration for Life Membership. A Life Member shall have no right to vote unless at that time they are a current delegate of the Management Committee.

### 6.5 Patron

The Association may, at its discretion elect a Patron(s) or Vice Patron(s) of the Association for such a period as may be deemed necessary, Such Patron(s) or Vice Patron(s) shall not be eligible to vote unless they are at the time current members of the Management Committee.

### 6.6 Temporary Membership

A person who is on any day visiting the Association as a member or an official of, or a person assisting a team that is to contest a pre-arranged event in that sport on that day or at the invitation of a member to engage in sport on that day may be taken to be a person who is afforded temporary membership on that day. Temporary Members shall have no right to attend, speak or vote at any meeting of the Association.

### 6.7 Register of Members

The Management Committee shall appoint an authorised person to maintain an up-todate register of members of the Association. The register shall be continually available for inspection at the Association premises, free of charge, by any member or authorised person. The register of members must include each member's name and a residential, postal or email address.

### 6.8 Subscription

An annual, half-yearly or quarterly subscription will be imposed by the Association and shall be payable in advance.

## 7. Guests

Members may introduce guests subject to the following conditions:
(a) No member may introduce more than three (3) guests to the Association premises at any one time.
(b) A guest shall be supplied with liquor to be consumed on the premises only.
(c) The member introducing the guest shall be responsible for the conduct of the guest whilst on Association premises.
(d) Any person who has been refused membership of the Association or who is under suspension or expulsion from the Association shall not be admitted as a guest of any member of the Association.
(e) A member may, at their expense, and with the approval of the Management Committee, supply liquor to guests, without limitation as to number, at a function held by or on behalf of that member, at the Association premises.

## 8. Termination of Membership

8.1 Any person's membership may be terminated by any of the following events:
(a) Resignation;
(b) False or inaccurate statement made in the member's application for membership of the Association;
(c) Breach of any rule, regulation or bylaw of the Association; or
(d) Commits any act detrimental to the Association.
8.2 The Management Committee shall have power to suspend or expel any member of the Association for any of the events in item 8.1 or any other reason they deem appropriate.
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.

## 9. Management Committee

9.1 Management of the Association shall be vested in the Management Committee and consist of:
(a) Four (4) financial ordinary members of the Joondalup Districts Cricket Club Incorporated.
(b) Four (4) financial ordinary members of the Beaumaris Bowling Club Incorporated trading as Joondalup Bowling Club.
(c) Four (4) financial ordinary members of the Joondalup City Football Club Incorporated.
9.2 The members of the Management Committee shall be appointed in writing by each of the Associate Clubs to hold office for a period of twelve (12) months.
(a) Any Management Committee Member of an Associate Club can be replaced by a proxy from the same Associate Club at Management Committee and/or Special Committee Meetings and/or the Annual General Meeting but cannot assume executive roles.
9.3 The Management Committee shall on an annual basis elect from within its membership persons to fill the following positions, which shall form an Executive:
(a) President;
(b) Secretary; and
(c) Treasurer.

The executive shall be made up of one (1) member from each Associate Club. Any member elected to the executive should at that time be a current delegate on their own associate club's management committee, unless otherwise approved by the JSA Management Committee.

### 9.4 The position of President shall be rotated between Associate Clubs, with each Associate

 Club not being able to hold the position for more than two consecutive years, subject to the following:(a) Where a President resigns mid-term from the Management Committee, a new President shall be elected from the same Associate Club as the resigning President. Should all the representatives of that Associate Club decline the position that Associate Club shall forfeit the remainder of its turn and the role of the President shall pass on to a representative elected from the Associate Club whose turn it is next to occupy the position. This interim term shall not be deducted from the two (2) years the incoming President would have otherwise been entitled to hold office.
(b) The Management Committee may by unanimous vote only (being a resolution passed by all 4 representatives of each Associate Club), extend, and from time to time further extend, the term of the current President for such period as the Management Committee considers appropriate. Upon expiry of any such extended or further extended term the position of President shall rotate to the Associate Club whose turn would have been next but for the grant of such extension or extensions.
(c) Where a member of the Management Committee resigns mid-term a replacement representative shall be nominated in writing by the Associate Club whose representative it was that resigned.
(d) Where a member of the Executive resigns mid-term, a replacement member shall be elected by the Management Committee for the duration of the term of office.

### 9.5 Secretary

The Secretary shall:
(a) Co-ordinate the correspondence of the Association;
(b) Keep full and correct minutes of the proceedings of the Management Committee and of the Association;
(c) Comply on behalf of the Association with:
(i) Section 48 (4) (e) of the Liquor Act in respect of the register of members of the Association; and
(ii) Section 48 (4) (f) of the Liquor Act in respect of the rules of the Association;
(d) Have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c), other than those required by clause 9.6 (f) below to be kept and maintained by, or in the custody of, the Treasurer; and
(e) Perform such other duties as are imposed by these rules on the Secretary.

The Treasurer shall:
(a) Be responsible for the receipt of all moneys paid to or received by, or by him on behalf of, the Association and shall issue receipts for those moneys in the name of the Association;
(b) Pay all moneys referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time direct;
(c) Make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by any two of President, Secretary, Treasurer and any other person duly authorised by the Management Committee. EFT payments are also to be authorised by two (2) of the above persons.
(d) Comply on behalf of the Association with section 49(3)(e)(ii) of the Liquor Act in respect of the accounting records of the Association;
(e) Whenever directed to do so by the President, submit to the Committee a report or financial statements (comprising a Statement of Income and Expenditure (Profit and Loss Statement) and a Statement of Financial Position (Balance Sheet) in accordance with that direction;
(f) Have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and
(g) Perform such other duties as are imposed by these rules on the Treasurer.
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 and he/she will be eligible for re-election.
9.8 A quorum of the Management Committee shall be half plus one.
9.9 If the President is unable to attend, then a chairman nominated by the meeting shall chair that meeting.
9.10 A member of the Management Committee may lose their position on the Management Committee for either of the following reasons;
(a) Absent from three (3) consecutive meetings without leave of absence.
(b) Found not to be a financial member.
9.11 Meetings are to be held monthly.
9.12 A person will be prohibited from sitting on the management committee of the Association if they;
(a) Are an undischarged bankrupt or whose affairs are under insolvency law
(b) Been convicted with an offence involving fraud or dishonesty punishable on conviction by 3 months or more imprisonment
(c) Have been convicted of an offence in connection with the promotion, formation of management of a body corporate, including duties under the new law.
9.13 Where a person is prohibited because they have been convicted of an offence they cannot be a committee member for a period of five years from their conviction, except where the conviction resulted in imprisonment, in which case they cannot be a committee member for five years from their release from custody.

## 10. Powers of the Management Committee

10.1 The Management Committee shall carry out the day to day running of the Association and shall have the power to:
(a) Administer the finances, appoint bankers and direct the opening of banking accounts for specific purposes and transfer funds from one account to another and close any such account.
(b) Fix the manner in which such banking account shall be operated upon, providing the Management Committee passes all payments.
(c) Fix fees and subscriptions payable by members and decide such levies, fines and charges as deemed necessary and advisable and to enforce payment thereof.
(d) Adjudicate on all matters brought before it, which in any way affects the Association.
(e) Cause minutes to be made of all proceedings at meetings of the Committee and General Meeting of members.
(g) Have the power to form and appoint any sub-committee as required for specific purposes.
(h) May at their discretion employ a person or persons to carry out certain duties required by the Association at salaries or remunerations for such a period of time as may be deemed necessary.
(i) Should a vacancy occur on the Executive during the year, the Management Committee shall appoint a successor until the next Annual General Meeting.
(j) Appoint an officer(s) or agent(s) of the Management Committee to have custody of the Association's records, documents and securities.
(k) Appoint a trustee to hold the licence on behalf of the Association. The trustee must be approved by the Liquor Commission prior to the appointment.

## 11. Inspection of Records

11.1 A member may at any reasonable time inspect the books, document(s), records and securities of the Association.
11.2 The committee may refuse to permit inspection of confidential material, such as confidential personal, employment, commercial or legal matters.

## 12. Auditor

12.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors.
12.2 The Auditor(s) shall examine and audit all of the books and accounts of the Association annually, and have the power to call for all books, papers, accounts, receipts etc. of the Association and report thereon to the Annual General Meeting.

## 13. General Meetings

### 13.1 Annual General Meeting

(a) The Annual General Meeting of the Association shall be held within four (4) months of the end of the Association's Financial Year.
(b) The Secretary shall give at least fourteen (14) days' notice of the date of the Annual General Meeting to members. This should be made by both notices within the clubrooms and electronic means to all members where available
(c) All financial members may attend the Annual General Meeting and may, with the leave of the Chair, speak but shall have no vote unless they are at the time current delegates of the Management Committee.
(d) The quorum at the Annual General Meeting shall be a minimum of fifteen (15) members. If, thirty (30) minutes after the time appointed in the notice for the opening of the meeting there is no quorum, the meeting cannot proceed. The meeting will then be adjourned to the same time one (1) week later. If at the subsequent meeting there is still no quorum, those members present shall be competent to discharge the business of the meeting.
(e) The agenda for the Annual General Meeting shall include:
(i) Opening of the meeting
(ii) Apologies
(iii) Confirmation of minutes of previous Annual General Meeting
(iv) Presentation of annual report
(v) Adoption of annual report
(vi) Presentation of Treasurer's statement
(vii) Vote of thanks to outgoing Management Committee
(viii) Appointment of Auditor
(ix) Determination of annual membership fees
(x) Notice(s) of motion
(xi) Urgent general business
(xii) Closure
(a) Special Meetings may be called by the Management Committee or at the request of the President and Secretary or on the written request of at least $5 \%$ of the total current members.
(b) The Secretary shall give at least seven (7) days' notice, in writing of the date of a Special Meeting to the members. Notice of Special meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that Special Meeting.
(c) The quorum at a special meeting shall be a minimum of fifteen (15) members. If, twenty (20) minutes after the time appointed in the notice of the meeting there is no quorum, then the meeting cannot proceed. If at the subsequent meeting there is still no quorum, those members present shall be competent to discharge the business of the meeting.

### 13.3 Alteration to the Constitution

(a) As soon as practicable after the making of any proposal for the change to the Constitution or Rules of the Association, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change(s) proposed. No effect will be given without the prior approval of the Director.

## 14. Voting

### 14.1 Voting powers at the Annual General Meeting and Special Meetings

(a) The President shall be entitled to a deliberate vote and in the event of a tied vote; the President shall exercise a casting vote, and as a rule, the casting vote shall maintain the status quo.
(b) Each individual financial member of the Management Committee present shall have one (1) vote.

### 14.2 Voting powers at Management Committee meetings

(a) The President shall be entitled to a deliberate vote and in the event of a tied vote, the President shall exercise a casting vote and as a rule the casting vote shall maintain the status quo.
(b) Each individual Management Committee member present shall have one (I) vote.

## 15. Finance

15.1 All funds of the Association shall be deposited into the Association's accounts at such bank or recognised financial institution as the Management Committee may determine.
15.2 All accounts due by the Association shall be paid by cash, cheque or electronic funds transfer after having been passed for payment at the Management Committee meeting and when immediate payment is necessary, account(s) shall be paid and the action endorsed at the Management Committee meeting.
15.3 The Management Committee may delegate authority to an officer of the Association to approve payment of accounts on behalf of the Management Committee.
(a) The Secretary shall not spend more than a set amount of petty cash without the consent of the Management Committee and shall keep a record of such expenditure in a Petty Cash Book.
(b) The Trustee holding the liquor licence shall not spend more than a set amount of cash without the consent of the Management Committee and shall keep a record of such expenditure in a Petty Cash book submitted monthly to the Management Committee.
(c) The Petty Cash Float for 15.4 (a) and 15.4 (b) shall be set by the Management Committee.
15.5 A statement showing the financial position of the Association shall be tabled at each Management Committee meeting by the Treasurer.
15.6 The accounts, books and all financial records of the Association shall be audited each Financial Year.
15.7 A financial report comprising the Statement of Income and Expenditure (Profit and Loss Statement), the Statement of Financial Position (Balance Sheet) and the Auditor's Report shall be submitted to the Annual General Meeting.
15.8 The signatories to the Associations account(s) will be the Treasurer and any one of the following:
(i) President;
(ii) Secretary and;
(iii) Any other person authorised by the management committee

## 16. Trustees

16.1 The President, Treasurer and Secretary shall be the Trustees of the Association for the ensuing year.
16.2 All Association property shall be vested in the Trustees along with such rights, powers and authority as from time to time be confirmed on them by the Association or the Committee of Management within the limits of its jurisdiction.

## 17. Alterations to the Constitution and Bylaws

17.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting called for that purpose and notice of motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to a General Meeting called for that purpose.
17.2 The secretary shall forward such notices of motions to each Management Committee member at least fourteen (14) days prior to the Annual General Meeting or General Meeting called for that purpose
17.3 Alterations to the bylaws can only be made at Management Committee Meetings provided notice of the proposed alteration(s) has been duly notified to Committee Members.
17.4 Such motions or any part thereof shall be of no effect unless passed by seventy five percent ( $75 \%$ ) majority (Special Resolution) of those present and entitled to vote at the Annual General Meeting or Management Committee Meeting as the case may be.
17.5 Within one month of the passing of a special Resolution, the Secretary shall notify the Director of Liquor Licensing of the amendment.

## 18. Dissolution

18.1 If, on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed:
(a) To another incorporated association having objects similar to those of the Association; or
(b) For charitable or benevolent purposes. Which incorporated association or purposes, as the case requires, shall be determined by a resolution of the members.

## 19. Misconduct and Penalties

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, 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.
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 determination of the Association.
19.3 The Management Committee may decide to suspend, expel or impose a penalty on any member if the member;
(a) Contravenes any of the Associations rules or by-laws
(b) Places at risk, the physical well-being of other members or staff of the Association
(c) Impairs or affects the enjoyment of the Association premises by members
(d) Causes any ill-feeling or friction between or among members
(e) Acts in any way detrimentally to the interests of the Association.
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.
19.5 Where the management committee is to determine a dispute between the Association and a member or a dispute between members of an Associate Club, a member whom is party to the dispute may request the matter is referred to mediation. If the Management Committee determines the matter is appropriate to be referred to mediation, they shall appoint a mediator for that purpose.
(a) The person appointed as mediator by the Management Committee must not;
(ii) Be biased in favour of or against any party to the mediation
(b) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation
(c) The mediation and any information given at the mediation is confidential and cannot be used in any other proceeding relating to the subject of the mediation.
(d) Any costs of the mediation are to be equally borne by the parties to the mediation
19.6 If the Management Committee decides they will determine a matter and mediation is not appropriate, or if mediation has failed, the Secretary must give written notice of any intention to consider possible sanctions at least seven (7) days before the Management Committee meeting at which the matter is to be determined. The notice must state;
(i) The time and place of the meeting and;
(ii) The grounds on which the consideration of sanctions is based and;
(iii) The member or member's representative (or both) may attend the meeting and be given reasonable opportunity to make written or oral (or both) submissions to the Management Committee.
(a) The Management Committee must give due consideration to any submissions made at the meeting and decide whether sanctions are appropriate and what the sanctions should be.
19.7 A decision of the Management Committee under Rule 19.6 shall be final and not subject to any appeal.
19.8 The Management Committee must give the member and the Associate Club of which the person is a member, written notice of their decision and brief reasons for the decision within 14 days of the meeting at which the decision was determined.

## 20. <br> Liquor

20.1 No liquor shall be sold or supplied for consumption elsewhere than on Association premises unless such liquor is removed from the premises of the Association by, or on the instruction from, the member purchasing the same.
20.2 No payment or part payment to the Secretary, Treasurer, Manager or any other officer or servant of the Association shall be made by the Association for liquor supplied.
20.3 No liquor shall be supplied to any juvenile (i.e. under the age of 18).
20.4 No stranger shall be permitted to use the Association premises and no other member or other person shall admit any stranger to use the Association premises.
20.5 The Association shall be open for the sale and supply of liquor during such hours (within the hours permitted under the Liquor Act), as the Management Committee shall from time to time determine.
20.6 No liquor shall be sold or supplied on Christmas Day, Good Friday or Anzac Day except
as permitted under the provisions of the Liquor Act.

## 21. Common Seal

The Association has no Common Seal. Therefore, the execution of any documents shall be by the signature of not less than two (2) authorised persons. Authorised persons are the President, Secretary, Treasurer and any other person authorised by the Management Committee

## Appendix A

Constitution of the Beaumaris Bowling Club Incorporated, trading as Joondalup Bowling Club

## Appendix B

Constitution of the Joondalup Districts Cricket Club Incorporated

## Appendix C

Constitution of the Joondalup City Football Club Incorporated

