

GOSNELLS HAWKS BASEBALL CLUB INC.

CONSTITUTION



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GOSNELLS HAWKS BASEBALL CLUB

1. NAME:

The name of the CLUB shall be "*THE GOSNELLS HAWKS BASEBALL CLUB (INC.)*".

2. MEANINGS

In these Rules unless inconsistent with the context or matter the following words shall have ascribed to them the following meanings:-

"*Annual Meeting*" means the Annual General Meeting.

"*The Board of Management*" means the Committee of Management for the time being of the CLUB. The Board of Management shall consist of a Chairperson of the Board, a Secretary, Treasurer or a Secretary/Treasurer, the Presidents of each section and one representative of each section mentioned in this Clause. The Board of Management Chairperson, Secretary, Treasurer, Presidents and Representatives shall be titled, **Club Chairperson, Club Secretary, Club Treasurer, Club Senior President, Club Junior President and Club Representative**. The Management Committee will be known as "*The Board of Management*". There would be no voting rights for the **Club Secretary and Club Treasurer**.

"*Club*" means the Gosnells Hawks Baseball Club

"*General Meeting*" means a General Meeting of the CLUB whether annual or special.

"*Junior Committee*" Junior Committee shall be responsible for the well being and general conduct of the affairs pertaining to the junior section of the CLUB and at all times be under the control of the Board of Management. It shall meet at such times as may be deemed necessary. It shall consist of a **President, Secretary, Registrar and Treasurer** and a minimum of 2 or a maximum of 10 Committee Members. The **President, Secretary, Registrar and Treasurer** shall be titled **Junior Section President, Junior Section Secretary, Junior Section Registrar and Junior Section Treasurer**.

"*Junior Section*" means players of the CLUB playing baseball under the control of Baseball W.A.

"*Month*" means a calendar month.

"*Section*" means the Junior Section and or the Senior Section and or the Tee-Ball Section and such other sections as formed by the CLUB.

"*Senior Section*" means members of the CLUB playing baseball under the control of Baseball W.A.

"*Senior Committee*" Senior Committee shall be responsible for the well being and general conduct of the affairs pertaining to the senior section of the CLUB and at all times shall be under the control of the Board of Management. Senior Committee shall consist of a section **President**, section **Secretary/Treasurer**, or a section **Secretary**, section **Registrar** and section **Treasurer** and a minimum of 2 and a maximum of 10 committee members. The **President, Secretary, Registrar and Treasurer** shall be titled **Senior Section President, Senior Section Secretary, Senior Section Registrar and Senior Section Treasurer** respectively.

"*Special Meeting*" means every General Meeting of the CLUB other than the Annual General Meeting.

"*Tee-Ball Section*" means players of the CLUB playing Tee-Ball under the control of the Western Australian Tee-Ball Association.

"*Tee-Ball Committee*" Tee-Ball Committee shall be responsible for the well being and general conduct of the affairs pertaining to the Tee-Ball section of the CLUB and at all times be under the control of the Board of Management. It shall consist of a **President, Secretary, Registrar** and a **Treasurer** and a minimum of 2 and a maximum of 10 Committee Members. It shall meet at such times as way be deemed necessary. The **President, Secretary** and a **Treasurer** shall be titled **Tee-Ball Section President, Tee-Ball Section Secretary, Tee-Ball Section Registrar** and **Tee-Ball Section Treasurer**.

The masculine gender shall include the feminine gender and the singular number shall include the plural number and vice versa.

3. **COLOURS**

Blue, White and Grey with blue or black accessories, a Navy cap with a blue and white "G" on the front of cap.

CLUB Pee Wee & Tee-Ball - CLUB Cap, shirt and pants as decided by the respective Committees. For Inter- district competitions the basic CLUB uniform as described for Seniors/Juniors should be used where possible.

4. **AFFILIATION**

The CLUB may affiliate with such Organisations and Associations as is deemed appropriate by the Board of Management. The CLUB shall then abide by the Constitution and Rules of those bodies with whom it has affiliated.

CLUB representatives on those bodies shall be approved by the Board of Management, and provide the CLUB Secretary of the Board of Management with copies of minutes of each meeting.

5. **OBJECTS**

The Objects for which the CLUB is formed are: -

- (i) To establish, maintain and conduct a CLUB of a sporting, social and non-political nature for the purpose of promoting, training, encouraging and fostering the game of baseball.
- (ii) To promote social activities between the CLUB and other clubs having objects, similar wholly or in part, with the objects of the CLUB.
- (iii) To do all acts incidental and conducive to the attainment of these objects other than for the purpose of making profit divisible amongst the members.

6. **POWERS**

The CLUB shall have the following powers: -

- (i) To purchase, take on lease, take in exchange, hire or otherwise acquire and maintain any real or personal property and any rights and privileges in relation thereto.
- (ii) To erect and to improve and repair or to pull down and rebuild any structures.
- (iii) To sell, exchange, lease, mortgage, hire, dispose of, turn to account or otherwise deal with all or any part of the real and personal property of the CLUB.

- (iv) To borrow or raise and secure the payment of money in such manner as the CLUB thinks fit with power to issue debentures and grant mortgages, charges or any other class of security upon or charging all or any of the CLUB property, real or personal (both present and future), and to redeem or discharge any such securities.
- (v) To invest and deal with the moneys of the CLUB not immediately required for purposes of the CLUB in such manner as from time to time may be determined.
- (vi) To appoint, employ and pay officers and servants and to dismiss or suspend any officer or servant.
- (vii) To make accept endorse and negotiate respectively promissory notes bills of exchange and cheques and other negotiable instruments.
- (viii) To lay out, construct, build, erect, alter or maintain upon the premises for the time being belonging to or occupied by the CLUB, a clubhouse and other erections incidental thereto, and to furnish, fit up and maintain the same for the use of the members of the CLUB, and to provide all necessary equipment, appliances and conveniences therefore.
- (ix) To promote, hold or enter into, either alone or jointly with any other club or association, tournaments, competitions and matches, and to offer, give or contribute trophies and other awards therefore.
- (x) To become affiliated with, subscribe to or join any other association or body whose objects are similar to the objects of the CLUB and if thought fit to withdraw or retire from any such association or body.
- (xi) To do all other things incidental or conducive to the attainment of the above objects or any of them.

7. INCOME AND PROPERTY

The income and property of the CLUB shall be applied solely to the promotion of its objects, and no part thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, as pecuniary profit to the members, PROVIDED THAT remuneration may be paid in good faith to officers and servants of the CLUB or other persons in return for services actually rendered to the CLUB.

8. MEMBERSHIP

Persons Eligible

Notwithstanding the following, no person under the age of EIGHTEEN (18) years may become a member of the CLUB. Prospective Members in all categories shall be of good standing. Membership may be granted to any of the following persons.

(1.) Ordinary Membership

- (a) To a Senior baseball player
- (b) One parent of a junior baseball player
- (c) One parent of a Tee-Baller
- (d) Any person of EIGHTEEN (18) years and over

Every candidate for ordinary membership shall be proposed and seconded by a life or ordinary member of the CLUB. Application for ordinary membership shall be

made on the CLUB membership application form which shall include the name and address of the person proposed. Applications shall be posted on the CLUB notice board for a period of not less than 7 days before election provided also that an interval of not less than 14 days should lapse between proposal and election.

Ordinary members shall be elected at a meeting of the Board of Management. No restriction shall be imposed on any person by virtue of religious or political beliefs, sex, nationality or race, but the Board of Management shall have the right to refuse membership to any person without assigning any reason thereto.

No application for membership shall be considered unless the set membership fee as per Clause 9 (1) has been paid, or approved arrangements have been made with the appropriate Senior or Junior Section. In the event of application being refused the fee shall be refunded.

(2.) Honorary Membership

Honorary Membership for a period of one season may be conferred at the discretion of the Board of Management upon receiving a recommendation from a Section, or written application from an individual person, for their anticipated or past services to the CLUB.

There is no restriction as to the number of seasons Honorary Membership which may be conferred on a Member provided it is approved by the Board of Management each year.

(3.) Life Membership

The CLUB may award up to two (2) Life Memberships per year and which shall be conferred only for Financial Members of the CLUB.

To be eligible for Life Membership nomination the Member needs to meet one or more of the following criteria:

- Played and or coached for 25 years or more, or having played 400 senior games or more.
- Contributed 15 years of non playing service.
- Provided an exceptional act or contribution leading to the growth and development of the CLUB at all levels.

Any financial member may nominate to the Board of Management another financial member who has qualified for Life Membership based on the criteria detailed in this clause.

Following due consideration by the Board of Management the nomination shall be submitted for consideration at the Annual General Meeting and will require to be approved by a two-thirds majority of the members present at the Annual General Meeting. Where more than two (2) nominations are received, the Board of Management shall review and agree upon which two (2) nominations are presented to the Annual General Meeting for approval.

(3)(a) Life Membership - Entitlements

A member of the Club who has been granted Life Membership in accordance with clause 8 (3) shall be entitled to the following as part of their Life Membership;

- 50% reduction in Club Membership or playing fees.
- Personal invitation to all official Club functions.
- 50% reduction of cost when attending official Club functions.

Following due consideration by the Board of Management the entitlements detailed in this clause can be changed on a case by case basis for a Life Member. Any such change shall be submitted for consideration at the Annual General Meeting and will require to be approved by a two-thirds majority of the members present at the Annual General Meeting.

Life Membership shall be limited to two nominations per year and shall be conferred only for exceptional services rendered to the CLUB over a period of not less than SEVEN (7) years and a Financial Member of the CLUB. Nominations for Life Membership shall be submitted by the Board of Management and approved by a two-thirds majority of the Members present at an Annual General Meeting. Any Member may nominate to the Board of Management another Member for Life Membership.

4. Other Membership

Such other class of member as may from time to time be desired by the CLUB, add addition classes of membership as determined by the Board of Management.

5. Temporary Members

A person who is on any day visiting the club as a member or an official of another club:-

- That is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host clubs principal objects; or
- That is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities.

may be taken to be a person who is accorded temporary membership on that day.

9. **FEES**

The following fees shall exist.

(1.) Membership

- (a) The Board of Management shall set the annual membership fee no later than the 31st August of each year.
- (b) It is compulsory for one parent (excluding a parent who is a Life Member) of a Senior player under the age of 18 or a Junior or Tee-Ball player to be a Member. If a parent has two or more children playing Juniors and/or Tee-Ball, only one Membership's fee is payable.
- (c) Membership fees are to be collected by the Sections.

(2.) Section Fee

Each Section's Committee shall set an annual fee to cover their financial

responsibilities as set down in Clause 10.

(3.) Playing Fee

Each person playing Tee-Ball, Junior or Senior Baseball shall pay a playing fee, which consists of the sum of the Membership and Section fees.

10. **DUTIES OF OFFICE BEARERS**

(1.) Board of Management

(a) Club Chairperson

The CLUB Chairperson shall preside at all meetings of the Board of Management and CLUB meetings. He/She shall have an ordinary and if necessary, a casting vote. In his absence a Chairperson shall be elected. The elected Chairperson shall have an ordinary and if necessary, a casting vote. He/She shall ensure that CLUB business is conducted in accordance with this Constitution. He/She shall prepare and present the CLUB's Annual Report.

(b) Club Secretary

The Club Secretary shall:

- i. Expedite the decisions of the Board of Management.
- ii. Be responsible for handling all Secretarial duties pertaining to the Board of Management. All correspondence pertaining to CLUB business shall be received through the Secretary of the Board of Management. The Secretary shall pass the correspondence on to the relevant section Secretaries.
- iii. Record the minutes of all Board of Management Meetings and forward copies to all Board of Management Members and Section Secretaries.
- iv. Keep a register of all CLUB Members, including Honorary and Life Members.
- v. Maintain a record of Members voting rights.
- vi. Maintain records of CLUB history.
- vii. Advise Members of CLUB Annual General and CLUB Special General Meetings as directed by the Board of Management, and to call Board of Management meetings as deemed necessary.
- viii. Be responsible for the presentation of an Annual Reports by collating sectional Reports.

(c) Club Treasurer

The Club Treasurer shall:

- i. Receive all CLUB monies, issue official receipts for same, keep a correct account of the income and expenditure, pay all monies into a Bank Account in the CLUB's name and have all cheques for disbursement signed by such person or persons who may be appointed and by himself. Payments to be made only after approval of the Board of Management or in the case

of urgency, by the President and Secretary.

- ii. Submit a progressive statement of receipts and expenditure together with a statement of liabilities to each ordinary meeting of the Board of Management.
- iii. Prepare a Balance Sheet made up to 30th April in each year and present same duly audited by the Honorary Auditor to the Annual General Meeting.
- iv. At the Board of Management meeting before the Annual General Meeting, submit a budget of estimated expenditure for the ensuing year, setting out a calendar of expenditure, to the Board of Management.
- v. Be at all times responsible to and under the direction of the Board of Management.

(d) Members

Members of the Board shall consist of Sectional Presidents and one optional member from the Senior and Junior Section who shall at all times take an active interest in the well being and conduct of the CLUB.

(2.) Sections

(a) President

The President shall preside at all meetings of his Section. He shall have an ordinary and if necessary, a casting vote. In his absence the Vice President shall preside, or in his absence a Chairperson shall be elected for that meeting, by the President.

The Vice President or Elected Chairperson shall have an ordinary as well as a casting vote. He shall ensure that Section business is conducted in accordance with this Constitution. He shall prepare and present the Section's Annual Report.

(b) Secretary

The Secretary shall:

- i. Call meetings as deemed necessary.
- ii. Expedite the decisions of the Committee of the Sections.
- iii. Be empowered to form Sub-committees and delegate duties to Sub-committees or individuals.
- iv. Be responsible for handling all normal Secretarial duties.
- v. Record the minutes of all General and Committee Meetings and forward copies to the Board of Management. Minutes shall record all incoming and outgoing correspondence complete with a description of the content of each piece of correspondence.
- vi. Attend to routine correspondence.
- vii. The Secretary shall be at-all times responsible to and under the direction of the President of the Section.

(c) Treasurer

The Treasurer shall:

- i. Receive the contributions of Members and any other monies due to the Section, issue official receipts for same keep a correct account of the income and expenditure, pay all monies into a Bank Account in the Section name and have all cheques for disbursement signed by such persons who may be appointed, and by himself. Payments to be made only after approval of the Section's Committee or in the case of urgency, by the President and Secretary.
- ii. Submit a progressive monthly statement of receipts and expenditure, together with a statement of liabilities to each Ordinary Meeting of the Section and to the Board of Management.
- iii. The Treasurer shall submit a monthly report to the President for submission to the Board of Management showing actual expenditure versus approved budget expenditure.
- iv. Prepare a Balance Sheet made up to the 30th April in each year and present same duly audited by the Honorary Auditor to the Annual General Meeting of Members.
- v. At the Board of Management Meeting before the Annual General Meeting, submit a preliminary budget of estimated expenditure for the ensuing year, setting out a calendar of expected expenditure, and income.

(d) Registrar

The Registrar shall: Keep a register of all Players

Sign all applications for clearances after consultation with the approval of the Section President.

(e) Committee Members

Committee Members shall take an active interest in the well being of the section and act in accordance with directions of the Committee.

The Sections may appoint, subject to Board of Management's approval, a Vice President and/or an Assistant Secretary. These positions must be filled from the Committees.

The Section's Committee may appoint Committee Members to other positions such as Umpire co-ordinator, Grounds man etc., as deemed necessary.

11. OFFICE BEARERS

- (1.) Office Bearers shall be elected as described in Clause 15 for one term of Office. There is no limit on the number of terms of Office to which a Member may be elected. The term of office shall commence immediately after the CLUB's Annual General Meeting.
- (2.) All voting shall be by show of hands unless five or more Members call for a division. The Candidate who receives the highest number of votes for each respective Office shall be declared elected. Where more nominations are received for Committee positions than there are vacancies, voting shall be by ballot.

- (3.) Candidates shall be elected on the number of votes received.
- (4.) All vacancies may be filled by the relative Section subject to the approval of Board of Management.
- (5.) Except for Section Presidents who are also on Board of Management, no other member may hold more than one position of Office unless approved by Board of Management.
- (6.) All Office Bearers shall be Members of the CLUB.
- (7.) The Board of Management shall have the power to remove from Office any Office Bearer of any committee who it considers is not acting in the interest of the CLUB. In such a case the Club Secretary shall notify the Office Bearer in writing. The Office Bearer may appeal in writing to the CLUB within FOURTEEN (14) DAYS, the decision of the Board of Management shall be final and binding upon the Member.

12. FINANCIAL RESPONSIBILITIES

The financial responsibility of The Board of Management and each section shall be as stated below.

- (1.) Board of Management shall be responsible for:
 - (a) CLUB and Storerooms, amenities and associated facilities and equipment.
 - (b) All expenses necessary to properly maintain each playing diamond.
 - (c) General promotion of the CLUB.
 - (d) Administration costs incurred in running the CLUB in general.
 - (e) Any other expenses and donations as deemed appropriate by The Board of Management.
 - (f) Finalize outstanding debits from the past season if deemed necessary.
 - (g) Control of Trust and Investment Surplus Funds.
- (2.) Sections Shall be Responsible For:
 - (a) All expenses associated with team equipment.
 - (b) All expenses associated with Officials of the game e.g. Coaches, Scorers, Umpires, Manager and Players.
 - (c) All expenses necessary to properly equip each playing diamond.
 - (d) Ground fees in proportion to other sections.
 - (e) All fees paid to Affiliated bodies.
 - (f) Stationery, postage, telephone calls and any administration costs incurred in running the section.
 - (g) Fund raising for State and National Players. The purpose of the fund raising activity should be clearly stated.
 - (h) Any cost incurred, other than those covered by Clauses 12(2) (a) to (g) inclusive, without the written approval of The Board of Management.
 - (i) Opening and operating ~ accounts for the respective section.

13. ANNUAL BUDGET

Each Section shall either, before acting upon budget, or by the 30th September, of each year seek The Board of Management's approval of proposed expenditure and income for the forthcoming season.

The budget shall show clearly how surplus funds from the previous season are to be spent. Where this has not been done the Board of Management shall have the power to direct the Sections to transfer all or part of the Surplus Funds to the Board of Management who shall hold the funds in an Account.

The Section may apply to the Board of Management for use of the Surplus Funds during the season. At the end of the season the Surplus Funds, which have been held in Trust, shall be held in a "Surplus Funds Trust Account". Monies from this account may only be used as voted on at a CLUB Annual or Special General Meeting.

14. **OUT OF POCKET EXPENSES**

Any Member or person shall be reimbursed for out of pocket expenses incurred on behalf of the CLUB provided that such expenditure was authorised in principle by Board of Management or relative section and that payment of such monies is approved by Board of Management or Section.

15. **MEETINGS**

(1.) Annual General Meetings

(a) CLUB

The CLUB Annual General Meeting shall be held not later than the thirtieth (30) of May in each year, for the purpose of receiving Annual Reports, Balance sheets, election of Office Bearers for the Board of Management, the ratification of the appointment of Office Bearers for the Sections for the ensuing season, voting on by-laws, and any other general business which may be submitted to the Meeting. Such general business must not encroach on responsibility and decisions normally made by the Board of Management or Section Committees unless the Chairman considers the matter should be discussed in the best interest of the CLUB.

(b) Sections

Each Section shall hold it's own Annual General Meeting no later than two weeks before the CLUB's Annual General Meeting and shall elect, subject to ratification at the CLUB's Annual General Meeting, Office Bearers for the ensuing season and discuss any other general business which may be submitted to the meeting. Such general business if voted upon must be on matters of policy and by-laws and must not encroach on responsibilities and decisions normally made by the Section Committee.

(2.) CLUB Special General Meetings

CLUB Special General Meetings shall be called by the Secretary:

- (a) Whenever directed by the CLUB Chairperson.
- (b) Upon receiving a submission signed by at least TEN (10) Members of the CLUB setting out the subject matter to be discussed at the meeting.
- (c) To discuss expulsion of a Member as covered by Clause 20 (1).

At all Special Meetings no business shall be transacted other than that specified in the notice convening such Meeting and other matters relevant thereto.

The cost of such Special Meeting shall be met by the CLUB for (a) above, by those Members requesting the Meeting for (b) above, or as covered by. Clause 20 (1).

(3.) Sections General Meeting

General Meetings, open to Members of the CLUB shall be held as and when the Section's Committee decide necessary or upon receiving a submission signed by at least FIVE (5) Members of the Section setting out the subject matter to be discussed at the Meeting. Other business may also be discussed at the Meeting. The method of advising Members of such a meeting shall be decided by the relative Section.

Sections may also hold meetings of selected groups of Members such as Coaches, Managers, Umpires, Scorers, etc. as deemed necessary.

16. VOTING RIGHTS

- (1.) Only those Members who are financial SEVEN (7) days prior to the Annual General Meeting or Special General Meeting shall be eligible to vote. At Section's Meetings and Selected Group Meetings only Members who are financial THREE (3) days prior to the meeting may Vote.

Life Members shall be entitled to one vote at any CLUB meeting. Honorary Members shall have the same voting rights as Financial Members.

- (2.) Members may only vote at Meetings conducted by the Section through which they paid their membership and/or playing fee or received their Honorary Membership.

Notwithstanding the above, Members may apply to the Board of Management for voting rights at other Sections. Voting rights should be granted if the Member is active in that Section or could be in the future. The Board of Management may impose such limitations on such voting rights, as it deems necessary.

17. CONDUCT OF MEETING

- (1.) The CLUB Annual General Meeting and all Special General Meetings shall be called by giving Members notice at least TEN (10) days prior to such meetings. Notice can be given, at the discretion of the Board of Management, by circular letter or an insert in the CLUB newsletter or published on the club website. In the event of a Special General Meeting an agenda will be inserted in the notice.
- (2.) Each Member shall be entitled to ONE (1) vote except as provided for Presidents in Clause 10.
- (3.) The normal rules of debate shall apply at all Meetings unless otherwise stated in this Constitution or CLUB rules.
- (4.) The President of any meeting shall have the right not to proceed with any motion brought forward at a Meeting. In such a case he shall request that the motion be presented as a notice of motion.
- (5.) A notice of motion shall be submitted in writing and addressed to the CLUB Secretary.
- (6.) All propositions, questions and matters submitted in accordance with this Constitution to any Meeting except changes to the Constitution are to be determined by a majority of the Members present by a show of hands unless a ballot be demanded by at least SEVEN (7) Members present.

- (7.) A notice of motion shall be given for all CLUB expenditure in excess of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for the expenditure of Surplus Funds as derived in Clause 13, and for changes to the Constitution or CLUB or Sections by-laws.
- (8.) All decisions arrived at and carried at any CLUB Annual General Meeting, CLUB Special General meetings or Section's Meetings, conducted in accordance with this Constitution, shall be binding upon all Members of the CLUB.
- (9.) At all Meetings the President's decision on point of order shall be final.

18. QUORUM

A Quorum shall be as follows:

- (1.) Board of Management - 4
- (2.) Sections Committee Meetings - 60% of Committee Members with a minimum of - 4
- (3.) CLUB Annual General Meeting or CLUB Special Meeting - 20
- (4.) Sections General Meetings -

Seniors	10
Juniors	10
Tee-Ball	10

If within fifteen minutes from the time appointed for the meeting, a quorum is not present, the meeting shall be postponed and held within fourteen to twenty one days and at the same time. The place and time of the meeting shall be published in the Public Notice of the Western Australian newspaper seven days prior to the meeting.

If at such a postponed meeting a quorum is not present, then those Members who are present shall be a quorum and may transact the business for which the Meeting was called.

19. PROXY VOTES

Proxy votes may be cast as follows:

- (1.) Board of Management Meetings
 - (a) A proxy delegate may attend with full voting rights except that such delegates can NOT be an existing Member of the Board of Management.
 - (b) On specific issues on the agenda, a Member may discuss and direct another Member of the board how to vote on his behalf. In such cases the proxy vote must be named with the CLUB Secretary or President at the commencement of the Meeting.
- (2.) All Section Committee Meeting no proxy votes allowed.
- (3.) General Meetings

Proxy votes will be accepted provided only one Member of a family votes for each membership fee paid. All other proxy votes are to be registered in writing with the appropriate Secretary prior to the commencement of the meeting.

20. DISCIPLINARY ACTION

(1.) Expulsion

The Board of Management shall have the power to expel any Members whose actions are detrimental to the CLUB. The expelled Member has the right of appeal to a Special or annual General Meeting or the CLUB. Notice of appeal against expulsion must be lodged in writing with the Club Secretary within FOURTEEN (14) days of having received advice in writing of such expulsion. The decision of the Board of Management can only be overruled by a two-thirds majority of the Members present at the Meeting. The cost of any Special General Meeting shall be met by the Members concerned if the appeal is lost and by the CLUB if the appeal is upheld.

(2.) Suspension

The Board of Management shall have the power to suspend any Member whose actions are detrimental to the CLUB. No right of appeal exists.

(3.) Fines

The Board of Management shall have the power to fine any Member whose actions are detrimental to the CLUB. The maximum fine which may be imposed is ONE HUNDRED DOLLARS (\$100.00).

(4.) Discipline of Junior and Tee-Ball Players

The Board of Management shall have the power to suspend from playing any Junior, or Tee-Ball players whose actions are detrimental to the CLUB.

(5.) Enquiries

The expelled, suspended, fined Member or disciplined Player shall be given the opportunity to defend himself/herself before the Board of Management, and to justify or explain his/her conduct before a decision is made. A junior or Tee-Ball player must be represented by an adult member of the CLUB.

The Member shall be given seven days notice in writing to appear at any enquiry. Should any Members fail to appear at any enquiry or any adjournment thereof, the Board of Management may proceed in that Member's absence.

21. TERMINATION OF MEMBERSHIP

(1.) Any person may resign from the CLUB and such resignations must be in writing and forwarded to the Club Secretary.

(2.) Upon any person ceasing to be a Member of the CLUB for any reason whatsoever they shall not be entitled to the return of their membership subscription or any portion thereof.

(3.) The Board of Management shall have the power to withdraw any Honorary Membership of a Member who is no longer serving the CLUB as set down in Clause 8(2) March of each year unless renewed.

(4.) Ordinary and Honorary Membership shall expire on the 31st August of each year unless renewed.

(5.) Resignation from the CLUB shall not relieve any Member of his obligation to pay all accrued but unpaid dues. A Member shall not be entitled to the return of the member subscription or any portion thereof.

- (6.) An Office Bearer may at any time resign his office by giving to the Secretary notice in writing of his resignation at least one week prior to the date of resignation.

22. **BY-LAWS AND RULES**

The CLUB shall develop By-Laws and Rules as follows:

- (1.) By-Laws shall constitute decisions of policy as voted on at Annual or Special General Meetings of the CLUB or Section. They may only be changed at such Meetings. All By-Laws must be in accordance with and not override or contradict this Constitution.
- (2.) Rules shall constitute decisions of the Board of Management or Section's Committees. They may only be changed at such Meetings. All Rules must be in accordance with and not override or contradict this Constitution.
- (3.) All play shall be conducted in accordance with the rules of Tee-Ball and Baseball as settled or approved from time to time. Notice of any local playing rules made by the Committee under the power herein contained shall be posted on the notice board at the CLUB and remain there for one month.

23. **GUESTS AND CLUB REGISTER**

- (1.) Members may introduce guests to the club at any time provided that:
 - a) A guest shall not be supplied with liquor in the club premises except on invitation and in the company of that member.
 - b) A guest shall be supplied with liquor to be consumed on the CLUB premises only.
 - c) The member introducing the guest shall be responsible for the proper conduct of that guest whilst on the club premises.
 - d) Any person who has been refused membership of the CLUB or who is under the suspension or expulsion from the club shall not be admitted as a guest of any member of the club.
 - e) A member may, at their expense, and with the approval of the CLUB committee, supply liquor to guests, without limitation as to number, at a function held by or on behalf of that member, at the club premises.
- (2.) Club Register

An up-to-date register of Members shall be continually available for inspection at the CLUB premises.

24. **THE CONSTITUTION**

- (1.) The Constitution shall NOT be altered, rescinded or new Clauses inserted unless TWENTY EIGHT (28) days notice of motion in writing has been given to the Secretary of the CLUB. The Secretary shall then call a Special General Meeting or include the notice of motion on the agenda for the next Annual General Meeting as determined by the Board of Management. Such changes will only be effective when passed by 75% of the Members present.
- (2.) As soon as is practicable after the making of any proposal for a change to the Constitution or Rules of the Club, the Secretary shall provide to the Director of

Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.

- (3.) The Constitution shall be binding on ALL Members of the CLUB and Junior and Tee-Ball Players.

25. **AUDITOR**

- (1.) The election of an Auditor shall be made by the CLUB at the Annual General Meeting in each year.
- (2.) Any Auditor shall be re-eligible for election on quitting office.
- (3.) If any casual vacancy occurs in the office of any Auditor appointed by the CLUB, the Committee should fill the appointment until the next Annual General Meeting.
- (4.) Every Auditor shall have a list delivered to him of all books kept by the CLUB and at all reasonable times shall have access to the books and accounts.

26. **COMMON SEAL**

- (1.) The CLUB shall have a Common Seal to be held in the custody of the Secretary.
- (2.) Every instrument to which the Common Seal is affixed shall be signed by two of the following; the President, the Secretary or the Treasurer of the Board of Management.

27. **SERVANTS**

- (1.) No servant of the CLUB shall receive any money or gratuity from any Member of the CLUB, any visitor to the CLUB or any tradesman on any pretext whatsoever and on pain of instant dismissal.
- (2.) No person under eighteen (18) years of age shall be employed in the CLUB but this shall not apply to juveniles employed for the administrative purposes of the CLUB.
- (3.) No steward, cook or other employee of the CLUB shall be called upon to serve longer hours than persons employed in a public house, hotel restaurant, or coffee place, for the time being may be lawfully employed.
- (4.) No servant of the CLUB shall be despatched from the Clubhouse on any errand whatsoever except by direction of the Secretary, Manager or any two Members of the Board of Management, or Senior Section Committee, or Junior Section Committee or Tee-Ball Section Committee.

28. **TRUSTEES**

The Board of Management may appoint three Members of the CLUB to be Trustees and jointly to hold the property of the CLUB and deal with the same in accordance with the direction of the Board of Management. Each of the Trustees shall hold office until his death, resignation or removal by the Board of Management.

29. **MINUTES**

Minutes of the proceedings at every General Meeting shall be entered and kept in the Minute Book and the said Minutes, then signed by the Chairman of the General Meeting shall be conclusive evidence that the proceedings the subject thereof were regular and actually took place as minuted at a Meeting duly convened and held and shall be binding on

the Members.

30. BETTING

No Member shall be allowed to make a betting book in the CLUB premises.

31. SUBSCRIPTION LISTS

No subscription, raffle, or sweepstake list shall be exhibited or canvassed for on CLUB premises except by permission of the Board of Management.

32. DUES RECOVERABLE AT LAW

Notwithstanding anything to the contrary herein contained, all subscriptions and other dues owing by any Member under these Rules and all moneys owing by any Member of the CLUB and payable for goods supplied or delivered to such Member, whether such Member at the time of the commencement of the action shall have ceased to be a Member or not, AND in any such proceedings the CLUB need not prove the election of the Board of Management, the passing of this Constitution or the authority to sue, but all such matters may be sufficiently proved by the oral evidence of the Club Secretary.

33. MISCELLANEOUS

- (1.) No liquor shall be sold or supplied for consumption elsewhere than on the club premises unless such liquor is removed from the premises of the club by or on the instructions from the member purchasing the same, in accordance with the provisions of the Liquor Control Act 1988 and its amendments.
- (2.) No liquor shall be sold or supplied to any juvenile (i.e. any person under the age of 18). Persons under the age of eighteen years of age may be admitted to licensed CLUB premises in accordance with provisions contained in the Liquor Control Act 1988 unless otherwise directed by the Board of Management. Under no circumstances shall any person under the age of eighteen years serve behind any bar on the premises.
- (3.) Every notice directed to be exhibited in the Clubhouse shall be exhibited on the CLUB Notice Board, which shall be maintained in conspicuous places on the CLUB premises.
- (4.) No payment or part payment to any secretary, treasurer, manager or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor.
- (5.) The club shall only be open for the sale of liquor during such hours (within the hours permitted under the Liquor Control Act 1988) as the committee shall from time to time determine.
- (6.) No liquor shall be sold or disposed of on Christmas Day, Good Friday or before noon on Anzac Day except as permitted under the provisions of the Act.

34. INTERPRETATIONS

The interpretation of the Constitution, all By-Laws and Rules, or of any question arising out of or not provided for in the above, shall be at the sole discretion of the Board of Management whose decision shall be final and binding on all Members.

35. RESPONSIBILITY

- (1.) The CLUB shall not be responsible for any damage to property or injury to person or persons.
- (2.) The CLUB shall not be responsible for any commitment or undertaking made by a Member who was not authorised by the Board of Management or Sections to act on behalf of the CLUB.

36. COACHES

The election of Coaches shall be deemed to be the responsibility of each Section Committee with final ratification of the Board of Management. The Board of Management shall have the power to appoint coaches for periods not exceeding three years. Applications shall be called annually to fill vacancies, which may occur. A mutual agreement between the CLUB and a Coach regarding tenure and conditions of such tenure may be drawn up and motorized.

37. PROPERTY

All equipment, furniture and goods purchased from CLUB funds or donated to the CLUB, shall be the property of the CLUB and may only be disposed of with the approval of the Board of Management.

38. CHANGE OF ADDRESS

It shall be the member's responsibility to ensure that their correct address is lodged with the Section Registrar. The CLUB shall only be responsible for sending notices and correspondence to the last known address.

39. DISSOLUTION

The CLUB may be dissolved by special resolution and consent of 75% of members present and eligible to vote at a General Meeting. If upon the winding up or dissolution or winding up of the CLUB, their remains, after the satisfaction of all of its debts and liabilities, any property whatsoever, the same must not be paid to or distributed among the members or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members