



Forest Lake Ball Club

FLBC - Constitution

As at August 22, 2017



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1. Name:

The name of the club is the Forest Lakes Ball Club, hereafter referred to as the "Club". The Club's common name will be "Magpies".

2. Eligibility for membership:

All registered players and their parents shall be members of the club. Membership shall be a period of twelve months from the date of registration as set by the Committee each year.

3. Life Members:

Members of the Club who have rendered especially meritorious direct services to the Club may, on recommendation by the full Committee, be elected life members of the Club by a three-fourths majority of Committee voting. A maximum of two (2) life memberships may be given in any one year.

4. Honorary Members:

The Executive Committee may elect honorary members to the Club for a period of twelve (12) months who:-

- a) Wish to play but, in the opinion of the Executive Committee, cannot afford to do so.
- b) Are adults (without children playing) who wish to assist in the administration or activities of the Club.

5. Termination of Membership of the Club

Membership of the Club may terminated upon:

- a) receipt by the Secretary of a notice in writing from a member of their resignation from the Club. Such member remains liable to pay to the Club the amount of any subscription due and payable by that member to the Club but unpaid at the date of termination; or
- b) Non-payment by a member of their subscription by the due date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise; or
- c) expulsion of a member in accordance with rule 6.

6. Suspension or Expulsion of members of Club

- (1) If the Committee considers that a member should be suspended or expelled from membership of the Club because their conduct is detrimental to the interests of the Club, the Committee must communicate, in writing, to the member;
 - a) notice of the proposed suspension or expulsion and of the time, date and place of the committee meeting at which the question of that suspension or expulsion will be decided; and
 - b) particulars of that conduct, not less than thirty (30) days before the date of the Committee meeting referred in paragraph
- (2) At the Committee meeting referred to in a notice communicated under sub-rule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representation in writing to, the Committee, suspend or expel or

decline to suspend or expel that member from membership of the Club and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

- (3) Subject to sub-rule(5), a member has his or her membership suspended or expelled ceases to be a member fourteen (14) days after the day on which the decision to suspend or expel a member is communicated to them under sub-rule(2).
- (4) A member who is suspended or expelled under sub-rule(2) must, if they wish to appeal against that suspension or expulsion, give notice to the Secretary of their intention to do so within fourteen (14) days referred to in sub-rule(3).
- (5) When notice is given under sub-rule(4);
 - a) the Club in a general meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or make representations in writing to, the Club in the general meeting; and
 - b) the member who gives that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel the member is confirmed under this sub-rule.

7. Objectives:

The objective of the Club shall be to:-

- a) Promote the games of tee-ball, baseball and softball in the Perth metropolitan area.
- b) Promote the games of tee-ball, baseball and softball in other parts of Western Australia as a secondary consideration to 5(a).
- c) Obtain sponsorship for the sport when and where desirable (excluding liquor and cigarette companies).
- d) The property and income of the Club shall be applied solely towards the promotion of the objects of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects. Colours

The official colours of the Club shall be black and white (tee-ball and softball). However, exceptions may be made to sponsored teams of the Club if a change of colour is necessary as part of the sponsorship agreement, or if a competition / Association demands a differentiating colour to that of another club. All changes require the approval of the Committee.

The Club Colours are to be worn by all representative teams competing on behalf of the Club.

Official of the Club should be encouraged to wear Club colours when accompanying representative teams.

8. Affiliations:

The Club shall affiliate with Thornlie and Districts Tee-Ball Association, the Tee-Ball Association of western Australia, the Dale Districts Association and South East Metropolitan Softball Association and any other organisation that from time to time may be deemed beneficial or necessary by the Executive Committee.

9. Subscriptions:

Each playing member of the Club, subject to Rule three (3) and four (4) shall pay a subscription, which will be determined from time to time by the Executive Committee. The amount will be set prior to the first training date or registration day whichever is earlier.

10. Club Financial Year:

The financial year of the Club shall terminate on the 28th day of February in each year and all Club book and accounts shall close on that day. The Annual Report and duly audited Annual Statements of Income, Expenditure and Balance Sheets shall be submitted by the Treasurer to the next Annual General Meeting of the Club.

11. Common Seal

The Common Seal of the Club shall in the custody of the Secretary and shall be affixed to any document only pursuant to a resolution of the Committee. The affixation of the seal shall be witnessed by the President and the Secretary.

12. Non-profit making clause:

The income and property of the Club, so ever derived, shall be applied solely towards the promotion of its objects as set forth in this constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise, to its members, provided that nothing herein shall prevent the payment in good faith or remuneration to any officer or servant of the Club for services actively rendered to the Club.

13. Dissolution:

The Club at any time, with consent of a majority of 75% of the members present, at a General Meeting called for the purpose, be dissolved.

Is, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs charges and expenses of that winding up, that property shall be distributed –

- a) To another Club or Association which has similar objectives; or
- b) For charitable purposes.

14. The Repeal and Alterations and additions to the Constitution:

The Constitution may be repealed, altered or added to only by resolution of a Special Meeting of the Club. Any intention to move such motions has to be advised with the notice of the meeting at least three (3) weeks prior to the date of the Special Meeting.

15. Executive Committee:

The Executive Committee of the Club shall be:-

- a) President
- b) Vice-President
- c) Secretary
- d) Treasurer
- e) Registrar

- f) any other officer considered necessary from time to time by the Committee

Should any urgent matters arise, and it is impracticable to refer the matter to the Council Meeting, the executive shall have the power to deal with such matters.

The President shall seek the opinion of all available members and shall act in such a manner as the majority of such members approve.

In the event of there being no majority, the President shall call a meeting of the Executive Committee to decide the matter.

16. Committee:

Subject to the provision of these rules are the affair of the Club as defined in these shall be managed by a Committee which shall consist of a President, Vice-President, Secretary, Treasurer, Registrar and a minimum of four other Members.

Powers and Duties of Executive:

17. President and Vice-President;

The President shall;-

- a) Act as Chairman of all meetings of the Club and Executive Committee
- b) Maintain the impartiality of the chair
- c) Conform to the rule of procedures and maintain in order throughout the meeting
- d) To decide that the quorum is present, intimate the objectives of the meetings if it called to consider special matters, to announce all other business matters of the meeting. Decide points of order and point of privilege of priority, explain matters to those in doubt
- e) Instruct the Secretary to read the minutes of the previous meeting, request confirmation and when confirmed, to sign same
- f) In the event of a ballot being required, to announce the method of voting, count the vote, exercise his/her right to a casting vote, in the event of equality of votes and announce the result of the vote
- g) To decide and announce the next speaker, to confine speakers to the matter under discussion and if necessary confine speakers to a reasonable time limit
- h) To introduce invited guests
- i) To accelerate and finalise the business of the meeting within a reasonable time limit
- j) To be authorised signatories of the Club
- k) To approve expenditure when called upon so to do
- l) Represent the Club at functions and meetings as required
- m) Appoint the time and place of the next meeting
- n) Perform any duties committed to him/her by these rules
- o) The Vice-President shall preside in the absence; of the President will the full powers of the President. In the absence of the President and Vice-President, some other member of the

Committee shall be chosen by the meeting to preside and shall have all the powers to perform all the duties of the President at such meeting

- p) The President and Vice-President shall be authorised signing officers of the Club

18. Secretary

The Secretary shall;-

- a) Convene all General and Committee meeting of the Club
- b) Attend General and Committee meeting of the Club
- c) Be answerable for giving of due notice for the calling of all meetings as provided in this Constitution
- d) Be answerable for keeping a true record of the proceedings for all meetings
- e) Prepare an Annual Report and assist in the preparation of the Annual Statement of Income, Expenditure and Balance Sheets
- f) Attend to all correspondence, keep and answer it and produce it to Committee meetings
- g) Perform such other duties as may be necessary to give effect to carry out the rules of the Club and any duties assigned by the Club or Committee in meeting assembled
- h) Be an authorised signing office of the Club's approved expenditure when called upon to do so.

19. Treasurer

The Treasurer shall;

- a) Not pay, lend or otherwise appropriate any of the funds of the Club or any other moneys for any purpose except in accordance with the rules of the Club and the resolution of the Committee or General Meeting of the Club
- b) Keep in appropriate books of accounts a correct account of all moneys received and expended by the Club together with date of receipts and expenditure
- c) Have charge of the Club's books of accounts and produce them for inspection at all reasonable times when requested by the President, Executive Committee or Auditor
- d) Examine all accounts to be passed for payment and make all authorised payments from the fund of the Club
- e) Forthwith pay all moneys received by him/her into the Club's account to the credit of the Club
- f) Received and issue proper receipts for all moneys paid to the Club
- g) A reconciled statement of current income and expenditure shall be prepared and presented at each Committee meeting
- h) Assist, if required, the Auditor when auditing the accounts of the Club
- i) Prepare an Annual Statement of Income and Expenditure and Balance Sheet
- j) Assist the Secretary as required
- k) Be an authorised signing officer of the Club's approved expenditure when called upon to do so and shall ensure that all are approved by authorised persons

20. Registrar:

The registrar shall:-

- a) Keep and accurate personal record of each player, including the player's surname, given names, address, age date of birth, or any other statistics as may be required

21. Delegates:

The Delegates shall:-

- a) Attend all meetings as a representative of the Club as required
- b) Request any information, etc, as required by the Club
- c) Vote on any motion that may arise for and on behalf of the Club and hence bind the Club to such motion
- d) Supply a report of the meetings he/she has attended and present them at the next Committee meeting

22. Powers of the Executive;

Should any matter arise, or be brought under the notice of the President, Vice-President Secretary, Treasurer or Registrar, which in their opinion is not of sufficient importance to warrant a Special meeting, the Executive shall have power to deal with such matters at their discretion and advise the General Committee at the next general meeting of such matters.

In the event of their disagreement on any urgent question the matter can only be dealt with by a majority opinion at a Special Meeting

23. Powers and Duties of Committee:

The Committee subject to the control by members as shown in the minutes have the following powers and perform the following duties:-

- a) To control, superintend and manage the affairs of the Club, its elected officers, members' funds and property
- b) To suspend for any period or expel any member or playing members of the Club for any breach or infringement of the rules of the Club or for any misconduct or dereliction of duty or for any misapplication / misappropriation of the fund or property of the Club, or for any non-compliance with or disobedience of any order contained in any resolution of the Committee or conduct in its opinion in worthy of a member
- c) To cause to be made or to demand an audit of the books and accounts of the Club at any time
- d) Generally, al such decisions as may be necessary for the proper conduct of the business of the Club

24. Absence of Members of Committee

The Committee may declare vacant the office of any member who absents themselves from three (3) consecutive meeting without proper cause. The Committee shall fill any vacancy that may occur by appointing any member of the Club

25. Filling Vacant Committee Offices:

Should the President die, resign or be removed from office, the President's office shall be filled by another member of the Committee appointed by the remaining members thereof, an such

member so appointed shall hold as President for the remainder of the term for which the predecessor was appointed

Should any other member of the Committee die, resign or be removed from office or be appointed President pursuant to these rules, this member's place on the Committee shall be filled by a member appointed by the remaining members of the Committee and such member so appointed shall hold office for the remainder of the term for which the predecessor was appointed

26. Club Meetings

a) Annual General Meetings and Special Meetings

The annual General Meeting of the Club shall be held in the month of March in each year at such time as may be determined by the Executive Such meetings shall deal with the election of officers to the Committee, consider the Annual Report, Annual Statements of Income, Expenditure and Balance Sheet, discuss ant matters brought forward and take any constitutional action which may be deemed advisable

The Secretary shall upon the request of the president or any two members of the Committee or upon requisition signed by at least one quarter of the members of the Club, summon a Special Meeting

b) Executive Committee Meetings

The Executive Committee shall transact any business that requires attention and shall report any special matter to the next Committee meeting. The Committee shall meet at such time and place as it may determine

27. Sub Committees

The Committee may appoint Sub-Committees responsible to the Committee and shall include, but not be limited to, the following:

- a) Fund Raising Sub-Committee which shall help organise and conduct any activities and other social functions which shall from time to time be approved by the Committee.
- b) Property Purchasing Sub-Committee which shall be responsible to the Committee for the purchase, care and maintenance of Club property under its control and shall make such reports and recommendations to the Committee as deemed necessary.
- c) Records Sub- Committee which shall be responsible to the Committee for the care and maintenance of records under its control and shall make such reports and recommendations to the Committee as deemed necessary.
- d) The President of the Committee shall be an ex-officio of all Sub-Committees.
- e) The Chairperson of any Sub-Committee shall only be appointed from among members of the Committee and shall have the power to select Sub-Committee members from other members of the Club.

- f) The Committee may at any time terminate the appointment of any Sub-Committee and the members thereto.
- g) All of the members of the Sub-Committee shall retire at each Annual General Meeting but each shall be eligible for appointment to any position of office in the Club.

MEETINGS AND PROCEEDINGS OF SUB-COMMITTEES

- a) The Sub-Committee members shall meet as often as when they respectively, from time to time, determine and Notices of Meetings shall be determined by the Chairperson of such Sub-Committee.
- b) At all meetings of Sub-Committees two (2) members of such Sub-Committee present shall constitute a quorum provided that in respect of the Property/Purchasing Sub Committee and Records Sub-Committee, one (1) person present shall constitute a quorum.
- c) At all meetings of Sub-Committees the Chairperson shall determine the order of business.

28. Quorums

At any meeting of the Committee, seven (7) members shall form a quorum. In the case of Executive Committee meetings, four (4) shall be a quorum

At a Special General Meeting of the Club, eight (8) of the members shall form a quorum

At an General Meeting of the Club, ten (10) of the members shall form a quorum

If no quorum is present within thirty (30) minutes after the time specified for the holding of a general meeting, the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.

If within thirty (30) minutes of the time appointed for the resumption of an adjourned general meeting a quorum is not present, the persons present and entitled to vote may nevertheless proceed with the business of that general meeting as if a quorum were present.

29. Voting at Meetings

At the Annual General Meeting, or Special Meeting, of the Club only financial members, honorary numbers and life members of the Club shall be entitled to vote. New members however who are nominated and elected to a position on will thereafter be eligible to vote

Any financial member, honorary member, or life member of the Club is entitled to attend Committee meetings and ask questions but is not entitled to vote. Persons on the Committee only shall be entitled to vote

The decision of any question to be decided at any meeting shall be by show of hands except upon a resolution carried by one third majority of the members present it is decided to submit the question to ballot. The Chairperson & Secretary shall count the ballot, when entered in the Minutes of the proceedings, be conclusive evidence of the fact without proof being required of the number or proportion of votes recorded for or against the resolution.

The vote of the President shall only be taken when required to resolve a deadlock.

No proxy votes will be accepted.

30. Audit

One or more persons shall be appointed by the Committee to audit Annual Statement of Income, Expenditure and Balance Sheets at the Annual General Meeting of the Club

The Auditors shall examine and audit the books and accounts of the Club annually or at any time as required by the Committee and have the power to call for all book, papers, account, receipts, etc, relating to the affairs of the Club and compile a report to be presented to the Annual General Meeting or at any time as requested by the Executive.

31. Disputes & Mediation

The grievance procedure set out in this rule applies to disputes under these rules between-

- (a) a member and another member; or
- (b) a member and the association; or
- (c) if the association provides services to non-members, those non-members who receive services from the association, and the association.

The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.

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 ten (10) days, hold a meeting in the presence of a mediator.

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 council of the association;
 - (ii) in the case of a dispute between a member or relevant non-member and the association, a person who is a mediator appointed to, or employed with, a not for profit organisation.

A member of the association can be a mediator.

The mediator cannot be a member who is a party to the dispute.

The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

The mediator, in conducting the mediation, must

- (a) give the parties to the mediation process every opportunity to be heard;
- (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.

The mediator must not determine the dispute.

The mediation must be confidential and without prejudice.

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.

32. Elections

Members of the Committee shall hold office for a period of twelve (12) months or until the next Annual General Meeting and be eligible for re-election.

Nominations for office on the Committee shall be declared open by the Secretary for a period not less than 14 days and received by the Secretary up to a time and date fixed by the retiring Committee and not later than the date of the Annual General Meeting

Nominations shall be in writing signed by the proposer and shall have the written consent of the person nominated. The proposer shall be a member of the Club at the date of nomination.

A Committee member from the previous year shall be appointed by attending members to carry out the process of reading all nominations and counting the votes for nominees for the Committee.

Should more than one nomination be received for any one position, the nominee elected would be indicated by a voted majority of the meeting

Should insufficient nominations be received for the number of vacancies or where a nominee becomes ineligible between the closing time for nominations and the proposed declaration of the poll resulting in insufficient eligible nominations, those people nominated and still eligible shall be deemed elected from and after the date of the Annual General Meeting and the Committee shall select a financial member to fill each position still remaining vacant

Should a person nominate for and be elected to more than one position on the Committee, he/she shall be deemed to be elected to the higher position on the order of the President, Vice-President, Secretary, Treasurer, Registrar, other Committee member

Once elected to a position, the candidate shall be ineligible to receive votes for a lower position

Persons elected pursuant to this Constitution shall be deemed elected members from and after the date of the Annual General Meeting

Team Allocation Policy

Purpose

Forest Lakes Ball Club is committed to achieving fairness and equality to all members and teams. All requests for a specific team allocation will be given due consideration in accordance to this allocation policy.

Restrictions within the Policy

When considering team allocations, the Club cannot guarantee that all such requests can be granted.

The Thornlie & Districts Tee-Ball Association, at their discretion, has the authority to direct the club to re-allocate players should they feel that it is in the best interest of maintaining the Spirit of the Game.

Returning Members

All members returning to the Club from the previous season will be given priority within teams over new members, provided that their registration is completed and payment of fees are received on or before the cut-off date.

The Club will endeavour to keep teams together from season to season providing that numbers are fairly distributed between teams within an age group.

If minimum numbers are not met with returning team members, the team will be disbanded and players will be redistributed into other teams or merged into one team at the discretion of the Club Executive Committee.

New Players / Existing Players Changing Teams

Existing players that wish to change teams from the previous season are asked to submit their request, in writing, at the time of registration. All requests for changes will be considered, however the Club can only affect the change if team numbers permit and valid reasons are given.

New members will be allocated to teams based on team numbers with a view to maintain an even balance between teams within an age group. New members may also submit a team allocation request, in writing, at the time of registration. These requests will be considered and should team numbers permit, the Executive Committee will endeavour to grant the request.

Where teams within an age group are determined to be at capacity with registrations from returning members, new members requesting placement will be advised as soon as possible. The Thornlie & Districts Tee-Ball Association encourages clubs in this situation to notify them of surplus players in an attempt to find placement for these players and assist clubs that are in need of further registrations to meet ideal team numbers within a particular age group. The Club will assist players where possible to relocate a club within our cluster that can accommodate an additional player.