

CONSTITUTION OF NORTH MURRAY DIAMOND SPORTS ASSOCIATION

1.0 NAME:

The name of the Association is NORTH MURRAY DIAMOND SPORTS ASSOCIATION (Inc.) hereinafter referred to as the "Association" or "Club".

2.0 DEFINITIONS

In these rules, unless the contrary intention appears-

"Annual general meeting" is the meeting convened under rule 16.1;

"Committee meeting" means a meeting referred to in rule 14.1;

"Committee member" means person referred to in paragraph (a), (b), (c), (d), (e) or (f) of rule 12.1;

"Convene" means to call together for a formal meeting;

"Department" means the government department with responsibility for administering the *Associations Incorporation Act (1987)*;

"Financial year" means a period not exceeding 15 months fixed by the Committee, being a period commencing on the 1 January and ending on 30 June each year;

"General meeting" means a meeting to which all members are invited;

"Member" means member of the Association;

"Special Resolution" has the meaning given by section 24 of the Act, that is-

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the rules of the association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the association by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the association present in person or, where proxies are allowed, by proxy.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared. If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

"The Act" means the *Associations Incorporation Act 1987*;

"The Association" means the Association referred to in rule 1;

"The Chairperson" means-

(a) in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting.

(b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 12.1 or, if that person is unable to perform his or her functions, the Vice Chairperson;

"The Commissioner" means the Commissioner for Fair Trading exercising powers under the Act;

"The Committee" means the Committee of Management of the Association referred to in rule 12.1;

"The Secretary" means the Secretary referred to in paragraph (c) of rule 12.1;

"The Treasurer" means the Treasurer referred to in paragraph (d) of rule 12.1.

3.0 OBJECTS:

The objects of the Association are:-

3.1 a. To promote and manage diamond sports in the Serpentine / Jarrahdale region.

b. To obtain sponsorship for the sport/s (excluding cigarette sponsorship for the sport of Tee-ball).

c. To do all things necessary that are conducive or incidental for the attainment of the objects of the Association.

3.2 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, except in good faith in the promotion of those objects.

4.0 POWERS OF THE ASSOCIATION: (as conferred by Section 13 of the Act).

The Association shall have the following general powers and be trustees of North Murray Diamond Sports Association (Inc.) for the following:

4.1 To acquire, hold, deal with, and dispose of any real or personal property for the purpose of advancing the objects of the Association;

4.2 To open and operate bank accounts;

4.3 To invest its money –

(i) in any security which trust moneys may be invested; or

(ii) in any other manner authorized by the Association;

- 4.4 To appoint agents to transact any business of the Association on its behalf for reward or otherwise;
- 4.5 To contract with local government bodies or other duly constituted bodies, for the lease or use of playing grounds or equipment for playing the games of the North Murray Diamond Sports Association (Inc.).
- 4.6 To build, construct, erect, maintain, alter and repair any premises, building or other structure of any kind and to furnish, equip and improve the same for use by the Association.
- 4.7 Accept donations and gifts in accordance with the objects of the Association.
- 4.8 To raise funds through whatever means the committee deems to be acceptable in order to advance the objects of the Association
- 4.9 Print or publish any information by electronic or paper based media including newsletters, newspapers, articles or leaflets for promotion of the Association;
- 4.10 Provide gifts and prizes in accordance with the objects of the Association;
- 4.11 Organise social events for Members and the promotion of the Association; and
- 4.12 To enter into any other contract the Association considers necessary or desirable.

5.0 AFFILIATION

- 5.1 The Association shall affiliate with any other organisation that from time to time, may be deemed beneficial or necessary by the Committee.

6.0 COLOURS

- 6.1 The colours of the Association shall be ORANGE and BLACK.
- 6.2 The colours of the Association shall be worn by all representative teams as deemed necessary by the Committee.

7.0 MEMBERSHIP

- 7.1 Membership of the Association shall be open to any person who wishes to further the interests of the Association.
- 7.2 Any person who wishes to become a member must make application in writing to the Committee in such form as the Committee from time to time directs and the Committee shall determine if the application is successful or not
- 7.3 Membership shall be for the period from one Registration Day to the next consecutive Registration Day upon payment of the fees or application for membership.
- 7.4 Each person admitted to membership shall be;



7.4.1 Bound by the Constitution and By-laws of the Association.

7.4.2 Come liable for such fees and subscriptions as may be fixed by the Association.

7.4.3 Entitled to all advantages and privileges of membership.

8.0 MEMBERSHIP CATEGORIES:

8.1 ORDINARY MEMBER

Any person who is a financial member of the Association is entitled to hold any office and enjoy the privileges of the Association. The parent signing the Registration Form would be deemed the Member.

8.2 HONORARY MEMBER

Persons other than ordinary members who are interested in promoting the Association, but who do not wish to participate in the playing activities of the Association, may become an Honorary Member.

8.3 JUNIOR MEMBER

Any person under the age of 18 years may become a Junior Member. Junior Members shall have no voting rights or be entitled to hold any Office.

8.4 LIFE MEMBERSHIP

The Committee may elect as a Life Member any member who has given outstanding service to the Association. Any member may nominate a person to the Committee for consideration for Life Membership.

8.4.1 A maximum of two life memberships may be given in any one association year.

8.4.2 Each nominee should meet the following criteria:

8.4.2.1 Must have given at least four years service to the Association, including a minimum of two years on the Committee or in the case of non-committee members, they must have given at least six years service to the Association in another capacity (e.g. coaching, umpiring, fundraising, etc.)

8.4.2.2 Must have shown a genuine commitment to the Association outside of any position held within the Association.

8.4.2.3 Must be nominated to the Committee by a person of good standing within the Association and that nomination should be signed by a seconder, also to be of good standing.

8.5 PATRON

The Association may, at its discretion, elect a patron/s or vice patron/s of the Association for such period as may be deemed necessary. Such patron/s shall not be eligible to vote

unless they are current members of the Association under another category of membership.

8.6 AFFILIATED CLUBS OR TEAMS

A club or team desirous of becoming an affiliated club or team must take application in accordance with the by-laws of the Association. Such application must be lodged with the Association Secretary on or before a date as determined by the Committee of the Association. Each affiliated club or team shall appoint or elect a delegate as his or her representative to meetings of the Committee.

9.0 REGISTER OF MEMBERS OF ASSOCIATION

9.1 The Registrar, on behalf of the Association, shall keep and maintain in an up to date condition a database or register of the members of the Association and their postal or residential addresses.

9.2 Upon the written request of a member of the Association, the Registrar shall make the database or register available within seven (7) days from the receipt of the written request for the inspection of the member and the member may make a copy or take an extract from the register but shall have no right to remove the register for that purpose.

10.0 SUBSCRIPTIONS

10.1 The members may from time to time at a general meeting determine the amount of the subscription to be paid by each member.

10.2 Each member must pay to the Treasurer on or before the third playing date of the season or such other date as the Committee from time to time determines the amount of the subscription.

11.0 TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

11.1 Membership of the Association may be terminated upon-

11.1.1 Receipt by the Secretary or another Committee member of a notice in writing from a member of his or her resignation from the Association.

11.1.2 A member's annual membership fee remains unpaid after three (3) playing dates at the commencement of each season except where alternative arrangements have been made with the Committee.

11.1.3 Expulsion of a member in accordance with rule 12.

11.2 The Committee shall have the power to suspend or expel any member of the Association for;

11.2.1 Any of the events in Item 11.1

11.2.2 False or inaccurate statements made in the member's application for membership of the Association.

11.2.3 Breach of any rule, regulation or by-law of the Association and

11.2.4 By any act detrimental to the Association.

12.0 SUSPENSION OR EXPULSION OF MEMBERS OF ASSOCIATION

12.2 If the Committee considers that a member should be suspended or expelled from membership of the Association because his or her conduct is detrimental to the interests of the Association, the Committee must communicate, either orally or in writing, to the member-

12.2.1 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

12.2.2 particulars of that conduct,

12.2.3 not less than 30 days before the date of the Committee meeting referred to in Item 12.1.1.

12.3 At the Committee meeting referred to in a notice communicated under sub-rule 12.1, the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

12.4 Subject to sub-rule 12.5, a member has his or her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule 12.2.

12.5 A member who is suspended or expelled under sub-rule 12.2 must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rule 12.3.

12.6 When notice is given under sub-rule 12.4-

12.6.1 the Association 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 to make representations in writing to, the Association in the general meeting; and

12.6.2 the member who gave 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 him or her is confirmed under this sub-rule.

13.0 MANAGEMENT COMMITTEE

N.B. (1) Sometimes called Executive Committee.

(2) Committee persons are sometimes referred to as Office Bearers.

(3) The main Office Bearers are often referred to as The Executive.

13.1 Management of the Association shall be vested in the Committee elected by the members at the Annual General Meeting and consisting of;

- (a) President
- (b) Vice President
- (c) Secretary
- (d) Treasurer
- (e) Registrar
- (f) A minimum of five committee members
- (g) Club or Team delegates

13.2 A person shall cease to be a member of the Committee at the conclusion of the Annual General Meeting which follows his/her election and he/she will be eligible for re-election.

13.3 If the President or Vice President is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.

13.4 A casual vacancy occurs in the Committee if a Committee member:

- (a) dies;
- (b) resigns by notice in writing delivered to the President or, if the Committee member is the President, the Vice-President and that resignation is accepted by resolution of the Committee;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from three or more consecutive meetings without tendering an apology to the person presiding at each of those Committee meetings of which meetings the member received notice, and the Committee has resolved to declare the office vacant;
- (f) is found not to be a financial member or ceases to be a member of the Association;
- (g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

14.0 POWERS OF THE COMMITTEE

The Committee shall carry out the day-to-day running of the Association and shall have the power to:



- 14.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
- 14.2 Fix the manner in which such banking accounts shall be operated upon, providing the Committee passes all payments;
- 14.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
- 14.4 Adjudicate on all matters brought before it which in any way affect the Association.
- 14.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
- 14.6 Make, amend and rescind rulings and By-laws;
- 14.7 Have the power to form and appoint any sub committee/s as required for specific purposes;
- 14.8 May at their discretion employ a person or persons to carry out certain duties required by the Association, at salaries or remunerations for such period of time, as may be deemed necessary.
- 14.9 Should a vacancy occur on the Committee during the season, the Committee shall appoint a successor until the next Annual General Meeting.
- 14.10 Authorise the Secretary to have custody of all books, documents, records and securities of the Association other than those securities, books and documents of a financial nature and accounting records which are to be kept and maintained by, or in the custody of the Treasurer.

15.0 PROCEEDINGS OF COMMITTEE

- 15.1 The Committee must meet together for the dispatch of business not less than eight (8) times in each year and the President, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- 15.2 Each Committee member has a deliberative vote.
- 15.3 A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- 15.4 At a committee meeting five Committee members constitute a quorum.
- 15.5 Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- 15.6 As required under sections 21 and 22 of the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the

contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must-

- a. as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
- b. not take part in any deliberations or decision of the Committee with respect to that contract.

15.7 The Secretary must cause every disclosure made under sub-rule (14.6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.

16.0 AUDITOR

16.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors.

16.2 The Auditor/s shall examine and audit all 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.

17.0 GENERAL MEETINGS

17.1 Annual General Meeting

17.1.1 The Annual General Meeting of the Association must be held within four (4) months after the end of the Association's financial year.

17.1.2 The Secretary shall give at least fourteen (14) days notice of the date of the Annual General Meeting, to members.

17.1.3 All financial members may attend the Annual General Meeting.

17.1.4 The quorum at the Annual General Meeting shall be a minimum of eleven (11) members. If, at the end of 30 minutes after the time appointed in the notice for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

17.1.5 The agenda for an Annual General Meeting shall be;

- Opening of Meeting
- Apologies
- Confirmation of Minutes of previous Annual General Meeting
- Presentation of Annual Report
- Adoption of Annual Report

- Presentation of Treasurer's statement
- Election of New Executive and appointment of Auditor
- Vote of thanks to outgoing Executive
- Determination of Annual Membership Fee
- Notice/s of Motion
- Urgent general business
- Closure

17.2 General Meetings

17.2.1 General Meetings may be called by the Committee or at the request of the President and Secretary or on the written request of eleven (11) members of the Association.

17.2.2 The Secretary shall give at least seven (7) days notice, in writing, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.

17.2.3 The quorum at the General Meeting shall be a minimum of twenty (20) members.

18.0 VOTING

18.1 Voting powers at the Annual General Meeting and General Meetings:

18.1.1 The Chairperson shall be entitled to a deliberate vote and, in the event of a tied vote; the Chairperson shall exercise a casting vote.

18.1.2 Each individual financial member present shall have one (1) vote.

18.2 Voting powers at Committee Meetings;

18.2.1 The Chairperson shall be entitled to a deliberate vote, and, in the event of a tied vote, the Chairperson shall exercise a casting vote.

18.2.2 Each individual committee member present shall have one (1) vote.

19.0 FINANCE

19.1 All funds of the Association shall be deposited into the Association's accounts at such bank or recognised financial institution as the Committee may determine.

19.2 All accounts due by the Association shall be paid by cheque after having been passed for payment at the Committee Meeting and when immediate payment is necessary, account/s shall be paid and the action endorsed at the next Committee Meeting.



- 19.3 The Secretary shall not spend more than a set amount of Petty Cash without the consent of the Committee, and shall keep a record of such expenditure in a Petty Cash Book.
- 19.4 At the next committee meeting which follows the Annual General Meeting, the Committee shall determine a maximum amount that a Committee member can spend on behalf of the Association without having to seek prior approval from the Committee. This amount must be recorded in the Minutes of the meeting.
- 19.5 Any reimbursement requests for expenditure made in accordance with Item 18.4 must be approved by the Committee.
- 19.6 A statement showing the financial position of the Association shall be tabled at each Committee Meeting by the Treasurer.
- 19.7 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.
- 19.8 The financial year of the Association shall be from 1 January to 31 December each year. The accounts, books and all financial records of the Association shall be audited each year.
- 19.9 The signatories to the Association's account/s will be the any two of the following;
 - President
 - Vice President
 - Secretary
 - Treasurer
- 19.10 All property and income of the Association will apply solely to the promotion of the objects of the Association and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.

20.0 COMMON SEAL

(A rubber stamp on which is engraved the Association's name)

The common seal of the Association shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or document except pursuant to a resolution of the Committee and in the presence of at least the President and two members of the Committee, both of whom shall subscribe their names as witnesses.

21.0 ALTERATIONS TO THE CONSTITUTION AND BY-LAWS:

- 21.1 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 all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.



- 21.2 The Secretary shall forward such notices of motion to each Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.
- 21.3 Alterations to the By-laws can be made only at Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.
- 21.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to a vote at the Annual General Meeting, General Meeting or Committee Meeting, as the case may be.
- 21.5 Within one month of the passing of a Special Resolution, the Secretary shall notify the Department of Consumer and Employment Protection of the amendment.

22.0 INSPECTION OF RECORDS OF ASSOCIATION

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

23.0 DISPUTES AND MEDIATION

- 23.1 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.
- 23.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 23.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 23.4 The mediator must be-
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement-
 - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 23.5 A member of the Association can be a mediator.
- 23.6 The mediator cannot be a member who is a party to the dispute.

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

23.8 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.

23.9 The mediator must not determine the dispute.

23.10 The mediation must be confidential and without prejudice.

23.11 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.

24.0 DISSOLUTION

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) another incorporated association having objects similar to those of the Association; or
- (b) for charitable purposes, which incorporated Association or purposes, as the case requires, shall be determined by resolution of the members.

SIGNED..... SIGNED.....

NAME..... NAME.....

PRESIDENT

SECRETARY

DATE..... DATE.....

