

BEAUMARIS FOOTBALL CLUB INCORPORATED (A0019004P)
RULES OF THE CLUB

NAME

1. The name of the incorporated club is the Beaumaris Football Club Incorporated and it will compete and function under the name of the Beaumaris Football Club. In these rules it will be hereinafter referred to as "the Club".

COLOURS

2. The colours of the Club shall be royal blue and gold and teams will compete in a royal blue jumper with gold sash and royal blue socks. The insignia of the Club shall be a Shark.

STATEMENT OF PURPOSES

3. a) To foster, encourage and promote participation in the game of Australian Football throughout the local area at all Senior and Junior levels.
- b) To do all things necessary to further the interest of amateur football and to remain a successful member of the Victorian Amateur Football Association and other Leagues, Associations, and Competitions with which sections of the Club may become affiliated from time to time.
- c) To remain a respected and integral part of the community by providing opportunities and facilities for all members of the community to participate in the activities of the Club.
- d) To develop and maintain friendly relationships and co-operations with amateur football clubs, and other sporting and community bodies generally.
- e) To conduct social functions for the enjoyment of club members and their guests.
- f) To do, or cause to be done, all necessary acts, matters and things which are considered by the Committee of the Club to be conducive to the attainment of the purposes of the Club, or any of them.

4. **INTERPRETATION**

In these Rules, unless the contrary intention appears:

"Act" means the Associations Incorporation Act 1981 of Victoria as amended from time to time and the regulations made thereunder.

"Committee" means the committee of Management of the Club.

"Financial Year" means the year ending the 30th September in each year.

"General Meeting means a general meeting of members convened in accordance with Rule 9(a).

"Junior Section" means those officials and members of all under age teams representing the Club in any competition with the exception of any Under 19 team which is deemed to be part of the senior group of teams comprising the Senior Team, the Reserves Team and the Under 19 Team.

"Member" includes Life Members and financial members of the Club.

"Ordinary Member of the Committee" means a member of the Committee who is not an officer of the Club under Rule 11(c).

"Regulations" means any regulation made under the Act.

"Special Resolution" means a resolution passed in accordance with Section 29 of the Act.

"The Co-Operative" means the Beaumaris Sporting Club Co-Operative Ltd formed for the mutual benefit of both the Beaumaris Cricket Club and the Club principally for the maintenance, improvement and enjoyment of jointly shared facilities.

Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 and the Act as in force from time to time.

5. MEMBERSHIP

- a) All natural persons who have a desire to further the purposes of the Club and who are approved by the Committee shall be entitled to become either a playing member or non-playing member upon payment of the prescribed annual membership fee for the specified category to the nominated official of the Club.
- b) The Committee shall establish the membership fees for all categories of membership for each financial year.
- c) The Committee may elect any person it may deem worthy to Honorary Membership. A person elected as an Honorary Member may not exercise a vote at any meeting of the Club. Honorary membership shall not extend beyond the next Annual Meeting of the Club after the election of the Honorary Member.
- d) The Committee may elect Life Members to the Club at its discretion, but each Life Member so elected must have given at least seven years active service to the Club. A Life Member may vote at any meeting of the Club and will not be required to make payment of any membership fees in any year.
- e) The Committee may appoint any person or persons it deems fit as Patrons of the Club for whatever period of time the committee deems appropriate. A Patron of the Club shall not exercise a vote at any meeting of the Club unless that person is also a member of the Club or Life Member of the Club.

- f) The Secretary shall keep and maintain a register of members in which shall be entered the full name and address, date of entry and category of membership of each member and the register shall be available for inspection and copying by members upon giving reasonable notice of such request.
- g) A right, privilege or obligation of a person by reason of membership of the Club
 - a) is not capable of being transferred or transmitted to another person, and
 - b) terminates upon the cessation of membership whether by death or resignation or otherwise.
- h) Any person becoming a member of the Club shall have access to the rules of the Club upon attaining such membership.

6. RESIGNATION AND EXPULSION OF MEMBER

- a) A member may resign from the Club by first giving one month's notice in writing to the Secretary of his intention to resign and upon expiration of that period of notice, the person shall cease to be a member.
- b) Upon the expiration of the said period of notice the Secretary shall make an entry in the Register of Members recording the date upon which the person by whom the notice was given ceased to be a member.
- c) Subject to these Rules, the Committee may by resolution:
 - 1) expel a member from the Club, or
 - 2) suspend a member from membership of the club for a specified period if the committee is of the opinion that the member:
 - i) Has refused or neglected to comply with these Rules; or
 - ii) Has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club.
- d) A resolution of the Committee under Rule 6 (c) :
 - i) does not take effect unless the Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under Rule 6 confirms the resolution in accordance with this Rule; and
 - ii) where the member exercises a right of appeal to the Club under Rule 6 e (iv) (z) does not take effect unless the Club confirms the resolution in accordance with Rule 6 (d) (i).
- e) Where the Committee passes a resolution under Rule 6 (c), the

Secretary shall, as soon as practicable, cause to be served upon the member a notice in writing:

- (i) setting out the resolution of the Committee and the grounds upon which it is based;
 - (ii) stating the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
 - (iii) stating a date, place and time of the meeting;
 - (iv) informing the member he or she may do one or more of the following -
 - x) attend the meeting
 - y) give to the Committee before the date of the meeting a written statement seeking revocation of the resolution;
 - z) not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that he wishes to appeal to the members in General Meeting against the resolution.
- f) At a meeting of the Committee held in accordance with Rule 6 (e), the Committee:
- i) shall give to the member an opportunity to be heard;
 - ii) shall give due consideration to any written statement submitted by the member; and
 - iii) shall by resolution determine whether to confirm or revoke the resolution.
- g) Where the Secretary receives a notice under Rule 6 (e) (iv) (z), he shall notify the committee and the committee shall convene a General Meeting to be held within 21 days after the date upon which the Secretary received the notice.
- h) At a General Meeting convened under Rule 6 (g):
- i) no business other than the question of appeal shall be transacted.
 - ii) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution:
 - iii) the member shall be given an opportunity to be heard; and
 - iv) the members present shall vote by secret ballot on the question

whether the resolution should be confirmed or revoked.

- i) If at the General Meeting convened under Rule 6 (g):
 - a) two thirds of the members present in person vote in favour of the confirmation of the resolution, the resolution is confirmed; and
 - b) in any other case, the resolution is revoked.

7. DISPUTES AND MEDIATION

The grievance in this Rule applies to disputes under these Rules between:

- a) a member and another member; or
- b) a member of the Club

except in respect of the issue of the expulsion of a member which will be governed by the provisions of the preceding Rule (Rule 6).

- i) The parties to the dispute must meet and discuss the dispute and, if possible resolve the dispute within 14 days after the dispute comes to the attention of all parties.
- ii) If the parties are unable to resolve the dispute at a meeting, or if a party fails to attend that meeting, then the parties must within ten days hold a meeting in the presence of a mediator.
- iii) The mediator must be:
 - A) a person chosen by agreement between the parties; or
 - B) in the absence of agreement:
 - y) in the case of a dispute between a member and another member, a person appointed by the Committee of the Club; or
 - z) in the case of a dispute between a member and the Club, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- iv) A member of the Club must be a mediator.
- v) A mediator cannot be a member who is a party to the dispute.
- vi) The parties must attempt to settle the dispute in good faith by mediation.

- vii) The mediator, in conducting the mediation, must:
 - u) give the parties to the mediation process every opportunity to be heard; and
 - v) allow due consideration by all parties of any written statement submitted by any party; and
 - w) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- viii) The mediator must not determine the dispute.
- ix) 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, otherwise at law.

8. ANNUAL GENERAL MEETING

- a) The Club shall convene a General Meeting of members prior to the end of November in each calendar year.
- b) The Annual General Meeting shall be held on such day as the Committee determines.
- c) The ordinary business of the Annual General Meeting shall be:
 - 1) to confirm the minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting.
 - 2) to receive from the Committee reports upon the transactions of the Club during the last preceding financial year;
 - 3) to elect officers of the Club and the ordinary members of the Committee.
 - 4) to receive and consider financial statements submitted by the Club.
 - 5) any special business of which notice is given in accordance with these rules.
- d) The Annual General Meeting shall be held in addition to any other General Meetings which may be held in the same year.

9. SPECIAL GENERAL MEETINGS

- a) All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

- b) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.
- c) The Committee shall, on the requisition in writing of members representing not less than 20% of the total number of members, convene a Special General Meeting of the Club.
- d) The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be delivered to the Secretary.
- e) If the Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is delivered in accordance with Rule 9 (d) the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after the date.
- f) A Special General Meeting convened by members in pursuance of these Rules shall be convened in the same manner as nearly as possible as a Special General Meeting convened by the Committee and all reasonable expenses incurred in convening the meeting may be refunded by the Club to the members incurring the expenses.

10. NOTICE OF GENERAL MEETING

- a) The Secretary shall, at least before 14 days before the date fixed for holding a General Meeting of the Club, cause to be sent to each member at his address appearing in the register of members from time to time, a notice by prepaid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- b) No business other than that set out in the notice convening the General Meeting shall be transacted at the said General Meeting unless permitted by the Chairman of the meeting. Should the Chairman disallow discussion of any item of business raised by any member, or number thereof, at the said General Meeting his decision shall be final and not subject to any resolution of the members dissenting from that ruling at that meeting.

11. PROCEEDINGS AT GENERAL MEETING

- a) No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these Rules to vote is present during the time when the General Meeting is considering that item.
- b) Twenty persons personally present (being members entitled under these Rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.

- c) If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present the General Meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and if at the adjourned General Meeting the quorum is not present within half an hour after the time appointed for the commencement of the General Meeting, the members present (being not less than ten) shall be a quorum.
- d) The President, or in his absence, an elected Vice President, shall preside as Chairman at each General Meeting.
- e) If the President and any elected Vice President are absent from a General Meeting the members present shall elect one of their number to act as Chairman.
- f) The Chairman of a General Meeting at which a quorum is present may, with the consent of the members present and entitled to vote under these Rules, adjourn the General meeting from time to time and place to place, but no business shall be transacted at an adjourned General Meeting other than the business left unfinished at the General Meeting at which the adjournment took place.
- g) Where a General Meeting is adjourned for 14 days or more, a like notice of the adjourned General Meeting shall be given as in the case of the General Meeting.
- h) A question arising at a General Meeting shall be determined by a show of hands (having regard also to proxy votes) and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously, or carried by a particular majority or lost, and an entry to that effect in the Minute Book of the Club is evidence of the fact, without proof of the number or proportion of the Votes recorded in favour of, or against, that resolution.
- i) Each member shall be entitled to appoint another member as his proxy by notice in writing received by the Secretary no later than 48 hours before the time of the meeting in respect of which the proxy is appointed.
- j) Upon any question arising at a General Meeting a member has one vote only.
- ii) All votes must be given either in person or by appointment of a proxy.
- iii) In the case of an equality of votes on any question, the Chairman of the Meeting shall be entitled to a casting vote in addition to his deliberative vote.

- iv) If at a meeting a poll on any question is demanded by not less than 3 members present and entitled to vote, it shall be taken at that meeting in such a manner as the Chairman shall direct and the resolution of that poll shall be deemed to be a resolution of the meeting on that question.
- v) A poll that is demanded on the election of the Chairman or on the question of an adjournment shall be taken forthwith and a poll that is demanded on any other shall be taken at such time before the close of the General Meeting as the Chairman may direct.
- vi) A member is not entitled to vote at any General Meeting unless all money due and payable by him to the Club has been paid.

12.

COMMITTEE OF MANAGEMENT

- a) The affairs of the Club shall be managed by a Committee of Management, hereinafter called the Committee.
- b) The Committee:
 - 1. Shall control and manage the business and affairs of the Club;
 - 2. May, subject to these rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers which are required by these rules to be exercised at General Meetings; and
 - 3. Has power, subject to these rules, the Regulations and the Act, to perform all such acts and things as may appear to the Committee to be essential for the proper management of the business and affairs of the Club (including creating any sub/committee of members to assist it in exercising its said powers and functions); including management of the Junior section; and
 - 4. Provide for the custody and safekeeping of the property of the Club, including all books, records and trophies of the Club rooms at Banksia Oval, Oak Street Beaumaris.
- c) The officers of the Club shall be:
 - 1) The President;
 - 2) Two Vice-Presidents;
 - 3) The Treasurer; and
 - 4) The Secretary.
- d) Each officer of the Club shall hold office until the Annual General Meeting next after the date of his election, but is eligible for re-election.

- e) In the event of a casual vacancy in any office referred to in Rule 12(d), the Committee may appoint one of its members or a member to the vacant office and the person so appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of his appointment.
- f) Subject to Section 23 of the Act, the Committee shall consist of:
 - i) The officers of the Club; and
 - ii) One member who shall be nominated by the Executive of the Junior Football Section of the Club which is to say that section comprising all under age teams within the Club with the exception of the Under 19 section which is deemed to be a senior team and not part of the Junior Section; and
 - iii) Four ordinary members,

all of whom shall be elected at the Annual General Meeting in each year.
- g) Each ordinary member of the Committee shall, subject to these Rules, hold office until the Annual General Meeting next after the date of his election, but is eligible for re-election.
- h) In the event of a casual vacancy in an office of an ordinary member of the Committee, the Committee may appoint a member to fill the vacancy and the member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of his appointment.

13.

ELECTION OF OFFICERS AND VACANCY

- a) Nomination of candidates for election as officers of the Club or as ordinary members of the Committee:
 - 1) shall be made in writing, signed by two members of the Club, and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - 2) shall be delivered to the Secretary of the Club not less than 48 hours before the date fixed for the holding of the Annual General Meeting.
- b) If insufficient nominations are received to fill positions as officers of the Club or as ordinary members of the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.

- c) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- d) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- e) The ballot for the election of officers and ordinary members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee shall direct.
- f) Subject to Rule 12(e), an officer may hold only one position on the Committee in any financial year at any one time.
- g) For the purposes of these Rules, the office of an officer of the Club or of an ordinary member of the committee becomes vacant if the officer or member:
 - i) ceases to be a member;
 - ii) becomes insolvent under administration within the meaning of the Companies (Victoria) Code.
 - (iii) resigns his office by notice in writing delivered to the Secretary, or
 - iv) is removed from office.

14. PROCEEDINGS OF COMMITTEE

- a) The Committee shall meet at least 6 times in each financial year and at least once in each two calendar months thereof at such place and such times as the committee may determine.
- b) Special meetings of the Committee may be convened by the President or by any three of the members of the Committee.
- c) Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such meeting.
- d) Any five members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- e) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and the same hour of the same day in the following week unless the meeting was a special

meeting in which case it lapses.

- f) At meetings of the Committee the President, or in his absence, one of the vice Presidents shall preside; or (subject to Rule 12 d), if the President and both vice Presidents are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- g) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, a poll taken in such a manner as the person presiding at the meeting may determine.
- h) Each person present at a meeting of the Committee or any sub-committee appointed by the Committee (including any person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding as Chairman may exercise a casting vote.
- i) Written notice of each meeting of the Committee shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by pre-paid post addressed to him at his last or usual place of abode at least two business days before the date of the meeting.
- j) Subject to Rule 13 (b) the Committee may act notwithstanding any vacancy on the Committee.

15. SECRETARY

The Secretary of the Club shall:

- a) keep in his custody or under his control minutes of the resolutions and proceedings of each General Meeting and each Committee meeting in books provided for that purpose together with a record of the names of persons present at Committee meetings;
- b) maintain a register of members in accordance with Rule 4 (f) above;
- c) keep in his custody or under his control all books, documents and securities of the Club.

16. TREASURER

The Treasurer of the Club shall:

- a) collect and receive all money due to the Club and make all payments authorised by the Club;
- b) operate one or more bank accounts and credit facilities as from time to time required by the Club to achieve the purposes specified in Rule 16 (a)

above;

- c) keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.

The accounts and books referred to in Rule 16 (c) shall be available for inspection by any member upon giving 7 days written notice to the Secretary.

17. REMOVAL OF MEMBER OF COMMITTEE

- a) The members in General Meeting may by resolution remove any member of the Committee before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first mentioned member.
- b) Where the member to whom a proposed resolution referred to in Rule 16 (a) makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that they be notified to the members, the Secretary or the President may send a copy of the representations to each member or, if they are not so sent, the member may require they be read out at the General Meeting.
- d) If any other officer or ordinary member of the Committee fails to attend three consecutive duly appointed meetings of the Committee without providing reasonable excuse the remaining members of the Committee may resolve to remove the officer or ordinary member forthwith and appoint another member in his stead to hold office until the expiration of the term of the first mentioned member.

18. LIQUOR LICENCE

- a) The Committee shall do all in its power to maintain a liquor licence for the Club, be it either a Restricted Licence or a Full Club Licence, and comply with all provisions of the Liquor Control Reform Act 1998 (as it may be amended from time to time) and all directions of liquor Licensing Victoria.
- b) The Committee shall not permit payment to any officer or servant of the Club by way of commission or allowance from receipts of the Club for the sale and disposal of liquor.
- c) A visitor to the Club will not be supplied with liquor in the Club premises unless:
 - A) the visitor is a guest in the company of member of the Club; or

- B) the visitor is a member of a Club competing against the Beaumaris Football Club on the day of the visitor's entry to the Club.

19. **APPOINTMENT OF COACHES AND CAPTAINS**

- a) The Committee may, at its discretion, advertise in the press for Coaches for each team save that no advertising need take place for coaches whose terms of appointment previously made have not expired;
- b) Captains, Vice Captains and Deputy Vice Captains of senior teams shall be appointed by the Committee;.
- c) In the event of a Coach or Coaches being appointed for more than one season any new or incoming committee shall be bound by the terms and conditions of that appointment.

20. **APPOINTMENT OF OTHER TEAM OFFICIALS**

- a) 2 players will be elected as a player representatives for the purpose of placing before the Committee matters of concern and/or interest to the players. One such representative shall be elected from the ranks of the Open Age teams by the players eligible to play in those teams and the other representative shall be a player eligible to play in the Under 19 team and elected by players eligible to play in that team.
- b) Each year the Committee shall appoint Coaches, Football Managers, Umpires, Trainers, Medical and Para Medical staff, Time Keepers, Goal and Boundary Umpires, Interchange Stewards, Selection Committees, Delegates to the League in which the Club has teams entered, and any other positions it may deem necessary for the proper and efficient operation of the Club.

21. **MATCHES**

- a) The Committee may arrange practice matches against any team and at any venue which it may deem appropriate.
- b) All other matches shall be played pursuant to the Rules of the League or Association in which the Club has teams entered.
- c) No player shall be permitted to play in any match of the competitive rounds until he becomes financial or unless the committee otherwise decrees.

22. **CLEARANCES**

- a) In the event of a player desiring a clearance, he shall apply to the Secretary. The Committee may take advice from the relevant selection

committee when considering the application.

- b) No player shall be granted a clearance whilst he owes the Club any monies or retains any Club property.

23. FINANCIAL

- a) The Committee shall raise monies by any lawful means which it deems appropriate.
- b) All monies raised by or paid to the Club shall be paid into a bank or bank accounts nominated by the Committee.
- c) The Committee may allocate funds for special purposes at its discretion.
- d) All cheques, drafts, bills of exchange, promissory notes, or other negotiable instruments shall be authorised by the Committee and signed by the Treasurer and the President or the Secretary, or as otherwise may be determined by the Committee from time to time.
- e) The Committee may award trophies or prizes both during, and after the completion of, the season as it may deem fit.
- f) The Committee may make charitable donations in such manner and frequency as it deems appropriate.

24. COMMON SEAL

- a) The Common Seal of the Club shall be kept in the custody of the Secretary.
- b) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures of either two members of the Committee one of whom shall be one of the President, the Treasurer, or the Secretary.
- c) The Secretary shall keep a register of the details of each instrument to which the Common Seal was affixed, the persons who attested the affixing of the Common Seal and a copy of the Committee Resolution authorising the affixing of the Common Seal.

25. NOTICES

A notice may be served by or on behalf of the Club upon any member either personally or by sending it by post to the member at his address shown in the register of members.

Where a document is properly addressed, pre-paid and posted to a person as a

letter, the document shall unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

26. WINDING UP

In the event of the winding up of the cancellation of the incorporation of the Club, the assets of the Club shall be disposed of in accordance with the provisions of the Act.

27. INDEMNITIES

Members of the Committee and any person or persons co-opted either individually or as a sub-committee to assist it in the bona fide exercise of its powers and functions shall be and are hereby indemnified out of the funds of the Club against all actions, suits, causes of action, demands, legal proceedings, costs, damages or expenses properly incurred by them or any of them in consequence of anything said or done by them in the bona fide discharge of their said powers and functions.

28. COMPLIANCE WITH ACT AND RULES

The Committee and all members of the Club shall be subject to and bound by the Act and these Rules.

The Club is non-profit organisation and the distribution of profits or assets to its members is prohibited.