

**POTTSVILLE BEACH
FOOTBALL CLUB (PBFC)
CONSTITUTION**

As adopted August 2018

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Part 1 Preliminary

1 Definitions

(1) In this constitution:

association means Pottsville Beach Football Club.

ordinary committee member means a member of the committee who is not an office-bearer of the association.

executive committee member means an office bearer of the association including president, two vice presidents, secretary, treasurer and registrar.

secretary means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no person holds that office - the public officer of the association.

special general meeting means a general meeting of the association other than an annual general meeting.

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2016*.

Part 2 – Preamble

2 *Mission Statement*

Pottsville Beach Football Club Incorporated (PBFC) is a not-for-profit association that works in conjunction with committee members, players, volunteers, coaches, managers and interested community members to provide a football club for the whole community. It relies on volunteers for its success and all money raised is used to benefit the club and surrounding community.

3 *Philosophy*

It is the committee's belief that management is nothing more than motivating other people and that a successful club comes from a happy community. We believe leadership is action, not a position. This is why we work on an open door policy and the belief that everyone has the right to a fair say. We welcome new faces, new ideas and anyone willing to lend a helping hand. It takes a lot to run a club our size and we believe with the right attitude our club will grow more successful as the years pass by. We encourage people to become involved, no matter how little, to help us ensure this success. We do not believe in bias, derogatory comments or the use of profanities as means of success. We believe in the respect of people as individuals and the importance of volunteers. Respect of property is also fundamental. Most importantly we believe that many hands make light work and that the future depends on what we do in the present.

4 *Objectives*

Pottsville Beach Football Club will Endeavour to:

- (a) Encourage, foster and promote football by organising, managing and assisting to arrange competition for the club's football teams.
- (b) Teach, develop and encourage a spirit of sportsmanship amongst members.
- (c) Promote the physical and social development of members.

5 *Club Name*

The name of the club shall be Pottsville Beach Football Club Inc. and shall be referred to hereinafter as PBFC.

6 *Club Colours*

The representative colours of PBFC shall be any combination of purple, black and white.

7 *Club Emblem*

The official club emblem shall be a panther and a football ball incased in black outline.

8 *Affiliation*

PBFC shall be affiliated with Football Far North Coast (FFNC) and if deemed necessary affiliation will be made with any other Association or Sporting Body.

9 ***Jurisdiction***

The jurisdiction of the club shall cover all club officials, members, team managers, team coaches, players, grounds and matches within its area and referees: where such referees are not members of an official organisation of referees. This jurisdiction may be extended beyond the area covered by PBFC, by arrangement with other football associations and with the approval, if necessary of FFNC. Jurisdiction shall also cover players representing PBFC in matches or competitions outside the area.

Part 3 Membership

10 Requirements for membership

- (1) A person is eligible to be a member of the association if they have applied for and have been approved for membership of the association in accordance with clause 2.

11 Application for membership

- (1) Any person wishing to participate in competitions or matches conducted by PBFC shall register as a player in accordance with the online registration process determined by the Football Federation of Australia. If fees are paid in accordance with clause 8 and this registration is approved the player will become a member of the association.
- (2) For players registered in accordance with sub clause 1 and under 18 years of age, the parent/s or legal guardian/s of that player will automatically be deemed a member of the association.
- (3) Any person 18 years or older wishing to become a member of the association but not to participate in competitions or matches or who is not a parent or guardian of a player approved to participate in competitions or matches, must register as a volunteer, team official or coach in accordance with the online registration process determined by the committee.
- (4) Applications for registration will be considered for approval by the Registrar in accordance the PBFC Fee Payment Policy, PBFC Registration and Grading of Junior Teams Policy and PBFC Policy for Registration & Formation of Senior Teams.
- (5) The registrar will maintain a register of approved members utilising the online registration website administered by the Football Federation of Australia.
- (6) Applications for membership must be renewed annually, except in the case where Life Membership has been granted.

12 Life membership

- (1) Nominees must have given at least 10 years continuous service or 11 years service, where service is interrupted, to the association.
- (2) Nominations for the life membership are to be submitted on a confidential basis, in writing, for consideration to the secretary giving full details of relative history and service to the club.
- (3) The nominations must reach the secretary 7 days prior to the AGM.
- (4) Acceptance of the nomination for Life Membership shall be determined by a majority vote at the AGM.
- (5) Successful recipients shall be presented with a (approx.) 200mm x150mm plaque with PBFC logo and engraved with recipient's name, year and Life Member.

13 Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership or is de-registered,
- (c) is expelled from the association,
- (d) fails to apply for registration annually (except life members).

14 Resignation and cancellation of membership

- (1) A member of the association may request to be de-registered or resign from membership of the association by first giving to the secretary written (including email or other electronic format) notice of at least one week of the member's intention to resign or cease playing.
- (2) De-registration will occur in accordance with the PBFC Fee Payment Policy, PBFC Registration and Grading of Junior Teams Policy and PBFC Policy for Registration & Formation of Senior Teams.
- (3) Once any online de-registration process required by the Football Federation of Australia has been completed the member ceases to be a member of the association.
- (4) If a member of the association ceases to be a member under subclauses (1-3), their de-registration will be recorded utilising the online registration website administered by the Football Federation of Australia.

15 Register of members

- (1) The registrar will maintain a register of members of the association utilising the online registration system administered by the Football Federation of Australia.
- (2) Full details (name of members, addresses, email addresses and phone numbers) from the register of members will only be made available to committee members who require it to complete their duties.
- (3) Non-committee members may request to inspect the register, which will be provided with the omission of contact information to protect the privacy of members.
- (4) A member must not use information about a person obtained from the register to contact or send material to the person, other than to conduct the official business of the association and any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (5) A register of life members will be kept by the secretary.

16 Fees and subscriptions

- (1) Any members who wish to participate in competitions or matches conducted by PBFC must pay annual or seasonal registration fees according to the fee payment schedule determined by the committee and in accordance with the PBFC Fee Payment Policy.
- (2) Any person 18 years or older wishing to become a member of the association but not to participate in competitions or matches or who is not a

parent or guardian of a player approved to participate in competitions or matches must pay an annual membership fee according to the fee payment schedule determined by the committee.

17 Members' liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 16.

18 Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has acted in a manner that is not consistent with the *PBFC Codes of Behaviour and Conduct Policy*, or
 - (c) for conduct considered prejudicial to the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the complaint will be dealt with in accordance with the *PBFC Disciplinary Policy and Procedures*.

19 Right of appeal of disciplined member

- (1) A person may appeal to the Executive Committee against a decision to caution, suspend or expel the person within 5 calendar days after notice of the decision is served on the person, by lodging with the Secretary a notice to that effect.
- (2) The notice of appeal must be accompanied by a statement of the grounds on which the person intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a person under paragraph 3, the Secretary must notify the Executive Committee which is to convene a meeting to be held within 21 days after the date on which the Secretary received the notice.
- (4) At an Executive Committee meeting convened under sub clause 3:
 - (a) Business other than the question of the appeal may be transacted; and
 - (b) The appellant and the person making the original complaint shall be given the opportunity to state their case orally or in writing, or both; and
 - (c) The committee members present are to vote by secret ballot on the question of whether the determination should be confirmed, substituted or revoked.

20 Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

Part 4 The committee

21 Powers of the committee

Subject to the Act, the Regulation, this constitution and any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all the functions that may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all the acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

22 Composition and membership of committee

- (1) The committee is to consist of:
 - (a) the office bearers of the association, and
 - (b) any members fulfilling one or more of the following ordinary committee member roles or any other committee roles deemed necessary by the executive committee: MiniRoos coordinator; age group coordinators; grounds person; gear steward; grants officer; player improvement officer; female participation officer; fundraising coordinator; sponsorship coordinator; media manager; events co-ordinator; canteen coordinator, referees coordinator, volunteer coordinator.
- (2) The office-bearers of the association and executive committee shall consist of:
 - (a) the president,
 - (b) the vice-president senior,
 - (c) the vice-president junior,
 - (d) the treasurer,
 - (e) the secretary
 - (f) the registrar.
- (3) Committee members are to be elected at the annual general meeting of the association under clause 23.
- (4) A committee member may hold up to 2 office bearing roles (other than both the offices of president and vice-president) and an unlimited number of non-office bearing roles.
- (5) There is no maximum number of consecutive terms for which a committee member may hold office.
- (6) Each member of the committee is, subject to this constitution, to hold office until immediately before the election of committee members at the annual general meeting next following the date of the member's election and is eligible for re-election.

23 Election of committee members

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members may be made in writing before the AGM or in person at the AGM.
- (2) Nominations must be seconded by another member of the association.
- (3) Once nominations have been seconded, and if the member has accepted the nomination, the members present at the AGM vote and the member with the most votes is deemed elected.
- (4) If insufficient nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (5) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.

24 Functions of committee members

- (1) Once elected committee members are required to perform duties consistent with their role as outlined in the PBFC Policy for Roles and Responsibilities of Members or as defined by the executive committee.
- (2) The president serves as chief volunteer and provides leadership to the committee as well as performing other duties consistent with the PBFC Policy for Roles and Responsibilities of Members.
- (3) The secretary performs duties consistent with the PBFC Policy for Roles and Responsibilities of Members, including but not limited to:
 - (a) keeping accurate minutes (whether in written or electronic form) of: all appointments of office-bearers and members of the committee; the names of members of the committee present at a committee meeting or a general meeting; and all proceedings at committee meetings and general meetings.
 - (b) ensuring the associations records are stored in a safe and accessible manner.
- (4) The treasurer performs duties consistent with the PBFC Policy for Roles and Responsibilities of Members, including but not limited to ensuring:
 - (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
 - (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.
- (5) The executive committee shall be responsible for the efficient running of the association and shall have the power to act on behalf of the association on matters of immediate urgency, including but not limited to:
 - (a) admission or rejection of applications by a person for registration as a player or member of the association;
 - (b) approval or refusal of a player's application for regrading;
 - (c) the suspension or expulsion of any committee member, team member, team coach or other person from participation in the

associations affairs where such person is deemed guilty of misconduct;

- (d) the control and management of all competitions or matches conducted by PBFC;
 - (e) the determination of competitions to be conducted and the grading of teams where no special grading committee is appointed;
 - (f) the control of management of the association's finances and final determination regarding distribution of the association's funds;
 - (g) functions as the protests and disputes committee in accordance with clauses 18, 19 and 20,
 - (h) overseeing the work of ordinary committee members and others appointed by the committee to conduct the business of the association.
- (6) Ordinary committee members report to the executive committee.

25 Removal of committee members

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

26 Resignation of committee members

- (1) A committee member may resign from their position on the committee by first giving the executive committee written notice of at least 1 month (or any other period that the committee may determine) of the committee members intention to resign and, on the expiration of the period of notice, the member ceases to be a member of the committee.
- (2) The resigning committee member must at the time of resignation hand over any club property, materials or information in their possession and relinquish access to all PBFC electronic accounts.

27 Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of the association, or
- (c) is or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
- (d) resigns office by notice in writing, or
- (e) is removed from office under clause 25, or
- (f) becomes a mentally incapacitated person, or
- (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

28 Appointment of association members as committee members to constitute quorum

- (1) If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the association as committee members to enable the quorum to be constituted.
- (2) A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (3) This clause does not apply to the filling of a casual vacancy to which clause 27 applies.

29 Committee meetings and quorum

- (1) Meetings are to be held monthly where possible at a consistent date and time that suits the members of the committee and members of the association informed of the usually meeting day/time.
- (2) Additional meetings of the committee may be convened any member of the executive committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No general business is to be transacted at a committee meeting 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 is to be adjourned to a later date.

- (7) Urgent business may be conducted outside of committee meetings by written correspondence, provided at least three executive committee members vote on proposals.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, one of the remaining members of the committee chosen by the members present at the meeting is to preside.
 - (c) apologies are to be made to the president or secretary as soon as possible.
 - (d) points for the agenda are to be emailed to committee members at least 48 hours prior to the meeting.
 - (e) the president opens the meeting and makes a report if necessary.
 - (f) the secretary takes minutes or nominates another member of the committee to take minutes in his/her absence, recording who is present, apologies and all business discussed.
 - (g) the secretary asks for acknowledgement of the previous meetings minutes and has two people confirm that they are a true and correct record.
 - (h) members of the committee each give a report as required.
 - (i) points on the agenda are discussed and voted on where required.
 - (j) the chair asks for general business discussion where issues and concerns can be raised.

30 Use of technology at committee meetings

- (1) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

31 Voting and decisions

- (1) Questions arising at a meeting of the committee are to be determined by a majority of the votes of members of the committee or association present at the meeting.
- (2) All committee members are entitled to vote at committee meetings.
- (2) Any member of the association who does not hold a committee position and is present at a committee meeting is entitled to one vote, provided they have attended one other committee meeting in the 12 months preceding the meeting.
- (3) The president has the deciding vote where there is a deadlock. In the president's absence the person presiding may exercise a second or casting vote.
- (4) Subject to clause 29 (5) and (7), the committee may act despite any vacancy on the committee.

Part 5 General meetings

32 Annual general meetings - holding of

The association must hold its annual general meetings:

- (a) within 6 months after the close of the association's financial year, or
- (b) within any later time that may be allowed or prescribed under section 37 (2) (b) of the Act.

33 Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 32, to be convened on the date and at the place and time that the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary committee members,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as that type of meeting in the notice convening it.

34 Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition of at least 5% of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
 - (a) must be in writing, and
 - (b) must state the purpose or purposes of the meeting, and
 - (c) must be signed by the members making the requisition, and
 - (d) must be lodged with the secretary, and
 - (e) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- (6) For the purposes of subclause (3):
 - (a) a requisition may be in electronic form, and
 - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.

35 Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 33 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

36 Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members—is to be dissolved, and
 - (b) in any other case—is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

37 Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

38 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

39 Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by:
 - (a) a show of hands or, if the meeting is one to which clause 30 applies, any appropriate corresponding method that the committee may determine, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) Subclause (2) applies to a method determined by the committee under subclause (1) (a) in the same way as it applies to a show of hands.
- (4) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

40 Special resolutions

- (1) A special resolution is required for: changing the association's name; changing the association's objects; changing the association's constitution; applying for registration by an unincorporated group; amalgamating with

another registered association; voluntarily winding up or cancelling the association and distributing property.

- (2) A special resolution must be passed at a general meeting of the association.
- (3) Members must be given at least 21 days' notice of the proposed special resolution. The notice must state: the time, date and place where the meeting to vote on the special resolution will be held; intention to propose the resolution as a special resolution; proposed resolution in full.
- (4) A special resolution will be passed if: a quorum of members required by the constitution is present at the meeting, and it is supported by at least three-quarters of the valid votes cast in person or by proxy.

41 *Voting*

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (4) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.

42 *Proxy votes permitted*

- (1) Votes by proxy for general meetings will only be allowed if the member has attended at least three meetings since the previous AGM.
- (2) Votes by proxy voting must be lodged with the secretary in writing 7 days prior to a general meeting.

43 *Postal or electronic ballots*

- (1) The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 19).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

44 *Use of technology at general meetings*

- (1) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's members a reasonable opportunity to participate.
- (2) A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 6 Miscellaneous

45 Insurance

The association will effect and maintain insurance as required by the Football Federation of Australia.

46 No Liability

The association offers no liability or responsibility in any way for charges or damages resulting from injuries, accidents and loss or damage to property and personal possessions to any persons.

47 Fundraising

- (1) No association member can fundraise for individual teams for any purpose without first receiving approval from the executive committee.
- (2) The association name and logo may not be used by any person for any purpose without the approval from the executive committee.

48 Funds - source

- (1) The funds of the association are to be derived from registration fees and annual subscriptions of members, donations, sponsorships, raffles, canteen sales and any other fund raising sources that the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

49 Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in the manner that the committee determines.
- (2) All cheques must be signed by any authorised signatories.
- (3) All internet banking payments are to be authorised by any member of the committee authorised to do so.

50 Association is non-profit

Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

51 Distribution of property on winding up of association

- (1) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.

- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

52 *Change of name, objects and constitution*

An application for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

53 *Custody of books etc*

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in New South Wales at the main premises of the association, in the custody of the public officer or a member of the association (as the committee determines).

54 *Inspection of books etc*

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - (a) records, books and other financial documents of the association,
 - (b) this constitution,
 - (c) minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.
- (3) Despite subclauses (1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the association.

55 *Service of notices*

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and

- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
- (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission (e.g. email), on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

56 *Financial year*

The financial year of the association is each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 October and ending on the 30 September.