

Constitution



Melton Hockey Club

Dated 8th December 2016

Address: P.O. Box 861, Melton Victoria 3337

CONSTITUTION OF MELTON HOCKEY CLUB INCORPORATED

1. Name	2
2. Statement of Purposes	2
3. Interpretation	2
4. Application for Membership	2
5. Membership and Playing Fees	3
6. General rights of members	3
7. Register of Members	3
8. Ceasing Membership	4
9. Annual General Meetings	4
10. Special General Meetings	4
11. Special Business	5
12. Notice of General Meetings	5
13. Quorum at General Meetings	5
14. Presiding at General Meetings	5
15. Adjournment of General Meetings	5
16. Voting at General Meetings	5
17. Poll at General Meetings	6
18. Manner of Determining Whether Resolution Carried at General Meetings	6
19. Board Role, Powers, and Delegation	6
20. Composition of Board	6
21. General Duties of Board	6
22. Duties of Chairperson	7
23. Duties of Secretary	7
24. Duties of Treasurer	7
25. Term of Office	8
26. Removal of Board Member	8
27. Election of Board Members	8
28. Ballot to decide Members of the Board	8
29. Vacation of Office	9
30. Meetings of the Board	9
31. Notice of Board Meetings	9
32. Quorum for Board Meetings	9
33. Presiding at Board Meetings	9
34. Voting at Board Meetings	9
35. Minutes of Meetings	10
36. Funds	10
37. Notice to Members	10
38. Winding up or Cancellation	10
39. Custody and Inspection of Books and Records	10
40. Standing Orders	10
41. Discipline, Suspension and Expulsion of Members	10
42. Disputes and Mediation	11
43. Competition Fraud	12
44. Liquor Control Provisions	12
45. Alteration of Rules	13

1. NAME

- 1.1 The name of the incorporated association is **MELTON HOCKEY CLUB INCORPORATED** (hereinafter called "the Association")

2. STATEMENT OF PURPOSES

- 2.1 The purposes of the Association shall be to:
- 2.1.1 provide a forum within Melton and the surrounding district for the playing of Hockey, be it by Men, Women, Junior, Veteran, Disadvantaged, or Disabled competitors;
 - 2.1.2 promote the sport of Hockey within Melton and the surrounding district by involvement in community activities, liaison with schools, or by any other appropriate method;
 - 2.1.3 provide social events for members both for enjoyment and as a method of fund-raising;
 - 2.1.4 reserve any surplus funds for the purchase of replacement equipment, upgrading or construction of facilities to further propagate the sport, and to support any member who is selected in a representative capacity; and
 - 2.1.5 provide or otherwise manage facilities for persons wishing to maintain fitness and a healthy lifestyle within the requirements of the sport of Hockey.

3. INTERPRETATION

- 3.1 In these rules, unless the contrary intention appears: -
- 3.1.1 "**Board**" means the Board of Management of the Association.
 - 3.1.2 "**General Meeting**" means a general meeting of members convened in accordance with Rule 12.
 - 3.1.3 "**Member**" means a member of the Association.
 - 3.1.4 "**Voting Member**" means a member of the Association holding voting rights in accordance with Rule 5.5
 - 3.1.5 "**Act**" means the Associations Incorporation Act.
 - 3.1.6 "**Regulations**" means regulations under the Act.
 - 3.1.7 In these Rules, a reference to the Secretary of an Association is a reference:
 - 3.1.7.1 where a person is delegated to perform the duties of Secretary of the Association to that person; and
 - 3.1.7.2 in any other case, to the public officer of the Association.
 - 3.1.8 "**Treasurer**" means the person delegated to perform the duties of Treasurer.
 - 3.1.9 "**in writing**" means any form of communication in which words are reproduced in visible form and includes electronic methods.
 - 3.1.10 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time. Words of the male gender shall apply to both sexes.

4. APPLICATION FOR MEMBERSHIP

- 4.1 Any person who is willing to abide by the terms and conditions of membership and the Rules and standing orders of the Association is eligible to be a member of the Association.
- 4.2 A person who was not a member of the Association at the time of incorporation of the Association or who was such a member at that time but has since ceased to be a member shall not be admitted to membership unless their application as a member is approved.
- 4.3 Application for membership of the Association
- 4.3.1 may be made in writing and lodged with the Secretary of the Association, or
 - 4.3.2 shall be assumed to be made upon playing in any fixtured game for the club.

- 4.4 Approval of membership shall usually be automatic, unless the Secretary feels that there are special circumstances or has previously been instructed to refer all or specific applications to the Board, in which case the application shall be referred to the Board as soon as practicable after receipt.
- 4.4.1 Upon such an application being referred to the Board, the Board shall determine whether to approve or reject the application.
- 4.4.2 Upon such an application being approved, the Secretary shall, with as little delay as possible, notify the applicant that he is approved for membership of the Association.
- 4.5 Upon approval of membership, the Secretary shall enter the applicants name in the register of members.
- 4.6 Excepting Temporary membership, membership of the Association is perpetual, but may be terminated in accordance with Section 8 of these Rules.

5. MEMBERSHIP AND PLAYING FEES

- 5.1 There is no membership fee payable.
- 5.2 Information on the amounts and conditions of payment of playing fees for competitions in which the Association participates shall be distributed to members or otherwise made available to them.
- 5.3 A person may pay an amount specified from time to time by the Board and thereby be considered a Non-Playing Member of the Association up until the conclusion of the next Annual General Meeting.
- 5.4 A Board Member or team coach who is not considered a Voting Member under Rule 5.5.1 or 5.5.2 shall be considered a Non-Playing Member of the Association up until the conclusion of the next Annual General Meeting.
- 5.5 A member shall be considered a Voting Member of the Association if they have not been classified as an unfinancial member by the Treasurer, AND
- 5.5.1 have met the conditions of payment of playing fees for any competition conducted since the date of the last Annual General Meeting and be aged 16 years or older, or,
- 5.5.2 be a Life Member of the Association, or,
- 5.5.3 be a Non-Playing Member in accordance with Rule 5.3 or 5.4, and be aged 18 years or older.
- 5.6 Members of hockey clubs who are competing at the Melton hockey facility shall be conferred temporary membership of the Association for the day on which they are playing, and shall be entitled to the full rights of a normal member for that day, however shall not thereby have any voting rights.

6. GENERAL RIGHTS OF MEMBERS

- 6.1 A Voting Member of the Association has the right—
- 6.1.1 to be provided notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
- 6.1.2 to submit items of business for consideration at a general meeting; and
- 6.1.3 to attend and be heard at general meetings; and
- 6.1.4 to vote at general meetings; and
- 6.1.5 to have access to the minutes of board and general meetings; and
- 6.1.6 to inspect the register of members.
- 6.2 A right, privilege, or obligation of a person by reason of membership of the Association
- 6.2.1 is not capable of being transferred or transmitted to another person
- 6.2.2 terminates upon the cessation of membership whether by death or resignation or otherwise.

7. REGISTER OF MEMBERS

- 7.1 The Secretary shall keep and maintain a register of members in which shall be entered the full name, address, and date of entry of the name of each member.
- 7.2 The register shall be available for inspection free of charge by any member upon request.
- 7.3 A member may make a copy of entries in the register.

8. CEASING MEMBERSHIP

- 8.1 A member of the Association who has paid all monies due and payable by him to the Association may resign from the Association by providing or forwarding notice to the Secretary of their intention to resign.
- 8.2 Upon receiving the notice referred to in sub-clause 1,
- 8.2.1 the member ceases to be a member; and
 - 8.2.2 the Secretary must record in the register of members the date on which the member ceased to be a member.

9. ANNUAL GENERAL MEETINGS

- 9.1 The Association shall in each calendar year convene an Annual General Meeting of its members.
- 9.2 The Annual General Meeting shall be held on such day as the Board determines.
- 9.3 The Annual General Meeting shall be specified as such in the notice convening it.
- 9.4 The ordinary business of the Annual General Meeting shall be: -
- 9.4.1 to confirm the minutes of the preceding Annual General Meeting;
 - 9.4.2 to receive and consider the Annual Report from the Board on the activities of the Association since the last Annual General Meeting;
 - 9.4.3 to receive and consider the financial statements of the Association for the preceding Financial Year submitted by the Board in accordance with the Act;
 - 9.4.4 to consider any motion proposing to change the number of additional Board members under Rule 20.1.2; and
 - 9.4.5 to elect members of the Board.
- 9.5 The Financial Year for the Association shall cover the period between November 1 and October 31.
- 9.6 The Annual General Meeting may transact special business of which notice is given in accordance with these rules.

10. SPECIAL GENERAL MEETINGS

- 10.1 All General Meetings other than the Annual General Meeting shall be called Special General Meetings.
- 10.2 The Board may, whenever it thinks fit, convene a Special General Meeting of the Association.
- 10.3 If more than fifteen months would lapse between Annual General Meetings, the Board must convene a Special General Meeting before the expiration of that period.
- 10.4 The Board shall, on the requisition in writing from not less than five percent of the total number of Voting Members, convene a Special General Meeting of the Association.
- 10.5 The requisition for a Special General Meeting must;
- 10.5.1 state the objects of the meeting; and
 - 10.5.2 shall be signed by the Voting members requesting the meeting; and
 - 10.5.3 be sent to the address of the Secretary.
- 10.6 If the Board does not cause a Special General Meeting to be held within twenty-eight days after the date on which the requisition is sent to the address of the Secretary, the Voting Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after that date.
- 10.7 A Special General Meeting convened by Voting Members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Board and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

11. SPECIAL BUSINESS

- 11.1 All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.
- 11.2 All special business requires at least three-quarters of the Voting Members present to vote in favour of the motion for it to be confirmed.

12. NOTICE OF GENERAL MEETINGS

- 12.1 The Secretary of the Association shall, at least twenty one days before the date fixed for holding a general meeting of the Association, send or otherwise make available to each Voting Member a notice stating the place, date and time and the nature of the business to be transacted at the meeting.
- 12.2 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 12.3 A Voting Member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who must include that business in the notice calling the next general meeting.

13. QUORUM AT GENERAL MEETINGS

- 13.1 No item of business may be conducted at a general meeting unless a quorum of Voting Members is present at the time when the meeting is considering that item.
- 13.2 Eight (8) Voting Members personally present constitute a quorum for the transaction of the business of a general meeting.
- 13.3 If, within half an hour after the appointed time for the commencement of a general meeting a quorum is not present:
- 13.3.1 in the case of a meeting convened upon the request of members - shall be dissolved; and
- 13.3.2 in any other case – the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 13.4 If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Voting Members present (being not less than three) shall be a quorum.

14. PRESIDING AT GENERAL MEETINGS

- 14.1 At general meetings of the Association the Chairperson of the Board shall preside as chairperson.
- 14.2 If the Chairperson of the Board is absent from a general meeting, or is unable to preside, the members present must select one of their number to preside as chairperson.

15. ADJOURNMENT OF GENERAL MEETINGS

- 15.1 The chairperson of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.
- 15.2 No business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 15.3 Where a meeting is adjourned for fourteen days or more, notice of the adjourned meeting must be given in accordance with Rule 12.
- 15.4 Except as provided in Rule 12, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

16. VOTING AT GENERAL MEETINGS

- 16.1 Upon any question arising at a general meeting of the Association, a Voting Member has one vote only.
- 16.2 All votes must be given personally.

- 16.3 Except for the election of Members of the Board at the Annual General Meeting, in the case of an equality of votes on a question, the chairperson of the meeting is entitled to exercise a second or casting vote.

17. POLL AT GENERAL MEETINGS

- 17.1 If at a meeting a poll on any question is demanded by not less than three Voting Members, it shall be taken at that meeting in such a manner as the chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 17.2 A poll that is demanded on the election of a chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the chairperson may direct.

18. MANNER OF DETERMINING WHETHER RESOLUTION CARRIED AT GENERAL MEETINGS

- 18.1 If a question arising at a general meeting of the Association is decided on a show of hands, a declaration by the chairperson that a resolution has been carried; or carried unanimously; or carried by a particular majority; or lost; and an entry to that effect in the minutes 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.

19. BOARD ROLE, POWERS, AND DELEGATION

- 19.1 The affairs of the Association must be managed by or under the direction of a Board of management.
- 19.2 The Board may exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules or the Act to be exercised by general meetings of the members of the Association; and
- 19.3 The Board has power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Association.
- 19.4 Other than a duty imposed on the Board by the Act or any other law, the Board may resolve to delegate to a member or a subcommittee any of its powers and functions.
- 19.4.1 Such delegation must be in writing and may be subject to conditions and limitations the Board considers appropriate.
- 19.4.2 The Board may, in writing, revoke a delegation wholly or in part.

20. COMPOSITION OF BOARD

- 20.1 The Board shall consist of:
- 20.1.1 Board members as elected at the Annual General Meeting or appointed under Rules 25.3 or 26.1, being four (4) in number; and
- 20.1.2 a number of additional Board members specified in accordance with Rule 9.4.4 and elected at the Annual General Meeting or subsequently appointed under Rules 25.3 or 26.1; and
- 20.1.3 Any other persons appointed by the Board holding delegated roles or powers, who may take part in deliberations but shall not be able to exercise a vote.
- 20.2 Immediately following the Annual General Meeting and from time to time as desired, the Board shall appoint from their number a person to act in the role of Chairperson.
- 20.3 As soon as practicable after the Annual General Meeting and from time to time as desired, the Board shall appoint from their number or delegate person or persons to act in the roles of Secretary and Treasurer.

21. GENERAL DUTIES OF BOARD

- 21.1 As soon as practicable after being elected or appointed to the Board, each Board member must become familiar with these Rules and the Act.
- 21.2 The Board is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Board comply with these Rules.
- 21.3 Board members must exercise their powers and discharge their duties

- 21.3.1 with reasonable care and diligence; and
 - 21.3.2 in good faith in the best interests of the Association; and
 - 21.3.3 for a proper purpose.
- 21.4 Board Members and former Board Members must:
- 21.4.1 not knowingly or recklessly make improper use of information acquired by their position so as to gain (directly or indirectly) a financial benefit or material advantage for themselves or another person, or to cause detriment to the Association,
 - 21.4.2 not make improper use of their position,
 - 21.4.3 disclose to the Board and to the Annual General Meeting the nature and extent of any financial interest they have (directly or indirectly) with the Association, and
 - 21.4.4 not take part in any decision if that member has a financial interest. They can however take part in the deliberations related to the decision.
- 21.5 In addition to any duties imposed by these Rules, a Board member must perform any other duties imposed from time to time by resolution at a general meeting.

22. DUTIES OF CHAIRPERSON

- 22.1 The Chairperson shall be the Chairperson for any general meetings of the Association and for any Board meetings.

23. DUTIES OF SECRETARY

- 23.1 The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.
- 23.2 The Secretary must :
- 23.2.1 maintain the register of members in accordance with Rule 7; and
 - 23.2.2 except for financial records held by the Treasurer, keep custody of all books, documents and securities of the Association: and
 - 23.2.3 provide members with access to the register of members, and minutes of meetings; and
 - 23.2.4 perform any other duty or function imposed on the Secretary by these Rules.
- 23.3 The Secretary must give to the Registrar notice of their appointment within 14 days.

24. DUTIES OF TREASURER

- 24.1 The Treasurer of the Association must:
- 24.1.1 receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - 24.1.2 ensure that all moneys received are paid into the account of the Association within 5 working days of receipt; and
 - 24.1.3 make any payments authorised by the Board from the Association's funds; and
 - 24.1.4 ensure cheques are signed by at least 2 Board members.
 - 24.1.5 ensure that the financial records of the Association are kept in accordance with the Act; and
 - 24.1.6 ensure that the requirements under the Act relating to the financial statements of the Association are met, including but not limited to
 - 24.1.1 the preparation of the financial statements;
 - 24.1.2 if required , the review or auditing of the financial statements;
 - 24.1.3 the certification of the financial statements by the Board;
 - 24.1.4 the submission of the financial statements to the Annual General Meeting;

24.1,5 the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

24.2 The Association must retain financial records for seven (7) years after transactions are completed.

24.3 The Treasurer must ensure that at least one other Board member has regular access to the accounts and financial records of the Association.

25. TERM OF OFFICE

25.1 Each Board member shall hold office until the positions of the Board are declared vacant at the next Annual General Meeting.

25.2 A Board Member may be re-elected.

25.3 In the event of a vacancy on the Board, the Board may choose to appoint a member to the vacant office and the member so appointed may continue in office until the positions of the Board are declared vacant at the next Annual General Meeting.

26. REMOVAL OF BOARD MEMBER

26.1 The Association in general meeting may, by special resolution, remove any member of the Board before the expiration of the member's term of office and appoint another member in their place.

26.2 A member who is the subject of a proposed resolution referred to in sub-clause 1 may make representations in writing to the Secretary or Chairperson of the Board of the Association (not exceeding a reasonable length) and may request that the representations be provided to the membership of the Association.

26.3 The Secretary or the Chairperson of the Board may provide or make available a copy of the representations to each Voting Member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

27. ELECTION OF BOARD MEMBERS

27.1 Nominations of candidates for Board members:

27.1.1 must be made in writing and sent to the Secretary of the Association not less than seven days before the date fixed for the holding of the Annual General Meeting; and

27.1.2 shall be accepted only from Voting Members of the Association who are aged 18 years or older as at the date fixed for the holding of the Annual General Meeting.

27.2 If the number of candidates is equal to the number to be elected, those candidates shall be declared as Board members.

27.3 If the number of candidates is less than the number to be elected, those candidates shall be declared as Board members, and nominations shall be called from the floor for the remaining positions.

27.4 Should vacancies remain after exhausting nominations from the Annual General Meeting, the Board may choose to fill them under Rule 25.3.

27.5 If the number of candidates nominated exceeds the number to be elected, a ballot must be held in accordance with Rule 28.

28. BALLOT TO DECIDE MEMBERS OF THE BOARD

28.1 A single ballot may be conducted to elect the required number of members of the Board.

28.2 Before the ballot is taken, each candidate may make a short statement in support of their election.

28.3 The election must be by secret ballot.

28.4 Each Voting Member present must be provided with a ballot paper noting the names of each candidate with a blank box next to each name.

28.5 Each Voting Member must tick or cross boxes of the ballot paper next to the persons for whom they wish to vote.

28.6 The number of boxes marked must be equal to or less than the number of vacancies, and ballot papers that do not comply are not to be counted.

28.7 Each mark recorded against a candidate shall count as one vote for that candidate.

- 28.8 The candidates who receive the most number of votes shall be declared the elected Board members.
- 28.9 If a number of candidates receive an equal number of votes such that the results cannot be fully declared:
- 28.9.1 further ballots shall be conducted from just those candidates with the equal number of votes
- 28.9.2 If it becomes evident that the vote is deadlocked, the vacancies shall be filled by drawing lots from the remaining candidates.

29. VACATION OF OFFICE

- 29.1 The office of a member of the Board becomes vacant if the member:
- 29.1.1 ceases to be a member of the Association; or
- 29.1.2 becomes an insolvent under administration within the meaning of the Corporations Law; or
- 29.1.3 resigns from office by notice in writing given to the Secretary.
- 29.2 If the position of Secretary becomes vacant, the Board must appoint a member to the position within 14 days.
- 29.3 The Board may act notwithstanding any vacancy on the Board.

30. MEETINGS OF THE BOARD

- 30.1 The Board must meet at least one (1) time in each year at such a place and at such times as the Board may determine.
- 30.2 Special meetings of the Board may be convened by the Chairperson of the Board or by any two of the members of the Board.

31. NOTICE OF BOARD MEETINGS

- 31.1 Notice of each Board meeting must be provided to each member of the Board at least two (2) business days before the date of the meeting.
- 31.2 Notice shall be given to members of the Board of any special meeting specifying the general nature of the business being transacted and no other business shall be transacted at that meeting.

32. QUORUM FOR BOARD MEETINGS

- 32.1 The quorum for a Board meeting is the presence of at least three-quarters of Board members.
- 32.2 No business shall be transacted unless a quorum is present.
- 32.3 If within half an hour of the time appointed for the meeting a quorum is not present, the meeting lapses.

33. PRESIDING AT BOARD MEETINGS

- 33.1 At meetings of the Board the Chairperson of the Board shall preside.
- 33.2 If the chairperson of the Board is absent from a Board meeting, or is unable to preside, the Board members present must select one of their number to preside.

34. VOTING AT BOARD MEETINGS

- 34.1 Questions arising at a meeting of the Board, or at a meeting of any sub-committee appointed by the Board shall be determined by a show of hands, or if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- 34.2 Each member present and eligible to vote at a meeting of the Board, or at a meeting of any subcommittee appointed by the Board (including the person presiding at the meeting) is entitled to one vote and, in the case of an equality of votes on any question, the chairperson of the meeting is entitled to exercise a second or casting vote.

35. MINUTES OF MEETINGS

- 35.1 The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting and each Board meeting together with a record of the names of persons present at meetings.

36. FUNDS

- 36.1 The funds of the Association shall be derived from prescribed fees, sales of products or services, grants or donations, and other such sources as the Board determines.
- 38.2 The assets and income of the Association shall be applied solely in furtherance of the Statement of Purpose of the Association, and no portion shall be distributed directly or indirectly to the members of the organization except as bona fide compensation for services rendered or expenses incurred on behalf of the organization.

37. NOTICE TO MEMBERS

- 37.1 Any notice that is required to be given to a member by or on behalf of the Association under these Rules may be given by:
- 37.1.1 delivering the notice to the member personally; or
 - 37.1.2 sending it by prepaid post or other delivery method addressed to the member at the member's address shown in the register of members; or
 - 37.1.3 electronic communication directly to individual members; or
 - 37.1.4 electronic communication made available to groups of members or all members.

38. WINDING UP OR CANCELLATION

- 38.1 In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association which remain after such dissolution and the satisfaction of all debts and liabilities shall be distributed to a non-profit body or bodies with similar aims or objectives.

39. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- 39.1 Except as otherwise provided in these rules, the Secretary must keep in their custody or under their control all books, documents, and securities of the Association.
- 39.2 All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- 39.3 A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

40. STANDING ORDERS

- 40.1 Members of the Association shall be subject to the standing orders and code of conduct of the club.
- 40.2 The Board may from time to time make modifications or additions to the standing orders and code of conduct of the club.

41. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

- 41.1 If the Board is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the Board may by resolution:
- 41.1.1 suspend that member from membership of the Association for a specified period; or
 - 41.1.2 expel that member from the Association.
- 41.2 A resolution of the Board under sub-clause 1 does not take effect unless:
- 41.2.1 at a meeting held in accordance with sub-clause 3 the Board confirms the resolution; and
 - 41.2.2 if the member exercises a right of appeal to the Association, the Association confirms the resolution.

- 41.3 A meeting of the Board to confirm or revoke a resolution passed under sub-clause 1 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-clause 4.
- 41.4 The Secretary must, as soon as practicable, provide to the member a written notice:
- 41.4.1 setting out the resolution of the Board and the grounds on which it is based: and
 - 41.4.2 stating that the member, or their representative, may address the Board at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - 41.4.3 stating the date, place and time of that meeting; and
 - 41.4.4 informing the member that he may do either or both of the following:
 - 41.4.4.1 attend that meeting;
 - 41.4.4.2 provide to the Board before the date of that meeting a written statement seeking the revocation of the resolution;
 - 41.4.5 informing the member that, if at that meeting, the Board confirms the resolution, he may not later than 48 hours after that meeting give the Secretary a notice to the effect that he wishes to appeal to the Association in general meeting against the resolution.
- 41.5 At a meeting of the Board to confirm or revoke a resolution passed under sub-clause 1, the Board must:
- 41.5.1 give the member, or their representative, an opportunity to be heard; and
 - 41.5.2 give due consideration to any written statement submitted by the member; and
 - 41.5.3 determine by resolution whether to confirm or to revoke the resolution.
- 41.6 If at the meeting of the Board, the Board confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he wishes to appeal to the Association in general meeting against the resolution.
- 41.7 If the Secretary receives a notice under sub-clause 6, he must notify the Board and the Board must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- 41.8 At a general meeting of the Association convened under sub-clause 7:
- 41.8.1 no business other than the question of the appeal may be conducted; and
 - 41.8.2 the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - 41.8.3 the member, or their representative, must be given an opportunity to be heard; and
 - 41.8.4 the Voting Members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 41.9 A resolution is confirmed if at the general meeting, not less than three-quarters of the Voting Members present vote in favour of the resolution. In any other case, the resolution is revoked.
- 41.10 The Board may from time to time adopt a code of conduct to be followed by players and members. This code may include penalties including but not limited to temporary suspension, relegation, additional duties, and fines. The imposition of these penalties shall not be subject to the provisions of Rule 41, but shall be subject to the provisions of Rule 42.

42. DISPUTES AND MEDIATION

- 42.1 The grievance procedure set out in this Rule applies to disputes between
- 42.1.1 a member and another member; or
 - 42.1.2 a member and the Association.
- 42.2 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.
- 42.3 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.
- 42.4 The mediator must be:
- 42.4.1 a person chosen by agreement between the parties; or

42.4.2 in the absence of agreement

42.4.2.1 in the case of a dispute between a member and another member, a person appointed by the Board of the Association; or

42.4.2.2 in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).

42.5 A member of the Association can be a mediator.

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

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

42.8 The mediator, in conducting the mediation, must:

42.8.1 give the parties to the mediation process every opportunity to be heard; and

42.8.2 allow due consideration by all parties of any written statement submitted by any party; and

42.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

42.9 The mediator must not determine the dispute.

42.10 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.

43. COMPETITION FRAUD

43.1 The Association shall not knowingly allow any fraudulent actions regarding Competition Rules or Regulations to take place or continue.

43.2 Should the Board determine that fraudulent actions have taken place,

43.2.1 the Secretary of the Association shall as soon as practicable disclose the details to the body controlling the competition, and

43.2.2 any club official(s) knowingly involved in deliberate fraudulent actions;

43.2.2.1 shall be immediately dismissed from all official positions that they hold, and

43.2.2.2 shall be required to immediately repay to the Association the entirety of any payments made to them and/or the cash value of any benefits bestowed on them arising from their appointment(s), and

43.2.2.3 in equal share with other club officials involved, shall be required to immediately repay to the Association the entirety of any monetary fines applied by the body controlling the competition arising from the fraudulent actions, and

43.2.2.4 shall be ineligible to apply for or act in any official capacity for the Association for a period of one year from the date of their dismissal.

43.3 Members facing sanction under Rule 43.2.2 shall have a right to procedural fairness, and will be offered an opportunity to make a presentation to the Board.

43.4 The provisions of Rules 41 and 42 do not apply in cases where competition fraud has occurred.

44. LIQUOR CONTROL PROVISIONS

44.1 Monies from the sale and disposal of liquor may not be paid to an official or servant of the club by way of commission or allowance.

44.2 A visitor to the facility may not be supplied with liquor unless that person is:

44.2.1 a guest in the company of a member of the club and recorded in the guest register as such, or

44.2.2 a member of a competing club in accordance with Rule 5.6, or

44.2.3 a spectator on a match day who may obtain liquor under the provisions of the club's Liquor Licence.

45. ALTERATION OF RULES

- 45.1 Any Voting Member wishing to revise the Constitution of the Association, or adopt a new Constitution with the same name and similar statement of purposes must provide written notice of motion to the Secretary at least twenty eight days prior to the holding of the next Annual or Special General Meeting and this motion and pertinent details must be included with the notice convening the meeting, and the motion must be taken into consideration and dealt with at such meeting or at any adjournment thereof.
- 45.2 Notice of such a resolution shall be provided at least twenty one days prior to the meeting at which the resolution will be considered to all Voting Members.
- 45.3 At the Annual or Special General Meeting so called, any such resolution shall if:
 - 45.3.1 at least three-quarters of the Voting Members present vote in favour of the confirmation of the resolution, the resolution is confirmed; and
 - 45.3.2 in any other case, the resolution is revoked.
- 45.4 Alterations shall not come into effect until Consumer Affairs Victoria has approved the alteration.