

# RULES OF THE CLUB

## 1. Name of the Club

The name of the Club is the ***North Fremantle Football Club Inc.*** also known as "*The Might Magpies*" and with the colours *Black and White*. The registered office of the club shall be situated at the Club Rooms, Gilbert Fraser Reserve, John Street, North Fremantle in the State of Western Australia.

## 2. Objects of the Club

(1) The objects of the Club are;

- (a) To promote the benefits of membership of the *North Fremantle Amateur Football Club Inc.*
- (b) To provide opportunities for participation in community football.
- (c) To make proper use of the facilities provided by the City of Fremantle.
- (d) To comply with the requirements of the Rules and Regulations of those bodies whom the club affiliates with from time to time.
- (e) To provide accommodation for the members and their guests upon the Club's premises of which the Club is a bonafide occupier or any of them for the purpose of fostering Australian Rules Football and such other sports the Management Committee may determine from time to time.

(2) The property and income of the Club shall be applied solely towards the promotion of the objects of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

## 3. Powers of the Club

The powers conferred on the Club are the same as those conferred by Section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Club may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may;

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money;
  - (i) in any security in which trust monies may lawfully be invested; or
  - (ii) in any other manner authorised by the rules of the Club;
- (d) borrow money upon such terms and conditions as the Club thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;
- (f) appoint agents to transact any business of the Club on its behalf;
- (g) enter into any other contract it considers necessary or desirable;
- (h) appoint, employ and pay officers and servants of the Club and dismiss or suspend any officer or servant.

- (l) to apply for and obtain and renew from time to time a Club Restricted License under the Liquor Licensing Act 1988 as amended from time to time hereafter referred to as the "Liquor Act".

#### **4. Membership of the Club**

- (1) Membership of the Club shall be open to all persons wishing to enjoy the benefits of the club.
- (2) A person who wishes to become a member must apply for membership to the Committee in writing in such form as the Committee from time to time directs.
- (3) The Committee members must consider each application made under sub-rule (2) at a Committee meeting and must at the Committee meeting or the next Committee meeting accept or reject that application. No reasons are required to be given for the rejection of an application.
- (4) A person can be considered for Life Membership of the Club after not less than ten years outstanding conspicuous service to the Club (*or after playing in 150 senior games*). Such person(s) must be nominated by a current life member to a panel of current Life Members for ratification. The panel of five should include at least two of the past six appointed Life Members, if available.
- (5) Life members shall not be required to pay Annual Subscriptions other than the minimum subscription required under the Liquor Act of Western Australia and shall be able for election to office, vote at meetings and otherwise enjoy the full privileges of the Club on the same basis as an Ordinary Member
- (6) Any life member who plays Australian Rules Football with another League Club without first obtaining permission of the Management Committee shall forfeit their Life Membership

#### **5. Register of Members of the Club**

- (1) The Secretary, on behalf of the Club, must comply with section 53 of the Act by keeping and maintaining in an up to date condition a register of the members of the Club and their postal or residential addresses and, upon the request of a member of the Club, shall make the register available for the inspection by the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.
- (2) The register must be so kept and maintained at the Secretary's place of residence, the clubs facilities or at such other place as the members at a general meeting decide.
- (3) The Secretary must cause the name of a person who ceases to be a member under rule 8 to be deleted from the register of members referred to in sub-rule (1).

#### **6. Subscriptions of Members of the Club**

- (1) The Committee may from time to time determine the amount of the subscription to be paid by each member or category of member.
- (2) Each member must pay to the Treasurer the amount of the subscription determined under sub-rule (1). The subscriptions are for a period of one year and no reduction or portion of the subscription shall be allowed. All subscriptions shall be paid annually in advance and shall

be due from the first (1<sup>st</sup>) day of April and within the time determined by the Management Committee from time to time.

- (3) Subject to sub-rule (4), a member whose subscription is not paid within 3 months after the relevant date fixed by the Committee or under sub-rule (2) ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- (4) A person exercises all the rights and obligations of a member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 3 months thereafter, or such other time as the Committee allows.
- (5) Any person ceasing to be a member for any reason whatsoever shall not be entitled to return of subscription or part thereof.
- (6) The Management Committee shall have the power to offset debts including unpaid subscriptions due by any member against any money due by the Club to that member
- (7) Members shall pay such levies as may from time to time be determined by the Club.
- (8) Any member whose subscriptions are in arrears shall cease to be a member unless the Management Committee upon receiving an explanation from that member otherwise determines
- (9) In the case of hardship the Management Committee may vary the Annual Subscription of any member or members.
- (10) Membership, all persons not specially debarred by the Rules and/or the Rules of any League, Association or Council with which the Club is affiliated shall be eligible to become a member of the Club under one of the following categories.
  - a. Ordinary Member
  - b. Social Member
  - c. Juvenile Member

Provided always that the Management Committee shall be entitled to refuse any application for membership at it's discretion without any right to an applicant to require an explanation.

(a) Ordinary Membership

- (i) Any person who desires to become an Ordinary Member shall sign, complete and deliver to the Secretary an Application on the provided form *and such form bear the signature of two Ordinary Members as Proposer and Seconder.*
- (ii) Ordinary Members shall be eligible to hold office, vote at all General Meetings and otherwise enjoy the privileges of the Club.
- (iii) An Applicant for Ordinary Membership cannot be approved where the Applicant is under the age of eighteen (18) years of age on the date of signing the application form.
- (iv) A nomination fee as determined from time to time shall accompany every application for Ordinary Membership.

(b) Social Member

- (i) Any spouse or acquaintance of an Ordinary Member who is over the age of eighteen(18) years of age and may be elected as Social Member upon payment of the prescribed subscription by that of an Ordinary Member.
- (ii) Social Members shall only occupy such premises or position thereof or such sporting facilities of the Club as deemed from time to time by the Management Committee.

- (iii) Social Members shall be ineligible to hold office or vote at general Meetings and have no voice in the management of the Club but shall otherwise enjoy the full privileges of the Club.
- (iv) The Social Membership category is so the Club complies with its Club Restricted Licence under the Liquor Act of 1988
- (c) Juvenile Member
  - (i) Any person under the age of eighteen (18) years of age may make application in writing to the Secretary for election as a Junior Member
  - (ii) Junior members shall have no voice in the management of the Club, and shall be ineligible to hold office, attend General Meetings or vote at any part of the Club.

## **7. Termination of Membership of the Club**

Membership of the Club may be terminated upon;

- (a) receipt by the Secretary or another Committee member of a notice in writing from a member of his or her resignation from the Club. Such person remains liable to pay to the Club the amount of any subscription due and payable by that person to the Club but unpaid at the date of termination; or
- (b) non-payment by a member of his or her subscription within three months of the date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise in accordance with rule 6 (3) or
- (c) expulsion of a member in accordance with rule 8.

## **8. Suspension or expulsion of Members of the Club**

- (1) If the Committee considers that a member should be suspended or expelled from membership of the Club because his or her conduct is detrimental to the interests of the Club, the Committee must communicate, either orally or in writing, to the member;
  - (a) notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and
  - (b) particulars of that conduct, not less than 7 days before the date of the Committee meeting referred to in paragraph (a).
- (2) At the Committee meeting referred to in a notice communicated under sub-rule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member from membership of the Club and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.
- (3) Subject to sub-rule (5), a member has his or her membership suspended or ceases to be a member 7 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule (2).
- (4) A member who is suspended or expelled under sub-rule (2) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 7 days referred to in sub-rule (3).
- (5) When notice is given under sub-rule (4);
  - (a) the Committee, at its next meeting, must either confirm or set aside its decision to suspend or expel the member, after having afforded the member who gave that notice a

reasonable opportunity to be further heard by, or to make further representations in writing to, the Committee and;

- (b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule.

## **9. Committee of Management**

- (1) Subject to sub-rule (9), the affairs of the Club will be managed exclusively by a Committee of Management consisting of;
  - (a) *a Patron*
  - (b) *a President;*
  - (c) *an Immediate Past President;*
  - (d) *Senior Vice-President;*
  - (e) *Junior Vice-President;*
  - (f) *a Secretary;*
  - (g) *a Treasurer;*
  - (h) *an Auditor;*
  - (i) *Delegate and Proxy Delegate to the WAAFL;*
  - (j) *Social Secretary; and*
  - (k) *not less than 4 other persons, all of whom must be members of the Club.*
- (2) Committee members must be elected to membership of the Committee at an annual general meeting or appointed under sub-rule (8).
- (3) Subject to sub-rule (8), a Committee member's term will be from his or her election at an annual general meeting until the election referred to in sub-rule (2) at the next annual general meeting after his or her election, but he or she is eligible for re-election to membership of the Committee.
- (4) Except for nominees under sub-rule (7), a person is not eligible for election to membership of the Committee unless a member has nominated him or her for election by delivering notice in writing of that nomination, signed by:
  - (a) the nominator; and
  - (b) the nominee to signify his or her willingness to stand for election, to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held.
- (5) A person who is eligible for election or re-election under this rule may;
  - (a) propose or second himself or herself for election or re-election; and
  - (b) vote for himself or herself.
- (6) If the number of persons nominated in accordance with sub-rule (4) for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled;
  - (a) the Secretary must report accordingly to; and
  - (b) the President must declare those persons to be duly elected as members of the Committee at, the annual general meeting concerned.
- (7) If vacancies remain on the Committee after the declaration under sub-rule (6), additional nominations of Committee members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the

President must declare those persons to be duly elected as members of Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.

- (8) If a vacancy remains on the Committee after the application of sub-rule (7), or when a casual vacancy within the meaning of rule 13 occurs in the membership of the Committee;
  - (a) the Committee may appoint a member to fill that vacancy; and
  - (b) a member appointed under this sub-rule will -
    - (i) hold office until the election referred to in sub-rule (2); and
    - (ii) be eligible for election to membership of the Committee, at the next annual general meeting.
- (9) The Committee may delegate, in writing, to one to more sub-committees (consisting of such member or members of the Club as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than;
  - (a) the power of delegation; and
  - (b) a function, which is a duty, imposed on the Committee by the Act or any other law.
- (10) Any delegation under sub-rule (9) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated.
- (11) The Committee may, in writing, revoke wholly or in part any delegation under sub-rule (9).
- (12) All persons elected to the office shall become a financial member in accordance with the Rules within one month of election to office

## **10. President and Vice-President**

- (1) Subject to this rule, the President must preside at all meetings of the Club and
- (2) In the event of the absence from a meeting of;
  - (a) the President, the Vice-President will preside or;
  - (b) both the President and the Vice-President, a member elected by the other members present at the meeting, shall preside at that meeting.
  - (c) the Vice-President shall have the same rights and powers of the President in the absence of the president.
- (3) Call meetings of the Club in cases of emergency.
- (4) Represent the Club at all occasions.
- (5) Have a deliberate and casting vote at all meetings providing that the latter where exercised is cast in the negative.
- (6) Together with the Secretary be an ex-officio member of all committees and sub-committees.

## **11. Secretary**

The Secretary must;

- (a) co-ordinate the correspondence of the Club;
- (b) keep full and correct minutes of the proceedings of all meetings of the Club;
- (c) comply on behalf of the Club with;

- (i) Section 53 of the Act with respect to the register of members of the Club, as referred to in rule 6;
- (ii) Section 35 of the Act by keeping and maintaining in an up to date condition the rules of the Club and, upon the request of a member of the Club, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
- (iii) Section 58 of the Act by maintaining a record of;
  - (a) the names and residential or postal addresses of the persons who hold the offices of the Club provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Club under rule 20; and
  - (b) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Club, and the Secretary must, upon the request of a member of the Club, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
  - (c) unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Club, including those referred to in paragraph (c) but other than those required by rule 12 to be kept and maintained by, or in the custody of, the Treasurer; and
  - (d) perform such other duties as are imposed by these rules on the Secretary.

## 12. Treasurer

The Treasurer must;

- (a) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Club and must issue receipts for those moneys in the name of the Club;
- (b) pay all moneys referred to in paragraph (a) into such account or accounts of the Club as the Committee may from time to time direct;
- (c) make payments from the funds of the Club with the authority of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Committee member, or by any two others as are authorised by the Committee;
- (d) comply on behalf of the Club with sections 66 and 68 & 70 of the Act with respect to the accounting records of the Club by;
  - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Club;
  - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Club to be prepared and presented as required by the Committee;
  - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Club to be conveniently and properly audited; and
  - (iv) submitting to members at each annual general meeting of the Club accounts of the Club showing the financial position of the Club at the end of the immediately preceding financial year.
- (e) whenever directed to do so by the President, submit to the Committee a financial report in accordance with that direction;
- (f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Club, including those referred to in paragraphs (d) and (e); and
- (g) perform such other duties as are imposed by these rules on the Treasurer.

### **13. Casual Vacancies in Membership of the Committee**

A casual vacancy occurs in the office of a Committee if the Committee member;

- (a) dies;
- (b) resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice-President and that resignation is accepted by resolution of the Committee;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than;
  - (i) 3 consecutive Committee meetings; or
  - (ii) 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings;  
of which meetings the member received notice, and the Committee has resolved to declare the office vacant;
- (f) ceases to be a member of the Club; or
- (g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

### **14. Proceedings of Committee**

- (1) The Committee shall meet for the dispatch of business at least monthly between March and October and at least twice between November and February and the President, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- (2) Each Committee member has a deliberative vote.
- (3) A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- (4) At a Committee meeting 5 Committee members constitute a quorum.
- (5) Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- (6) As required by the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Club is established), must;
  - (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
  - (b) not take part in any deliberations or decision of the Committee with respect to that contract.
- (7) Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Club.
- (8) The Secretary must cause every disclosure made under sub-rule (6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.



## 15. General meetings

- (1) The Committee;
  - (a) may at any time convene a special general meeting;
  - (b) must convene annual general meetings within the time limits provided for the holding of such meetings by section 50 of the Act, that is, in every calendar year within 4 months after the end of the Club's financial year or such longer period as may in a particular case be allowed by the Commissioner and;
  - (c) must, within 30 days of;
    - (i) receiving a request in writing to do so from not less than 25 members, convene a special general meeting for the purpose specified in that request; or
    - (ii) the Secretary receiving a notice under rule 8 (4), convene a general meeting to deal with the appeal to which that notice relates.
- (2) The members making a request referred to in sub-rule (1) (c) (i) must;
  - (a) state in that request the purpose for which the special general meeting concerned is required; and
  - (b) sign that request.
- (3) If a special general meeting is not convened within the relevant period of 30 days referred to;
  - (a) in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
  - (b) in sub-rule (1) (c) (ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Committee.
- (4) When a special general meeting is convened under sub-rule (3) (a) or (b) the Club must pay the reasonable expenses of convening and holding the special general meeting.
- (5) Subject to sub-rule (7), the Secretary must give to all members not less than 14 days notice of a special general meeting and that notice must specify;
  - (a) when and where the general meeting concerned is to be held; and
  - (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- (6) Subject to sub-rule (7), the Secretary must give to all members not less than 21 days notice of an annual general meeting and that notice must specify;
  - (a) when and where the annual general meeting is to be held;
  - (b) the particulars and order in which business is to be transacted, as follows;
    - (i) first, the consideration of the accounts and reports of the Committee;
    - (ii) second, the election of Committee members to replace outgoing Committee members; and
    - (iii) third, any other business requiring consideration by the Club at the general meeting.
- (7) A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- (8) The Secretary must give a notice under sub-rule (5), (6) or (7) by;

- (a) serving it on a member personally; or
  - (b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 5.
- (9) When a notice is sent by post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

## **16. Quorum and proceedings at general meetings**

- (1) At a general meeting 20 members present in person constitute a quorum.
- (2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 15 (5) or (6);
  - (a) as a result of a request or notice referred to in rule 15 (1) (c) or as a result of action taken under rule 15 (3) a quorum is not present, the general meeting lapses; or
  - (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- (3) If within 30 minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of that general meeting as if a quorum were present.
- (4) The President may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- (5) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (6) When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 15 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- (7) At a general meeting;
  - (a) an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (9); and
  - (b) a special resolution put to the vote will be decided in accordance with section 24 of the Act , and if a poll is demanded, in accordance with sub-rules (9) and (11).
- (8) A declaration by the President of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9).
- (9) At a general meeting, a poll may be demanded by the President or by three or more members present in person and, if so demanded, must be taken in such manner as the President directs.
- (10) If a poll is demanded and taken under sub-rule (9) in respect of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.

- (11) A poll demanded under sub-rule (9) must be taken immediately on that demand being made.

## **17. Minutes of Meetings of the Club**

- (1) The Secretary must cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a general meeting or Committee meeting under sub-rule (1) are checked and signed as correct by the President of the general meeting or Committee meeting to which those minutes relate or by the President of the next succeeding general meeting or Committee meeting, as the case requires.
- (3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that;
  - (a) the general meeting or Committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;
  - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
  - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

## **18. Voting rights of Members of the Club**

- (1) Subject to these rules, each financial and life member present in person at a general meeting is entitled to a deliberative vote.
- (2) As determined in Rule 14 (3), where there is no majority vote, a casting vote is available to the President or the person presiding over that meeting. (See clause 14.3 suggestion)

## **19. Rules of the Club**

- (1) The Club may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 30, 31 and 33 of the Act, which is as follows;
  - (a) Subject to sub-rule (1) (d) and (1) (e), the Club may alter its rules by special resolution but not otherwise;
  - (b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Club), the Club must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Club as so altered conform to the requirements of this Act;
  - (c) An alteration of the rules of the Club does not take effect until sub-rule (1) (b) is complied with;
  - (d) An alteration of the rules of the Club having effect to change the name of the Club does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;
  - (e) An alteration of the rules of the Club having effect to alter the objects or purposes of the Club does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.
- (2) These rules bind every member and the Club to the same extent as if every member and the Club had signed and sealed these rules and agreed to be bound by all their provisions.

- (i) The President and Secretary shall have the right to object to the presence of any guest in the Club Premises whom they consider undersirable.
- (ii) No liquor shall be sold or supplied for consumption other than on Club Premises which are subject to CLUB & CLUB RESTRICTED LICENCE APPLICATIONS *Liquor Control Act 1988 of Western Australia*.
- (iii) No Liquor shall be sold , supplied or consumed by persons under the age of eighteen (18) years of age on the Club Premises.

### (3) Liquor Licensing Compliance

The Club must, at all times, fully adhere to and comply with the current Policy outlined for Club and Club Restricted Licenses (Department of Racing, Gaming & Liquor), created under the Legislative Provisions of the Liquor Control Act 1988 (hereafter referred to as "the Act"). The Club fully acknowledges that the provision of its liquor service is ancillary to its principal purpose, which is to participate in amateur cricket as part of the WASTCA competition. The sale and serving of alcohol at the Club's license premises shall only be undertaken by an Approved Bar Manager or Responsible Service of Alcohol (RSA SITHFAB002) holder (under the Act) and will, at all times, fully comply with all provisions outlined within the responsible service of alcohol course.

No payment or part payment to any secretary, treasurer, manager or other officer or servant of the club shall be made by way of commission or allowance from or upon the receipts of the club for liquor.

#### **a) Licensed area**

No liquor shall be sold or supplied for consumption elsewhere than on the Club licensed premises.

#### **b) Guests**

- i. The Club shall keep an up to date register of members in respect of each class of membership.
- ii. This register must be continually available for inspection at the Club premises.
- iii. Liquor may only be sold or supplied to a person following them clearly being identified by the on-duty Bar Manager or RSA qualified person as a:
  - 1) Club member, or
  - 2) Temporary member (see *Temporary membership*), or
  - 3) Guest of a Club member that is present and has been clearly identified.
- iv. The maximum number of guests per member per day on the Licensed premises at the Club for the purposes of section 48(4)(b) of the Act is five (5) or such lesser number as may be permitted by the Director of Liquor Licensing.

#### **c) Temporary membership**

The Club acknowledges that, Subject to the Act, a person who is on any day visiting a club (the "host club") as a member or an official of another club (which includes people who are assisting a visiting club):

- that is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host club's principal objects (i.e. playing cricket); or
- that is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities, may, for the purposes of the Act, be taken to be a person who is accorded temporary membership of the host club on that day in accordance with rules approved by the Director – [section 48(5) refers].
- No member may introduce more than five (5) guests to the club at any one time.
- A guest shall not be supplied with liquor in the club premises except on the invitation and in the company of that member.

- A guest shall be supplied with liquor to be consumed on the club premises only.
- The member introducing the guest shall be responsible for the proper conduct of that guest whilst on the club premises.
- A member may, at their expense, and with the approval of the club committee, supply liquor to guests, without limitation as to number, at a function held by or on behalf of that member, at the club premises.
- Any person who has been refused membership of the club or who is under suspension or expulsion from the club, shall not be admitted as a guest of any member of the club.

**d) Juveniles**

No liquor shall be sold or supplied to any juvenile at the Club (i.e. any person under the age of 18). Juveniles shall not be allowed on the licensed premises at the Club unless accompanied by a responsible adult member of the club.

**e) Zone of responsibility**

The Club is responsible for property damage and antisocial behaviour by Club members, patrons, temporary members and guests that have patronised the licensed premises at Gil Fraser Reserve within a 3 km radius.

- (4) The Committee may, in addition to these Rules, establish a set of By-Laws to serve as policies, to assist with the proper running of the Club. The By-Laws can be added to, amended or revoked at any Committee meeting and are immediately binding on the members of the Club.

**20. Common seal of The Club**

- (1) The Club must have a common seal on which the name of the club appears in legible characters.
- (2) The common seal of the Club must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 17.
- (3) The affixing of the common seal of the Club must be witnessed by any two of the President, the Secretary or the Treasurer.
- (4) The common seal of the Club must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

**21. Inspection of records, etc. of The Club**

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

**22. Disputes and mediation**

- (1) The grievance procedure set out in this rule applies to disputes under these rules between;
  - (a) a member and another member; or
  - (b) a member and the Club; or
  - (c) if the Club provides services to non-members, those non-members who receive services from the Club, and the Club.
- (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.

- (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.
- (4) The mediator must be;
  - (a) a person chosen by agreement between the parties; or
  - (b) in the absence of agreement;
    - (i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Club;
    - (ii) in the case of a dispute between a member and relevant non-member (as defined by sub-rule (1) (c)) and the Club, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- w(5) A member of the Club can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must;
  - (a) give the parties to the mediation process every opportunity to be heard;
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) The mediation must be confidential and without prejudice.
- (11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **23. Dissolution of the Club**

If upon the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another Club incorporated under section 24 of the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which Club shall be determined by resolution of the members.

