Associations Incorporations Act (1981)

<u>Rules</u>

<u>for</u>

Bellarine Football & Netball League Inc.

(Adopted at AGM November 2011)

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1 Name of Association

1. The name of the incorporated association is Bellarine Football & Netball League Incorporated (in these rules called "the League".)

2 **Objects and Affiliations**

(1). The League is formed to promote and foster in the Geelong district the Australian National Game of Football and Netball shall have the power to do all acts and deeds which it may consider to be in its own interest and in the interest of the game.

(2). The League shall Affiliate with the Victorian Country Football League Inc., and shall abide by the rules of that body.

3 Interpretation

(1) In these rules, unless the contrary intention appears:"

"Board" means The Board of Management.

"CEO" means The Chief Executive Officer.

"Club" means any member club duly admitted to membership.

"Financial year" means the year ending on 31st October.

"Special General Meeting" means a special general meeting of members convened in accordance with Rule 22.

"Member" means a member of the League.

"The Act" means the Association Incorporation Act 1981.

"The Regulations' means regulations under the Act.

'BF&NL' means Bellarine Football & Netball League Inc

'F&NG' means Football & Netball Geelong Inc

'VCFL' means Victorian Country Football League Inc

(2) In these Rules, a reference to the Chief Executive Officer of the League is a reference to:-

(a) where a person holds office under these Rules as CEO to that person; and

(b) in any other case, to the public officer of the League,

(3) 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.

4 Alteration of Rules and Statement of Purposes

Any alteration to these Rules or the Statement of Purposes shall only be made at an Annual or Special General Meeting and on a vote of three fourths majority of members present.

5 Membership

(1) The membership of the League shall consist of clubs affiliated with the League in accordance with these rules, the members of the Board of Management and Life Members.

(2) (a) A club that applies and is approved for membership in accordance with these rules will be a member of the League upon payment of the annual affiliation fee and/or entrance fee for clubs. (b) A member club must affiliate Football and Netball teams.

6 Application for Membership of Clubs

(1) Any incorporated club desirous of fielding a team or teams in the competition run by the League may apply for membership of the League.

(Appendix 1)

(2) any application shall be in writing and shall state:-

(a) that the club is incorporated,

(b) the name and number of teams to be entered in the competition.

(c) the names of the current office bearers and addresses either postal or, if the member requests, facsimile transmission or electronic transmission for service of notices.

(d) the current financial status of the club.

(e) the names of the club President and his deputy to represent the club at annual and special general meetings.

(3) Application must be handed to the CEO 7 days prior to the annual meeting each year and

must include a copy of the club constitution or rules if any alterations.

(4) The affiliation fee must accompany the application.

(5) Upon affiliation, and following affiliation of the BF&NL with F&NG, clubs are bound to accept all decisions of F&NG Commission, Tribunal and Appeal Board in line with F&NG constitution.

7 Life Members

- (1) The League may elect as a life member any person who has rendered a minimum of ten years valuable service to the League.
- (2) Life members can only be elected by a two thirds majority at an Annual General Meeting of the League
- (3) Life Member detailed Criteria, Nomination Process and Entitlements will be defined in the F&NG Inc By-Laws as amended from time to time.

(4) Life members shall have no voting powers and shall be subject to any conditions set by the League. (Where appropriate, past services within the region will be recognised with a minimum of five years service with the BF&NL at the discretion of the Board).

8 Entrance Fee and Annual Subscriptions

(1) There shall be no entrance fee or annual subscription fee for Board Members or Life Members.

(2) The annual affiliation fee and/or entrance fee for clubs will be decided by the Board at the annual meeting.

(Appendix 4)

9 Register of Members

(1) The CEO must keep and maintain a register of members containing-

- (a) the name and address of each member; and
- (b) the date on which each member's name was entered in the register.
- (2) The register is available for inspection free of charge by any member upon request.
- (3) A member may make a copy of entries in the register.

10 Resignation and Cessation of Members

(1) A member of the League who has paid all affiliation fees due may resign from the League by:

First giving one month notice in writing to the F&NG CEO of his or it's intention to resign and upon the expiration of that period of notice, and (in the case of a member club) subject to the approval of the VCFL, the member shall cease to be a member.

(2) Upon the expiration of a notice given under sub-clause (1), the F&NG CEO shall make in the register of members an entry recording the date on which the member by whom notice was given, ceased to be a member.

11 Discipline, suspension and expulsion of members

(1) Subject to these rules, if the Board is of the opinion that a member:-

(i) has refused or neglected to comply with these rules; or

(ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the League. then the Board may by resolution:-

- (a) suspend a member from membership of the League for a specified period; and/or
- (b) fine a member in accordance with the Regulations; and/or
- (c) expel a member from the League.
- (2) A resolution of the Board under sub-clause (1):-

(a) does not take effect unless the Board at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (3) confirms the resolution in accordance with this clause, and

(b) where the member exercises a right of appeal to the League under this clause does not take effect unless the League confirms the resolution in accordance with this clause.

(3) Where the Board passes a resolution under Sub-clause (1), the CEO shall as soon as practicable, cause to be served on the member a notice in writing.

(a) setting out the resolution of the Board and the grounds on which it is based.

(b) stating that the member may address the Board at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice.

- (c) stating the date, place and time of that meeting;
- (d) informing the member that it may do one or more of the following:
 - (i) attend that meeting

(ii) give to the Board before the date of that meeting a written statement seeking the revocation of the resolution

(iii) not later than 24 hours before the date of the meeting, lodge with the CEO a notice to the effect that he or she wishes to appeal to the League in special general meeting against the resolution.

- (4) At a meeting of the Board held in accordance with sub-clause (2), the Board:
 - (a) shall give to the member an opportunity to be heard
 - (b) shall give due consideration to any written statement submitted by the member and
 - (c) shall by resolution determine whether to confirm or to revoke the resolution

(5) Where the CEO receives a notice under sub-clause (3), he/she shall notify the Board and the Board shall convene a special general meeting of the League to be held within 21 days after the date on which the CEO received the notice.

(6) At a special meeting of the League convened under sub-clause (5):

(a) no business other than the question of the appeal shall be transacted.

(b) the Board may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution

(c) the member shall be given an opportunity to be heard, and

(d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked

(7) If at the special general meeting:

(a) two-thirds of the members vote in person or by proxy (Appendix 2) in favour of the confirmation of the resolution, the resolution is confirmed, and

(b) in any other case, the resolution is revoked

12 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 Association.

(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 Association; or

(ii) 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).

- (5) A member of the Association 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; and
 - (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) 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.

13 Board of Management

(1) The affairs of the League shall be managed by a Board of Management constituted as provided in Rule 14.

- (2) The Board of Management:
 - (a) shall control and manage the business and affairs of the League

(b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions that are required by these rules to be exercised by special general meetings of the members of the League, and

(c) subject to these rules, the regulations and the Act, 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 League

(3) The Board of Management shall consist of a maximum of seven (7) persons:-

- (a) six (6) of whom shall be honorary and shall be elected in accordance with Rule 14
- (b) a Chief Executive Officer, who shall be appointed by the Board in accordance with Rule 17.

(4) Each elected Board member shall be elected for a period of two years, with half of such members to be elected each year.

(5) In the event of a casual vacancy on the Board referred to in sub-clause (1)(a) the Board may appoint a person to the vacant position and the person so appointed may continue in the position until the expiration of the term of the position filled.

- (6) For the purposes of these rules, the position of a Board member becomes vacant if the member:
 - (a) ceases to be a member of the League
 - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code, or
 - (c) resigns his office by notice in writing given to the CEO in accordance with these rules.

14 Election of Board of Management

- (1) Nominations for election to the Board of Management shall be by way of application, and
 - (a) shall be made in writing on the prescribed application form, signed by two member clubs of the League and accompanied by the written consent of the candidate (which may be endorsed on the application form); and,

(b) shall be delivered to the CEO of the League not less than 21 days before the date fixed for the holding of the annual general meeting.

(2) A Preview Panel, consisting of a minimum of three people, shall be established by the Clubs to interview applicants and make recommendations to Members prior to the Annual General Meeting.

(3) The election for positions on the Board shall be conducted at the Annual General Meeting in such usual and proper manner as the Board may direct.

- (4) It is not necessary for a Board of Management candidate to be a current member of the League or a member of an affiliated club. However, if elected to the Board that person must cease to hold any official position with any member club.
- (5) After the annual meeting, the Board shall meet and appoint from its elected members:
 - (a) a President, and
 - (b) a Vice-President who shall hold office until the next annual meeting.

(6) All Board members and officials properly appointed in accordance with these rules, shall be indemnified from the funds of the League against the cost of any legal proceedings taken against them or anyone of them, in consequences of the performance of their duties, provided they have acted reasonably and in accordance with these rules.

15 Removal of Member of Board of Management

(1) The League in a special general meeting may by resolution remove any member of the Board before the expiration of his term of office and appoint another member in his stead to hold the position until the expiration of the term of the first-mentioned member.

(2) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representation in writing to the CEO or President of the League (not exceeding a reasonable length) and requests that it be notified to the members of the League, the CEO or the President may send a copy of the representations to each member of the League or, if they are not so sent, the member may require that they be read out at the meeting.

16 Proceedings at Board of Management Meetings

1) Meetings of the Board may be convened by the President or by any 3 of the members of the Board.

(2) Reasonable notice shall be given to members of the Board of any special Board meeting specifying the general nature of the business to be translated and no other business shall be transacted at such a meeting.

(3)Three (3) of the Board of Management constitute a quorum for the transaction of the business of a meeting of the Board.

(4) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.

(5) At meetings of the Board of Management:-

(a) the President or in his absence the Vice-President shall preside; or

(b) if the President and Vice-President are absent, such one of the remaining members of the Board as may be chosen by the members present shall preside.

(6) Questions arising at a meeting of the Board or of any sub-committee appointed by the Board shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

(7) Each member present at a meeting of the Board or of any sub-committee appointed by the meeting (including the 'person presiding at the meeting') is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

17 Chief Executive Officer

(1) There may be a Chief Executive Officer of the League, as required, who shall carry out the functions designated in these rules.

(2) Following the affiliation of the BF&NL with F&NG at the Annual General Meeting, the CEO of F&NG shall assume the responsibility for all duties which would be carried out by the CEO of the BF&NL.

(3) The CEO shall be appointed by the Board on such salary, allowances and/or remuneration as the Board from time to time determines.

(4) The CEO shall retain office in accordance with the terms and conditions as agreed between the CEO and the Board.

(5) The CEO is not eligible to be an elected member of the Board.

(6) The CEO shall cause to keep minutes of the resolutions of each annual or special General Meeting and each Board Meeting in books provided for that purpose, together with a record of the names of persons present at each meeting and will provide a copy of such minutes to all members of the league within 7 days of the meeting.

(7) The CEO shall be responsible for the engagement of, payment of, and supervision of, all persons required to be appointed or employed by the league.

18 Treasurer

(1) The CEO shall act as the Treasurer of the same League

(2) The Treasurer of the League:

(a) shall collect and receive all moneys due to the league and make all payments authorised by the League, and

(b) shall keep correct accounts and books showing the financial affairs of the League with full details of all receipts and expenditure connected with the activities of the League.

(3) The accounts and books referred to in sub-clause (2) shall be available for inspection by members.

19 Cheques

All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by any two of the President, Vice-President or CEO.

20 Seal

(1) The common Seal of the League shall be kept in the custody of the CEO.

(2) The Common Seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the Common Seal shall be attested by the signature either of two members of the Board or of one member of the Board and of the Public Officer of the League.

21 Annual General Meeting

(1) The League shall in each calendar year convene an Annual General meeting of its Members

(2) The Annual General Meeting shall be held prior to the 30th of November each year.

- (3) The Annual General Meeting shall be specified as such in the notice convening it.
- (4) The ordinary business of the Annual General Meeting shall be:

(a) to confirm the minutes of the last preceding Annual General Meeting.

(b) to receive from the Board reports upon the transactions of the League during the last preceding financial year.

(c) to elect the Board of Management of the League.

(d) to receive and consider the statement submitted by the League in accordance with section 30(3) of the Act.

(5) At the Annual General meeting:

(a) The Annual General meeting may transact special business of which notice is given in accordance with these rules and received by the CEO 21 clear days before the date of the Annual General Meeting.

(b) The Chairman of the Board shall call, from the floor, a motion to affiliate the BF&NL with F&NG for the forthcoming season and abide by all rules and decisions made by the F&NG Commission.

(6) The Annual General Meeting shall be in addition to any other Special General meeting that may be held in the same year.

22 Special General Meeting

(1) All General Meetings other than the Annual General meeting shall be called Special General meetings.

(2) The Board may, whenever it thinks fit, convene a Special General meeting of the League.

(3) The Board may convene at least two (2) Special General Meetings each year for the purpose of reporting on the progress of the League's activities.

(4) The Board shall, however, on the requisition in writing of member clubs representing not less than 25% of the total number of member clubs, convene a Special General Meeting of the League.

(6) A requisition for a Special Meeting shall state the objects of the meeting and shall be signed by the member clubs making the requisition and be sent to the address of the CEO and may consist of several documents in a like form, each signed by one or more of the member clubs making the requisition.

(7) If the Board does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the CEO, the member clubs making the requisition, or any of them, may convene a Special General meeting to be held not later than three (3) months after that date.

(8) A Special General Meeting convened by member clubs 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 League to the person incurring the expenses.

(9) However, notwithstanding the provisions of Clause 33, in the event of a vote being required on the objects of a Special Meeting called under Clause 28 (3), the members of the Board, as a whole, shall only have one vote.

23 Notice of General Meeting

(1) The CEO of the League shall, at least 14 days before the date fixed for holding a Special or Annual Meeting of the League, cause to be sent to each member of the League at their or its address appearing in the register of members, a notice by pre-paid post or, if the member requests, facsimile transmission or electronic transmission, stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

(3) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the CEO of that business, who must include that business in the notice calling the next general meeting.

24 Proceedings at Annual General and Special General Meetings

(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. (2) No items of business shall be transacted at an Annual or Special General meeting unless a Quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

(3) Three fourths of member clubs present, (being members entitled under these rules to vote at an Annual or Special General Meeting) constitute a quorum for the transaction of the business of an Annual or Special General Meeting.

(4) If within half an hour after the appointed time for the commencement of a General meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time(unless another place is specified by the Chairman 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 and 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 members present (being not less than three (3) shall be a quorum.

(5) (a) The President or in his absence the Vice-President, shall preside as Chairman at each Annual or Special General Meeting of the League.

(b) If the President and the Vice-President are absent from the meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

(6) The Chairman of the meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(7) Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the Annual or Special General Meeting.

(8 Except as provided in sub-clause (3) and (4) it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

(9) A motion arising at an Annual or Special General meeting of the League shall be determined on a show of hands, however, if before the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the Minute book of the League is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of , or against, that resolution.

(a) Upon any motion arising at an Annual or Special General Meeting of the League, a member has one vote only.

(b) All votes shall be given personally or by proxy (Appendix 3).

(c) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

(10) If at any meeting a poll on any motion is demanded by not less than three (3) members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that motion.

(11) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

(12) A member is not entitled to vote at any General Meeting unless all moneys due and payable by him or it to the League have been paid.

(13) Each member shall be entitled to appoint another member as his proxy by notice given to the CEO no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

(14) Manner of determining whether resolution carried If a question arising at a general meeting of the Association is determined on a show of hands—

(a) a declaration by the Chairperson that a resolution has been-

(i) carried; or

(ii) carried unanimously; or

(iii) carried by a particular majority; or

(iv) lost; and

(b) 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.

25 Custody and Inspection of Books and Records

(1) Except as otherwise provided in these Rules, the CEO must keep in his or her custody or under his or her control all books, documents and securities of the Association.

(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.

(3) A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

26 Notices

(1) A notice may be served by or on behalf of the League upon any member either personally or by sending it by post, either postal or, if the member requests, facsimile transmission or electronic transmission to the member at his or her address shown in the Register of Members.

(2) Where a document is properly addressed pre-paid and posted or, if the member requests, facsimile transmission or electronic transmission to a person as a letter or electronic transmission, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter either postal or, if the member requests, facsimile transmission or electronic transmission would have been delivered in the ordinary course either postal or, if the member requests, facsimile transmission or electronic transmission.

27 Winding-Up or Cancellation

In the event of the winding-up or the cancellation of the Incorporation of the league, the assets of the League shall be disposed of in accordance with the provisions of the Act.

28 Funds

The funds of the League shall be derived from finals, entrance fees, annual affiliations, donations and such other sources as the Board determines.

29 By-Laws and Competition Rules

The Football & Netball Geelong Inc By-Laws and Competition Rules will be formulated, or amended, and ratified by the F&NG Inc Commission after one months notice to members.

Appendix 1- Application for Membership of Bellarine Football & Netball League Inc

of thedesire to become a (address)

member of the Bellarine Football & Netball League Inc

In the event of our Clubs admission as a member, I agree to be bound by the rules of the Association for the time being in force.

| Signa | ure of Applicant |
|-------|------------------|
|-------|------------------|

President

.....Date

Nominator (Association President)

I, a member of the Association,

(name)

nominate the Club, for membership of the Association.

| Signature of Proposer |
|---------------------------|
| 0.0 |

| Date |
|----------|
| |

Seconder (Association member)

....., a member of the Association, second (name)

the nomination of the Club, for membership of the Association.

...... Signature of Seconder

.....Date

| Under Rule 11(5) | |
|---------------------|---|
| I, | (name) |
| of | |
| | (address) |
| being a member of | (name of Incorporated Association) |
| Appoint | |
| (name of proxy hold | er) |
| of | (address of proxy holder) |
| | hat Incorporated Association, as my proxy to vote on my behalf at the appeal to the he Association convened under rule 7(7), to be held on— |
| | (date of meeting) |
| and at any adjournn | nent of that meeting. |
| | to vote on my behalf at their discretion in respect of the following resolution: [<i>insert passed under rule 7(1)</i>] |
| | Signed |
| | Date |

Appendix 2 - Form of Appointment of Proxy for Meeting of Association Convened Under Rule 11(5)

Appendix 3 - Form of Appointment of Proxy

| I | |
|-----------------------|--|
| | (name) |
| of | |
| - , | (address) |
| being a member of I | Bellarine Football & Netball League Inc |
| appoint | (name of proxy holder) |
| | |
| of | (address of proxy holder) |
| | hat Incorporated Association, as my proxy to vote on my behalf at the *annual/*special he Association to be held on— |
| | (date of meeting) |
| and at any adjournn | nent of that meeting. |
| My proxy is authoris | ed to vote *in favour of/*against the following resolution: [<i>insert details of resolution</i>] |
| | |
| Signed | |
| Date | |
| *Delete if not applic | able |

Appendix 4 - Schedule of Fees

Fee

Amount

Entrance fee

Annual subscription fee