



## GOSNELLS CITY FOOTBALL SPORTING & SOCIAL CLUB INC

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# Constitution and Rules of Gosnells City Football Sporting & Social Club Inc

Produced October 2018 in accordance with;

*The Associations Incorporations Act 2015*

and

*the Liquor Control Act 1988*

## NAME OF THE INCORPORATED ASSOCIATION

The name of the Club shall be Gosnells City Football Sporting & Social Club Inc.

## OBJECTS AND PURPOSES

The Principal Objects and Purposes are;

- a) To foster and encourage the game of association football at all its levels for the benefit and enjoyment of club members and the residents of the local community.
- b) To encourage participation in other sports and pastimes for the benefit and enjoyment of club members.
- c) To obtain and maintain club premises within Western Australia for the use by members and their guests.
- d) To cause the Club to be registered as a club under the *Liquor Licensing Act 1988* and its amendments. To renew such registration when necessary as required by the *Liquor Licensing Act 1988*.
- e) To improve the financial status of the Club by means of sponsorship, donations or by any other legal means as may be appropriate.
- f) To enter into such agreements as are necessary for the proper utilisation of the Clubs assets and the achievement of "Aims and Objects" here stated.

## DEFINITIONS

In reading this Constitution, unless the context or such otherwise indicates or requires:

- i. "the Club" means Gosnells City Football Sporting & Social Club Inc.
- ii. "the Committee" means the Management Committee for the Club, duly elected for the time being in accordance with these Rules.
- iii. "AGM" means an Annual General Meeting.
- iv. "special general meeting" means a general meeting called at which only business that has been described in the notice may be transacted.
- v. "RGL" means Racing, Gaming and Liquor.

## CLUB ADMINISTRATION

- a) The Club shall be administered by a group of elected members, here after called "the Committee."
- b) Election of the Committee shall be in accordance with the "Rules of the Club" as detailed in subsequent paragraphs.
- c) The Committee shall not have the power to raise any loan, for any purpose, without the authority of an Annual General Meeting, here after called the AGM or of a special general meeting called for the specific purpose of giving authorisation to a proposal to raise a loan.
- d) The property and income of the Club shall be applied solely towards the promotion of the objects and purposes of the Club and no part of that property or income may be paid, directly or indirectly, to members of the Club except in good faith in promotion of these objects and purposes.

- e) Subject to a written request being received by the Committee, all past and present records of the Club shall be made available for perusal by any club member at any time.

## DATE OF EFFECT

The constitution and rules shall become effective from the date on which they are accepted by the club members (See also "Rules of the Club" 5b).

## RULES OF THE CLUB

### SECTION ONE - GENERAL

#### 1. AFFILIATIONS

The Club shall be affiliated with the governing bodies of any of the sports or pastimes in which the Club may participate.

#### 2. CLUB COLOURS

The colours of the Club shall be mainly blue and white. Alternative club colours shall be as agreed by the Committee.

#### 3. INSURANCE

The Club shall maintain a current "Public Liability" insurance policy. The choice of insurance company and the size of the policy shall be agreed as by the Committee from time to time but must not be allowed to lapse.

#### 4. COMMON SEAL

The use of the Club common seal shall be restricted to only those documents which legally require the use of the common seal. The affixing of the common seal to any documents must be witnessed by at least two (2) members of the Committee plus club secretary. The common seal shall be kept by the Clubs secretary at all times when not in use.

#### 5. AMENDMENTS TO THE CONSTITUTION

- a) Approval to the changes of the Club Constitution shall only be as a result of a decision taken by members at an AGM or at a special general meeting called for that purpose.
- b) Within one month of the approval from the Club members, the constitution will be lodged with the Commissioner for Consumer Protection.

#### 6. INTERPRETATION

The interpretation of these rules or any question arising out of them shall be at the Committee's discretion. Any such interpretation shall be final and binding on all members.

#### 7. DISSOLUTION OF THE CLUB

In the event of any future circumstances arising, which may prevent the Club from carrying out its agreed aims and objectives, a special meeting of members will be called to discuss possible dissolution. If it is agreed that the Club shall be dissolved:

- a) The Club will cease its activities and have its incorporation cancelled in accordance with Part 10 of the Act:

b) The Club will be wound up in accordance with Part 9 of the Act if:

- i. the committee has determined the association is unable to pay or meet its debts and liabilities; or
- ii. is party to any current legal proceedings; or
- iii. has any other outstanding legal obligations.

c) Upon cancellation of the Club, the Surplus Property will only be distributed in accordance to Schedule 1 Division 1 and Division 2 under the Act.

## 8. CONTRACTS

The recruitment of players, coaches or trainers shall be at the discretion of the Committee. Any contracts involving remuneration for services to be rendered shall be in the form of a legally enforceable document.

## 9. LICENSED AREA

In addition to the statutory requirements of the *Liquor Licensing Act 1988*, the Committee may impose any additional restrictions on the use of the licensed area as they deem necessary for a particular occasion.

## SECTION TWO – MEMBERSHIP

### 10. LIABILITY OF MEMBERS

- a) Any member causing loss or damage to the club, its building, or property, shall be fully liable for such loss or damage.
- b) Members must abide by the Clubs “Code of Conduct” and upon successful registration, can request a copy of the Code of Conduct and the Clubs Constitution from the Clubs Secretary.

### 11. CLASSIFICATION

a) Members shall be classified as;

- i. Ordinary Members
- ii. Junior Members
- iii. Life Members
- iv. Temporary Member

b) Names and a residential, postal or email address of all members shall be entered in a register of members kept by the Club secretary. The register must be kept up to date at all times. A list of current Ordinary and Life Members shall be available at the clubrooms for the purpose of identification.

### 12. MEMBERSHIP YEAR

The membership year for Ordinary Members shall be from 1<sup>st</sup> January to 31<sup>st</sup> December annually.

### 13. MEMBERSHIP FEES

- a) The membership fees shall be such an amount as decided by the Committee and shall be due on registration of membership annually. The Committee may, at its discretion, award free membership, decide upon a reduced fee to be payable by retired persons or any member perceived to be financially disadvantaged.
- b) Any person voted on to the Committee, by virtue of serving the Club, will be awarded free membership of the Club whilst in their term of service (See 22 c)).
- c) Any person wishing to represent the Club in organised competition in any sport or pastime shall;
  - i. be a current Ordinary (or Life) Member.
  - ii. have all necessary fees paid, as notified by the Committee, for their participation in their desired competition before they may be eligible for registration with the governing body of that competition, or alternative arrangements agreed by the Committee.
- c) Members wishing to play in more than one competition must also pay registration and insurance fees as required for that extra competition.
- d) At the discretion of the Committee, Life Members need only pay such fees as are necessary for their registration and insurance within their desired competition.

### 14. ORDINARY MEMBERS

- a) Any person over the age of eighteen (18) years may, on written application or by player registration, be accepted by the Committee as an Ordinary Member. On such acceptance the applicant shall then be required to pay the membership fee currently in force.
- b) The Committee shall retain the right to refuse any application but the Committee must notify the applicant of its reason for refusal.

### 15. JUNIOR MEMBERS

- a) Any person under the age of eighteen (18) years may, on written application or by player registration, be accepted by the committee as a junior member. On such acceptance the applicant shall then be required to pay the membership fee currently in force.
- b) The committee shall retain the right to refuse any application but the committee must notify the applicant of its reason for refusal.
- c) Junior members shall not be entitled to hold office in the club and shall cease to be a junior member upon reaching the age of eighteen (18) years but shall then be eligible for ordinary membership.

### 16. LIFE MEMBERS

- a) Life membership is usually offered as a token of respect in recognition of outstanding service to the Club over a long period of time. Normally the number of Life Members would be a small percentage of Club members but the Committee retains the right to regulate the number of Life Members. The names of Life Members shall permanently remain on the list of club members.

- b) The Committee may, within the guidelines of the Life Member Policy, offer a life membership to any member provided that such offer shall be approved by members at an AGM.
- c) All Life Members will be exempt from having to pay annual membership fees.

17. TEMPORARY MEMBERS

- a) A person who is on any day visiting the Club as a member of, an official of, or a person assisting, a team that is to contest a prearranged event in that sport on that day or at the invitation of a member to engage in that sport on that day, may be taken to be a person who is afforded temporary membership on that day only.

18. MEMBERSHIP CARD

- a) A membership card, in such form as the Committee may decide, will be issued to each Ordinary member on payment of the current membership fee. The member's card is not transferable and the Committee shall have the right to request any person on the club premises to produce their membership card.
- a) Life Members will also be issued with a Life Members card.

19. SUSPENSION OF MEMBERSHIP

The Committee shall have the power to suspend a member's membership or to expel a member from the Club if;

- a) in their opinion, the member is guilty of any act which renders it undesirable that they continue as a member of the Club if their actions are detrimental to the Club or its aims and objects.
- b) Any suspension or expulsion of a member will deny that person the right of entry to the clubrooms, grounds, functions and facilities whilst the areas are hired as per the governing local council by-laws.

20. RESOLVING DISPUTES

- a) The Secretary must give the member written notice of the proposed suspension or expulsion at least twenty-eight (28) before the committee meeting at which the proposal is to be considered.
- b) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.
- c) If the dispute is not resolved, any party to the dispute may initiate a procedure by giving written notice to the Secretary. The Secretary must convene a Committee Meeting with all parties involved, within twenty-eight (28) days after the Secretary receives notice of the dispute for the Committee to determine the dispute.
- d) The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within seven (7) days after the Committee Meeting.

21. RIGHT OF APPEAL

If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Section 19(b), or a party to the dispute is dissatisfied with a decision made by the Committee under Section 19(d) a party to a dispute may:

- a) elect to initiate the right to appeal. Notice of intention to appeal must be made, in writing, within seven (7) days of the final decision of the Committee, to the Secretary of the parties to, and the details of, the dispute;
- b) agree to, or request the appointment of, a mediator.

The mediator must be a person chosen by agreement between the parties, or in the absence of agreement;

- a) if the dispute is between a Member and another Member – a person appointed by the Committee; or
- b) if the dispute is between a Member or more than one Member and The Club, the Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.
- c) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- d) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

If a dispute cannot be resolved under the procedures set out above, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

## 22. RESIGNATION

Any member may, at any time, notify the Committee in writing of the intention to resign their membership. The Committee may accept such resignation or impose conditions on its acceptance as they deem necessary. The resignation shall not be effective until any conditions imposed have been fulfilled to the satisfaction of the Committee.

## SECTION THREE – ADMINISTRATION

### 23. THE COMMITTEE

The Committee shall be elected annually at the AGM and shall assume full responsibility for the conduct of the Clubs affairs in accordance with the constitution and rules of the Club.

- a) The Committee will consist of:
  - i. President
  - ii. Deputy President
  - iii. Secretary
  - iv. Treasurer
  - v. A minimum of four (4) and a maximum of eight (8) other members.
  - vi. One (1) representative from each of any sub-committees which may be authorised by the Committee.

- b) From the date of election by the AGM, the term of office for Office Bearers shall be two (2) years, unless declared vacant, with half of the Office Bearers being elected each alternate year, and all other committee members being elected for one year. Retiring committee members shall be eligible (subject to nomination) to serve on the in-coming committee, in the same, or any other, position.
- c) All candidates prior to being nominated for office, their proposers and seconders, must be Ordinary (or Life) Members of the club. Any candidate for the positions of President, Secretary or Treasurer must have been a full member of the Club for a continuous period of not less than one (1) year before nomination.
- d) A person will be prohibited from sitting on the Committee if they have been convicted of, or imprisoned in the previous five (5) years for;
  - i. an undischarged bankrupt or their affairs are under insolvency laws;
  - ii. an offence in connection with the promotion, formation or management of a body corporate;
  - iii. an offence involving fraud or dishonesty punishable on conviction by at least three months or more imprisonment; or
  - iv. an offence under Part 4 Division 3 (the duties of officers provisions) or section 127 (the duty with respect to incurring of debt) of the Act.
- e) Nominations for committee and notices of motion must be received by the Committee no later than seven (7) days before the AGM. Should insufficient nominations for the Committee be received in advance the chairman may allow nominations to be taken at the meeting.
- f) Should a ballot be necessary during election of the Committee the chairman shall appoint two (2) scrutineers to tally votes for and against. The appointed scrutineers shall not be candidates for any office.
- g) The Obligations of Committee Duties include:
  - i. duty of care and diligence;
  - ii. duty of good faith to act in the best interests of the association and for a proper purpose;
  - iii. duty not to misuse their position;
  - iv. duty not to misuse information;
  - v. duty not to have any material personal interest, i.e.: financial or non-financial in any matter being considered at a committee meeting.
  - vi. duty not to allow the association to trade while insolvent.
- h) The Committee shall meet at least once per calendar month or more often, as deemed necessary, for transaction of club business. The Committee members are to be given at least 48 hours' notice of any meeting.
- i) Minutes of each meeting will be kept and entered into a book provided for that specific purpose.
- j) The quorum for committee meetings shall be six (6) committee members.



- k) Any committee member absent from three (3) consecutive meetings, without satisfactory explanation, will be deemed to have vacated their position and may be replaced.
- l) The Committee shall have the power to fill any casual vacancy occurring during their term of office.
- m) At its first meeting after election the Committee should give priority to these decisions:
  - i. Appoint as necessary, delegates to represent the Club at meetings of the governing body and any other bodies to which the Club has an affiliation.
  - ii. Authorise the formation of such sub-committees, as deemed necessary, to fully represent the varied interests of club members.
  - iii. Set scale of membership fees for the next membership year.

24. PRESIDENT

- a) The holder of this position:
  - i. must consult with the Secretary regarding the business to be conducted at each committee meeting and each general meeting.
  - ii. shall chair the committee meetings and general meetings.
  - iii. may convene or preside over special meetings of the Committee.
  - iv. must ensure that the minutes of a general meeting or a committee meeting are reviewed and signed as correct.

25. DEPUTY PRESIDENT

- a) The holder of this position:
  - i. must carry out the duties as above if the President is absent or not available.

26. SECRETARY

- a) The holder of this position will, in general, perform all functions relative to the position including:
  - i. Receive all incoming mail for the Club and present the same at the next committee meeting.
  - ii. Originate all outgoing mail at the direction of the Committee.
  - iii. Keep an up to date register of all members.
  - iv. Update the register within 28 days of new members, members resigning, members suspended/expelled and in the latter case, include date in which member ceases and reasons for cessation of membership.
  - v. Maintain the record of Office Bearers and committee members of the Club. Committee members may nominate a business address, post office box address or email address to be used in the record in place of their personal address.
  - vi. Take and keep minutes of all meetings.
  - vii. Ensure the common seal is kept in a secure place at all times.

viii. Any other duties as directed by the Committee.

27. TREASURER.

- a) The holder of this position will perform all functions relating to the financial affairs of the Club including:
- i. Receipt of all incoming monies (from whatever source) and the issue of receipts for all incoming monies.
  - ii. Payment of all incoming monies into the general bank account of the Club.
  - iii. Originate all outgoing monies at the direction of the Committee.
  - iv. Keep a correct account of all income and expenditure.
  - v. Submit to each committee meeting an up to date statement of income, expenditure, available funds and liabilities.
  - vi. Coordinate the preparation of the Financial Statements of the Club, up to the 30<sup>th</sup> of September prior to the submission to the AGM.
  - vii. Any other duties as directed by the Committee.
- b) The "End of Season" balance sheet must be inspected and checked by a firm of chartered or registered public accountants and their report shall be presented with the balance sheet at the AGM.

28. MEETINGS (FREQUENCY AND PROCEDURE)

- a) All meetings shall be chaired by the Club President. If the President is unavailable, the chair shall be taken by the Deputy President. Should both be unavailable then a chairman shall be elected from the meeting. The chairman of any meeting will not have a primary vote but will have a casting vote if required.
- b) An AGM must be held before the 30<sup>th</sup> of November annually. Any reasonable means of publicity should be used to inform all members, at least twenty one (21) days, in advance of the date set for the AGM.
- c) Order of Business:
- i. Adoption of minutes of previous AGM.
  - ii. Presentation of Presidents annual report.
  - iii. Presentation of financial report and balance sheet.
  - iv. Notices of motion.
  - v. Election of committee for subsequent year.
  - vi. Any other business as allowed by chairman.
- d) Only Ordinary and Life Members may vote at the AGM.

- e) All voting shall be by a show of hands.
- f) Seventy five per cent (75%) majority of members present and voting shall be needed to carry or defeat a proposition except in a case of ballot for election to committee when a simple majority shall be sufficient.
- g) A special general meeting may be called at the direction of the Committee, for urgent discussion of club matters or when a request is received from a minimum of ten (10) members for such a meeting. Any such requests must specify the matter for discussion. Notice of a special general meeting shall be given to all members at least seven (7) days before the meeting and must include the nature of business to be discussed. Only the advertised business (or matters relating to it) may be discussed at the special general meeting.
- h) The Quorum for any AGM or for a special general meeting shall be fifty one per cent (51%) of the current Ordinary (or Life) Members, or twenty (20) members and/or any interested parties (including apologies); which ever shall be the lowest.

#### **SECTION FOUR – CONDUCT OF LICENSED AREA**

This section has been included following advice received from the Director of “Liquor and Licensing” that these rules should be part of the Club Constitution and its rules.

#### **29. SALE AND SUPPLY OF LIQUOR**

- a) The Club shall only be open for the sale and supply of liquor during such hours (within hours permitted by the *Liquor and Licensing Act 1988*). As the Club Committee shall from time to time determine.
- b) The Club shall nominate person or persons, as the approved manager(s) pursuant to the provisions of section one hundred (100) of the *Liquor Licensing Act 1988*.
- c) Where a manager is ill, or is dismissed, or is absent for any other reason, a licensee may appoint any person (other than a person who has found been not fit and proper by the licensing authority) as a temporary manager, for a period not exceeding seven (7) days without notifying the licensing authority.
- d) A licensee may, without notifying the licensing authority, appoint a person (other than a person who has found been not fit and proper by the licensing authority) who has been approved by the licensing authority within the last two (2) years, to act as a temporary manager for any period not exceeding thirty (30) days.
- e) No payment or part payment shall be made to any secretary, treasurer, manager, officer or other servant of the Club by way of an allowance or commission from the monies received by the Club for liquor supplied to any members and their guests.
- f) No liquor shall be sold or supplied to any juvenile (any person under the age of eighteen (18)).
- g) No liquor shall be sold prior to noon on ANZAC Day or supplied on Good Friday or Christmas Day except as permitted under the provisions of the *Liquor Licensing Act 1988*.
- h) No stranger shall be permitted the use of the Club premises and no member or other person shall admit any stranger to club premises.

30. GUESTS

- a) The maximum number of guests per member, per day, for the purposes of section 48 (4) (B) of the act is three (3).
- b) Members may introduce guests to the Club subject to the following conditions;
  - i. A guest shall not be supplied with liquor in the Club premises except on the invitation, and in the company, of a member.
  - ii. A guest shall be supplied with liquor to be consumed on the Club premises or within the areas allocated with suitable signage only.
  - iii. The member introducing the guest shall be responsible for the proper conduct of the guest while on the Club premises.
  - iv. Any person who has been refused membership of the Club or who is under suspension or expulsion of the Club shall not be admitted as a guest of any member of the Club.
  - v. 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.

31. NON-SMOKING POLICY

- a) The Club will strictly enforce the Health Department regulation “No Smoking in Enclosed Public Places – issued 1999”. The Club will also abide by the guidelines in the Healthways “Healthy Clubs” programme issued 2001.