

**CONSTITUTION AND RULES OF THE
“MITCHAM FOOTBALL CLUB INC.”**

1. NAME:

The Club shall be called the “Mitcham Football Club Inc.” and shall not be dissolved or its name changed without the consent of three-fourths of its members present at a General Meeting specially called for that purpose.

- (a) The Club and the property and affairs thereof shall be under the control of the Executive Committee as defined under terms of Clause 13 hereof.

2. SITUATION:

The situation of the Club shall be at Price Memorial Oval off Angas Road, Hawthorn in the state of South Australia.

3. OBJECTIVES:

The objectives of the Club shall be: -

- (a) To encourage, promote, facilitate, extend and foster the game of Australian Rules Football and other activities and provide social amenities and facilities for the members of the Club
- (b) To encourage, promote, facilitate, extend and foster the Junior Football Program
- (c) To acquire by purchase, construction or otherwise any real or personal property and to sell, assign; transfer, exchange or otherwise dispose of, lease, hire or otherwise howsoever deal with such property in any part or parts thereof.
- (d) To join or co-operate with any other bodies or clubs concerned with the development of any sport and social activities approved by the Club and generally to assist and join in doing anything likely to advance interests of the Municipality of the City of Mitcham and its residents.
- (e) To raise money for any of the objects aforesaid or any purposes incidental or conducive thereto in such manner as may be approved by the Executive Committee including borrowing with or without giving security, and more particularly regarding monies borrowed on security to secure the repayments of same by mortgage, pledge, bill of sale, assignment, debenture, charge, lien or other security over the whole or any part of the Club’s property both real and personal and including future acquired property.
- (f) To do all such other things necessary or incidental or conducive to the attainment of the above objects, or any of them.

- (g) To apply the net profits of the Club after the payment of all costs and expenses of and incidental to the proper and efficient management and development thereof to purposes benefiting the club.
- (h) To hire and employ clerks, managers, servants and workers and to pay to them and to other persons in return for services rendered to the Club, salaries, wages, gratuities, honorariums and pensions.
- (i) To support and subscribe to any charitable, athletic or public body.
- (j) Sub-section (a) of this clause shall not prevent the Club from establishing and entering teams in any other sport or sports or from acquiring amenities and facilities (Whether freehold or leasehold) used in connection with such other sport or sports.

4. MEMBERSHIP:

The membership fees of the Club shall be those fees determined by the Executive Committee in each year and shall be applicable according to Clause 6.

Payment of these fees will entitle the person to membership of the Club, subject to the provision of Clause 5 hereof, and to attend and vote at all General Meetings of the Club held during the current season up to and including the Annual General Meeting of that season. No person other than a Life Member shall vote at any meeting unless their membership has been duly paid.

5. CLASSES OF MEMBERS:

- (a) SENIOR PLAYERS: A senior player is a member of the Club if he is financial, ie, has paid the annual player subscription as determined by the Executive Committee under Clause 6.
- (b) SOCIAL: A social member is a person other than a player who is financial in that the person has paid the annual subscription as determined by the Executive Committee under Clause 6.
- (c) LIFE: As described in Clause 7.
- (d) JUNIOR: A parent/guardian of a Junior player is entitled to membership of the Club on payment of the annual registration fee as determined by the Junior Sub-committee and approved by the Executive Committee under Clause 6.

6. ENTRANCE FEES AND SUBSCRIPTIONS:

- (a) The annual subscription for all classes of membership in respect of each year commencing on the first day of April shall be determined by the Executive Committee and shall not be less than \$10.00 per annum. Life Members unless still playing shall be exempt from payment of subscriptions.
- (b) The Executive Committee may in addition to any subscription make calls on any members not exceeding and amount authorised by a General Meeting.

- (c) All subscriptions shall be due and payable in advance by each member on the first day of April in each year.
- (d) Any member failing to pay their subscription shall, at the discretion of the Executive Committee, have their name erased from the list of membership and shall thereupon cease to be a member of the Club.
- (e) Notwithstanding anything contained in these Rules the Executive Committee may by vote at a meeting of the Committee at which at least three-fifths of the Committee for the time being vote in the affirmative, refuse to accept any further annual subscriptions of any member and their membership shall immediately on the termination of the year for which their then subscription has been paid, "ipso facto" cease and accrue to such member for or by reason of such refusal as aforesaid.

7. LIFE MEMBERSHIP

Life Membership may be granted to office bearers, officials and members who: -

- (a) Have played 150 senior football games for the Club, or have played for eight years as a senior player and been a fully paid up member, during this time
- (b) Have played at least three seasons with the Mitcham Football Club junior teams; and, thereafter 120 senior football games for the Club.
- (c) Have, in the opinion of the Executive Committee, rendered outstanding services over a period of years in the interest of the Club.

8. RESIGNATION OF MEMBERS:

Any member may resign their membership by giving to the Secretary notice in writing to that effect. Every such notice shall, unless expressed otherwise, be deemed to take effect as from the first day of April next following the receipt thereof.

9. EXPULSION OF MEMBERS:

- (a) If any member shall, in the opinion of the Executive Committee, have wilfully infringed any of the general rules or by-laws or regulations of the Club, or if the conduct of any member shall in the opinion of the Executive Committee be injurious or prejudicial to the character or interest of the Club, the Committee shall have absolute power to expel or suspend such member or deal with them in any way as the Committee, may in its discretion deem proper. The Secretary shall have power at any time to call a special Executive Committee meeting to consider the alleged misconduct of any member.
- (b) Any member suspended or expelled from the Club shall be notified in writing by the Secretary and thereafter shall not enter the Club's premises, whether as a visitor or otherwise, during such suspension. However, the Executive Committee may remove or reduce the term of suspension at any time.

- (c) Any member expelled or who has had their name struck off the membership roll for non-payment of subscription shall have the right of appeal to a Special General Meeting to be summoned (at the expense of the member) within twenty one (21) days of the expulsion or striking off the roll when a majority of those present and voting shall be required to confirm the expulsion or striking off the roll. If the expulsion or striking off the roll be not confirmed the member shall be reinstated.
- (d) Upon cessation of membership for any reason whatsoever there shall be no claim by a member against any of its property.

10. MEETINGS OF THE CLUB:

- (a) **Annual General Meeting**
The Annual General Meeting of the Club shall be held before the thirtieth day of November each year. Notice of such meetings shall be advised to members at least fourteen (14) days before the date of such meeting. A quorum of at least twenty five (25) financial members is required.
- (b) **Special General Meeting**
On the requisition signed by thirty (30) members being delivered to the Secretary, the Secretary shall call a Special General Meeting within fourteen (14) days by advertisement in the local papers or on the Internet. The requisition must state the definite resolutions to be submitted at the Meeting. Twenty-five (25) financial members shall form a quorum at a Special General Meeting.

11. EXECUTIVE COMMITTEE:

- (a) The Executive Committee shall consist of a President-Chairman, Vice-President (President of Junior Sub Committee), Secretary, Treasurer, Football Director, Sponsorship Coordinator, Fundraising Co-ordinator, and at least two (2) Committee persons. All members of the Executive Committee shall be elected to their specific portfolios at the Annual General Meeting in each year and shall hold office until the next Annual General Meeting.
- (b) All officers of the Executive Committee shall be eligible for re-selection and election shall be conducted in the manner hereinafter set forth.
- (c) Any casual vacancy among the office bearers or other Members of the Executive Committee may be filled by appointment by the remaining Members of the Committee. Any Members so appointed shall hold office until the next annual election of the Executive Committee.
- (d) All Members of the Executive Committee shall remain in office until their successors are appointed.

12. ELECTIONS:

- (a) All candidates for office must be members of the Club and, if liable for subscription, financial for at least fourteen (14) days prior to the closing date of the nominations.

- (b) In the event of two or more candidates being nominated for any particular office, the election shall be conducted by ballot during the meeting.
- (c) The candidates receiving the greatest number of votes shall be elected, and in event of a tie the Chairman of the meeting shall exercise a casting vote.

13. PRESIDENT-CHAIRMAN:

The President-Chairman of the Club shall preside at all meetings of the Club and ensure that the business is conducted in a proper manner. However, the President-Chairman shall only have a casting vote on occasions of indecisive ballots during Executive Committee meetings or Annual General Meetings.

14. VICE PRESIDENT:

The position of vice-president of the Club will be the president of the Junior Sub-Committee, and will report on the Junior program and activities at Executive Committee Meetings. The Junior Committee shall operate as follows –

- i. A sub-committee shall be formed each season to coordinate the registration of Junior teams and the operation of the Junior match program
- ii. This committee is subordinate to the Executive Committee
- iii. The Junior Committee president shall be part of the executive Committee
- iv. The Junior Sub-Committee may operate its own bank account at the discretion of the Club Treasurer, must report monthly to the Executive Committee, and transfer all or part of its funds at the discretion of the Club Treasurer to the Club bank account prior to the Annual General Meeting

15. SECRETARY:

The Secretary or a person nominated by the Executive Committee shall be responsible for the maintenance and safe-keeping of all records (except finance), correspondence and minutes of all meetings of the Club. The Secretary shall keep a register of members, setting forth the names in full and addresses of all members of the Club. Such register shall be made available at any time for inspection by any member or any person authorised by law so to do. The Secretary shall also act as Public Officer for the purposes of the Association's Incorporation Act.

16. TREASURER:

The Treasurer shall be responsible for the financial affairs of the Club and shall keep accounts and books showing these affairs at all time. The Treasurer shall have power to authorise payment of any monies and shall present a report showing the financial progress of the Club and details of all revenue and expenditure to the Executive Committee whenever directed by the latter so to do.

17. FOOTBALL DIRECTOR:

The Football Director shall preside at all meetings of the Football Committee, if such Committee is deemed necessary. The Football Committee shall be approved by the Executive Committee, and consist of the Senior Coach and other coaches, Football Director, and others as required by the Senior Coach. The Football Director is expected to work in close collaboration with the Senior Coach, and, together with

the Football Committee, shall be responsible for all matters pertaining directly to the football affairs of the Club.

The Football Director and Committee shall be responsible for:

- (a) The appointment of all Team Captains, Trainers, Goal Umpires, Boundary Umpires, Team Managers, Time Keepers, Player Representatives and all other personnel deemed necessary for the efficient management of the game of football.
- (b) The recruitment of new players for the Club.
- (c) The order of selection of teams and discipline directly related to the players during matches and training sessions.

The Football Director shall inform and report to the Executive Committee of the decisions and appointments made by the Football Committee.

18. SPONSORSHIP CO-ORDINATOR:

The co-ordinator shall be responsible for: -

All sponsorship towards the Club including

- (i) Negotiation for new sponsors.
- (ii) Continued servicing and promotion of existing sponsors by arranging customer patronage and advertising within the Club.

19. FUNDRAISING CO-ORDINATOR:

The coordinator shall be responsible for

- (a) Fundraising consistent with the objects of the Club and on behalf of the Club.
- (b) Appointment of a fundraising committee
- (c) Organisation and operation of all Social events.
- (d) Promotion of the ideal of goodwill and friendship among all members of the Club

20. ROLE OF CLUB EXECUTIVE:

- (a) The Director of each portfolio shall initiate new ideas and programmes and perform duties within their respective jurisdiction before mentioned.
- (b) A Director may appoint a secretary and/or committee to implement plans or directives within their portfolio.
- (c) Each Director shall report progress within their portfolio to each meeting of the Executive Committee and shall explain decisions to the Executive Committee.

- (d) With the approval of the Treasurer, a Director shall have authority to expend monies pursuant to specific programmes within their portfolio.

21. POWERS AND PROCEEDINGS OF THE EXECUTIVE COMMITTEE:

- (a) The Executive Committee shall meet as often as may be deemed necessary and in any event not less than once every two months. Any three (3) members of the Executive Committee may call a meeting of the Executive Committee. Four (4) members of the Executive Committee shall form a quorum.
- (b) At all meetings of the Executive Committee each member thereof present shall be entitled to one (1) vote and three (3) affirmative votes must be realised for any motion to be carried. In the event of equality of votes on a motion, the President-Chairman shall exercise the casting vote.
- (c) The Executive Committee shall review the progress made by each Director in their respective portfolio and shall have power to implement new policy or reverse decisions made within a particular portfolio if deemed necessary.
- (d) If, in the opinion of any four (4) members of the Executive Committee, the meaning member is neglecting, or incompetent, their duties as Director or Office Bearer the latter may be expelled from office and the vacancy filled by an appointee of the Executive Committee until the next Annual General Meeting.
- (e) In addition to all powers hereby expressly conferred upon it without detracting from any generality of its powers under the preceding or any other regulations, the Executive Committee shall have the following powers, namely: -
 - (i) To expend the funds of the Club in such manner as it considers most beneficial for the purposes of the Club and to invest in the name of the Club such part thereof as it may think fit and to direct the sale or transposition of any such investment and to expend the proceeds of any such sale for the purposes of the Club.
 - (ii) To enter into contracts on behalf of the Club.
 - (iii) To borrow such monies as may be approved by a majority of members upon the security of the property of the Club or otherwise.
 - (iv) To delegate all or any of its affairs to a sub committee or to sub-committees.
 - (v) To make and/or repeal any by-laws as to the management of the Club and the affairs thereof and as to the duties of any officers or servants of the Club and as to the conduct of business by the Executive Committee provided that the same shall not be inconsistent with these Rules.

(vi) To appoint one (1) delegate and one (1) proxy from amongst the members of the Committee to represent the Club at all meetings of the appropriate governing Association.

(vii) To call General and Special Meetings of the Club.

(viii) And generally to do all things necessary or expedient for the conduct of the affairs of the Club not herein otherwise provided for.

22. DISBURSEMENTS:

All liabilities and payments made by the Club must be passed for payment by the Treasurer and all cheques shall be signed by the Treasurer and any one other Executive Member. In the temporary absence of the Treasurer all payments must be passed by resolution of the Executive Committee, and all cheques shall be signed by two members of the Executive Committee.

23. PLAYER PAYMENTS:

The Executive Committee has the power to formulate a policy on player payments and may determine a limit on gross expenditure in this respect in any one year.

24. APPOINTMENT OF COACHES:

The appointment of Club Coaches shall be made by the Executive Committee upon advice and recommendation of a Coaching Appointment Committee.

25. AUDITORS:

An Auditor shall be appointed at the first Annual General Meeting and shall hold office until the next Annual General Meeting. The Auditor shall be eligible for re-election. The Auditor shall audit the books of the Club at the end of each twelve (12) months and shall have the President and Members thereon. For the purpose of auditing, the books of the Club shall be deemed to be closed on the 30th September in each year.

26. ALTERATION TO RULES:

Subject to Clause 10 (b) of the Rules a motion for the alteration of any of the rules of the Club shall only be made at a General Meeting at which at least twenty five (25) financial members shall be present and no such motion shall be deemed to be carried unless supported by at least two-thirds of those voting.

Any such motion shall be posted in a prominent place in the Club premises at least twenty-one (21) days prior to the meeting.

27. INTERPRETATION OF RULES:

In the case of any question arising which is not provided for the rules, or as to the interpretation thereof, the opinion of the Executive Committee shall be acted upon and be conclusive and the Chairman shall have the casting vote.

28. FUNDS OF THE CLUB:

- (a) The income and property of the Club howsoever derived shall be applied towards the objects of the Club as herein set forth and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way or profit to the members of the Club, provided that nothing herein contained shall prevent payment in good faith of remuneration to any officers or servants of the Club or other persons in return for services actually rendered to the Club not prevent payment on interest on any monies borrowed from any Member of the Club.
- (b) Any property remaining in the winding up or dissolution of the Club after satisfaction of its debts liabilities shall, in lieu of being distributed amongst members of the Club, be given or transferred to such charities or sporting clubs, or utilised for such purposes as the majority of the members at a Special General Meeting called as hereinbefore provided shall decide.

**Updated by the Mitcham Football Club's 2010 Executive Committee
Bob Fleming
2010 President**

Updated 13 September 2010 – MV