



Kalamunda Rangers Incorporated

CONSTITUTION

1. Name

- 1.1. The name of the Association is Kalamunda Rangers Incorporated (hereafter referred to as the Club), and incorporates the following sports:
 - a. Teeball,
 - b. Baseball, and
 - c. Softball.

2. Objectives

The objectives of the Club are to:

- a. Actively promote and develop Teeball, Baseball and Softball throughout the Kalamunda Shire and surrounding districts.
- b. Actively promote good sportsmanship and fair play, as well as the upholding the rules as outlined in the Rule Books of the various Associations and Leagues that the Club has an affiliation with.
- c. Obtain sponsorship for the sports (excluding Tobacco Companies).
- d. It should be noted that senior teams are permitted to seek sponsorship from the Alcohol industry.
- e. The property and income of the Club shall be applied solely towards the promotion of the objectives or purposes of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Club, except in good faith in the promotion of those objects or purposes.
- f. The association is run as a non-profit Club, and all funds raised are recycled into the sports under the Club's control.

3. Powers of the Club

- 3.1. The powers conferred on the Club are the same as those conferred by Section 13 of the Associations Incorporation Act 1987, so that subject to the Act and any additions, exclusions or modifications listed below.
- 3.2. The Club may do all things necessary or convenient for carrying out its objectives 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 in;
 - (i) Any security in which trusts monies may be lawfully invested.
 - (ii) Any other manner authorized 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. Act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the Associations Incorporation Act 2015 or the rules of the Club;
- i. Operate a Club Licence subject to the Liquor Control Act 1988 for the purpose of providing an additional service to Members. This liquor service is ancillary to the principal purposes of the Club.

4. Register of Members

- 4.1. The Club is required to maintain a Members Register. This register is to be kept up to date and is to contain the name and postal or residential address of all Members. Upon request, the Registrar is to make the register available for inspection of Members, who may then make a copy or take an extract of the register.
- 4.2. The Club shall keep an up to date register of all members and is to contain the name and class of membership for each member. This register must be continually available for inspection at the Club premises.

5. Affiliations

- 5.1. The Club may affiliate with any Company, Club, Association or League as deemed necessary by the Committee.
- 5.2. A member (or members) shall represent the Club at these associations or groups as required.

6. Anti-Discrimination

6.1. Persons of either sex may nominate themselves, or be nominated for any position within the Club.

7. Membership

7.1 Membership is for a period of 12 months commencing 1st September each year, and is available to:

- a. All registered players, and parents of players under 18 years, provided that:
 - (i) the required Registration Fee, as set by the Committee, has been paid; and
 - (ii) the Registration is notified and accepted by the Committee;
- b. Honorary Members;
- c. Life Members;
- d. Temporary Members and
- e. Supporter Members.

7.2 Player Registrations shall occur for:

- a. Summer Season in July/August each year and
- b. Winter Season in March/April each year

7.3. The fee for general membership will be \$25.00.

Additional fees will be payable to playing members to cover playing costs with the playing fees to be set by the committee in June/July each year in accordance with the charges set by the relevant State Bodies and organisations that the Club is affiliated with.

7.4. The Club may refuse, reject or refund membership at anytime, to any person for any reason that is considered to bring detriment to the Club.

8. Honorary Members

8.1. The Committee may elect or appoint Honorary Members to the Club for a period of 12 months to those who:

- a. Wish to play, but in the opinion of the Executive Committee, cannot afford to do so.

- b. Are adults;
 - (i) Without children playing in the Club who wish to assist with Coaching.
 - (ii) Who wish to assist in the administration of the Club.

9. Life Membership

- 9.1. Members of the Club who have rendered outstanding meritorious service for a period of four (4) years to the Club may on recommendation, be elected as a Life Member at the AGM.
- 9.2. A maximum of two (2) Life Memberships may be given in any one year.
- 9.3. Nominations for Life Membership must be submitted to the Secretary in writing at least 14 days prior to the meeting to be considered at the AGM. No nominations will be accepted from the floor at the AGM.
- 9.4. Nominations must receive 75% of the vote from those members eligible to vote.

10. Temporary Membership

- 10.1. A person who is, on any day, visiting the Club ("host club") as a member or an official of another club (including people who are assisting a visiting club) to:
 - a. engage in a pre-arranged event with the Club conducted for the purposes of one of the principal objects; or
 - b. to hold a pre-arranged function at the Club involving the use of the Club's sporting facilitiesmay be taken to be a person who is accorded Temporary Membership on that day.

11. Termination of Membership

- 11.1. Membership of the Club may be terminated on receipt by the Secretary or other Committee member a notice in writing of his or her resignation.
- 11.2. If the Committee considers that a member should be expelled because of his or her conduct, the Committee must communicate, in writing to the member:
 - a. Notice of the considered expulsion and the time, date and place of the Committee Meeting at which the expulsion will be decided.
 - b. The details of that conduct.
- 11.3. A member should be advised in writing of any conduct which may result in a suspension or expulsion, and the details of the meeting at which the determination of the conduct and penalty, if any, is to be held.

11.4. A member who is suspended or expelled if he or she wishes to appeal the decision must give notice to the Secretary of his or her intention to do so within 14 days.

12. Committee

12.1. All positions of the Committee are filled on a voluntary basis (the Committee may, from time to time, authorise payment for a particular position or service should the need arise), and are elected at the Annual General Meeting.

12.2 A person is only eligible for appointment as an Executive Committee Member if that person:

- a. is at least 18 years of age;
- b. is a Member;
- c. is eligible to serve as an Executive Committee Member under the requirements of the Act; and
- d. meets any additional eligibility criteria, qualification or experience requirements determined by the Committee from time to time (if any).

12.3 Before being appointed to the Executive Committee, the Committee may require that a person sign a statutory declaration stating that they meet the eligibility requirement set out in Rule 12.2(c) and 12.2(d).

12.4. All office bearers shall be elected for a period on one year, terminating at the AGM. Office bearers are eligible for re-election should they choose to nominate for a position.

12.5. Should a vacancy occur on the Committee, the position can be filled at a normal general meeting.

12.6. Nominations for positions shall be in writing, forwarded to the Secretary 7 days prior to the general meeting, and signed by:

- a. the nominator; and
- b. the nominee to signify his or her willingness to stand for election.

12.5. Nominations for vacant positions can be taken from the floor, and a simple majority of those polled is sufficient to elect a new Committee Member.

12.6. The Committee consists of:

- a. **Executive.** The Executive shall consist of:
President
Vice President(s)
Secretary
Treasurer
Registrar(s)

- i. A quorum of the Executive shall consist of three members, one of whom **MUST** be the President or Vice President.

- b. **Full Committee.** The Committee shall consist of any number of positions that are required for the efficient running of the Club.

12.7. A general meeting including involvement of the Full Committee shall meet at least once in each two-month period. The Executive shall meet at any time when required, in the opinion of the President, it becomes necessary.

12.8. The President or Secretary can call a general meeting including involvement of the full Committee at any time, upon receipt of a request signed by no less than 1% members of the Committee.

12.9. These members must attend the meeting.

13. Quorum

13.1. A quorum of the full Committee for a general meeting shall be 7 members.

13.2. When a quorum is not met after 30 minutes from the appointed start time of the meeting, the meeting will be adjourned to the same time on the same day in the following week.

13.3. If after 30 minutes a quorum for the adjourned meeting has not been met, those members present may proceed with the business of that meeting as if a quorum had been met.

14. Pecuniary (Monetary) Interest

14.1. As required under sections 42 and 43 of the Associations Incorporation Act 2015, a Committee Member having a 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.
- b. Not take part in any deliberations or decisions of the Committee with respect to that contract.

14.2. Sub-Rule 14.1(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.

14.3. The Secretary must cause every disclosure made under sub-Rule 14.1(a) by a member of the Committee to be recorded in the minutes of the meeting of the Club at which it is made.

15. Voting

- 15.1. Voting is restricted to those members present and who have attained 18 years of age. No proxy or absentee voting is permitted.
- 15.2 "Notice/s of Motion" are to be tabled at a General Club Meeting at the request of any member present. Voting on the tabled motion/s will take place one month later, or at the next scheduled General Club Meeting.

16. Audit

- 16.1. The financial records shall be audited as required under Part 5 of Associations Incorporation Act 2015.

17. Annual General Meeting

- 17.1. The AGM shall be held in May each year to elect a new Committee.
- 17.2. Notification of the AGM is to be forwarded to all members no less than 21 days prior to the AGM, and an advertisement is to be placed in a local newspaper in one issue prior to the AGM, stating time, date and location of the AGM.
- 17.3. Nominations for positions on the Committee are to be forwarded to the Secretary seven (7) days prior to the AGM. Nominations from the floor will be accepted at the AGM.
- 17.4. Voting is restricted to:
- a. Life Members,
 - b. Ordinary Members, and
 - c. Honorary Members.
- 17.5. A quorum for the AGM shall be at least seven (7) members of the Club. Each member has a deliberate vote and, in the event of a tied vote, the President (or Chairperson) has the deciding vote.

18. Extra Ordinary Meetings

- 18.1. The Members of the Club may at any time call for an Extra Ordinary Meeting. A request is to be submitted in writing, stating the reason for the meeting, and signed by no less than 5 members of the Club. Those Members who are signatories to the request must be present at the meeting.
- 18.2. The Secretary must give all member 14 days notice of an Extra Ordinary Meeting, and the notice must specify.
- a. When and where the meeting is to be held.
 - b. Particulars of the business to be conducted at the meeting and the order that the business is to be transacted.

19. President and Vice President(s)

19.1. The President is to act as Chairperson for all general meetings. In the event that the President is absent, the Vice President(s) will act as Chairperson.

19.2. Should neither the President or Vice President(s) be available, a Committee member elected by the other Committee members present at the Committee meeting shall act as Chairperson for that meeting.

20. Secretary

20.1. The Secretary is required to:

- a. Co-ordinate the correspondence of the Club;
- b. Keep full and correct minutes of all the Committee Meetings.
- c. Comply on behalf of the Club with:
 - (i) Section 53 of the Associations Incorporation Act 2015 and Section 48 of the Liquor Control Act 1988, with respect to the register of members of the Club.
 - (ii) Section 35 of the Associations Incorporation Act 2015 Act by keeping and maintaining in an up to date condition the rules of the Club and upon request from a member of the Club, make available those rules for 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.
 - (iii) Section 58 of the Associations Incorporation Act 2015 by maintaining a record of:
 - (1) The names and residential or postal or email addresses of the persons who hold offices of the Club provided for by these rules including all offices held by the persons who constitute the Committee.
 - (2) The names and residential or postal addresses of any persons who are appointed to act as trustees on behalf of the Club.

20.2. The Secretary must, upon 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.

20.3. The Secretary must, upon written request of a member of the Club, provide a copy of the Register of members. The Club may charge a reasonable fee for the provision of this record.

20.4. The Committee may require a member who requests access to and/or a copy of the Register of members under Rule 20.2 and 20.3 to provide a statutory declaration

outlining the purpose for which access is required and that the purpose is connected with the affairs of the Association.

20.5. 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 40 (c) but other than those required by the Treasurer.

20.6. Perform any other duties as required as imposed by these rules on the Secretary.

21. Minutes of Meetings

21.1. The Secretary must record proper minutes of all general meetings and Committee meetings.

21.2. The Secretary is to distribute a copy of the minutes to all members.

21.3..The Chairperson must ensure that the minutes taken of a general or Committee meeting are checked and signed as correct by the Chairperson of the meeting that those minutes refer.

22. Treasurer

22.1. The Treasurer must:

- a. Be responsible for the receipt of all monies 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 monies 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 a general meeting or 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, 67 and 70 of the Associations Incorporation Act 2015 with respect to the accounting records of the Club by:
 - (i) Keeping such accounting as correctly record and explain the financial transactions and financial position of the Club.
 - (ii) Keeping its accounting records in such a manner as will enable true and fair accounts of the Club to be prepared from time to time.
 - (iii) Keeping its accounting records in such a manner as will enable true and fair accounts of the Club to be conveniently and properly audited.
 - (iv) Submitting to members at each general meeting of the Club accounts of the Club showing the financial position of the Club at the end of the immediate preceding financial year.

- e. Whenever directed to by the Chairperson/President, submit to the committee a report, balance sheet or financial statements 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.
- g. Perform other such duties as are imposed by these rules on the Treasurer.

23. Financial Year

23.1. The Financial Year of the Club shall be from April 1st, to March 31st each year.

24 Complaints

24.1 All Complaints and requests for Committee involvement must either be in writing or must be brought to a Committee meeting to be tabled. Please note: the Committee are only able to deal with issues relating to incidents occurring at training or at the game; we are unable to take any action on complaints involving personal disputes.

24.2. All complaints and request for Committee involvement should:

- a. Identify the major issue. Be specific; identify exactly what was said/done
- b. Be made by someone who witnessed the event; we are unable to assist with reports of hearsay
- c. Be accompanied by other supporting evidence where possible
- d. Be submitted as soon as possible, ideally on the same date as the incident and preferably within one week

24.3. Once a report has been received, the following procedure will be put into place:

- a. If the Committee are unable to solve any incidents at the time, a special meeting of the Club should be called, at the very least an Executive Committee meeting, to deal with the issues raised. The Defendant/s and Complainant/s are requested to attend this meeting, with persons under 18 years to be accompanied by a parent and/or coach. Any witnesses are also able to attend the meeting, should they chose. The reason for attendance of the Complainant and Defendant is that, in speaking, often the true issue is raised and concerns/responses can be clarified.
- b. At the meeting, we will ensure that all voices are of an even tone and no further disputes or aggression takes place; detailed minutes will be taken for the record. The Committee will make a decision on the issue at this meeting; this decision is final. All decisions will be made in good faith, with reference to all presented evidence, and for the benefit of the players, the Club and of the sport.

- c. All attendees, other than the Committee, are requested to leave the room. The Complainant is requested to return to the room and their complaint is read aloud to the Committee; the Complainant is then provided with the opportunity to speak and to provide witnesses if they choose. The Complainant is excused for the evening.
- d. The Defendant is then requested to return to the room, the report is read out and the Defendant is provided with the opportunity to speak and to provide witnesses if they choose. The Defendant is requested to wait outside during deliberations and the findings.
- e. The Committee will then take a short recess to discuss and make any determinations. Disciplinary action will be taken if the Report proves justified. This action can be in the form of a temporary suspension from the Sporting fields, and any other actions as deemed necessary by the Committee. It is at the Committee's discretion whether a warning is issued for a first offence; also whether any disciplinary action directed towards a parent should also be imposed on any child/ren.
- f. The Defendant will be requested to return to the room and the findings, and penalty if any, are announced.
- g. The Complainant/s and Defendant/s have the right of appeal the decision of the Committee *only if fresh evidence can be provided to substantiate their Claim.*

24. Conduct

- 24.1. The Committee shall have the power to suspend or expel, any member whose conduct is deemed to bring the Club into disrepute.
- 24.2. Such a member will be given the opportunity to appear before a special meeting to answer any charges of misconduct of which the member is accused.
- 24.3. The Committee may, from time to time, appoint any person or persons to represent the club in any judicial hearing of members charged with misconduct.

25. Patrons

- 25.1. The members of the Club may, at the AGM, elect persons or organisations to be Patrons of the Club. A simple majority of those present at the meeting will be sufficient to elect any Patron for a period of 12 months.

26. Vacation of Committee Positions

- 26.1. The Executive may declare vacant the office of any member who:
 - a. resigns by notice in writing;

- b. absents themselves from more than three (3) meetings in the same Financial Year, of which he or she has received notice, without a reason which is accepted by the Chairperson;
- c. is no longer eligible to be a committee member under Rule 12.2(c);
- d. is removed under rule 26.2

26.2. A committee member may be removed from office, provided that written notice of the proposed removal has been given to the relevant committee member outlining the date and time of the meeting at which their removal from office will be considered, and the reason such removal is being considered.

26.3. A committee member who is the subject of a proposed resolution under rule 26.2 may:

- a. make written representations (of a reasonable length) to be presented and circulated at the general meeting;
- b. speak to the motion at the general meeting; and
- c. elect to bring a support person, who is not a legal representative, to the relevant general meeting.

26.4. The Committee may fill any such vacancy that may occur by appointing any member of the Club, subject to rule 12.2 and 12.3.

26.5. A special meeting of the Club is not required for this purpose.

27. Sub-Committees

27.1. The Executive may set up or dissolve, any Sub-Committee as may be deemed necessary for the effective operation of the Club.

28. Liquor Licence

28.1. Junior members of the Club are permitted to be on the Club premises and utilise the general facilities provided without the necessity for an accompanying adult.

28.2. No liquor shall be sold or supplied to any juvenile. Junior members may approach the bar area for the purposes of obtaining food or non-alcoholic drinks if no other source is available.

28.3. Members may invite up to five (5) guests at any one time to participate in Club events and utilise the services provided at and by the Club.

29. Executing Documents

29.1 The Association may execute a document if the document is signed by:

- a. Any two (2) of the President, Secretary or Treasurer; or

- b. One of either the President or Secretary or Treasurer, and one Committee Member authorised by the Committee.
- 29.2. Any document executed under Rule 29.1(b) must have the express authority of the committee and be recorded in the minutes.

30. Common Seal

The club does not have a common seal.

31. Inspection of Records

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

32. Amendments to the Constitution

32.1. Alterations or amendments to this Constitution shall only be made at the AGM or a Extra Ordinary Meeting called expressly for that purpose, and then only after a Notice of Motion is submitted in writing at least 28 days prior to the meeting to the Secretary.

32.2. Any amendment shall to be passed by special resolution and must receive 75% percent of the vote of those present

32.3. As soon as is practicable after making any proposal for alterations or amendments to this Constitution, the Secretary shall provide certified particulars of the proposed changes to:

- a. Department of Commerce.

No effect will be given to the change without the prior approval of both these parties.

33. By-laws

33.1. The Club may develop By-laws in addition to this Constitution as follows:

- (a) all By-laws must not override or contradict this Constitution; and
- (b) Alterations or amendments to any By-Laws may be made by a majority vote at any General Meeting, or Extra Ordinary Meeting called expressly for that purpose, and then only after a Notice of Motion is submitted in writing at least 14 days prior to the meeting to the Secretary

34. Dissolution

- 34.1. In the event of the Clubs dissolution the Executive in place at that time shall be responsible to clear all outstanding debts and liabilities to creditors.
- 34.2. Any outstanding monies, and assets (including equipment) shall be retained until such time as it is determined that the Club cannot be reformed.
- 34.3. Should the club not be able to be reformed, all monies and equipment held by the Club shall be distributed or transferred to another Incorporated Club or Association, which has similar objectives.

35. Conclusion

- 35.1. This Constitution of Kalamunda Rangers Inc. was adopted at the Annual General Meeting held at Maida Vale Reserve on thirteenth day of May, two thousand and nineteen.
- 35.2. All members were duly informed of this meeting on 10 April 2019.



Annaliese Arndt
Secretary



Witness
Clem Pollard

Approved and lodged with
Department of Mines, Industry
Regulation and Safety
(Associations and Charities)
on 24 June 2019