

SAFETY BAY PETANQUE CLUB INC.

CONSTITUTION

27th August, 2022

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SAFETY BAY PETANQUE CLUB INC.

CONSTITUTION

1. NAME:

- 1.1 The name of the Club is Safety Bay Petanque Club Inc. which is a not for profit club, hereafter referred to as “the Club”.
- 1.2 The Club shall be affiliated with the appropriate Association of body, if any, in the State of Western Australia or within Australia at a national level.
- 1.3 This constitution contains the operating rules of our Club.

2. OBJECTS AND AIMS:

The objectives of the Club are:-

- a. To provide a facility where the sport of Pétanque can be enjoyed by all club members.
- b. To promote the sport of Pétanque.
- c. To assist Pétanque WA with State Competitions as allocated to Safety Bay Pétanque Club Inc.
- d. To maintain an affiliation to Pétanque WA and Pétanque Australia.
- e. To organize the selection of players to represent the Club at the interclub and other similar State Competitions.
- f. To maintain close cooperation with the State Umpires Organisation.
- g. To foster a positive relationship with the Safety Bay Bowling Club.
- h. The property and income of the Club shall be applied solely towards the promotion of the objects and aims 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 and purposed.

3. MEMBERSHIP:

- 3.1 There shall be three classes of membership, full, junior and associate. Only a full member can hold a position on the Committee or a Sub-Committee, nominate a person for a position on the Committee or vote at any Club meeting.
- 3.2 The Club’s Financial Year commences on 1st July each year.

- 3.3 The annual membership fee for each class shall be set by the Committee by the end of May and is due on 1st June.
- 3.4 If individual Club fees are not paid within thirty days from the due date, members shall lose their right to vote, represent the Club at any level or class and not be permitted to use the Bowling Club facilities.
- 3.5 An application for membership shall be on the form prescribed by the Committee. Applications for membership must be proposed and seconded by a full member before being considered by the Committee at the earliest opportunity. However, acceptance shall not be unreasonably withheld.
- 3.6 At the next meeting of the Committee after the receipt of an application for membership, the applicant will be considered by the Committee which will:
 - (a) determine the admission or rejection of the applicant; or
 - (b) decide to call on the applicant to supply evidence of eligibility that the Committee considers necessary.
- 3.7 If the Committee:
 - (a) requires further evidence under clause 3.5, determination of the application will be deferred until this evidence has been supplied.
 - (b) rejects an application for membership, it will not be required to give reasons for the rejection.
- 3.8 The Committee reserves the right to review/reject any renewal of membership.
- 3.9 The Secretary shall keep and maintain a register of members and that register shall be kept and maintained at his or her place of residence.

4. DUTIES OF MEMBERS:

- 4.1 To conduct himself/herself in a manner befitting a Club member whilst at the Club, or when representing the Club elsewhere.
- 4.2 A Club member will be responsible for their guests and will ensure that they comply with all these Rules and By-Laws.
- 4.3 A player, or spectator who is a player, will, at all times display a sportsmanlike manner and participate in the sport with honesty and integrity, consistent with the official rules of Pétanque.

- 4.4 No member will engage in behavior or encourage another or others to behave in a manner which is offensive to other members, members of another Club or the community at large, or that in any way brings either our Club or the sport of Pétanque into disrepute.
- 4.5 A complaint lodged about a member will be referred to the Committee of the Club for investigation who may then elect to:-
- (a) determine that there is inadequate or no foundation to the complaint;
 - (b) warn the member about whom the complaint was lodged that his or her behavior was unacceptable or unbecoming and that further such behavior will be referred to the Committee of the Club for possible disciplinary action.
- 4.6 A dispute between members of the Club (other than a dispute being the interpretation of the rules of Pétanque) will whenever possible be resolved between themselves without delay and without disruption to the Club. In the event that such a dispute cannot be resolved by the members, then the dispute will be referred to the Committee, for mediation and resolution. Any decision by the Committee in dispute resolution will be final and binding on the members in the dispute.

5. DISCIPLINARY ACTION:

- 5.1 The Committee may decide to reprimand a member, suspend a member's membership or to expel a member from the Club if:-
- (a) the member contravenes any of the Rules or By-Laws
 - (b) the member acts detrimentally to the interests of the Club
 - (c) the member is abusive to other members or guests.
- 5.2 The Secretary must give the member 7 days written notice of the proposed Committee meeting to discuss what action should be taken. The meeting is to be held within 28 days of the incident.
- 5.3 The notice given to the member must state:-
- (a) When and where the Committee meeting is to be held; and
 - (b) The grounds on which any action including the proposed reprimand, suspension or expulsion is based; and

- (c) That the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both) submissions to the Committee.

5.4 At the Committee meeting, the Committee must;-

- (a) Give the member, or the member's representative, a reasonable opportunity to make written or oral (or both) submissions to the Committee about the proposed action; and
- (b) Give due consideration to any submission so made; and
- (c) The member, or member's representative, shall be asked to step out of the meeting while the Committee discuss and agree the next level of action.
- (d) Decide;
 - whether or not to reprimand the member; or
 - whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - whether or not to expel the member from the Club.

5.5 A decision of the Committee to suspend the member's membership or to expel the member from the Club takes immediate effect.

5.6 The Committee must give the member written notice of the Committee's decision, and the reasons for the decision, within 7 days after the Committee meeting at which the decision was made.

5.7 If a member is suspended or expelled, they lose all rights as a member and are not entitled to any refund of membership fees.

5.8 A member who has been suspended or expelled from the Club may, within 14 days after receiving notice of the Committee's decision, give written notice to the Secretary requesting the appointment of an independent mediator.

6. THE COMMITTEE:

6.1 The Committee shall consist of;-

- President
- Secretary
- Treasurer
- Committee members, up to 8% of full membership

- 6.2 The Committee may in its absolute discretion appoint a Patron or Vice Patrons of the Club.
- 6.3 The Committee may nominate a club member to become a Life Member, subject to approval of 75% of the members voting at a Special General Meeting.

6.4 Election of the Committee

All office bearers shall be elected at the Annual General Meeting for a term of twelve months, and shall also be eligible for re-election if they choose to re-nominate.

Members are prohibited from Committee membership, without leave of the Commissioner, if they;-

- Are an undischarged bankrupt
- Have been convicted of an offence in connection with a body corporate
- Have been convicted of an offence involving fraud or dishonesty
- Have been convicted of an offence under Division 3 or section 127 of the Associations Incorporation Act.

6.5 Resignation of Office Bearers

The Committee shall have the power to fill any vacancy occurring on the Committee during the year.

- 6.6 A casual vacancy occurs in the office of a Committee member if that office becomes vacant when the Committee member;-

- (a) Dies
- (b) Resigns by notice in writing delivered to the Chairperson or, if the Committee member is the Chairperson, to the Vice-chairperson and that resignation is accepted by resolution of the Committee.
- (c) Is convicted of a serious criminal offence.
- (d) Is permanently incapacitated by mental or physical ill-health.
- (e) Is absent from more than 3 consecutive Committee meetings, unless a leave of absence has been granted by the Committee.
- (f) Ceases to be a member of the Club.

- (g) Is the subject of a resolution passed by a General Meeting of members terminating his or her appointment as a Committee member.
- (h) The Committee shall have the power to appoint members to fill temporary or casual positions on the Committee as it shall decide from time to time.

7. DUTIES OF THE COMMITTEE:

7.1 The Committee

The Committee members are the persons who, as the management committee of the Club, have the responsibility of managing the affairs of the Club.

The Committee shall have the power to make/revise/revoke by-laws consistent with the Club's objectives.

Such By-Laws shall be binding on the members of the Club.

7.2 President

It shall be the duty of the President:

- (a) To ensure that meetings are conducted in accordance with Section 4 and that the spirit is in accord with the objectives of the Club.
- (b) To act as spokesperson for the Club at all times. No other office bearer or member is permitted to make any comment or statement on behalf of the Club, unless express authority has been given by the President.
- (c) To oversee the general organization and conduct of the Club's activities and to accept responsibility for the progress of Club activities.

7.3 Vice President

- (a) The Committee shall have the power to elect a Vice President from those elected in 6.1.
- (b) The Vice President shall assume the role of President when requested by the President or in the event of prolonged absence of the President through sickness, holiday etc.

7.4 Secretary

It shall be the duty of the Secretary:

- (a) To process all communication on behalf of the Club.
- (b) To assume all the duties of the President where both the President and Vice President are absent.
- (c) To attend all meetings of the Club unless leave is granted.
- (d) To keep minutes of the General and Committee Meetings in files provided for that purpose.
- (e) To notify members of the date, venue and business of all General Meetings not less than seven days before the date of the meeting.
- (f) To notify Committee members of the date, venue and business of all Committee Meetings not less than seven days before the date of the meeting.
- (g) To publish all minutes within 7 days of meetings.
- (h) Unless the members resolve otherwise at a General Meeting, have custody of all documents and records of the Club,

7.5 Treasurer

It shall be the duty of the Treasurer:

- (a) To attend all meetings of the Club unless leave is granted.
- (b) To receive all monies due to the Club and maintain a proper ledger of accounts, issuing receipts where necessary.
- (c) To produce at the Annual General Meeting an account of the receipts and expenditure during the previous year, and to advise of any future financial commitments that have already been agreed.
- (d) To use his/her best endeavours to collect all monies due to the Club.
- (e) To present to each meeting of the Committee and at every General Meeting, correct detailed statements of accounts showing the condition of the Club's funds.
- (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.

8. SUB-COMMITTEES:

- 8.1 To assist the Committee to manage the Club, the Committee may appoint one or more Sub-Committees.
- 8.2 For each Sub-Committee, the Committee;-
- (a) may appoint a Chairperson
 - (b) may appoint additional members
- 8.3 Membership of a Sub-Committee will cease when a member;-
- (a) Resigns
 - (b) Fails to attend 3 consecutive meetings
 - (c) When the majority of the Sub-Committee supports a motion for that member to be removed from that Sub-Committee.

9. MEETINGS:

9.1 Annual General Meetings

- (a) The Annual General Meeting shall be held in July each year on a date to be fixed by the Committee. The Secretary shall call the meeting by contacting members at least twenty eight (28) days prior to the meeting and members may submit a motion for discussion provided that it is received in writing by the President or Secretary at least 14 days prior to the meeting.
- (b) At the Annual General Meeting, a majority (50% plus 1) of members shall form a quorum. If thirty minutes has elapsed from the time appointed for the opening of the meeting, and there is not a quorum, the meeting shall stand adjourned for one week. If at such adjourned meeting there is not quorum in attendance, those present shall be competent to discharge the business.
- (c) At the Annual General Meeting the President shall preside. In his/her absence the Vice President or Secretary shall preside. In the absence of all 3, the meeting shall elect a chairperson from members present. The chairperson shall be at liberty to exercise a deliberative as well as a casting vote.

- (d) Each full member has the right to cast a vote and this can be in person or by proxy.
- (e) Procedure at Annual General Meeting;-
- The President's Report.
 - Reading and confirmation of the minutes of the previous Annual General Meeting.
 - Business arising out of the minutes.
 - Reading of any relevant correspondence.
 - To receive the Financial Report by the Treasurer.
 - Election of Office Bearers who have submitted their nomination in writing at least 14 days prior to the AGM.
 - Motions of which notice has been given to the Secretary or President in writing at least 14 days prior to the date of the AGM.
 - General business raised by members present and accepted for consideration by the Chairperson.

9.2 Special General Meeting

The Secretary shall call a Special General Meeting when instructed to do so by a resolution of the Committee or on receipt of a requisition signed by at least 20% of members in respect of any specific issue.

Special General Meetings shall be called by circular, with not less than fourteen (14) days notice being given. The circular shall specify the business to be transacted and no other business shall be dealt with at the meeting.

50% plus 1 majority of members shall form a quorum and if no quorum is present thirty minutes after the time appointed for the meeting, it shall stand adjourned for one week. If at such an adjourned meeting there is no quorum in attendance, those present shall be competent to discharge the business.

9.3 Meetings of the Committee

- (a) The Committee shall meet at such a place and on such a date as may be determined, provided that there are at least four meetings per year.

The Secretary shall call meetings of the Committee when instructed to do so by the President or any three members of the Committee,

- (b) In order to conduct an approved meeting there shall be present the President and/or Vice President, the Secretary and/or Treasurer. Ordinary members who are not committee members may attend meetings at the President's discretion.

(c) Special Proposition

Should any member wish to place a proposition before the Committee personally, then he/she should notify the President or Secretary in writing at least 14 days in advance for approval. The member placing the proposition may then be invited to attend the meeting to outline the proposition to the Committee.

(d) At a Committee meeting (50% plus 1) of Committee members constitutes a quorum.

10. RULES OF DEBATE AND VOTING:

10.1 All motions put before a General or a Committee Meeting shall be determined by a simple majority vote.

10.2 The Chairperson shall maintain order and all remarks must be addressed through him/her.

10.3 Every motion must have a seconder and will lapse if such is not the case.

10.4 Every member shall have one vote.

10.5 Any member may appoint a proxy who must be an ordinary or honorary member of the Club, if they are unable to attend a meeting. All proxy votes must be on a written proxy form giving the proxy authority to vote either as the proxy sees fit or only in a certain way.

10.6 The Chairperson shall be at liberty to exercise a deliberative vote as well as a casting vote.

10.7 To simplify meeting procedures, the President or Chairperson may accept "General Assent" as approval of a motion.

11. STATE LEAGUE REPRESENTATIVES:

11.1 State League Representatives shall be elected at the Annual General Meeting for a term of twelve months and shall also be eligible for re-election if they choose to re-nominate.

11.2 Duty of the State League Representatives;-

(a) To attend all State League Meetings (PWA).

(b) To provide a verbal report and a copy of the minutes to the President, following the State League meetings.

(c) to advise the President in advance if unable to attend State League meetings, so that alternative arrangements can be made.

12. BANKING:

The funds of the Club shall be placed in such a bank as the Committee may from time to time determine, to the credit of the Club, and shall be operated as a current account. The President, Secretary and Treasurer shall have the power to operate any account, two signatures being required to sign cheques or to authorize internet payments.

13. AMENDMENT OF THE CONSTITUTION:

13.1 The foregoing rules shall not be altered, amended, added to or rescinded except at a General Meeting, provided always that particulars of such alteration, annulment, amendment or addition shall have been given in writing at least fourteen days before the holding of any General Meeting and that these particulars appear on the circular to members convening the meeting at which such alteration, annulment, amendment or addition is to be considered.

13.2 No alteration, annulment, amendment or addition to these rules shall be made unless passed by a majority of 75% of members voting at the meeting.

14. INTERPRETATION AND INSPECTION OF RECORDS ETC:

14.1 Interpretation of the Rules

As no rule can be compiled capable of dealing with every matter that may arise, the Committee's interpretation of the Rules shall be accepted as final.

14.2 Inspection of Records etc.

A member may submit a request to the Secretary to inspect without charge the books, documents and records of the Club, so that an open viewing may be arranged.

14.3 Register of members

A member may submit to the Secretary for a copy of the members' register. The Committee may require a statutory declaration advising the purpose for which the copy will be used and may levy a charge for that copy.

15. COMMON SEAL:

The Common Seal of the Club shall not be used without the express authority of the Committee and every use of the Common Seal shall be recorded in the Minutes. The Common Seal of the Club shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides. The affixing of the Common Seal shall be witnessed by any two of the President, Secretary or Treasurer.

16. DISSOLUTION:

The Club may be dissolved or wound up by a special resolution passed by the members and obtaining a majority of at least 75% (seventy five percent) at a Special General Meeting called for such a purpose.

If upon the dissolution or winding up of the Club there remains, after satisfaction of all its debts and liabilities, any monies or property, whatsoever, the same shall not be paid or distributed among the members of the Club but shall be given or transferred to another club incorporated under the Act which has similar objects and which club shall be determined by resolution of the members.

The Commissioner of Taxation and the Department of Commerce shall be advised of the dissolution within thirty (30) days of the dissolution.