



MORLEY EAGLES BASEBALL CLUB (INC)

CONSTITUTION

July 2023

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MORLEY EAGLES BASEBALL CLUB (INC)

1. NAME

The name of the CLUB shall be 'THE MORLEY EAGLES BASEBALL CLUB (INC)'.

2. DEFINITIONS

In these rules unless inconsistent with the context or matter the following words shall have ascribed to them the following meanings: -

'Annual Meeting' means the Annual General Meeting.

'The Board of Management' means the Committee of management for the time being of the CLUB. The Board of Management shall consist of a President, Secretary, Treasurer or Secretary/Treasurer and Registrar and the Presidents of the Baseball Section, Tee-ball Section and the Softball Sections. The Board of Management President, Secretary, Treasurer and Registrar shall be titled, CLUB PRESIDENT, CLUB SECRETARY, CLUB TREASURER AND CLUB REGISTRAR respectively.

'CLUB' means the Morley Eagles Baseball Club (Inc)

'General Meeting' means a General Meeting of the CLUB whether Annual or Special.

'Month' means a calendar month.

'Section' means the Baseball, Softball and or Tee-Ball Section and such other Section as formed by the CLUB.

'Baseball Section' means Members of the CLUB playing baseball under the control of Baseball WA.

'Baseball Committee' The Baseball Committee shall be responsible for the well being and general conduct of the affairs pertaining to the Baseball Section of the CLUB and shall at all times be under the control of the Board of Management. It shall meet at such times as may be deemed necessary and shall consist of a President, Vice President (Junior Business) Secretary Treasurer, or a Secretary and Treasurer and Registrar and up to 12 non-executive committee members.

'Special Meeting' means every General Meeting of the CLUB other than the Annual General Meeting.

'Softball Section' means players of the CLUB playing under the Softball Western Australia.

'Softball Committee' shall be responsible for the wellbeing and general conduct pertaining to the Softball Section of the CLUB and shall at all times be under the control of the Board of Management, It shall meet at such times as may be deemed necessary and shall consist of a President, Secretary/Treasurer, or a Secretary and Treasurer and Registrar and up to 12 non-executive committee members.

'Tee-Ball Section' means players of the CLUB playing Tee-Ball under the control of the Tee-Ball Association of Western Australia.

'Tee-Ball Committee' shall be responsible for the wellbeing and general conduct of the affairs pertaining to the Tee-Ball Section of the CLUB and shall at all times be under the control of the Board of management.. It shall meet at such times as may be deemed necessary and shall consist of a President, Secretary, Treasurer and Registrar and up to 15 non-executive committee members .

3. COLOURS

Red, white and blue. Navy blue cap with red 'M' (or royal blue cap with red 'E' for Softball) outlined in white. Departure from CLUB colours shall only be with the approval of the Board of Management. CLUB Pee-Wee and Tee-Ball CLUB cap with shirt and pants as decided by the respective Committees. For Interdistrict competition the basic CLUB uniform should be worn.

4. AFFILIATION

The CLUB may affiliate with such Organisations and Associations as is deemed appropriate by the Board of management. The CLUB shall then abide by the Constitution and Rules of those bodies with whom it has affiliated. CLUB representatives on those bodies shall be approved by the Board of management and provide the CLUB Secretary with copies of minutes of each meeting.

5. OBJECTS

The objects for which the CLUB is formed are: -

- (1) To establish, maintain and conduct a CLUB of a sporting, social and non-political nature for the purpose of promoting, training, encouraging and foster the game of baseball, tee-ball and softball,
- (2) To promote social activities between the CLUB and other Clubs having objects, similar wholly or in part, with the objects of the CLUB,
- (3) To provide facilities for the Member of the CLUB and their guests upon premises of which the CLUB is bona fide occupier, and
- (4) To do all acts incidental and conducive to the attainment of these objects other than for the purpose of making a profit divisible amongst the Members.

6. POWERS

The CLUB shall have the following powers: -

- (1) To purchase, take on lease, take in exchange, hire or otherwise acquire and maintain any real or personal property and any rights and privileges in relation thereto;
- (2) To erect and to improve and repair or to pull down and rebuild any structures;
- (3) To sell, exchange, lease, mortgage, hire, dispose of, turn to account or otherwise deal with all or any part of real and personal property of the CLUB;
- (4) To borrow or raise and secure the payment of money in such manner as the CLUB thinks fit with power to issue debentures and grant mortgages, charges or any other class of security upon or charging all or any of the CLUB property, real or personal (both present and future), and to redeem or discharge any such securities;
- (5) To invest and deal with the monies of the CLUB not immediately required for the purpose of the CLUB in such manner as from time to time may be determined;

- (6) To appoint, employ and pay officers and servants and to dismiss or suspend any officer or servant;
- (7) To make, accept, endorse and negotiate respectively promissory notes, bills of exchange and cheques and other negotiable instruments;
- (8) To lay out, construct, build, erect, alter or maintain upon premises for the time being belonging to or occupied by the CLUB, a clubhouse and other erections incidental thereto, and to furnish, fit up and maintain the same for the use of the Members of the CLUB, and to provide all necessary equipment, appliances and conveniences therefore;
- (9) To promote, hold or enter into, either alone or jointly with any other Club or Association, tournaments, competitions and matches, and to offer, give or contribute trophies and other awards.
- (10) To become affiliated with, subscribe to or join any other Association or body whose objects are similar to the objects of the CLUB and if thoughts fit to withdraw or retire from any such Association or body; and
- (11) To do all other things incidental or conducive to the attainment of the above objects or any of them.

7. INCOME AND PROPERTY

The income and property of the CLUB shall be applied solely to the promotion of its objects, and no part thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, as pecuniary profit to the Members, PROVIDED THAT remuneration may be paid in good faith to officers and servants of the CLUB or other persons in return for services actually rendered to the CLUB.

8. MEMBERSHIP

Period of Membership

All member types shall be for the period 1st September to the 30th August of the following year. Winter season membership shall be effective for a 12-month period from the commencement of the winter season.

Persons Eligible

Notwithstanding the following, no person under the age of EIGHTEEN (18) years may become a Member of the CLUB. Prospective Members in all categories shall be of good standing. Membership may be granted to any of the following persons: -

(1) Ordinary Membership

- (a) Any person of EIGHTEEN (18) years of age and over
- (b) One parent of a Junior Baseball player
- (c) One parent of a Tee-baller
- (d) One parent of a Sub-junior or Junior softball player

Every candidate for ordinary Membership shall be proposed and seconded by a Life or Ordinary Member of the CLUB. Application for Ordinary Membership shall be made on the CLUB Membership application form which shall include the name and address of the person proposed. Applications shall be posted on the CLUB notice board for a period of not less than SEVEN (7) days before election

provided also that an interval of not less than FOURTEEN (14) days shall lapse between proposal and election.

Ordinary Members shall be elected at a meeting of the Board of Management. No restriction shall be imposed on any person by virtue of religious or political beliefs, sex, nationality or race, but the Board of Management shall have the right to refuse Membership to any person without assigning any reason thereto.

No application for Membership shall be considered unless the set Membership fee as per Clause 9 (1) has been paid and received by the Board of Management. In the event of an application being refused the fee shall be refunded.

(2) Honorary Membership

Honorary Membership for a period of ONE (1) year may be conferred at the discretion of the Board of Management upon receiving a recommendation from a Section, or written application from an individual person, for their anticipated or past services to the CLUB.

There is no restriction as to number of seasons that an Honorary Membership may be conferred on a Member provided it is approved by the Board of Management each year

(3) Life Membership

Life Membership shall be limited to TWO (2) nominations per year and shall be conferred only for exceptional services rendered to the CLUB over a period of not less than TEN (10) years. Nominations for Life Membership shall be submitted by the Board of Management and approved by a TWO THIRDS majority of the Member present at the CLUB Annual General Meeting. Any member may nominate to the Board of Management another Member for Life Membership. All Life Membership nominations must be presented in writing and approved by the Board of Management prior to being presented to the Members at the Club Annual General Meeting. No Sections are to grant Life Membership for their individual Sections.

(4) Other Membership

Sections may acknowledge and reward exceptional service, which may not meet the requirements of club life membership, within that section by awarding an outstanding service award.

Service which may be considered could be less than 10 years exceptional service, posthumous recognition of outstanding service or having played 250 games for that section.

(5) Patron Membership

CLUB PATRON shall be someone who has the interest of the CLUB at heart and shall be nominated and approved by TWO THIRDS (2/3) majority at CLUB ANNUAL GENERAL MEETING.

SECTION PATRON shall be someone who has the interest of the SECTION at heart and shall be nominated and approved by TWO THIRDS (2/3) majority at SECTION ANNUAL GENERAL MEETING.

(6) Temporary Membership

Pursuant to section 48(5) of the Act, a person who is on any day visiting the club as a member or an official of another club

That is to engage in a pre-arranged event with the host club conducted for the purposes of one of the host club's principle objects: or

That is to hold a pre-arranged function at the host club involving the use of the host club's sporting facilities.

May be taken to be a person who is accorded temporary membership on that day in accordance with the constitution.

(7) Accessing Membership Records

Any member who wishes to obtain a copy or access to the Club's Membership Register, must supply a Statutory Declaration stating the purpose of the request.

9. FEES

The following fees shall exist: -

(1) Affiliation

Each Section shall pay an agreed affiliation fee to the Board of Management of the Club.

This fee is set by and agreed to by the Board of Management members and is used to meet the financial commitments of the club.

(2) Section/Playing Fee

Each Section's Committee shall set an annual fee to cover their financial responsibilities as set down in Clause 10.

These fees are set by and retained by the section.

Each person playing Tee-ball, Baseball or Softball shall pay a playing fee which consists of the sum of the Affiliation and Section fees.

10. DUTIES OF OFFICE BEARERS

1. Board of Management

(a) CLUB President

The CLUB President shall preside at all meetings of the Board of Management and CLUB meetings. The Club President shall have an ordinary and if necessary, a casting vote. In the Club President's absence, a Chairperson shall be elected. The elected Chairperson shall have an ordinary and if necessary, a casting vote. The Club President shall ensure that CLUB business is conducted in accordance with the Constitution. The Club President shall prepare and present the CLUBS Annual Report.

(b) CLUB Secretary/Treasurer

The CLUB Secretary/Treasurer shall: -

- (i) Expedite the decisions of the Board of Management.
- (ii) Be responsible for handling all Secretarial duties pertaining to the Board of Management. All correspondence pertaining to CLUB business shall be received through the CLUB Secretary. The Secretary shall pass the correspondence on to the relevant Section Secretaries.
- (iii) Record the minutes of all Board of Management Meetings and forward copies to all Board of Management Members and Section Secretaries.
- (iv) Advise Members of CLUB Annual General and CLUB Special General Meetings as directed by the Board of Management meetings as deemed necessary.
- (v) Be responsible for the preparation and presentation of the Annual Report by collating Sectional Reports.
- (vi) Receive all CLUB monies, issue official receipts for same, keep a correct account and expenditure, pay all monies into a Bank Account in the CLUB's name and have all cheques for disbursement signed by such person or persons who may be appointed and by the Club Secretary/Treasurer. Payments to be made only after approval of the Board of Management or in the case of urgency, by the President and Secretary.
- (vii) Submit a progressive statement of receipts and expenditure together with a statement of liabilities to each ordinary meeting of the Board of management.
- (viii) Prepare a Balance Sheet made up to 30th April in each year and present to the Annual General Meeting. These books will be audited and presented to the BOM by the 31st July.
- (ix) At the Board of Management meeting before the Annual General Meeting, submit a budget of estimated expenditure for the ensuing year, setting out a calendar of expenditure, to the Board of management.
- (x) Be responsible to and under the direction of the Board of management.

(c) CLUB Registrar

The CLUB Registrar shall: -

- (i) Keep a register of all CLUB Members, including Honorary and Life members.
- (ii) Maintain a record of Members voting rights.
- (iii) Keep a register of all Players.
- (iv) Maintain records of CLUB history.
- (v) Assist in the general business and activities of the Board of management.

(d) Members

Members of the Board of management shall consist of Sectional Presidents, or their nominated representative, who shall always take an active interest in the wellbeing and conduct of the CLUB.

2. Sections

(a) President

The President of each Section shall preside at all meetings. The president shall have an ordinary and if necessary, a casting vote. In the President's absence the Vice president shall preside, or in the Vice President's absence a Chairperson shall be elected. The Vice President or Elected Chairperson shall have an ordinary as well as a casting vote. They shall ensure the Section business is conducted in accordance with this Constitution. They shall prepare and present the Section's Annual Report.

(b) Secretary

The Secretary shall: -

- (i) Call meetings as deemed necessary.
- (ii) Expedite the decisions of the Committee of the Sections.
- (iii) Be empowered to form Sub-committees and delegate duties to Sub-committees or individuals.
- (iv) Be responsible for handling all normal Secretarial duties.
- (v) Record the minutes of the General and Committee Meetings and forward copies to the Board of Management. Minutes shall record all incoming and outgoing correspondence complete with a description of the content of each piece of correspondence.
- (vi) Attend to routine correspondence.

The Secretary shall be responsible to and under the direction of the President of the Section.

(c) Treasurer

The Treasurer shall: -

- (i) Receive the contributions of Members and any other monies due to the Section, issue official receipts for same, keep a correct account of the income and expenditure, pay all monies into a Bank Account in the Section name and have all cheques for disbursement signed by such persons who may be appointed, and by the Treasurer. Payments to be made only after approval of the Section's Committee or in the case of urgency, by the President and Secretary.
- (ii) Submit a progressive monthly statement of receipts and expenditure, together with a statement of liabilities to each Ordinary Meeting of the Section and to the Board of management.
- (iii) The Treasurer shall submit a monthly report to the President for submission to the Board of Management showing actual expenditure versus approved budget expenditure.
- (iv) Prepare a balance Sheet made up to the 30th April in each year and present same to the Board of Management Treasurer. The Section Treasurer will present these books to section's appointed Club Auditor by the end of May of the same year. These audited books will be presented to the BOM by the 31st July.

- (v) At the Board of Management Meeting before the CLUB Annual General Meeting, submit a preliminary budget of estimated expenditure for the ensuring year, setting out a calendar of expected expenditure, and income.

(d) Committee Members

Committee Members shall take an active interest in the wellbeing of the Season and act in accordance with directions of the Committee. The Sections may appoint a Vice President and/or an Assistant Secretary. These positions must be filled from the Committees.

The Section's Committee may appoint Committee Members to other positions such as Umpires Co-ordinator, Groundsman etc., as deemed necessary.

11. OFFICE BEARERS

- (1) Office bearers shall be elected as described in Clause 12 for ONE (1) term of Office. There is no limit on the number of terms of Office to which a Member may be elected. The term of Office shall commence immediately after the CLUB Annual General Meeting or immediately after appointment by the Board of Management.
- (2) All voting shall be by a show of hands unless a division is called for by FIVE (5) or more Members. The candidate who receives the highest number of votes for each respective Office shall be declared elected. Where more nominations are received for Committee positions than there are vacancies, voting shall be by ballot. Candidates shall be elected on the number of votes received.
- (3) All vacancies may be filled by the relative Section subject to the approval of the Board of management.
- (4) Except as provided in the constitution, no Member may hold more than ONE (1) position of Office unless approved by the Board of Management.
- (5) All Office bearers shall be Members of the CLUB.
- (6) The Board of Management shall have the power to remove from Office any Office Bearer of any Committee who it considers is not acting in the interest of the CLUB. In such a case the Office Bearers shall be notified in writing by the CLUB Secretary. The Office bearer may appeal in writing to the CLUB within FOURTEEN (14) days, the decision of the Board of Management shall be final and binding upon the Member.
- (7) Office Bearer Eligibility Requirements – Members who are undischarged bankrupts, those who have been convicted of an indictable criminal offence, those who have been convicted of fraud in the last 5 years, and those who have been convicted of an offence under the act will be disqualified as members of management committees unless they have been approved by the Commissioner for Consumer Protection.

12. FINANCIAL RESPONSIBILITIES

The financial responsibility of the Board of Management and each Section shall be as stated below:-

Notwithstanding the following however, the Maximum single expenditure for the Board of management shall be FIVE THOUSAND DOLLARS (\$5,000) and for each Section THREE THOUSAND FIVE HUNDRED (\$3,500). However, the Sections may spend up to FIVE THOUSAND DOLLARS (\$5,000) with Board of

management approval. Expenditure above FIVE THOUSAND DOLLARS (\$5,000) may only be approved at a CLUB Annual General Meeting or Special General Meeting. The paying of accounts arising from Section and Board of Management day to day activities such as gear and uniform purchases shall not be restricted by this Clause.

(1) Board of Management shall be responsible for: -

- (a) General promotion of the CLUB.
- (b) Administration costs incurred in running the CLUB in general.
- (c) Any other expenses and donations as deemed appropriate by the Board of management.
- (d) Control of the distribution of Surplus Funds.

(2) Sections shall be responsible for: -

- (a) All expenses associated with team equipment.
- (b) All expenses associated with Officials of the game e.g. Coaches, Scorers, Umpires, Managers, and Player.
- (c) All expenses necessary to properly equip each playing diamond.
- (d) Ground fees in proportion to other Sections.
- (e) All fees paid to Affiliated bodies.
- (f) Stationary, postage, telephone calls and any administration costs incurred in running the Section.
- (g) Fund raising for State and National players. The purpose of the fund-raising activity should be clearly stated.
- (h) Any cost incurred, other than those covered by Clause 12.2 (a) to (g) inclusive, without the written approval of the Board of management.
- (i) Opening and operating Bank accounts for the respective Section.
- (j) CLUB and store rooms, amenities and associated facilities and equipment.
- (k) All expenses necessary to property maintain all CLUB playing and approved training diamonds

13. ANNUAL BUDGET

The Board of Management shall prepare a budget of planned income and expenditure for the forthcoming year, this shall be presented to the members at the AGM for approval.

At the end of the budgeted period, surplus funds, less an amount agreed to by the BOM, shall be redistributed to the sections at the same ratio as the Affiliation Fees are calculated.

Each section shall either, before acting upon budget, or by the 30th August of each year seek the Board of Management 's approval of proposed expenditure and income for the forthcoming season.

The budget shall show clearly how surplus funds from the previous season are to be spent.

14. OUT OF POCKET EXPENSES

Any Member or person shall be reimbursed for out of pocket expenses incurred on behalf of the CLUB provided that such expenditure was authorised in principle by the Board of management or relative Section and that payment of such monies is approved by the Board of management or Section.

15. MEETINGS

(1) Annual General Meetings

(a) CLUB

- (1) The CLUB Annual General meeting shall be held not later than the 15th June in each year, for the purpose of receiving Annual Reports, Balance sheets, election of Office Bearers for the Board of management, the ratification of the appointment of Office Bearers for the Sections for the ensuing season, voting on by-laws, approval of expenditure above FIVE THOUSAND DOLLARS (\$5,000) and any other general business which may be submitted to the Meeting. Such general business must not encroach on responsibility and decisions normally made by the Board of management or Section Committees unless the Chairperson considers the matter should be discussed in the best interest of the CLUB.

(b) Sections

Each Section shall hold its own Annual General Meeting no later than the 31st May and shall elect, subject to ratification at the CLUBS Annual General Meeting. Office bearers for the ensuing season and discuss any other general business which may be submitted to the meeting. Such general business if voted upon must be on matters of policy and by-laws and must not encroach on responsibilities and decisions normally made by the Section Committee.

(2) CLUB Special General Meetings

CLUB Special general Meetings shall be called by the Secretary: -

- (a) Whenever directed by the CLUB President.
- (b) Upon receiving a submission signed by at least TEN (10) Members of the CLUB setting out the subject matter to be discussed at the meeting.
- (c) To discuss expulsion of a Member as covered by Clause 20 (1)
- (d) Special Resolutions must be passed by 75% or $\frac{3}{4}$ majority of the members present.

To all Special General Meetings, no business shall be transacted other than that specified in the notice convening such Meeting and other matters relevant thereto.

The cost of such Special General Meetings shall be met by the CLUB for (a) above, by those Members requesting the meeting for (b) above, or as covered by Clause 20 (1).

(3) Section general meetings

General Meetings, open to Members of the CLUB shall be held as and when the Sections Committee decide necessary or upon receiving a submission signed by at least FIVE (5) Members setting out the subject matter to be discussed at the Meeting. Other business may also be discussed at the meeting. The method of advising Members of such a Meeting shall be decided by the relative Section.

Sections may also hold meetings of selected groups of members such as Coaches, Managers, Umpires, Scorers etc. As deemed necessary.

16. VOTING RIGHTS

- (1) Only those Members who are financial SEVEN (7) days prior to the annual General meeting or Special General Meeting shall be eligible to vote.

Life Members shall be entitled to ONE (1) vote at any CLUB Meeting. Honorary Members shall have the same voting rights as Financial Members.

- (2) Members may only vote at meetings conducted by the Section through which they paid their Membership and/or playing fee or received their Honorary Membership, unless the member is a nominated parent and has children playing in more than one (1) section. In this instance, the member has voting rights in all sections where their children are playing.
- (3) Notwithstanding the above, Members may apply to the Board of Management for voting rights at other Sections. Voting rights should be granted if the Member is active in that Section or could be in the future. The Board of Management may impose such limitations on such voting rights as it deems necessary.

17. CONDUCT OF MEETING

- (1) The CLUB Annual General Meeting and all Special General Meetings shall be called by giving Members at least TEN (10) days prior to such meetings. Notice can be given, at the discretion of the Board of Management, by circular letter or an insert in the CLUB Newsletter and a notice is to be inserted in the local community newspaper. In the event of a Special General Meeting an agenda will be inserted in the notice.
- (2) Each Member shall be entitled to ONE (1) vote except as provided for Presidents in Clause (10).
- (3) The normal rules of debate shall apply at all Meetings unless otherwise stated in this Constitution or CLUB rules.
- (4) The President of any Meeting shall have the right not to proceed with any motion brought forward at a Meeting. In such a case the President shall request that the motion be presented as a notice of motion.
- (5) A notice of motion shall be submitted in writing and addressed to the CLUB Secretary.
- (6) All propositions, questions and matters submitted in accordance with this Constitution to any Meeting except changes to the Constitution are to be determined by a majority of the Members present by a show of hands unless a ballot be demanded by at least SEVEN (7) Members present.

- (7) A notice of motion shall be given for all CLUB expenditure in excess of FIVE THOUSAND DOLLARS (\$5,000) for the expenditure of surplus funds as derived in Clause 13, and for changes to the Constitution or CLUB or Sections by-laws.
- (8) All decisions arrived at and carried at any CLUB Annual General Meeting, CLUB Special General Meetings or Sections Meetings, conducted in accordance with this Constitution, shall be binding upon all Members of the CLUB.
- (9) At all meetings the President's decision on point of order shall be final.

18. QUORUM

A Quorum shall be as follows: -

- (1) Board of Management – 4
- (2) Section Committee Meetings – 60% of Committee Members with a minimum of – 4
- (3) CLUB Annual General Meeting or CLUB Special General Meeting – 10
- (4) Section General meetings: -

Baseball	10
Tee-Ball	10
Softball	10

If within FIFTEEN (15) minutes from the time appointed for the meeting a quorum is not present, the meeting shall be postponed and held within FOURTEEN (14) to TWENTY-ONE (21) days and at the same time. If at such a postponed meeting a quorum is not present, then those Members who are present shall be a quorum and may transact the business for which the meeting was called.

19. PROXY VOTES

Proxy votes may be cast as follows: -

(1) Board of Management Meetings

- (a) A proxy delegate may attend with full voting rights except such delegates can NOT be an existing Member of the Board of Management.
- (b) On specific issues on the agenda, a Member may discuss and direct another Member of the Board of Management to vote on their behalf. In such cases the proxy vote must be named with the CLUB Secretary or President at the commencement of the Meeting.

(2) All Section Committee Meetings

No proxy votes allowed.

(3) General Meetings

Proxy votes will be accepted provided only ONE (1) Member of a family votes for each Membership fee paid, and each member present at the meeting holds a maximum of ONE (1) proxy vote. All proxy votes are to be registered in writing with the appropriate Secretary prior to the commencement of the Meeting, and then announcement to the members present at the start of the meeting.

20. DISCIPLINARY ACTION

(1) Expulsion

The Board of management shall have the power to expel any Members whose actions are detrimental to the CLUB. This includes the improper use of Social Media and using same to bring the CLUB into disrepute. The expelled Member has the right of appeal to a Special or Annual General Meeting of the CLUB. Notice of appeal against expulsion must be lodged in writing with the CLUB Secretary within FOURTEEN (14) days of having received advice in writing of such expulsion. The decision of the Board of Management can only be overruled by a TWO THIRDS majority of the Members present at the Meeting. The cost of any Special General Meeting shall be met by the Members concerned if the appeal is lost and by the CLUB if the appeal is upheld.

(2) Suspension

The Board of Management shall have the power to suspend any Member whose actions are detrimental to the CLUB. No right of appeal exists.

(3) Fines

The Board of management shall have the power to fine any Member whose actions are detrimental to the CLUB. The Maximum fine which may be imposed is ONE HUNDRED DOLLARS (\$100). No right of appeal exists.

(4) Discipline of Junior baseball, Junior Softball or Tee-Ball Player.

The Board of management shall have the power to suspend from playing any Junior Baseball, Junior Softball or tee-Ball players whose actions are detrimental to the CLUB

(5) Dispute Resolution

The expelled, suspended, fined Member or disciplined Player shall be given the opportunity to defend themselves before the Board of Management, and to justify or explain their conduct before a decision is made. A Junior Baseball, Junior Softballer or Tee-Ball player must be represented by an adult Member of the CLUB

The Member shall be given SEVEN (7) days' notice in writing to appear at any enquiry. Should any Members fail to appear at any enquiry thereof, the Board of Management may proceed in that Members absence.

If a Dispute cannot be resolved, it may be heard by the State Administration Tribunal (SAT).

21. TERMINATION OF MEMBERSHIP

- (1) Any person may resign from the CLUB. Resignations must be in writing and forwarded to the CLUB/SECTION Secretary.
- (2) Upon any person ceasing to be a Member of the CLUB for any reason whatsoever they shall not be entitled to the return of their Membership fee or any portion thereof.
- (3) The Board of Management shall have the power to withdraw any Honorary Membership of a Member who is no longer serving the CLUB as set down in Clause 8 (2).
- (4) Ordinary and honorary Membership shall expire within either 12 months of receipt of membership or registration date of the playing season concerned (whichever is the earliest), unless membership is renewed within that time.
- (5) Resignation from the CLUB shall not relieve any Member of their obligation to pay all accrued but unpaid dues. A Member shall not be entitled to the return of the Membership fee or any portion thereof.
- (6) An Office Bearer may at any time resign their Office by giving to the Secretary notice in writing of their resignation at least ONE (1) week prior to the date of resignation.

22. BY-LAWS AND RULES

The CLUB shall develop By-Laws and Rules as follows: -

- (1) By-Laws shall constitute decisions of policy as voted on at Annual or Special General Meetings of the CLUB or Section. They may only be changed at such Meetings. All By-Laws must be in accordance with and not override or contradict this Constitution.
- (2) Rules shall constitute decisions of the Board of Management, Softball management Committee or Section Committees. They may only be changed at such Meetings. All Rules must be in accordance with and not override or contradict this Constitution.
- (3) All play shall be conducted in accordance with the rules of Tee-Ball and baseball and Softball as settled or approved from time to time. Notice of any local playing rules made by the Committee under the power herein contained shall be posted on the notice board at the CLUB and remain there for ONE (1) month.

23. GUEST AND CLUB REGISTER

(a) Guests

- (1) No more than FIVE (5) guests may be admitted to the CLUB premises per Member per day.
- (2) Subject to any restrictions on members applied from time to time by the Board of management, a Member may introduce in excess of FIVE (5) guests per day provided: -
 - (1) Such guests are provided with a meal by or on behalf of the CLUB and prior notice is given by the Member to the CLUB
 - OR**
 - (2) Such guests are attending a function held by or on behalf of the Member at the CLUB with the knowledge and consent of the CLUB

(b) CLUB Register

An up to date register of Members shall be continually available for inspection at the CLUB premises.

- (1) Constitution shall be binding on ALL Members of the CLUB and all under aged players.

24. AUDITOR

The election of an Auditor shall be made by the CLUB at the Annual General Meeting in each year.

- (1) Any Auditor shall be re-eligible for election on quitting Office.
- (2) If any casual vacancy occurs in the Office of any Auditor appointed by the CLUB, the Committee shall fill the appointment until the next Annual General Meeting.
- (3) Every Auditor shall have a list delivered to them of all books kept by the CLUB, and at all reasonable times shall have access to the books and accounts.

25. THE CONSTITUTION

The Constitution shall NOT be altered, rescinded or new Clauses inserted unless TWENTY-EIGHT (28) days' notice of motion in writing has been given to the CLUB Secretary. The Secretary shall then call a Special General Meeting or include the notice of motion on the agenda for the next Annual General Meeting as determined by the Board of Management. Such changes will only be effective when passed by TWO THIRDS of the Members present.

26. COMMON SEAL

- (1) The CLUB shall have a Common Seal to be held in the custody of the Secretary.
- (2) Every instrument to which the Common Seal is affixed shall be signed by TWO (2) of the following: -
CLUB President, CLUB Secretary or CLUB Treasurer
- (3) All club securities are to be held in the custody of the Board Secretary
- (4) Club/Section Records are the responsibility of the secretary of the relevant section
- (5) All records are to be kept for seven (7) years
- (6) Outgoing Committee Members are obliged to return all Club documents and records in their possession as soon as practicable after their appointment ceases.

27. SERVANTS

- (1) No servant of the CLUB shall receive any money or gratuity from any Member of the CLUB, any visitor to the CLUB or any tradesman on the pretext whatsoever and on pain of instant dismissal.
- (2) No person under the age of EIGHTEEN (18) years shall be employed in the CLUB but this shall not apply.

28. TRUSTEES

The Board of Management may appoint THREE (3) Members of the CLUB to be Trustees and jointly to hold the property of the CLUB and deal with the same in accordance with the direction of the Board of Management. Each of the Trustees shall hold Office until their death, resignation or removal by the Board of management.

29. MINUTES

Minutes of the proceedings of every General Meeting shall be entered and kept in the Minute Book and the said Minutes, then signed by the Chairperson of the General Meeting shall be conclusive evidence that the proceedings and subject thereof were regular and actually took Place as a minuted at a Meeting duly convened and held, and shall be binding on the Members.

30. BETTING

No Member shall be allowed to make a betting book in the CLUB premises.

31. SUBSCRIPTION LISTS

No subscription, raffle or sweepstakes list shall be exhibited or canvassed for on CLUB premises except by permission of the Board of Management.

32. DUES RECOVERABLE AT LAW

Notwithstanding anything to the contrary herein contained, all subscriptions and other dues owing by any Member under these Rules and all monies owing by any Member of the CLUB and payable for goods supplied or delivered to such Member, whether such Member at the time of the commencement of the action shall have ceased to be a Member or not, AND in any such proceedings the CLUB need not prove the election of the Board of Management, the passing of this Constitution or the authority to sue, but all such matters may be sufficiently proved by the oral evidence of the CLUB Secretary.

33. MISCELLANEOUS

- (1) No Liquor shall be sold or supplied for the consumption on the premises of the CLUB unless such sale or supply shall be authorised in accordance with the provisions of the Liquor Licensing Act 1988 and its amendments.
- (2) In no circumstances shall liquor be sold or supplied to any person under the age of EIGHTEEN (18) years. Persons under the age of EIGHTEEN (18) years may be admitted to the licensed CLUB premises in accordance with the provisions contained in the Liquor Licensing Act 1988 unless otherwise directed by the Board of Management. Under no circumstances shall any person under the age of EIGHTEEN (18) years serve behind any bar on the premises.

- (3) Every notice directed to be exhibited in the Clubhouse shall be exhibited on the CLUB notice board which shall be maintained in conspicuous places on the CLUB premises.

34. INTERPRETATIONS

The interpretation of the Constitution, all By-Laws and Rules, or of any question arising out of or not provided for in the above shall be at the sole discretion of the Board of Management whose decision shall be final and binding on all Members.

35. RESPONSIBILITY

- (1) The CLUB shall not be responsible for any damage to property or injury to person or persons.
- (2) The CLUB shall be responsible for any commitment or understanding made by a Member who was not authorised by the Board of Management or Sections to act on behalf of the CLUB.

36. PAYMENTS

COACHES

The election of ALL PAID Coaches shall be deemed to be responsibility of each Section Committee. Where a section intends to pay a coach above ONE THOUSAND DOLLARS (\$1,000) for the playing season a written agreement needs to be prepared by the section and endorsed by the BOARD OF MANAGEMENT before it comes into force.

PLAYERS

Each section shall notify the Board of Management of all agreements to pay players in cash/kind.

37. PROPERTY

All equipment, furniture and goods purchased from CLUB funds or donated to the CLUB shall be the property of the CLUB and may only be disposed of with the approval of the Board of Management. Except those items which are deemed to be playing consumables.

38. CHANGE OF ADDRESS

It shall be the Members responsibility to ensure that their correct address is lodged with the Section and CLUB Registrar. The CLUB shall only be responsible for sending notices and correspondence to the last known address.

39. DISSOLUTION

If upon the dissolution or winding up of the CLUB, there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same must not be paid or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by the votes of at least TWO THIRDS of the Members of the CLUB recorded at a General Meeting called for such purpose.