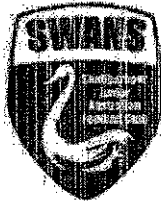


**SHELLHARBOUR SWANS JUNIOR AUSTRALIAN FOOTBALL CLUB LTD.
CONSTITUTION**



Shellharbour Junior Australian Football Club
SWANS



1. NAME:

The name of the club shall be called "Shellharbour Swans Junior Australian Football Club Ltd", and hereinafter referred to as the "Club".

2. COLOURS:

The club colours shall consist of RED and WHITE with an Emblem of a SWAN as the logo.

3. OBJECTIVE:

- 3.1. To provide a safe physical playing environment,
- 3.2. To provide a fun and socially engaging atmosphere for players, volunteers and other spectators,
- 3.3. To teach the principles of teamwork, good sportsmanship and fair play,
- 3.4. To provide teams to compete in the Illawarra Regional League, and abide by the rules, regulations and bylaws set down by the governing bodies,
- 3.5. To raise money necessary to provide the equipment and facilities required to compete and stay safe,
- 3.6. To foster the game of Australian Football within Shellharbour and the surrounding areas,
- 3.7. To promote the facilitation and maintenance of the home ground for the specific purpose of Australian Rules Football

4. MEMBERSHIP:

Membership is open to any person who supports the objectives of the Club; and is willing to abide by the rules, regulations, and bylaws of the Club and all bodies governing the Club.

4.1. The memberships will fall into the following three categories;

- a) Registered Members-Playing Registered Members will be under 18 years of age.
- b) Registered Members-Non Playing will be over 15 years of age.
- c) Unregistered Members-Non Playing will be over 18 years of age.

4.2. Cessation of Membership

A person ceases to be a Member, and terminates all rights, privileges or obligations of being a Member, of the Club if the person;

- a) Dies, or
- b) Resigns Membership, by way of written notification, or
- c) Fails to pay the nominated annual fee for Membership,
- d) Is expelled from the Club.

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4.3. Register of Members

- a) The Secretary and/or Registrar of the Club must establish and maintain a register of all members of the Club, with voting rights as specified in section 4.7. The register will specify the name and contact details of each person, including the date on which the person became a Member.
- b) A copy of the register or parts thereof shall be made available to any official for the performance of their duty, unless otherwise requested in writing, or to law enforcement employees at the discretion of the Secretary

4.4. Members Fees

As Membership falls into categories of Playing and Non-Playing Members, fees shall be determined as follows;

- a) Registered Playing Members
Shall pay an annual fee, determined by the Club Management Committee, prior to their first competition game of the season.
- b) Registered Non Playing Members
Shall pay an annual fee, determined by the Club Management Committee, prior to any involvement in any activity of the Club.
- c) Unregistered Non-Playing Members shall pay a nominal fee, as determined by the Committee, but not less than \$1.

4.5 Limited Liability – Members Guarantee.

The liability of the members is limited.

Every member of the Club undertakes to contribute to the property of the Club, in the event of the same being wound up while he or she is a member, or within one year after he or she ceases to be a member for payment of the debts and liabilities of the Club contracted before he or she ceases to be a member and of the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves such amount as may be required not exceeding ten dollars (\$10.00).

4.6 Life Members

Life membership may be conferred upon a member who has rendered outstanding services to the Club for a period of at least five years.

A committee of three (3) Registered Members shall be elected by the Club Management Committee each year. Written recommendations will be submitted to the committee by 15th August for selection process. The honour will be conferred on the successful nominees at the Club presentation ceremony, or in the event that there is no presentation ceremony, at the next Annual General Meeting. A life member shall have all the rights of a Registered Member – Non Playing but shall not be required to pay an annual fee

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4.7 Voting Rights

a) Club General Meetings

At any general meeting of the Club voting will be restricted to financial members who are:

- i) Registered Members – Non Playing over the age of 18
- ii) Unregistered Members – Non Playing over the age of 18

b) Club Management Committee Meetings

At Club Management Committee meetings voting will be restricted to Registered Members – Non Playing over the age of 18 with a minimum 28 days financial membership

4.8 Resolution of Disputes

a) Disputes between Member:

- i. In the first instance at the closest possible source (Coach, Coaching coordinator, Committee member. If unable to be resolved at this level then,
- ii. Full Club Management Committee for resolution. Their decision will be absolute

4.9 Discipline of Members

a) The Club President or Secretary, as the Club Management Committee representatives, must accept a written complaint made by any person regarding any Member of the Club at a Club activity. The Club Management Committee representative will make an initial assessment if the member:

- i. Has persistently refused or neglected to comply with a provision or provisions of the Club Constitution or By-Laws or
- ii. Has persistently and wilfully acted in a manner prejudicial to the interest of the Club, or
- iii. Has failed to comply with the Code of Conduct of the AFL, or
- iv. Has failed to comply with the protection policy of the Club, or
- v. Has deliberately or recklessly endangered other Members.

b) Should the Club Management Committee representative determine that the member does not have a case answer then they will file a report to the next Club Management Committee meeting for ratification?

Should the Club Management Committee representative determine that the member has a case to answer then the following disciplinary procedure shall be followed.

- i. Notify the Member concerned of the complaint; and
- ii. Give the Member at least 14 days from the time the notice is served within which to make submissions to the Club Management Committee verbally or in writing in connection with the complaint.
- iii. If the member fails to respond to the notice then the complaint may be heard and dealt with and the Club Management Committee may decide on the evidence before it, the member's absence notwithstanding, but having regard to any representations, which may have been made to it in writing by the member charged.
- iv. A decision as to the guilt or otherwise of a member shall be determined by ballot and shall require votes from not less than two thirds of the Club Management Committee present and voting at the meeting.

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- v. No motion by the Club Management Committee to reprimand, suspend, or expel a member shall be deemed to be passed unless two thirds of the members of the Club Management Committee present in person vote in a ballot in favour of such motion.
- vi. Any decision of the Club Management Committee on such hearing shall be final and the Committee shall not be required to assign any reason for its decision.
- c) The Club acknowledges that, under certain circumstances, members may have the opportunity to refer the allegation to one of the Club's Governing bodies. In this particular circumstance, on written advice of this occurring, the Club will suspend its decision pending its outcome. And then may reconsider the Club's position on the incident.

5. Committee and Management

- 5.1. Management of the Club is to be controlled by a Club Management Committee and is referred to as the 'Committee'. The Committee subject to these Rules, Regulations and Bylaws of all governing bodies and to any resolutions passed by the Club in a general meeting:
- a) Is to control and manage the affairs of the Club, and
 - b) Has power to perform all such acts and do all such things as appear to the Club Management Committee to be necessary or desirable for the proper management of the affairs of the Club.
- 5.2. The Club Management Committee will include Seven (7) Executive Office Bearers and Two (2) other General Office Bearers. All Club Management Committee positions shall be elected annually at the Annual General Meeting.
- a) **Executive Office Bearers**
The Executive positions shall consist of, and be limited to the President, Vice President, Secretary, Treasurer, Canteen Manager, Coaching Coordinator, Ground Manager and. Should any of the Executive positions remain vacant or if one person is holding two (2) positions, then the Executive Office Bearers may continue provided their numbers do not drop below three (3) persons.
 - b) **General Office Bearers**
The General Office Bearers may consist of any Registered Member – Non Playing over the age of 18
- 5.3. **Election of Club Management Committee**
- a) Nominations of candidates for election as Executive Office Bearers and General Office Bearers of the Club:
 - i. Must be made in writing, signed by two (2) members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination form), and
 - ii. Can be accepted by the secretary up until the beginning of the AGM.
 - b) The Secretary shall after closing of nominations verify the validity of candidates in the presence of the existing Club Management Committee then submit the names to the Annual General Meeting for acceptance or determination

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- c) If the full number of candidates for the positions of Club Management Committee is not nominated as prescribed the Secretary shall call for additional nominations, for the positions not fulfilled, from the floor of the Annual General Meeting and with the consent of the existing Club Management Committee these nominations may be accepted.
- d) Should a ballot be required to determine any positions then the following process shall be required:
 - i. The meeting will elect a returning officer who shall be a Registered Member – Non Playing, over the age of 18, not participating in the ballot.
 - ii. The returning officer shall conduct a ballot in such manner as may be determined by the meeting.
- e) Should insufficient further nominations be received, any vacant positions shall remain as vacant positions for action by the remaining Club Management Committee. It shall be a priority of the remaining Club Management committee to have the positions filled prior to the commencement of the season's competition. In these circumstances the immediately past Club Management Committee person shall remain in their position until the first competition game of the new season
- f) Members elected to the position of Club Management Committee shall hold office for a period of twelve (12) months next ensuing until completion of the next Annual General meeting except for as provided by 5.2 (e).
- g) The Executive Office Bearers will carry out the duties of their positions as per the statement of duties contained herein:

5.3.1. President

- a) Provide guidance and leadership
- b) Represent the club in public
- c) Monitor budgeting
- d) Chair and manage meetings
- e) Manage and control A.G.M.

5.3.2. Vice President

- a) Perform President's duties when President is unable to
- b) Provide guidance and leadership

5.3.3. Secretary

- a) The Secretary of the Club must, as soon as practicable after being appointed as Secretary, lodge notice with the Club's Governing bodies of his or her contact details
- b) Minutes of proceedings at a meeting must be accepted by the Committee at the next succeeding meeting
- c) The secretary will fulfil the duties as detailed in the Club bylaws.

5.3.4. Treasurer

It is the duty of the Treasurer of the Club to ensure:

- a) That all money due to the Club is collected and received and that all payments authorised by the association are made, and
- b) That correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the Club.
- c) They fulfil the duties as detailed in the Club bylaws.

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5.3.5. Canteen Manager

- a) Ensure the canteen operates in safe and hygienic environment
- b) Arrange orders and receipt of stock
- c) Manage all financial aspects of canteen
- d) Reporting monthly to club committee all aspects of operations
- e) Control all authorised access to canteen

5.3.6. Coaching Coordinator

- a) Provide leadership and guidance to club coaches and staff
- b) Represent coaching staff at all committee meetings
- c) Ensure the governing bodies policies and guidelines that apply to the club, players and officials are abided by
- d) Develop good communication between players, coaching staff and club official

5.3.7. Grounds Manager

- a) Supervise the risk management of the ground prior to the commencement of all club activities
- b) Ensure governing bodies policies and code of conduct are adhered whilst matches are in progress
- c) Provide timekeeper duties for all matches
- d) Maintain and control the behaviour of club officials, players and spectators at all matches

The Club Management Committee shall have power at any time and from time to time, to appoint any eligible member to the Club Management Committee to fill a casual vacancy. The person so appointed shall hold office only until the conclusion of the following Annual General Meeting

5.4 Delegation by Committee to Sub-Committee

The full Club Management Committee, at a Committee meeting, shall have the power to delegate any of its powers to sub-committees consisting of such members together with persons who are not members but who have particular skills or expertise which they may apply to the relevant sub-committees from time to time as it think fit and may from time to time revoke such delegation.

- 5.4.1 Any sub-committee so formed shall in the exercise of the powers so delegated conform to any regulation or restriction that may from time to time be imposed upon it by the Club Management Committee.
- 5.4.2 The President shall be ex officio a member of all such sub-committees and may nominate a committee member to represent him or her on such sub-committees.
- 5.5.3 A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting of a sub-committee shall be determined by a majority of votes of the members present and in the case of an equality of votes the Chairperson of the meeting shall have a second or casting vote.
- 5.5.4 The meetings and proceedings of any sub-committee consisting of two or more members shall be governed by the provisions herein contained for regulating the meetings and proceedings of the Committee
- 5.5.5 Any sub-committee shall make minutes of its meetings and will forthwith submit those minutes to the Club Management Committee and the Club Management Committee will retain those minutes as if they were minutes of the Club Management Committee

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6. Meetings

- 6.1 A General Meeting called the Annual General Meeting shall be held once at least in every calendar year prior to 31st October of each year at such time and place as may be determined by the Committee. All meetings other than Annual General Meetings shall be called general meetings.
- 6.2 The Club Management Committee may whenever it considers fit call and arrange to hold a general meeting of the Club.
- 6.3 A general meeting may be called by the members upon receipt of a requisition stating therein the object of the meeting of such a meeting and signed on behalf of not less than one-sixth (1/6) of the financial Club Members. General meetings called under this clause shall be called within twenty eight (28) days of receipt of such a requisition and not less than fourteen (14) days notice shall be sent to all Club Members.
- 6.4 Club Management Committee Meetings must be held at regular intervals of no greater than once a month, at such a place and time as the Club Management Committee may determine. The President may at any time and the Secretary upon the request of not less than two (2) members of the Club Management Committee shall convene a meeting of the Club Management Committee.

6.5 Procedures for meetings

6.5.1 Meeting Notice

- 6.5.1.1 At least 14 days notice in writing of the Annual General Meeting and of any general meeting of the members of the Club must be given to all full members who are entitled to attend and vote at that meeting.
- 6.5.1.2 A notice of a general meeting of the Club's members must:
 - i. Set out the place, date and time of the meeting; and
 - ii. State the general nature of the meeting's business; and
 - iii. If a special resolution is to be proposed at the meeting - set out an intention to propose the special resolution and state the resolution;
- 6.5.1.3 For the purpose of these Rules, a notice may be served on or given to a person:
 - i. By delivery to the person personally, or
 - ii. By sending it by pre-paid post to the residential or postal address of the member
 - iii. By sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- 6.5.1.4 Neither the accidental omission to give notice of a meeting or the non-receipt by any person of notice of a meeting shall invalidate any proceedings at such meeting
- 6.5.1.5 Oral or written notice of an additional meeting of the Club Management Committee must be given by the Secretary to each Member of the Club Management Committee at least 48 hours (or such other period as may be unanimously agreed on by the Members of the Committee) before the time appointed for the holding of the meeting.

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6.5.2 Chairperson.

At all meetings of the Club the President shall be entitled to take the Chair at every general meeting and Club Management Committee meeting. If the President is not present within fifteen minutes after the time appointed for holding the meeting or is unwilling or unable to act then the Vice President shall take the Chair. If the Vice President is unwilling or unable to act then the members present shall elect a member with a minimum 12 months service, entitled to vote, as the Chairman.

6.5.3 Quorum

6.5.3.1 At any general meeting of the Club (other than a meeting referred to in clause 6.3) and at the Annual General Meeting fifteen (15) members present in person and eligible to vote shall be a quorum. If a quorum is not present within 15 minutes after the time for the commencement of the meeting then the members present shall constitute a quorum.

6.5.3.2 At any general meeting convened on the requisition of members under clause 6.3 the quorum shall be either fifty (15) members entitled to vote or that number of members which is 10 per cent of the total membership of the Club entitled to vote on the business at the meeting (whichever is the greater) and in either case such members being present in person. If a quorum is not present within 15 minutes after the time for the commencement of the meeting the same shall be dissolved.

6.5.3.3 At any Club Management Committee meeting 5 members of the Committee with a minimum 2 Executive Office Bearers present in person and eligible to vote shall be a quorum. If a quorum is not present within 15 minutes after the time for the commencement of the meeting the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week

6.5.4 Meeting Voting and Decisions

6.5.4.1 Every question submitted to a meeting other than a Special Resolution shall be decided by a simple majority of votes from those members present and voting and counted on a show of hands (unless a poll is demanded) and in the case of an equality of votes whether on a show of hands or on a poll the chairperson of the Meeting shall have a second or casting vote.

6.5.4.2 Five (5) members who being eligible to vote are present at the meeting may demand a poll.

6.5.4.3 If a poll is demanded it shall be taken in such manner and either at once or after the interval or adjournment or otherwise as the chairperson directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded but a poll demanded on the election of the chairperson or on a question of adjournment shall be taken forthwith.

6.5.4.4 A demand for a poll may be withdrawn.

6.5.4.5 At any General Meeting (unless a poll is demanded) a declaration by the chairperson that a resolution has been carried or carried by a particular majority or lost or not carried by a particular majority and an entry to that effect in the book containing the minutes of the proceedings of the Club shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution

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6.5.4.6 The business of the Annual General Meeting will be:

- Confirmation of Minutes of the previous Annual General Meeting
- Presentation of the Annual Financial Report
- Election of Office Bearers
- Award of Special Services or Life Membership
- To deal with any other business of which due notice has been given
- General Business

6.5.4.7 Any act or thing done or suffered, purporting to have been done or suffered, by the Club Management Committee or by a Sub-Committee, appointed by the Club Management Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any Member of the Club Management Committee or Sub-Committee.

7 Finance

The Club Management Committee shall:

- (a) Cause proper accounts and records to be kept with respect to the financial affairs of the Club in accordance with the Act.
- (b) Cause to be prepared and submitted to a meeting of the Club Management Committee at intervals of not more than three (3) months a statement of income and expenditure in relation to each aspect of the Club's activities in accordance with the Act.

7.1 The books of account shall be kept by the Treasurer or at such other place as the Club Management Committee thinks fit. The Club shall at all reasonable times make its accounting records available in writing for the inspection of members of the Club Management Committee and any other persons authorised or permitted by or under the Act to inspect such records.

7.2 The Club Management Committee financial powers are:

- 7.2.1 To purchase or otherwise acquire for the Club any property rights or privileges, which the Club is authorised, to acquire at such price and generally on such terms and conditions as it shall think fit.
- 7.2.2 To secure the fulfilment of any contract or engagement entered into by the Club by mortgaging or charging all or any of the property of the Club, as may be thought fit.
- 7.2.3 To institute, conduct, defend, compound or abandon any legal proceedings by or against the Club or its officers or otherwise concerning the affairs of the Club and also to compound or allow time for payment and satisfaction of any debts due to any claims or demands by or against the Club and to refer any claims or demands by or against the Club to arbitration and to observe and perform the award.
- 7.2.4 To determine who shall be entitled to sign or endorse on the Club's behalf contracts, receipts, acceptances, cheques, bills of exchange, promissory notes and other documents or instruments.
- 7.2.5 To invest and deal with any of the moneys of the Club not immediately required for the purposes of the Club upon such securities and in such manner as the Board may think fit and from time to time to vary or realise such investments.

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- 7.2.6 From time to time at its discretion to borrow or secure the payment of any sum or sums of money for the purposes of the Club raise or secure the payment of such sum or sums in such manner and upon such terms and conditions in all respects as it shall think fit and to give security including by way of mortgage and/or charge upon or over all or any part of the Club's property both present and future.
- 7.2.7 To sell, exchange or otherwise dispose of any furniture, fittings, equipment, plant or other goods or chattels and any land or buildings belonging to the Club
- 7.3 The financial year of the Club shall commence on the first day of October in each year and end on the last day of September in the following year

8 Awards

8.1 Individual Player Awards

- a) Each registered Player shall receive a participation acknowledgement at the end of every playing season. The award shall be in a form as agreed by the Club Management Committee.
- b) Subject to availability of funds, any of the following Individual Player Recognition Award shall also be presented:
 - i. Best and Fairest Award, as determined by a 3,2,1 vote system, or
 - ii. Best and Fairest (Runner up)
 - iii. Most Improved, as determined by the Coach, or
 - iv. Coaches Award, as determined by the Coach, or

For the purpose of determining eligibility for a Player Award, a Player must have attended at least five (5) competition games

8.2 Long Service Awards

The following Long Service Awards for continuous Membership of the Club shall be presented as acknowledgment of,

- a) 5 years
- b) 10 years

The acknowledgement will be as determined by the Club Management Committee

8.3 Perpetual Trophies

Subject to the availability of funds, the following Perpetual Trophies shall be awarded:

- a) Clubman Trophy, for special services to the Club, and
- b) Club team Trophy, for special service as a team, only to be awarded when the Club consists of six (6) teams or more, and
- c) To the individual recipient of a Player recognition award in each age group.

8.4 Award Selection

For all other Individual and Team awards a Sub-Committee will be appointed to select and collate votes, according to the selection criteria set down in the Club Bylaws

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9 Club Protection Policies

- 9.1 The Club shall adopt and/or develop policies, strategies, and guidelines for the protection of all Members from discrimination, harassment, and child protection, as required by Law and the governing bodies.
- 9.2 The Club shall provide and support clear processes and procedures for the handling and resolution of any complaint.
- 9.3 The Club shall not allow any person deemed to be a 'prohibited person' or a 'registrable person' to work in the Club in any capacity.
- 9.4 All Office Bearers, Coaches, Assistant Coaches, Managers, and any other volunteers working on behalf of the Club shall;
- a) Complete any form required by Law for the protection of children, or by the governing bodies or as deemed necessary by the Committee.
 - b) Agree to abide by and enforce any and all codes of conduct, anti-discrimination, and/or protection policies adopted by the Club.
- 9.5 Failure to comply with the completion of any form required in section 9.4 will render the person ineligible to work in any capacity within the Club.
- 9.6 The Club shall maintain records of all distribution of information processes relating to all protection policies.
- 9.7 The Club shall maintain accurate and detailed records of all matters relating to the handling of any complaint arising as a result of incidents relating to any of the protection policies.
- 9.8 The Club shall review the policies, strategies, and guidelines for the protection of all Members from discrimination, harassment and child protection on an annual basis. This review shall consider content, ACT alterations and legal updates as well as implementations, facilitation, and complaint processes.

10 Amendments or Alterations of Constitution

This constitution can only be amended by way of a Special Resolution. To be carried a special resolution must have the support of 75% of the members present and voting at the meeting

11 Rule Interpretations

Definitions - For the purposes of this Constitution:

The Association means the governing body of which the clubs in the Illawarra Junior Australian Football League are affiliated.

The League means the committee governing the Illawarra Junior Australian Football competition.

Contact details means either a residential, postal or an email address.

Ordinary Member means a Member of the Club as defined in clause 4

Secretary means:

1. The person holding office under these rules as Secretary of the Club, or
2. If no such person holds that office—the public officer of the Club.

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Casual Vacancy is any Office Bearer's position, which is unfilled due to a lack of nominations or becomes unfilled during a term due to a Member being unable to fulfil the duties of that office.

The Committee whose decision will remain until altered by a vote of a General Meeting, whose decision shall then be final and conclusive, shall decide any doubt arising as to the application or meaning of any clause.

12 Copies of Constitution

The Secretary shall supply a copy of this Constitution, with out charge, upon reasonable request, to any new Member or existing Member.

13 Dissolution

The Club shall be dissolved if a **special resolution** to this effect is carried by a General Meeting;

If upon the winding up or dissolution of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Club but shall be given or transferred to an institution which has objects similar to those of the Club and whose constitution prohibits the distribution of its property among its members