



PENSURST RSL PANTHERS  
JUNIOR AUSTRALIAN FOOTBALL CLUB  
INCORPORATED

CLUB CONSTITUTION

## **1. Name**

The name of the Club shall be Penshurst RSL Panthers Junior Australian Football Club Incorporated (hereinafter referred to as “the Club”).

## **2. Objects**

The objects of the Club shall be:

- a) to promote, advance, foster and cultivate the game of Australian Rules Football, in a manner that reflects the highest standards of sportsmanship, fair play and good will amongst all participants,
- b) to assist in the educational advancement of the community by means of the development of a sense of fair play and a love of sport, in particular Australian Rules Football,
- c) to encourage, advance and assist in the development of an improved standard of physical fitness in all members of the community both individually and collectively,
- d) to educate, train, coach and encourage members of the Club in the game of Australian Rules Football so that all members have the opportunity to reveal their maximum potential, and
- e) to encourage members of the Club to assist in the development of the game of Australian Rules Football, particularly within those areas of St George / Sutherland Shire.

## **3. Membership**

- a) Membership shall be open to any member of the community who possesses an interest in the game of Australian Rules Football.
- b) Membership categories are:-
  - i) Ordinary Member – a parent/guardian or member of the community who has paid their annual membership subscriptions, and is accepted as a member of the Club. Payment of a player’s registration fees includes Ordinary Membership for one parent/guardian per family.
  - ii) Junior Member – a playing member of the Club who has paid their annual membership subscriptions
  - iii) Honorary Junior Life Member – members may be awarded Junior Life Membership in accordance with Rule 3(f).
  - iv) Honorary Life Member – members may be awarded Life Membership in accordance with Rule 3(f).

- v) Honorary Member - members may be awarded Honorary Membership in accordance with Rule 3(f).
- c) The Ordinary Members, Honorary Life Members and Honorary Members shall be the general body of Members of the Club with the right to elect the Committee and vote at General Meetings. This Group will be referred to as Financial Members.
- d) The annual membership subscriptions for all categories and registration fees shall be determined by the Committee no later than January each year.
- e) Upon payment of annual subscriptions the Registrar will enter each member into the Register of Members.
- f) A properly constituted General Meeting may appoint a person as an Honorary Member or Honorary Life Member (Junior and Senior) of the Club in recognition of services rendered in promoting the interests and objects of the Club.
  - i) Honorary Members may be elected based on needs or special circumstances. Election of Honorary Members must be approved by a three fourths majority of the financial members present.
  - ii) Honorary Life Members (Junior and Senior) will have provided at least seven (7) years of service to the Club. Election of Honorary Life Members (Junior and Senior) must be approved by a three fourths majority of the financial members present.
- g) A properly constituted General Meeting may waive registration fees for junior members based on special circumstances, including but not limited to financial hardship. Registration fees may be waived for any period determined by the meeting, including life, and must be approved by a three fourths majority of the financial members present.
- h) All Members shall be bound by the rules and By laws, in place at any particular time, of the AFL NSW/ACT, AFL Greater Sydney Juniors and the Sydney South Regional Committee, and this Constitution.
- i) All Members agree to abide by the AFL Code of Conduct.

#### **4. Register of Members**

The Registrar of the Club must establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member.

## **5. Cessation of Membership**

A person ceases to be a financial member of the Club if the person:

- a) dies, or
- b) resigns membership, or
- c) is expelled from the Club, or
- d) does not pay annual subscription fees

## **6. Members' Liabilities**

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club, as required by Rule 3(d).

## **7. Committee**

- a) The business and affairs of the Club shall be under the management of a Committee consisting of an Executive which consists of the President, the Vice President, Secretary, and Treasurer. The Committee shall then have at least four (4) other Members, all of whom shall be elected by the financial Members present at each Annual General Meeting of the Club. All positions will be honorary.
- b) The Committee shall, subject to decisions made at General Meetings, exercise all powers of the Club and do all such acts and deeds as may be necessary or expedient to carry out the objects of the Club.
- c) Any financial member may be nominated and such nominations shall be made in writing and acknowledged by the nominee and such nomination is to be in the hands of the Secretary no later than seven days prior to the meeting. In the absence of written nominations, nominations may be accepted at the Annual General Meeting.
- d) Any Committee member except the President who shall have absented themselves from three (3) consecutive committee meetings without forwarding a satisfactory written explanation shall be deemed to have vacated their office.
- e) A casual vacancy which occurs may be filled by the Committee from the Financial Members of the Club, subject to a maximum of three (3) replacements in any one financial year. A member so co-opted shall hold office for the unexpired portion of his predecessor's term. In the event that further vacancies occur that prevent a quorum being attainable or in the opinion of the Committee reduce the efficiency of the administration, such vacancies shall be filled at a Special General Meeting called for that purpose. Members so elected shall hold office until the Annual General Meeting which occurs second after their election.

- f) The Committee shall meet monthly and as required to conduct the business of the Club. Monthly Committee meetings will be set 12 months in advance. The Secretary will send an agenda to all Committee Members 3 days before each meeting. The President or Secretary or four (4) members of the Committee shall have the power to call a meeting of the Committee. The President of the Club shall take the chair at all Committee meetings. If the President is not present then a Vice President shall be elected to the Chair and if there is no Vice-President present the members in attendance shall elect a member to the Chair.
- g) The Chairman at all Committee meetings shall have a casting vote in addition to his deliberative vote.
- h) All notices of Extraordinary Committee meetings shall be in writing (or verbal) and posted or sent by email to members of the Committee at least seven (7) days before the date of such meeting.
- i) The Committee shall have authority to delegate any of its powers to a subcommittee to deal with any particular matter or matters and upon such terms as the Committee may think fit. The President and the Secretary shall be ex-officio members of all subcommittees.
- j) All acts or decisions made by any meeting of the Committee or any Member of the Committee, will be valid and effective, unless it is proved that the acts or decisions were made fraudulently or in bad faith, or in contravention of this Constitution.
- k) The quorum for Committee Meetings shall be at least five (5) Committee Members present in person.

## **8. Disciplining of Members**

- a) A complaint may be made to the Committee by any person, whether a member of the club or otherwise, where another member has:
  - (i) persistently refused or neglected to comply with a provision or provisions of these rules, or
  - (ii) persistently and or wilfully acted in a manner prejudicial to the interests of the Club.
  - (iii) if in the opinion of the Committee breached any AFL Code of Conduct and/or the Peshurst Code of Conduct.
- b) On receiving such a complaint, the Committee:-
  - (i) must cause notice of the complaint to be served on the member concerned; and

- (ii) must give the member at least one two weeks from the time the notice is served within which to make written submissions to the committee in connection with the complaint; and
  - (iii) must take into consideration any submissions made by the member in connection with the complaint.
- c) The committee may, by resolution, expel the member from the Club or suspend the member from membership of the Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- d) If the committee expels or suspends a member, the Secretary must, within seven (7) days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under Rule 9.
- e) The expulsion or suspension does not take effect:
  - (i) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (ii) if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under Rule 9 (e), whichever is the latter.
- f) Breaches of any of the AFL Codes of Conduct, and including the AFL Coaches Code of Conduct, will be dealt with by the Executive Committee. On receiving notification or complaint that a member has breached the AFL Code of Conduct, or the AFL Coaches Code of Conduct, the Executive Committee must serve notice within seven (7) days on the member to attend an extraordinary meeting to deal with the breach.
- g) Upon receipt of such a complaint, the Executive Committee shall cause such enquiries to be made in order that the circumstances of the breach can be established and or verified. The Executive Committee may appoint Club Members or Delegates to make such enquiries on its behalf. After such enquiries are made, the Executive Committee shall receive a written report detailing the alleged breach. Upon receipt of such a report and after assessing its contents, the Executive Committee shall then consider the guidelines and recommendations provided by the AFL on such matters before proceeding.
- h) If the breach is subsequently proved, the Executive Committee will take appropriate action at its discretion which may include suspension or expulsion. The provisions of items 8d) and 8e) would then apply.
- i) A member called to attend an extraordinary meeting of the committee in these circumstances shall be given every opportunity to make submissions in relation to the breaches alleged. Any refusal to attend an extraordinary meeting of the Committee, without reasonable excuse, shall be considered by the Committee to be grounds for immediate suspension or expulsion from the club. Where a member refuses to attend an extraordinary meeting under

these circumstances then that member will be deemed to have forfeited their right of appeal and no right of appeal will be available.

- j) Notice of the complaint, as referred to in paragraph 8 b) (i), where possible, should be served in writing and need not identify the maker of the complaint unless the committee deems it appropriate to do so. Such notification must provide sufficient information about the complaint so as to allow the member concerned ample opportunity to properly respond to the complaint.

## **9. Right of Appeal of Disciplined Member**

- a) A member may appeal to the Club at a General Meeting against a resolution of the committee under rule 8 within seven (7) days after notice of the resolution is served on the member, by lodging with the Secretary a written notice to that effect.
- b) The notice must be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- c) On receipt of a notice from a member under rule 9(a), the Secretary must notify the committee which is to convene a general meeting of the Club to be held within one (1) month after the date on which the Secretary received the notice.
- d) At a general meeting of the Club convened under rule 9(c):
  - (i) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (ii) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- e) If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **10. Club Colours**

The official club colours shall be predominantly green and white. The style of Guernseys will be as determined by the Committee from time to time.

## **11. Removal of Member**

- a) The Club in a General Meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- b) If a member of the committee to whom a proposed resolution referred to in rule 11(a) relates or makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representation be notified to the members of the Club, the Secretary or the

President may send a copy of the representations to each member of the Club or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## **12. Annual and Special General Meetings**

- a) The Annual General Meeting of the Club shall be held in the month of October in each year at such time and place as the Committee shall determine for the following purposes:
  - i. To receive from the Committee a report, balance sheet and statement of income and expenditure for the preceding financial year.
  - ii. To elect members of the Committee and to appoint an auditor for the ensuing year.
  - iii. To determine committee, coaching and team management positions.
  - iv. To conduct any special business.
  - v. Any other business of which notice shall have been given to the Secretary at least ten (10) days prior to the meeting.

Notice of the Annual General Meeting shall be given to Financial Members no later than fourteen (14) days prior to the meeting.

- b) The Committee may at any time and shall on the requisition of four (4) members of the Committee or fifteen (15) members stating the business for which it is required and on payment of a fee of \$25.00, such fee to be repayable if the General Meeting so determines, convene a Special General Meeting for a specific purpose. Such meeting shall be held within one (1) month from the date when the requisition is lodged with the Secretary.
- c) The Secretary shall at least ten (10) days before any Special General Meeting send to every member at his address in the Club books a notice of such meeting stating the time, venue and business. No business other than business of a formal nature shall be brought forward at any such meeting unless notice thereof shall have been duly given as herein provided.
- d) At all General Meetings the Chair shall be taken by the President or in his absence the Vice President or if none of these be present, by some member elected by the meeting. Every member entitled to vote shall have one vote and in the case of an equality of votes the Chairman shall have a second or casting vote.
- e) The quorum at all General Meetings shall be ten (10) members or one sixth of the financial membership, whichever is the smaller. An Annual General Meeting shall not lapse for want of a quorum but may be adjourned by the members present to such day as they may appoint.

If at any Special General Meeting there be no quorum within thirty (30) minutes of the time appointed for the meeting then it shall lapse unless a majority of the members present decide to adjourn the meeting for a period not exceeding fourteen (14) days. If there be no quorum within thirty (30) minutes after the time appointed for such adjourned meeting then the meeting shall lapse altogether. A meeting shall be adjourned, at any time during the course of such meeting, a quorum ceases to be in attendance.

- f) At any meeting a declaration by the Chairman that a resolution has been carried or not, shall be conclusive, except as provided in 12 (g).
- g) A ballot shall be conducted if demanded by eight (8) or more members.
- h) Only members present in person shall be entitled to vote, unless a proxy vote is nominated and advised to the Secretary in writing prior to the commencement of a meeting.

### **13. Duties**

- a) The Secretary shall carry out his duties under the direction of the Committee and keep a true record of all minutes of all meetings, attend to correspondence, issue notices for meetings, keep record and carry out such duties as the Committee directs.
- b) The Treasurer shall receive all monies payable to the Club and issue receipts for same. All monies so received shall be paid into the bank account of the Club.
- c) The Treasurer shall present at each committee meeting a balance of the finances of the Club and shall keep proper books of account of all monies received and disbursed and generally perform all such duties as directed by the Committee.

### **14. Finance**

- a) The financial year shall be from 1<sup>st</sup> October to 30<sup>th</sup> September.
- b) All monies of the Club shall be paid into the account of the Club at such bank as the Committee may direct.
- c) No monies shall be drawn from the Club's account other than by cheque signed by the bank signatories authorised by the Committee.
- d) An annual statement of income and expenditure shall be audited by the person duly appointed at the preceding Annual General Meeting.
- e) The Committee shall have the power to invest the funds of the Club in Government Bonds or Interest Bearing Term deposits of Banking institutions.

- f) The Committee shall have power to raise or borrow for the purposes of the Club, any sum or sums of money provided that written notice of the proposed borrowings is circulated to all members of the Committee at least seven (7) days prior to its meeting at which a three fourths majority of the members present will be required to carry such resolution.
- g) Reasonable expenses on behalf of the Club may only be incurred if approved in advance by a three fourths majority of the members of the Committee.

## **15. Trustees**

Unless otherwise determined, the Members of the Committee of the Club for the time being shall be deemed to be the Trustees of the Club; to hold any property real and personal belonging to the Club.

## **16. Amendments to Constitution**

This shall be the only Constitution of the Penshurst RSL Panthers Junior Australian Football Club Incorporated and shall come into force forthwith and shall not be altered, varied, added to or repeated unless by a three-fourths majority of Financial Members present at an Annual General Meeting or at a Special General Meeting convened for that purpose.

## **17. Property and Assets**

- a) The property, assets and income of the Club, wherever derived, shall be applied towards the promotion of the objects of the Club, and no portion thereof shall be paid or transferred either directly or indirectly by way of dividend, bonus otherwise by way of profit to members generally of the Club. Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servants of the Club or any member in return for services actually rendered, nor prevent the payment of interest on money borrowed from any member of the Club. Should the Club for any reason whatsoever cease to function, any member or person holding any Club monies or property shall forthwith pay the same to the Committee.
- b) The Committee must effect appropriate insurances and they must remain in place at all times.

## **18. Dissolution**

The Club shall be dissolved if:-

- a) A resolution to this effect is carried out by a three-fourths majority at a General Meeting, twenty one (21) days notice of the proposed resolution having been given to all members.
- b) Financial membership drops to fifteen (15) or less. In the event of dissolution all property assets and income shall be gifted to another Australian Football body having similar interest.

## **19. Coaches / Managers / Team officials**

- a) The Committee shall have the power to appoint coaches, managers, and training and medical staff as deemed necessary.
- b) Similarly, the Committee shall have the power to remove any person appointed to any such position, when and where circumstances exist, whereby the wellbeing and reputation of the Club has, or is likely to be, damaged or compromised.
- c) Coaches must have appropriate current AFL Coaching accreditation and must at all times comply with the Coaches Code of Conduct. Any breaches of this code will be dealt with as described in item 8.
- d) Any Coach, Manager or Team official removed by the Committee in circumstances referred to above in paragraph 19 b) shall retain a right of appeal described above under Rule 9, except where the provisions of Rule 8 (h) apply.

## **20. Delegates**

The Committee shall appoint a Delegate (the Vice President) to represent the Club at meetings of the Australian Football League / Regional Association. Such Delegate shall provide written reports to the Committee.

## **21. Match Selection**

- a) All Junior Members shall have the right to play in matches organised for their age group. It shall be each Coach's responsibility to ensure that all players have equal opportunity to play Club matches.
- b) Junior Members must play in their own age group first, before being allowed to play up in older age groups. Junior members must have the approval of their parent/guardian before they can play up in older age groups.
- c) If a junior member wishes to play in an older age group, without playing in their own age group, approval must be granted by a three fourths majority of the Committee at a Committee Meeting.

## **22. Training**

Players shall attend official training sessions as required by their respective Coaches.

## **23. Awards**

Awards may be determined in each age group at the discretion of the Committee at a General Meeting.

## **24. Interpretations**

- a) In the event of any questions not provided for this Constitution, then those rules applying to the Australian Football League shall apply. In any event the Club shall be bound by the rules provided by the Australian Football League.
- b) Where an issue presents, that is not resolved or covered by the rules of the Australian Football League and where this constitution is either silent or unclear, then the Committee shall have the power to determine a resolution to that issue by majority vote.
- c) In this Constitution:
  - i) masculine includes feminine
  - ii) words importing singular include plural and words importing plural include singular where the context permits.
  - iii) "in writing" or "written" means and includes printing or other means of representing or reproducing words in visible form.
- d) Financial Members – for purpose of voting and forming a quorum shall be the financial Ordinary members and Honorary Life Members.

## **25. Press Statements**

No statements on behalf of, or in the name of the Club, shall be made except by the President or by his authority or that of the Committee.