

Constitution and Rules

Of

Maribyrnong Park Sports Club

Incorporated

ASSOCIATION INCORPORATION ACT, 1981

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STATEMENT OF PURPOSES

ASSOCIATION INCORPORATION ACT, 1981

1. The name of the proposed Incorporated Association is:-

THE MARIBYRNONG PARK SPORTS CLUB (INC).

2. The purpose statement of the Incorporated Association is :-

The Maribyrnong Park Football Club is a thriving football community characterised by the fearless pursuit of excellence both on and off the field, the encouragement of participation by players, members and families alike; valuing club spirit and pride and engendering the respect, support and loyalty of the community

RULES

1. NAME

The name of the Incorporated Association is, THE MARIBYRNONG PARK SPORTS CLUB (INCORPORATED), (in these rules called “the Association”).

2. INTERPRETATION

- 2.1 In these rules, unless the contrary intention appears:- “Committee” means the Committee of Management of the Association;
“The Executive” means the elected Executive of the Committee;
“Financial Year” means the year ending 30th September;
“General Meeting” means a general meeting of members convened in accordance with Rule 11;
“Member” means a member of the Association;
“Ordinary member of the Committee” means a member of the Committee who is not an officer of the Association under Rule 21;
“The Act” means the Association Incorporation Act, 1981;
“The Regulations” means regulations under the Act.
- 2.2 In these Rules, a reference to the Secretary of the Association is a reference:- where a person holds office under these Rules as Secretary of the Association - to that person; and
- 2.2.1 in any other case, to the Public Officer of the Association.
- 2.3 Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

3 MEMBERSHIP

3.1 *Ordinary Membership*

A person shall be deemed a member of the Association on payment of the annual subscription payable under the rules. This membership will also allow the member access to the clubrooms and Association’s facilities during its hours of operation. Admission as a member of the Association may only be approved by the Committee. The annual subscription shall be set annually by the Committee.

3.2 *Player Membership*

- 3.2.1 A person is deemed to be a member of the Association on payment of the player's annual subscription and becoming a registered player of the Association and under the rules of the recognised football league, body or association with whom the Association is affiliated. The annual subscription shall be set annually by the Committee.
- 3.2.2 Where a player is under the age of eighteen years, or where there is more than one such player of any one family, each parent or legal guardian of such player or players as the case may be, shall be deemed to be members of the Association and such parents or guardians votes as members shall be counted in substitution of such player or players. Members under the age of 18 years will not have voting rights.
- 3.2.3 Each registered player, and in the case of sub clause 3.2.2, each parent or guardian, shall be bound by the Rules of the Association by attesting to the same at the time of such player applying for registration as a player of the Association in the form that may be approved of from time to time by the Committee.
- 3.2.4 Membership under this rule will cease on 31st March as set from time to time by the Committee. Registration to the Association will remain until officially cleared by the Association or affiliated league.

3.3 *Honorary Membership*

- 3.3.1 The committee shall be empowered to elect any person it deems worthy as an Honorary Member.
- 3.3.2 Such membership shall expire at the conclusion of the next annual general meeting.
- 3.3.3 Honorary Members will not have any voting rights.
- 3.3.4 Players, officials, committee and members of all Football Victoria associated clubs competing on that day and any affiliated league officials will be deemed honorary members for the day of competition, and will not be required to sign the official visitor's book.

3.4 *Life Members*

- 3.4.1 The Committee shall have the power to award Life Membership in accordance with the guidelines hereunder:
- (a) Players to have played at least 100 Open Age games out of a total of 150 games with the Club, plus given additional service to the Club, that is served on the Committee or assisted elsewhere.
- (b) Non-Players to have served the Club in an exceptional capacity for at least 10 years.
- 3.4.2 Such Life Members shall be presented with a Club Medallion suitably inscribed.

- 3.4.3 Playing Life Members shall be liable to pay 50% of the Membership Fees.
- 3.4.4 Nomination of candidates for life membership of the Association:
- (a) Shall be made in writing, signed by the proposer and seconded by another member (both must be financial members of the Association) setting out the nominee's service to the Association, whether as a player, coach, official, committee member or general member; and
 - (b) Shall be delivered to the Secretary of the Association not less than 14 days before the date fixed for the annual general meeting.
- 3.4.5 No more than 2 nominations for Life Membership can be accepted per year.
- 3.4.6 Life Members shall have full voting rights.

3.5 *General Membership*

- 3.5.1 Any natural person who does not qualify as a member under Rules 3.1 to 3.4 inclusive, and who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the Nomination fee and annual subscription payable under these rules.
- 3.5.2 A person who is not a member of the Association at the time of incorporation of the Association (or who was such a member at that time but ceased to be a member) shall not be admitted to the membership:-
- (a) unless he/she is nominated as provided in sub-clause (3); and
 - (b) his/her admission as a member is approved by the committee.
- 3.5.3 A nomination of a person for membership of the Association:-
- (a) shall be made in writing in the set form in Appendix 1; and
 - (b) shall be lodged with the Secretary of the Association.
- 3.5.4 As soon as practicable after the receipt of the nomination, the Secretary shall refer the nomination to the committee.
- 3.5.5 Upon the nomination being referred to the committee, the committee shall determine whether to approve or to reject the nomination.
- 3.5.6 Upon nomination being approved by the committee, the Secretary shall, with as little delay as possible, notify the nominee that approval has been granted for membership to the Association and request payment within 28 days after receipt of notification of the sum payable under the rules as the Nomination fee and the first year's annual subscription.
- 3.5.7 The Secretary shall, upon payment of the amounts referred to in sub clause (3.5.6) within the period referred to in that sub clause, enter the nominee's name in the register of members kept by him and upon the name being so entered, the nominee becomes a member of the Association.

3.6 *Committee Membership*

3.6.1 Each person whilst serving on the committee shall be a member of the Association.

3.6.2 Each such committee member shall be bound by the rules of the Association.

4. NOMINATION FEE & ANNUAL SUBSCRIPTION

4.1 Nomination fees and annual subscriptions shall be determined from time to time by the committee.

4.2 Player registration fees and conditions (the Association's Code of Conduct) shall be determined from time to time by the committee.

5. REGISTER OF MEMBERS

5.1 The Secretary shall keep a register of registered players members and committee members who are deemed to be members of the Association which shall be entered the persons full names and addresses and shall be available for inspection by members and any necessary authorities at the address of the Secretary

5.2 A copy of the register of all members of the Association shall be located at the social club for liquor licensing requirements.

5.3 Visitors

5.3.1 Visitors are welcome within the Association's social rooms on the signing of the official visitor's book within the social rooms. This is to conform to the Consumer Affairs Victoria - Liquor Licensing.

5.3.2 Visitors, being invitees of the members of the Association, may be admitted to the licensed premises of the Association subject to the names and residential addresses of all such visitors being recorded in writing in a visitor's book, to be provided by the Association and kept in a conspicuous position at the entrance to the licensed premises. Each written entry shall be signed and dated by the member who invited the visitor.

5.3.3 A visitor shall not be supplied with liquor on the premises unless in the company of a member, providing that a visitor may be supplied with liquor on Club premises when not in the company of a member at a particular function or occasion in respect of which a limited license has been granted pursuant to section (14) of the Liquor Control Reform Act 1998.

5.3.4 Opposition Visitors. A member of another football club, when visiting the Association's club premises on the day that member's club plays Maribyrnong Park at Maribyrnong Park's home ground, shall be admitted as a temporary member of the Association on that day only. Such a member shall have no voting rights and may be given other rights and privileges as the Committee may from time to time determine.

6. RESIGNATION OF MEMBER

6.1 A member of the Association may resign from the Association by first giving one months notice in writing to the Secretary of his/her intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.

6.2 Upon expiration of a notice given under sub clause (6.1), the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.

7. EXPULSION OF MEMBER

7.1 Subject to these rules, the committee may by resolution:-

- (a) expel a member from the Association;
- (b) suspend a member from membership of the Association for a specified period; or
- (c) fine a member in accordance with The Regulations; or
- (d) reprimand a member,

if the committee is of the opinion that the member has refused or neglected to comply with these rules; or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.

7.2 A resolution of the committee under sub clause 7.1:-

- (a) does not take effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after the service of a notice under sub clause 7.3, confirms the resolution in accordance with this clause; and
- (b) where a member exercises a right of appeal to the Association under this clause does not take effect unless the Association confirms the resolution in accordance with the clause

7.3 Where the committee passes a resolution under sub clause 7.1, the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing:-

- (a) setting out the resolution of the committee and the grounds on which it is based;

- (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the service of notice;
- (c) stating the date, place and time of that meeting;
- (d) informing the member that he/she may do one of the following-
 - 7.3.1 attend that meeting;
 - 7.3.2 Give to the committee before the date of the meeting a written statement seeking the revocation of the resolution;
 - 7.3.3 Not later than 24 hours before the date of the meeting, lodge with the Secretary a notice of the effect that he/she wishes to appeal to the Association in general meeting against the resolution.
- 7.4 At a meeting of the committee held in accordance with sub clause 7.2, the committee:-
 - (a) shall give the member an opportunity to be heard;
 - (b) shall be given due consideration to any written statement submitted by the member; and
 - (c) shall by resolution determine whether to confirm or revoke the resolution.
- 7.5 Where the Secretary receives a notice under the sub clause 7.3, he/she shall notify the committee and the committee shall convene a general meeting of the Association to be held 21 days after the date on which the Secretary received the notice.
- 7.6 At a General meeting of the Association convened under sub clause 7.5:-
 - (a) no business other than the question of appeal shall be transacted;
 - (b) the committee may place before the meeting details of the grounds for resolution and the reasons for the passing of the resolution;
 - (c) the member shall be given an opportunity to be heard; and
 - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 7.7 If at a general meeting:-
 - (a) two thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
 - (b) in any other case, the resolution is revoked.
- 8. ANNUAL GENERAL MEETING
 - 8.1 The Association shall within six months of the end of the senior football season convene and Annual General Meeting of its members

- 8.2 The Annual General Meeting shall be held on such a day as the Committee determines.
- 8.3 The Annual General Meeting shall be specified as such in the notice convening it.
- 8.4 The ordinary business of the annual general meeting shall be:
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
 - (b) to receive from the Treasurer a report of transactions of the Association during the preceding financial year;
 - (c) to receive from the President a report on the action of the club during the preceding financial year;
 - (d) to receive from the Secretary a report on the action of the club during the preceding financial year;
 - (e) to receive from any sub committee's a report on the action of the club during the preceding financial year.
 - (f) to elect officers of the Association and the ordinary members of the committee;
 - (g) to receive and consider the statement submitted by the Association in accordance with Section 30 (3) of the Act.

8.5 *The Association will then appoint a Returning officer to chair the meeting and conduct a ballot for the following positions of the Association:*

- (a) President*
- (b) Vice President X2*
- (c) Secretary*
- (d) Treasurer*
- (e) Junior President*

Positions (a) to (e) will make up the Executive of the Association.

A maximum of 10 general committee members, all of whom must hold a portfolio area as identified by the Association's Strategic Plan and directed by the Executive Committee.

- 8.6 The annual general meeting may transact special business of which notice is given in accordance with these rules.
- 8.7 The annual general meeting shall be an addition to any other general meetings that may be held in the same financial year

9. SPECIAL GENERAL MEETINGS

- 9.1 All General Meetings other than the Annual General Meeting shall be called

Special General Meetings

- 9.2 The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association and, where, but for this sub-clause, more than 15 months would lapse between General Meetings, shall convene a Special General Meeting before expiration of that period.
- 9.3 The Committee shall, on the requisition in writing, of members representing not less than 5% of the total number of members, convene a Special General Meeting of the Association.
- 9.4 The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 9.5 If the Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.
- 9.6 A Special General Meeting convened by members in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

10. NOTICE OF MEETING

- 10.1 The Secretary of the Association shall at least 14 days before the date fixed for holding a general meeting of the Association, cause to be served upon each registered player, committee member and general member of the Association, a notice stating the place, date and time of the meeting and the nature of business to be transacted at the time of the meeting.
- 10.2 Such notice shall be served by sending a notice to the member's address as appearing in the register of registered players, and committee members and register of general members, or personally handing such notice to the registered members; or by general notice appearing in any newsletter circulated generally to the players or members.
- 10.3 No business other than that set out in the notice convening the meeting shall be transacted at the meeting
- 10.4 A member desiring to bring any business before the meeting may give notice of that business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

11. *PROCEEDINGS AT MEETINGS*

- 11.1 All business that is transacted at a Special General Meeting and all business that is transacted at an Annual General Meeting with the exception of that specially referred to in these Rules as being ordinary business of the Annual General Meeting shall be deemed to be special business.
- 11.2 No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these Rules to vote, is present during the time when the meeting is considering that item.
- 11.3 Six members personally present (being members entitled to vote under these Rules to vote at a General Meeting) constitute a quorum for the transaction of business at a General Meeting.
- 11.4 If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present the meeting, if convened upon the requisition of members, shall be dissolved, and in any other case, shall stand adjourned to the same day in the next week at the same time, and (unless another place is specified by the President at the time of the adjourned or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting the quorum is not present within half an hour after the appointed time for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.
- 11.5 The President, or in his/her absence, the Vice President shall preside as Chairperson at each General Meeting of the Association.
- 11.6 If the President and Vice President are absent from a General Meeting, the members present shall elect one of their number to preside as Chairperson at the meeting.
- 11.7 The Chairperson of the General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 11.8 Where a meeting is adjourned for 14 days or more a like notice of the adjourned meeting shall be given as in the case of the General Meeting.
- 11.9 Except as provided in sub-clause 11.6 and 11.8 it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 11.10 A question arising at a General Meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority, or lost, and an entry to that effect in the Minute book of the Association is evidence of

the fact, without proof of the number or proportion of votes recorded in favour of, or against, that resolution.

- (a) Upon any question arising at a general meeting of the Association, a member has one vote only.
- (b) All votes shall be given personally or by proxy or by postal vote.
- (c) In the case of an equality of voting on a question, the Chairperson is entitled to exercise a second or casting vote.
- (d) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be determined to be the resolution of the meeting on that question.
- (e) A poll that is demanded on the election of a Chairperson or on a question of adjournment shall be taken forthwith and a poll that is demanded on any question shall be taken at such time before the close of the meeting that the Chairperson may direct.
- (f) A member is not entitled to vote at any General Meeting unless all monies due and payable by him/her to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.
- (g) Each member shall be entitled to appoint another member as his/her proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (h) A notice appointing the proxy indicating an affirmative or negative vote shall be necessary.

12. *COMMITTEE OF MANAGEMENT*

12.1 The affairs of the Association shall be managed by a Committee of Management or their appointed Executive constituted as provided in Rule 12.2.

12.2 The Committee:-

- (a) shall control and manage the business and affairs of the Association;
- (b) may, subject to these Rules, The Regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers or functions that are required by these Rules to be exercised by General Meetings of the members of the Association; and

- (c) subject to these Rules, the Regulations and the Act, has the power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

- 12.3 The officers of the Association shall be:-
- (a) a President; (will coordinate a key portfolio)
 - (b) Vice President (will coordinate a key portfolio)
 - (c) Vice President (will coordinate a key portfolio)
 - (d) a Treasurer;
 - (e) a Secretary;
 - (f) a Junior President
 - (g) a Marketing Manager
 - (h) a Social Secretary
 - (i) Volunteer Manager
 - (j) Junior Liaison Officer
 - (k) Operations
 - (l) Football Department
 - (m) Membership
 - (n) Grants

A maximum of 10 general committee members can be appointed as officers of the Association. All of whom must hold a portfolio area as identified by the Association's Strategic Plan and directed by the Executive Committee.

- 12.3.1 The provisions of Rule 23, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the officers mentioned above.

- 12.3.2 Each officer of the Association shall hold office referred to above until the Annual General Meeting next after the date of his/her election, but is eligible for re-election.

- 12.3.3 In the event of a casual vacancy in any office referred to above, the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the Annual General Meeting next following the date of his/her appointment.

12.4 The Committee

- 12.4.1 Subject to Section 23 of the Act, the Committee shall consist of:

- (a) the officers of the Association; and
- (b) 5 ordinary members, each of whom shall be a member of a key portfolio of the Association during their term of office. Such ordinary members shall be elected at the Annual General Meeting of the Association.

- 12.4.2 Each ordinary member of the Committee shall, subject to these Rules, hold office until the Annual General Meeting next after the date of his/her election, but is eligible for re-election.
- 12.4.3 In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of his/her appointment.
- 13 *ELECTION OF OFFICERS AND VACANCY*
- 13.1 Nomination of candidates for election as officers of the Association or as ordinary members of the Committee:-
- (a) shall be made in writing, signed by two financial members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
- (b) shall be delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the Annual General Meeting.
- 13.2 If insufficient nominations are received to fill all vacancies on the committee, or to fill the permissible maximum number of ordinary members, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- 13.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 13.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 13.5 The ballot for the election of officers and ordinary members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- 13.6 A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for another office for election at the same election.
- 13.7 For the purposes of these rules, the office of an officer of the Association or of an ordinary member of the Committee becomes vacant if the officer or member:-
- (a) ceases to be a member of the Association;
- (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
- (c) resigns his/her office by notice in writing given to the Secretary.

14. *PROCEEDINGS OF COMMITTEE*

- 14.1 The Committee shall meet at least once a calendar month such place and such times as the Committee may determine.
- 14.2 Special meetings of the Committee may be convened by the President or by any 4 members of the Committee.
- 14.3 Notice shall be given to members of the Committee of any Special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 14.4 Any 4 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 14.5 No business shall be transacted unless a quorum is present and within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a Special meeting in which case it lapses.
- 14.6 At a meeting of the Committee:-
- (a) the President or in his absence the Vice President shall preside; or
 - (b) if the President and the Vice President are absent, such one of the remaining members of the Committee as may be chosen by its members present shall preside.
- 14.7 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on the show of hands or, if demanded by a member, by a poll taken as the person presiding at the meeting may determine.
- 14.8 Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 14.9 Written notice of each committee meeting shall be served on each member of the committee by delivering it to him/her at a reasonable time before the meeting or by sending it by email addressed to them at least two business days before the date of the meeting. Notice shall be deemed to have been duly given where future meeting dates, places and time has been fixed in advance.
- 14.10 Subject to sub-clause (14.4) the Committee may act notwithstanding any vacancy on the Committee.
- 14.11 The committee may by ordinary resolution remove any member of the committee before the expiration of his/her term of his office if he fails to attend three consecutive committee meetings

- 14.12 The Association in general meeting may by resolution remove any member of the committee before the expiration of his/her term of office and appoint another member in his/her stead to hold office until the expiration of the term of the first mentioned member.
- 14.13 Where the member to whom a proposed solution referred to in sub clause (14.12) makes representations in writing to the secretary or president of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association. The secretary or president may send a copy of the representations to each member of the Association or, if they are not so sent, the member may require that they be read out at the meeting.

15. *SECRETARY*

- 15.1 The Secretary of the Association shall keep, or will delegate the keeping, of minutes of the resolutions and proceedings of each General Meeting and each Committee meeting in hard and soft copy for the purpose together with a record of the names of persons present at Committee meetings.
- 15.2 The Secretary shall be responsible for the transaction of inward and outward correspondence for the Association
- 15.3 The Secretary shall represent the Association at EDFL meetings within his/her capacity

16 *TREASURER*

- 16.1 The Treasurer of the Association:-
- (a) shall collect and receive all moneys due to the Association and make all payments authorized by the Association; and
- (b) shall keep correct accounts and books (including software programs) showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- 16.2 The accounts and books referred to in sub-clause (1) shall be available for inspection by members.
- 16.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer and either the President or a member of the committee.

17 *COACHES*

17.1 The method on the appointment of coaches of the Association shall be determined by the committee of the day. Options available are by direct appointment, advertisement via website, Affiliated Association (EDFL) or within a written press advertisement.

17.2 In the event of multiple applications the football department will interview qualified applicants and make a recommendation to the committee.
Senior or junior coaches shall be appointed by either method.

18 *SEAL*

18.1 The Common Seal of the Association shall be kept in the custody of the Secretary.

18.2 The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either by two members of the Committee or of one member of the Committee and the Public Officer of the Association.

19. *ALTERATION OF RULES AND STATEMENT OF PURPOSES*

19.1 These rules and statement of purposes of the Association shall not be altered except in accordance with the Act(****)

(a) (****) Section 22 of the Act provides that an incorporated association may, by special resolution, alter its statement of purposes or its rules. Section 29 of the Act defines a special resolution.

20 *NOTICES*

20.1 A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post or email to the member at his/her address shown in the Register of Members.

20.2 Where a document is properly addressed, pre-paid and posted to a person as a letter or email, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course.

21. *WINDING UP OR CANCELLATION*

21.1 In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act

22. *CUSTODY OF RECORDS*

22.1 Except as otherwise provided in these Rules, the Secretary shall keep in his/her custody, or under his/her control all books, documents and securities of the Association.

23. FUNDS

23.1 The funds of the Association shall be derived from entrance fees, annual subscriptions, donations, fund raising and such other sources as the Committee determines.

24. AUDITOR

24.1 The Association shall appoint an Auditor at the Annual General Meeting. The person so appointed shall be a member of some recognized Institute of Accountants.

25. AFFILIATED BODIES

25.1 By special resolution, the members of the Association have affirmed that:-

- (a) as the founding body of the Association, Maribyrnong Park Football Club members shall enjoy the privilege of membership of the Association, notwithstanding the Rules contained herein; and
- (b) St. Mary's Cricket Club, as a bona fide organisation, be accepted as an affiliated body to the Association, in so far as members of the said organisation shall comply with the Rules of the Association.
- (c) In order to strengthen the purposes of the Association, the Committee may from time to time, by special resolution at a Special General meeting, recommend the affiliation of a body to the Association.

26. GRIEVANCE PROCEDURE

26.1 The grievance procedure set out in this rule applies to disputes under these Rules between-

- (a) a member and another member; or
- (b) a member and the Association

26.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute 14 days after the dispute comes to the attention of all of the parties.

26.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

26.4 The mediator must be-

- (a) A person chosen by agreement between the parties; or
In the absence of agreement –

In the case of a dispute between a member and another member, a person appointed by the committee or the Association;

Or

(b) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the dispute settlement Centre of Victoria (Department of Justice)

(c). A member of the Association can be a mediator

26.5 The Mediator can not be a member who is a party to the dispute

26.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

26.7 The mediator, in conducting the mediation, must –

(a) give the parties to the mediation process every opportunity to be heard; and allow due consideration by all parties of any written statement submitted by any party; and

(b) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process

(c) The Mediator must not determine the dispute

26.8 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.