
VICTORIA PARK BELMONT BASEBALL CLUB (Inc)

Established 1935



THE CONSTITUTION

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¹ Major amendments will change the inter digit whilst minor amendments will change the fractional digit

**CONSTITUTION OF THE
VICTORIA PARK BELMONT BASEBALL CLUB (INC)**

1. NAME AND COLOURS

- a) The name of the club shall be Victoria Park Belmont Baseball Club (Inc.) (herein after referred to as the "club").
- b) The playing field /office of the club shall be the corner of Keane Street and Abernethy Road, Cloverdale WA (Forster Park) or at such other places as the committee may from time to time determine.
- a) The colours of the Club shall be Red White and Black or any variations thereof adopted and approved by the committee and registered with Baseball WA.

2. OBJECTIVE

- a) To encourage promote and advance the game of Baseball and all its modified forms in the City of Belmont, Town of Victoria Park and surrounding districts.

3. POWERS

- a) To promote and conduct entertainment and other functions, inclusive of raffles and/or lotteries where legally permitted so to do for the raising of funds, for the purpose of furthering the aims and objectives of the club.
- b) To invest the moneys of the club not immediately required for any of its objectives upon such securities and in such manner as may from time to time be determined.
- c) To elect establish maintain and conduct a social club for the members of the club and to provide other conveniences and generally to afford all the usual privileges, advantages, conveniences and accommodation of a club to members and their guests.
- d) To obtain and renew a licence under the Liquor Act 1988, and any amendments, each season so as to supply refreshments for members and their guests therein
- e) To provide gifts of appreciation and trophies to such members of the club as the committee may determine.
- f) To do all such other acts, matters and things as are incidental or conducive to the attainment of all or any of the above objectives including entering into any contract it considers necessary or desirable
- g) To open and operate bank accounts and to borrow money upon such terms and conditions the club thinks fit.

4. CLUB INCOME

- a) The income and property of the club wheresoever derived shall be applied solely towards the promotion of the objectives of the club, and no portion thereof shall be paid or transferred directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profit to the persons who at any time are or have been members of the club, or to any of them or to any person claiming through any of them. Subject to Clause 3(e) no member shall be entitled to derive any benefit or advantage from the club which is not shared equally by every other member thereof. Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servant of the club, or to any member thereof, or other person in return for any services actually rendered or value given to the club, nor prevent the payment of interest on money borrowed from any members of the club.

5. CLUB YEAR

- a) The financial year of the club shall commence on the 1st Day of May in each year and end on the 30th day of April the next following.

6. MEMBERSHIP

- a) Any person not specially debarred by these rules shall be eligible to become a member of the club under one of the following divisions:
 - i. Senior Member
 - ii. Junior Member
 - iii. Social Member
 - iv. Life Member
- b) All players, officials and volunteers shall complete and sign an official registration form that the Club will keep on record.
- c) The Committee shall always be entitled to refuse any application for membership at its discretion.

7. QUALIFICATION FOR MEMBERSHIP

- a) Any person over the age of eighteen (18) years may apply for and be admitted as a Senior Member of the club.
- b) Any person under the age of eighteen (18) years may apply for and be admitted as a Junior Member of the club.
- c) Any person not playing Baseball may be admitted as a Social Member of the club.
- d) Any person who has rendered services to the club over an extended period in accordance with the bylaws may be eligible for Life Membership
 - i. No more than two (2) members may be granted Life Membership in any one year for services rendered to the club.
 - ii. All nominations for Life Membership of the Club shall be submitted to the Secretary for committee approval.

8. OBLIGATIONS FOR MEMBERS AND GUESTS

- a) All persons whose application for membership is accepted shall be deemed to have subscribed to this Constitution as from receipt from them of notice of their admission to membership of the club.
- b) No person other than a member of the club shall use the facilities of the club except:
 - i. A person who is on any day visiting the club as a member or an official or a person assisting a team that is to contest a pre arranged sporting event on that day.
 - ii. As a guest of a member to engage in sports played by Club members that day in either of which cases the person shall be a Temporary member of the club during its authorised trading hours for that day.
 - iii. Professional sporting coaches and their assistants when employed by the club.
 - iv. Professional sporting coaches or any other person who provides coaching services free of charge with permission of the Committee or Secretary of the club.

9. RIGHT TO VOTE

- a) The following financial members shall be entitled to speak and vote at the Annual General Meetings and Special General Meetings of the Club:
 - i. Senior Members.
 - ii. Junior (Guardians) Members.
 - iii. Life Members
- b) Life members shall have the right to attend any General Meeting and to vote thereat

10. DISQUALIFICATION OF MEMBERS

- a) Upon receipt of a complaint of a member's behaviour which is considered either a breach of the liquor act, unacceptable member behaviour pursuant to the Club code of conduct or where police involvement is required, not less than two (2) members of the Executive Committee may suspend the member for a period of time until disciplinary action is completed.
- b) The Committee may expel or otherwise deal with any member convicted of an indictable offence or guilty of wilfully infringing this constitution or any bylaws thereunder or of any conduct prejudicial to the interest of the Club provided that any person so expelled may appeal to a Special General Meeting of the club by giving to the Committee notice of such appeal by service of such notice on the Secretary stating the grounds of such appeal and the appeal shall be heard at a Special General Meeting.
- c) The decision must be conveyed to the member and recorded in the minute records.
- d) Until the hearing of such appeal the decision of the Committee shall stand and on the hearing of the appeal at the Special General Meeting shall determine whether to uphold or dismiss such appeal.
- e) No further appeals on the same grounds will be considered.

11. DISPUTES AND MEDIATION

- a) The grievance procedure set out in this rule applies to disputes under these rules between:
 - i. A member and another member; or
 - ii. A member and the Club; or
 - iii. Non-members who receive services from the Club.
- b) The parties to the dispute must meet and discuss the matter in dispute, and if possible resolve the dispute within 14 days after the dispute comes to the attention of all parties.
- c) 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 the mediator.
- d) The mediator must be-
 - i. A person chosen by agreement between the parties; or
 - ii. In the absence of agreement-
 1. In the case of a dispute between a member and another member, a person appointed by the committee of the Club:
 2. In the case of a dispute between a member or relevant non-member (as defined by sub-rule (a)(iii) and the Club, a person who is a mediator appointed to, or employed with, a not for profit organisation
- e) A member of the Club can be a mediator
- f) The mediator cannot be a member who is a party to the dispute
- g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation
- h) The mediator, in conducting the mediation, must:
 - i. Give the parties to the mediation process every opportunity to be heard;
 - ii. Allow due consideration by all parties of any written statement submitted by any party; and
 - iii. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process
- i) The mediator must not determine the dispute
- j) The mediator must be confidential and without prejudice
- k) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute at law.

12. OFFICERS OF THE CLUB

- a) The Officers of the club shall consist of the:
 - i. President*
 - ii. Vice President Senior*
 - iii. Vice President Junior*
 - iv. Secretary*
 - v. Treasurer*
 - vi. Registrar*
 - vii. Up to ten (10) Committee members

* Denotes member of the executive

13. ELECTION OF OFFICERS

- a) Nominations for the position of an Officer of the club shall be in writing and lodged with the Secretary or Returning Officer (as determined by the committee) at least twenty one (21) days prior to the Annual General Meeting. In the event of an insufficient number of members being nominated for election, nominations may, with the consent of the Annual General Meeting, be accepted without notice from the floor the meeting.
- b) Officers shall be elected annually. In the event that a ballot is necessary the order of candidates on the ballot paper shall be chosen by lot drawn by the Secretary or Returning Officer in the presence of two other officers.
- c) The Secretary/Returning Officer shall prepare and cause a ballot paper to be sent to each financial member as recorded in the Register of Members to be returned to the Secretary or Returning officer to be received not less than three (3) days before the Annual General Meeting
- d) The method of election of officers of the club will be in accordance with the provisions of the Standard Non Parliamentary election Rules of the West Australian Electoral Commission
- e) Should it be necessary to fill a vacancy or vacancies, they shall be filled for the balance of the term or until the next appointment by a majority decision of the remaining members of the Management Committee.
- f) Retiring Officers shall be eligible for re-election
- g) All persons appointed to any office, committee or sub-committee of the club formed for any particular purpose shall be financial members of the club and report to and be responsible to the Management Committee of the club.
- h) Any person who is an undischarged bankrupt is ineligible to nominate.
- i) Any person convicted of an offence relating to dishonesty, such as stealing or fraud is ineligible to nominate.

14. DUTIES OF OFFICERS

- a) The President shall:
 - i. Be entitled to preside at all Meetings of the club and see that business is conducted in a proper manner and on those occasions where the vote shall at any time be equal he/she shall have the casting vote.
 - ii. May call Committee meetings and generally shall ensure the well being and objects of the club.
 - iii. On written requisition of ten (10) per cent of the Ordinary Members or Twenty (20) Ordinary Members, whichever is the lesser figure call a Special General Meeting to discuss the business contained in such requisition and such meeting shall be called within twenty eight (28) days from the date of receipt of the requisition.

- iv. Attend all meeting of the controlling bodies of baseball and express the views of the club as directed by the Committee and report back to the club any proceedings and decisions of the meetings
- b) The Vice President (Senior):
- i. Assist the President at all meetings of the club and in the absence of the President, the Deputy President shall perform all the functions indicated for the President ,if the President for any reason is unable to perform them:
 - ii. Vice President (Senior) shall represent the Senior players of the club and in the absence of the President attend all meeting of the controlling bodies of Senior baseball and express the views of the club as directed by the Committee and report back to the club any proceedings and decisions of the meetings
- c) The Vice President (Junior) shall:
- i. Assist the President at all meetings of the club and in the absence of the President, the Vice President (Junior) shall perform all the functions indicated for the President ,if the President for any reason is unable to perform them:
 - ii. The Vice President (Junior) shall represent the Junior players of the club and in the absence of the President attend all meeting of the controlling bodies of Junior baseball and express the views of the club as directed by the Committee and report back to the club any proceedings and decisions of the meetings.
- d) The Secretary shall:
- i. Attend all Management Committee meetings and ensure that minutes of such meetings are accurately recorded, receive all correspondence and answer such questions as may be asked in accordance with the constitution.
 - ii. Keep a record of all correspondence inward and outward.
 - iii. At the Annual General Meeting shall furnish a list of officers and members as at the close of the preceding year and their addresses.
 - iv. May be removed for any good reason at a Special General Meeting called for the purpose.
 - v. At the Annual General Meeting shall read to the meeting the names of persons comprising the Management Committee for the preceding year and their attendance at meetings during the year.
 - vi. Be entitled to attend all Special General Meetings of the club and shall ensure that minutes of such meetings are accurately recorded.
 - vii. Keep and maintain an up to date condition the rules of the Association and, upon the request of a member of the Association, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules
 - viii. Upon the request of a member of the Association, make available the minutes for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
 - ix. Unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, but other than those required to be kept and maintained by, or in the custody of, the Treasurer.
- e) The Treasurer shall:
- i. Receive and pay all moneys belonging to the club into such bank or banks as shall be approved by the Committee in the name of the club. An account of all money received and expended is kept
 - ii. Balance the books for the purpose of the Annual Audit and shall prepare an income and expenditure statement and balance sheet to be presented to the Annual General Meeting.

- iii. Present a monthly statement and balance to the Committee meeting. .
 - iv. May be removed for any good reason at a Special General Meeting called for the purpose.
 - v. To collect and receipt all playing fees as set by the club each year
- f) The Registrar shall:
- i. Keep a register of all playing members, social members and Life members name and address and nature of membership
 - ii. Be responsible for all clearances to and from the club and ensure any players seeking a clearance are financial prior to the clearance is granted
 - iii. Keep a record of uniform distribution and recovery for all the player members.

15. AUDITORS

- a) Auditors shall examine the books, accounts, receipts, vouchers, etc. for the year following their election and compare same with the statement of income and expenditure and balance sheet. They shall certify as to the correctness or otherwise of such statements of income and expenditure and balance sheet and furnish the Secretary with a report as to the state of the funds. The Auditors finding any deficiency and/or irregularities in moneys or effects shall state the particulars in their report.

16. MANAGEMENT COMMITTEE

- a) The Management Committee shall: -
 - i. Consist of the duly elected and appointed office bearers as provided in clause 12 thereof.
 - ii. Cast a deliberate vote for each Committee member.
 - iii. Decide by a majority of votes a question arising at a Committee meeting, but, if there is no majority, the person presiding at the Committee meeting will have the casting vote in addition to his or her deliberate vote.
 - iv. Shall meet at least monthly and minute all resolutions and proceedings of such meetings shall be recorded, maintained and archived.
 - v. May be removed by a majority vote at a Special General Meeting and a new committee appointed in its place until the next Annual meeting ;
 - vi. Appoint from the members of the club any sub-committees and may co-opt any members of the club who may not be committee persons for any purpose whatsoever connected with the affairs or purpose of the club including fund raising and social functions;
 - vii. Frame bylaws not inconsistent with this constitution and shall take active steps to ensure that such bylaws are complied with;
 - viii. Set annually fee for membership based on the fee required from Baseball WA and shall have the power to restrict those members of the club who have not paid such fee from playing
 - ix. Fix and pay honorariums to any Officer or Auditor
 - x. At all times promote the objectives of the club.
 - xi. The procedure and order of business to be followed at a committee meeting must be determined by the Committee members present at the Committee meeting.
 - xii. A committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established) must as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and not take part in any deliberations or decision of the Committee with respect to that contract.
 - xiii. The Secretary must cause every disclosure made under sub-rule (16) (a)(xii) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made

17.COMMITTEE MEETINGS

- a) The executive shall have power to call meetings of the Management Committee whenever it is deemed necessary.
- b) If a member of the Management Committee absents himself/herself from three consecutive meetings and fails to give a satisfactory explanation of his/her absence the committee may declare the seat vacant and then proceed to fill it as a casual vacancy.
- c) In the absence of the President or vice President those present may elect one of their numbers to chair the meeting.

18.ANNUAL GENERAL MEETING

- a) The Annual General Meeting of the club shall be held on such day and time and place as the Management Committee may determine provided always that the Annual General Meeting shall be held prior to the 31st May in each year. Notice of the meeting shall be posted in a prominent position on the club premises or sent to members at least fourteen (14) days before the meeting.
- b) The business of the Annual General Meeting shall be the reception of the statement of income and expenditure balance sheet, annual report and auditor's report, the election of officers and Auditors and the transaction of any other business that may be properly raised at such meeting.
- c) If a quorum is not present the meeting shall stand adjourned until such date as is determined at the meeting by the Chairman.
- d) If at such adjourned meeting a quorum is still not present, the meeting shall proceed, and the business as listed on the Agenda for the meeting shall be dealt with accordingly.

19.SPECIAL GENERAL MEETINGS

- a) The Management Committee may at any time call a Special General meeting. A Special General Meeting shall be called on a requisition made by not less than ten per centum of the Ordinary Members or 10 Ordinary members (whichever is the lesser figure) stating in a notice the proposed resolution not less than fourteen (14) days before the meeting.
- b) Only business of which notice has been given shall be dealt with at the meeting.
- c) If a quorum is not present the meeting shall stand adjourned until such date as is determined at the meeting by the Chairman. If at such adjourned meeting a quorum is still not present, the meeting shall be dealt with accordingly.

20.QUORUMS AND VOTING

- a) At the Annual General Meeting and all Special General Meetings of the Club the quorum shall be ten (10) Club Members entitled to vote or ten per centum of Club Members entitled to vote, whichever is the lesser.
- b) Only financial members of the club are entitled to vote at Annual General or Special General Meetings of the club.
- c) The quorum for meetings of the Management Committee shall be six (6)

21.SUBSCRIPTIONS

- a) A defined annual subscription fee shall be payable in advance, the amount shall be determined by the Management Committee and be based on the projected income required for the good governance of the club inclusive of the charges and fees of Baseball WA.
- b) Subject to sub-clause 21 (c) and the VPBBC bylaws, members shall not be relieved of their subscription under any circumstances.

- c) A player coaching Junior and/or Senior teams competing in competitions organised by state association of which the club is a member may have their subscription relieved in total or in part, in accordance with VPBBC Bylaws

22. PAYMENT OF FEES

- a) Members' subscriptions shall be paid or contracted to the Secretary or the Treasurer by 31st December each year.
- b) A member resigning from the club shall pay all debts due to the date of resignation on a pro rata basis.

23. BY-LAWS

- a) The Management Committee shall have power to make such bylaws from time to time as may be necessary to carry out the objectives of the club and to vary or rescind such bylaws from time to time as they may consider necessary.

24. FUNDS AND BANKING SYSTEM

- a) No sum of money in excess of one hundred dollars (\$100.00) shall be paid on account of the club except by an approved method outlined in the bylaws upon the Bankers of the club.
- b) All withdrawal drawn on the Bank Account of the club shall be approved by any two of the following Secretary, Treasurer and President.
- c) It shall not be lawful for any meeting of members to vote a sum of money for any purpose other than those prescribed in this constitution.
- d) The clubs bankers shall only open close or vary signatories to the bank accounts in the clubs name under written authority from the club Secretary and approval by the committee.

25. DISSOLUTION

- a) The club may be dissolved by a special resolution passed at any General or Special General meeting by three fourths of the financial Members present and eligible to vote
- b) If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to 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 resolution of the members.

26. INTERPRETATION OF CONSTITUTION

- a) The constitution is non gender specific and any reference to the masculine includes the feminine;
- b) Interpretation will be in accordance with the common meaning.
- c) In case of any doubt arising to the correct interpretation of the Constitution, the majority decision of the Management Committee shall be taken and acted upon.

27. ALTERATIONS AND REPEAL OF RULES OF THE CONSTITUTION

- a) No Repeal of any existing rules and no new rule alteration amendment or suspension of a rule shall be valid unless a motion thereof be carried by a three fourths majority of members present and entitled to vote at a Special General Meeting of the club held for this purpose.

- b) No motion to repeal alter, amend, or suspend any rule shall be put before a meeting unless notice of the proposed repeal, alteration, amendment or suspension be exhibited on any public notice board.
- c) All resolutions passed at all meetings of the club shall be conclusive and binding on all members provided that such meetings are held in conformity with the Rules of the club then in force.
- d) Within fourteen (14) days after the making of any amendment or alteration to the Rules of the Club the Management Committee of the club shall send or deliver to the Director of Liquor Licensing and to the Registrar of Companies Registration Office a certified copy of the amendment or alterations. No effect will be given to the change without the prior approval of the Director.

28. COMMON SEAL

- a) The Management Committee shall have power to provide a Common Seal for the purpose of the club and for time to time to destroy the same and substitute a new seal in lieu thereof.
- b) The Common Seal shall be kept in the custody and power of the Secretary
- c) The Common Seal shall be used only by the authority of a resolution of the Management Committee and shall be affixed to all necessary deeds, instruments, agreements, contracts and documents in the presence of President, Vice Presidents and Secretary or any two of them and all or both present as the case may be shall subscribe their names as witnesses. A true and correct record shall be kept of all instruments, agreements, contracts and documents to which the seal is affixed in a seal register maintained by the Secretary

29. GENERAL

- d) The equipment is to be provided and maintained from the joint funds of the club and no person shall be entitled under these rules to derive any benefit or advantage from the club which is not shared equally by every member thereof.
- e) No member shall without the prior approval of the Management Committee use the club name for any purpose whatsoever.
- f) No member or committee person shall have the power to remove borrow or loan property without the prior consent of the Management Committee.