

ACT Dragons Volleyball Club Incorporated



Constitution dated 6th November 2010

An Incorporated Association under the

Associations Incorporation Act 1991

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1. Name

The name of the association shall be the ACT Dragons Volleyball Club Incorporated hereinafter referred to as the "Club".

2. Definitions and Interpretation

"**Act**" means the *Associations Incorporation Act 1991*.

"**ACT**" means the Australian Capital Territory.

"**Appointed Committee Member**" is a member of the committee as mentioned in 10 (II) (e).

"**Club**" means the ACT Dragons Volleyball Club Incorporated.

"**Club Year**" means the year beginning from the conclusion of the Club annual general meeting.

"Committee" means the ACT Dragons Committee of Management

"**Executive Committee Member**" is a member of the elected executive as mentioned in 10 (II) (b).

"**Financial Year**" means the year commencing on 1 January and ending on 31 December in that year.

"**Foundation Member**" means a member as defined in section 4 (III)

"**Member**" means a member as described in section 4 (I).

"**Non-Playing Member**" means a coach, official or referee of Volleyball or another member who is not registered in a Volleyball competition.

"**Playing Member**" is a member who is registered in a Volleyball competition.

"**Public Officer**" means an individual who has been appointed to exercise the functions of the Public Officer of the Club under the Act and other duties as may be defined.

"**Regulation**" means the *Associations Incorporation Regulation 1991*.

“**Volleyball**” means the sport of volleyball as controlled by the Federation International de Volleyball and the Australian Volleyball Federation from time to time.

3. Statement of Purpose and Objectives

- I. The Club's aim is to be the leading volleyball club in the ACT by developing our people, fostering good sportsmanship and engendering pride in the Club.
- II. The Club shall develop a Business Plan that outlines the Goals, Values and Objectives of the Club.

4. Membership

I. Membership Classification

The Club shall consist of the following classes of Members

- a) Playing Members;
- b) Non-Playing Members;
- c) Foundation Members; and
- d) Any other class of Member as determined by the Club from time to time at a General Meeting.

To remove any doubt, a member can hold multiple classifications. For example, Foundation Members can also be Playing Members.

II. Membership Qualifications

A person is qualified to be a Member if they:

- a) Accept the goals, values and objectives of the Club as outlined in the Club Business Plan;
- b) Complete and Sign the Application for Membership Form; and
- c) Pay the applicable membership fee.

III. Foundation Members

- a) Applications for Foundation Membership can be made up until the time of the Annual General Meeting to be held in the year 2011.

- b) Fees for Foundation Membership must be paid within twelve (12) months from the date of application.
- c) Foundation Member Benefits
 - (i) Foundation Members are Members for life and do not incur an annual membership fee. To remove any doubt this does not negate the Club's ability to take action under part 8 of this constitution if and when required.
 - (ii) Foundation Members are eligible to receive one (1) playing shirt at no cost.
- d) To remove any doubt, Foundation Members are required to pay fees, other than the annual membership fee, as may apply from time to time.

IV. Membership entitlements not transferable

A right, privilege or obligation that a person has because of being a member of the Club:

- a) Cannot be transferred or transmitted to another person; and
- b) Terminates on cessation of the person's membership.

V. Member Liability

The liability of a Member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount (if any) unpaid by the Member in relation to membership of the association as required by section 4 (II) (c) and section 5."

VI. Cessation of Membership

- a) A person's membership of the Club shall cease if:
 - (i) The Member dies;
 - (ii) The Member resigns from membership of the Club;
 - (iii) The Member is expelled from the Club in accordance with section 8 of this constitution; or
 - (iv) The Member fails to renew his or her membership of the Club.
- b) All resignations from membership of the Club are to be made in writing to the Committee and shall be effective when the resignation is accepted by the Committee.

- c) Resignation from the Membership of the Association does not remove a Member from any debts payable by that Member or any liabilities of that Member to the Club.
- d) The resignation of a Member shall not entitle the Member to a refund of the whole or any portion of his or her membership fee or any other monies as may have been paid by the Member under this constitution.

5. Fees

- I. The annual membership fee of the Club is five dollars (\$5) or, if any other amount has been determined by resolution of the Committee, that other amount.
- II. The Foundation Membership Fee of the Club is five hundred dollars (\$500).
- III. All other fees including merchandise, competition or tournament fees must be paid as per the schedule determined by resolution of the Committee.

6. Club Shirts

- I. Members who wish to play on Club teams must purchase their own playing shirt from the Club.
- II. Where a Member has not purchased their own playing shirt, the Club may, by resolution of the Committee, make a shirt available to the Member.
- III. The Club secretary must keep a list of available shirt numbers.
- IV. Members may pay an additional five dollar (\$5) fee to choose their playing shirt number from the list of available numbers. Where all numbers have been allocated the Member may seek a duplicate number through resolution of the Committee.
- V. Shirt numbers 1 to 20 are reserved for Foundation Members unless otherwise approved by resolution of the Committee.

- VI. Members of the Committee and Coaching Forum must purchase a shirt bearing the Club logo to be worn at times where they are representing the club, where practicable.

7. Grievance

- I. The Club Grievance Officer shall be the Vice President.
- II. Where a Member of the Club in respect of their involvement in the activities of the Club has a grievance with another member of the Club, and that Member considers that the grievance warrants investigation and action by the Club, that Member may submit in writing to the Club Grievance Officer their grievance marked private and confidential.
- III. If the grievance relates to the Member holding the position of Club Grievance Officer, the President becomes the Club Grievance Officer for the purpose of the investigation of the grievance.
- IV. The Club Grievance Officer shall investigate the grievance and report to the Executive including any recommendations and suggested action that may be taken by resolution of the Committee.
- V. All grievances received by the Club Grievance Officer, and all information surrounding the circumstances of a grievance which is discovered by the Club Grievance Officer on investigation shall be confidential and may only be communicated to the Committee.

8. Discipline

- I. The Committee may take disciplinary action where it is of the opinion that a Member has:
 - a) Persistently refused or neglected to comply with a provision of this constitution; or
 - b) Persistently and wilfully acted in a manner prejudicial to the interests of the Club.
- II. The Committee, by resolution, may take action in the form of a:
 - a) Warning;
 - b) Suspension; or
 - c) Expulsion.

- III. If the Committee takes action in accordance with section 8 (II), the Committee must advise the member in writing of the action and provide the member with an opportunity to apply for a review of the decision to take disciplinary action.

9. Right of Review of Disciplinary Action

- I. A Member who has been the subject of disciplinary action may make application to the Club Grievance Officer to have the decision reviewed no later than fourteen (14) days from the date the Member was advised of the action in writing..
- II. The application must be in writing and be signed by the Member. It must state the grounds for review and may contain any other information the Member believes to be of relevance.
- III. Upon receipt of a written application as outlined in 9 (I), the Club Grievance Officer shall convene a Committee meeting of the Club to be held within twenty eight (28) days after the date on which the Club Grievance Officer was provided the application for review.
- IV. The Committee, by resolution, must do one of the following in relation to the application for a review of the decision:
 - a) Confirm the original decision;
 - b) Revoke the original decision; or
 - c) Revoke the original decision and invoke a new decision with a lesser sanction.
- V. The Committee must advise the Member in writing of the decision made under 9 (IV) within fourteen (14) days of making the decision.

10. Committee

- I. Powers of Committee
 - a) The Committee, subject to the Act, Regulation, this constitution, and to any resolution passed by the Club in a general meeting:
 - i) Controls and manages the affairs of the Club;
 - ii) Has the power to apply the funds of the Club as it deems necessary or desirable for the proper management of the affairs of the Club;

- iii) Has power to perform all acts and do all things that appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club;
- iv) Has the power to make guidelines as required from time to time;
- v) Has the power to make forms as required from time to time; and
- vi) Has the power to determine fees from time to time.

II. Committee Membership, Election and Appointment

- a) The Committee consists of:
 - i) The Executive Committee Members; and
 - ii) Up to eight (8) Appointed Committee Members.
- b) The Executive Committee Members consist of:
 - i) President;
 - ii) Vice-President;
 - iii) Treasurer;
 - iv) Secretary; and
 - v) Public Officer.
- c) The Executive Committee Members must be elected at the Club annual general meeting by majority vote.
- d) Nominations for Executive Committee Members may be made in writing and given to the Secretary not less than seven (7) days prior to the annual general meeting.
- e) The Appointed Committee Members may consist of:
 - i) Social and Internal Communications Director;
 - ii) Property Officer;
 - iii) UC Representative;
 - iv) Technical Coaching Director;
 - v) Not more than two (2) Business Development Managers;
 - vi) Assistant Secretary; and
 - vii) Assistant Treasurer.
 - viii) Or any other representative with skills and abilities resolved by the Committee to be essential to the good administration of the Club.
- f) Nominations for Appointed Committee Members must be given to the Secretary within fourteen (14) days following the Club annual general meeting.
- g) Appointed Committee Members positions must be elected by the Executive Committee Members by majority vote within

twenty eight (28) days following the Club annual general meeting.

- h) However, where there are no nominations for a Committee position, the position will remain vacant until such time as the Executive Committee Members are able to appoint a Member to that position.
- i) In the circumstance outlined in section 10 (2) (h), nominations for Appointed Committee Members can be given to the Secretary at any time while the position is vacant.
- j) In the circumstance outlined in section 10 (2) (i), the appointment of a Member to a vacant position must be elected by the Executive Committee Members by majority vote within twenty eight (28) days of receiving the nomination.
- k) While a Committee position is vacant the Committee may at its discretion divide up the role of that Committee position between its Members.
- l) Each Member of the Committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the Member's election or appointment.
- m) The office of a Member of the Committee shall be taken to have become vacant should the Member cease to be a member under section 4 (VI).
- n) A Member of the Committee is eligible for re-election.
- o) All Committee Members must be Financial Members of the Club.

III. Removal of Committee Members

- a) The Club in general meeting may by resolution, subject to the Act, section 50, remove any member of the Committee from the office of Member of the Committee before the end of the Member's term of office.

IV. Committee Meetings

- a) The Committee must meet at least four (4) times in each calendar year at the place and time that the Committee decides.
- b) Additional meetings of the Committee may be called by any member of the Committee.
- c) Written notice of a meeting including the general nature of business to be transacted at the meeting must be given by the

Secretary to each Member of the Committee at least forty eight (48) hours (or any other period that may be unanimously agreed on by the Members of the Committee) before the time appointed for the holding of the meeting.

- d) In order for the transaction of business to go ahead a quorum of at least five (5) Committee Members must be present at a meeting including at least two (2) Members of the Executive.
- e) In cases where a vote is necessary for the transaction of business and a motion has been passed and seconded, a decision is made by a majority of the votes of Members present at the meeting.
- f) Each Member of the Committee at a meeting is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.
- g) At meetings:
 - i) The President or in his/her absence the Vice-President presides; and
 - ii) The Secretary or in his/her absence the Assistant Secretary is responsible for the taking of the minutes.

V. Delegation by Committee to Subcommittees

- a) The Committee may at its discretion form Subcommittees utilising Club Members on which it bestows the power of delegation in relation to a specific function or Club need.
- b) The Committee may impose terms or reference outlining the powers and aim of the Subcommittee including the composition of the Committee, meeting, duration and reporting requirements.

11. General Meetings

I. Meetings

- a) The Committee may, whenever it considers appropriate, call a general meeting of the Club.
- b) The Committee must on the submission to the Secretary of a requisition signed by not less than five percent (5%) of the total number of Members and stating the purpose of the meeting, call a general meeting of the Club.
- c) The Secretary must notify all Members in writing of the date of a general or annual general meeting and include business to

be transacted and all relevant documents fourteen (14) days prior to the date chosen.

- d) At general or annual general meetings the President or if he/she is absent the Vice-President presides.
- e) For business to be transacted at a general or annual general meeting a minimum of twenty percent (20%) of the Club's membership must be present.
- f) Voting at general or annual general meetings shall be by a show of hands with the decision made as per the majority.
- g) All votes may be given personally or by proxy but no member may hold more than five (5) proxies.
- h) Each member is entitled to appoint another member as proxy by notice given to the Secretary no less than twenty four (24) hours before the time of the meeting for which the proxy is appointed.
- i) If the votes on a question at a general or annual general meeting are equal, the person presiding is entitled to exercise a second or casting vote.

II. Annual General Meetings

- a) The Club must, at least once in each Club Year and within five (5) months after the end of each financial year of the Club, call an annual general meeting of its Members.
- b) In addition to any other business that may be transacted at an annual general meeting, the business of the annual general meeting is to:
 - i) Confirm the minutes of the last annual general meeting and of any general meeting held since that meeting;
 - ii) To receive from the Committee reports on the activities of the association during the last Club Year;
 - iii) To elect members of the Executive; and
 - iv) To receive and consider the statement of accounts, and the reports that are required to be submitted to Members under the Act, section 73 (I).

12. Miscellaneous

I. Financial Management

- a) The funds of the Club shall be derived from entrance fees and annual membership fees, donations and, subject to any

resolution passed by the association in general meeting and subject to the Act, section 114, any other sources that the committee decides.

- b) Subject to any resolution passed by the Club in a general meeting, the funds of the Club must be used for the objects of the Club in the way that the Committee decides.
- c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Committee.
- d) All financial expenditure must be approved by majority vote of the Committee.

II. Common Seal

- a) The seal of the Club shall be in the form of a rubber stamp, inscribed with the name of the Club.
- b) The seal of the Club shall not be affixed to any instrument except by the authority of the Committee and the affixing thereof shall be attested by the signature of two Members of the Executive or such other persons as the Committee may appoint for the purpose and that attestation is sufficient for all purposes that the seal was affixed by authority of the Committee.

III. Custody and Inspection of Books and Documents

The financial records, books and other documents of the Club shall:

- a) remain in the custody of the Treasurer; and
- b) subject to any contrary direction by resolution in a Committee meeting as to the extent, time, place or conditions, be open to inspection at reasonable times at the residential premises of the Club Treasurer.

IV. Alteration of Constitution

- a) Neither the objects of the association mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.

V. Surplus Property

- a) If upon the winding up or dissolution of the Club there remains, after satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to nor distributed among the Members, but shall be given or transferred to some other institution of company having objects similar to the objects of the Club, and whose constituent documents prohibit the distribution of its income and property among its members and who the Club membership have agreed by vote at a general meeting is appropriate.