



Est. 1903

MALVERN LACROSSE CLUB INCORPORATED

CONSTITUTION (INCORPORATING BY-LAWS) JULY 2013

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Associations Incorporation Act 1981

Section 5(b) Statement of Purposes

1. The name of the proposed incorporated association is

MALVERN LACROSSE CLUB INCORPORATED.

2. The purposes for which the proposed incorporated association is established are:

- 1) To encourage the development of Lacrosse in the City of Malvern.
- 2) To field Lacrosse teams in the competitions administered by the Victorian Lacrosse Association Incorporated.
- 3) To facilitate and encourage excellence in Lacrosse and to improve standards of sportsmanship generally, in the City of Malvern.
- 4) To represent the Malvern Lacrosse Club Incorporated at any conference of delegates convened for the purpose of discussing and considering any matter relating to Lacrosse and/or at any meeting of the Victorian Lacrosse Association Incorporated.
- 5) To do such other things as are incidental to or conducive to the attainment of the above objects and to the exercise of the powers of the Club.

Note: The purposes should be set out in paragraphs which are designated by letters in alphabetical order or are numbered consecutively.

Name

1. The name of the incorporated association is MALVERN LACROSSE CLUB INCORPORATED (in these rules called the Club).

Definitions

2. (1) In these rules, unless the contrary intention appears:
 - "**Committee**" means the Committee of Management of the Club.
 - "**Financial year**" means the year ending on 31st October.
 - "**General Meeting**" means a general meeting of members convened in accordance with Rule 11.
 - "**Member**" means a member of the Club.
 - "**Ordinary Member of the Committee**" means a member of the Committee who is not an officer of the Club under Rule 21.
 - "**The Act**" means the ***Associations Incorporation Act 1981***.
 - "**The Regulations**" means regulations under the Act.
- (2) In these Rules, a reference to the Secretary of a Club is a reference -
 - (a) where a person holds office under these Rules as Secretary of the Club - to that person;
 - and
 - (b) in any other case, to the public officer of the Club.
- (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.

Qualifications of Membership

3. (1) A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Club on payment of the entrance fee and annual subscription payable under these rules.
- (2) A person who is not a member of the Club at the time of the incorporation of the Club (or who was such a member at the time but has ceased to be a member) shall not be admitted to membership
 - (a) unless he is nominated as provided in sub-clause (3);
 - and
 - (b) his admission as a member is approved by the Committee.
- (3) A nomination of a person for membership of the Club -
 - (a) shall be made in writing in the form set out in Appendix 1;
 - and
 - (b) shall be lodged with the Secretary of the Club.
- (4) As soon as is practicable after the receipt of a nomination, the Secretary shall refer the nomination to the Committee.
- (5) Upon a nomination being referred to the Committee, the Committee shall determine whether to approve or to reject the nomination.

(6) Upon a nomination being approved by the Committee, the Secretary shall, with as little delay as possible notify the nominee in writing that he is approved for membership of the Club and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the entrance fee and the first year's annual subscription.

(7) The Secretary shall, upon payment of the amounts referred to in sub-clause (6) within the period referred to in that subclause, 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 Club.

(8) A right, privilege or obligation of a person by reason of his membership of the Club

(a) is not capable of being transferred or transmitted to another person;

(b) terminates upon the cessation of his membership whether by death or resignation or otherwise.

Entrance Fee of Subscription

4.

The annual subscriptions for playing and non-playing members shall be determined by the annual general meeting taking into consideration the recommendations of the committee. The annual subscriptions are payable in advance on or before the 31st day of May in each year.

Register of Members

5.

The Secretary shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.

General Rights of Members

6.

- (1) A member of the Association who is entitled to vote has the right -
- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these rules; and
 - (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at any general meeting; and
 - (e) to have access to the minutes of any general meeting and other financial documents of the Malvern Lacrosse Club; and
 - (f) to inspect the register of members.
- (2) A member is entitled to vote if they are considered to be financial, and the member's rights have not been suspended for any reason.

Resignation of Member

7.

(1) A member of the Club who has paid all moneys due and payable by him to the Club may resign from the Club by first giving one month's notice in writing to the Secretary of his intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.

(2) Upon the expiration of a notice given under sub-clause (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.

Expulsion, Suspension or Fining of Members

8.

(1) Subject to these rules, the Committee may by resolution -

- (a) expel a member from the Club;
- (b) suspend a member from membership of the Club for a specified period;
- (c) fine a member in accordance with the regulations -
if the Committee is of the opinion that the member -
- (d) has refused or neglected to comply with these rules; or
- (e) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club.

(2) A resolution of the Committee under sub-clause (1) -

(a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause (3) confirms the resolution in accordance with this clause;

and

(b) where the member exercises a right of appeal to the Club under this clause does not take effect unless the Club confirms the resolution in accordance with this clause.

(3) Where the Committee passes a resolution under sub-clause (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 and not later than 28 days after the service of the notice;
- (c) stating the date, place and time of that meeting;
- (d) informing the member that he may do one or more of the following:
 - (i) Attend that meeting;
 - (ii) Give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (iii) Not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that he wishes to appeal to the Club in general meeting against the resolution.

(4) At a meeting of the Committee held in accordance with sub-clause (2), the Committee

- (a) shall give to the member an opportunity to be heard;
 - (b) shall give due consideration to any written statement submitted by the member; and
 - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the Secretary receives a notice under sub-clause (3), he shall notify the Committee and the Committee shall convene a general meeting of the Club to be held within 21 days after the date on which the Secretary received the notice.
- (6) At a general meeting of the Club convened under sub-clause (5)
- (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee may place before the meeting details of the grounds for the 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) If at the 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.

Annual General Meetings

9.

- (1) The Club shall in each calendar year convene an annual general meeting of its members.
- (2) The annual general meeting shall be held on such day as the Committee determined, but not later than the first Friday in December.
- (3) The annual general meeting shall be specified as such in the notice convening it.
- (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 Committee reports upon the transactions of the Club during the last preceding financial year;
 - (c) to elect officers of the Club and the ordinary members of the Committee; and
 - (d) to receive and consider the statement submitted by the Club in accordance with Section 30(3) of the Act.
- (5) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (6) The annual general meeting shall be an addition to any other general meetings that may be held in the same year.

Special General Meetings

10.

All general meetings other than the annual general meeting shall be called special general meetings.

11.

(1) The Committee may, whenever it thinks fit, convene a special general meeting of the Club and, where, but for this sub-clause, more than 15 months would lapse between annual general meetings, shall convene a special general meeting before the expiration of that period.

(2) The Committee shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene special general meeting of the Club.

(3) 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.

(4) 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.

(5) 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 Club to the persons incurring the expenses.

General Meetings Notice

12.

(1) The secretary of the Club shall at least 14 days before the date fixed for holding a general meeting of the Club cause to be sent to each member of the Club at his address appearing in the register of members, a notice by pre-paid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

(2) No business other than that set out in the notice convening the meeting shall be transacted at the meeting.

(3) A member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include the business in the notice calling the next general meeting after the receipt of the notice.

Procedure

13.

(1) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.

(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.

(3) 5 members personally present (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

(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 date in the next week at the

same time and (unless another place is specified by the Chairman at the time of the adjournment 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 time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.

Chairman

14.

(1) The President, or in his absence, the Vice-President shall preside as Chairman at each general meeting of the Club.

(2) If the President and the Vice-President are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

Adjournment

15.

(1) The Chairman of a 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.

(2) 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.

(3) Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

Voting

16.

A question arising at a general meeting of the Club 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 Chairman 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 Club is evidence of the fact without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

17.

(1) Upon any question arising at a general meeting of the Club a member has one vote only.

(2) All votes shall be given personally or by proxy.

(3) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

18.

(1) If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at the meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.

(2) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

19.

(1) A member is not entitled to vote at any general meeting unless all moneys due and payable by him to the Club have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

(2) A member is not entitled to vote whilst being eligible to participate in junior competition and must be at least 18 years of age at the time a vote is called for..

20.

(1) Each member shall be entitled to appoint another member as his 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.

(2) The notice appointing the proxy shall be in the form set out in Appendix 2.

Committee Powers

21.

(1) The affairs of the Club shall be managed by a Committee of Management constituted as provided in Rule 21.

(2) The Committee -

(a) shall control and manage the business and affairs of the Club;

(b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Club; and

(c) subject to these rules, the regulations and the Act, has 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 Club.

Constitution

22.

(1) The officers of the Club shall be -

(a) a President;

(b) a Vice-President;

(c) a Treasurer; and

(d) a Secretary.

(2) 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 offices mentioned in sub-clause (1).

(3) Each officer of the Club shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.

(4) In the event of a casual vacancy in any office referred to in sub-clause (1) 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 appointment.

23.

(1) Subject to Section 23 of the Act, the Committee shall consist of -

- (a) a President
- (b) a Secretary
- (c) an Assistant Secretary
- (d) Treasurer
- (e) Four other elected members

each of whom shall be elected at the annual general meeting of the Club in each year.

Only Malvern Lacrosse Club Life Members, active within the club, shall have voting rights

Vice Presidents shall be ex-officio members but would have no voting powers at committee meetings).

(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 election but is eligible for re-election.

(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 Club 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 appointment.

Election of Committee Members

24.

(1) Nominations of candidates for election as officers of the Club or as ordinary members of the Committee

(a) shall be made in writing, signed by two members of the Club 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 Club not less than 7 days before the date fixed for the holding of the annual general meeting.

(2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.

(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.

(4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

(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.

(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.

Grounds for Termination of Office

25.

For the purposes of these rules, the office of an officer of the Club or of an ordinary member of the Committee becomes vacant if the officer or member

- (a) ceases to be a member of the Club;
- (b) becomes an insolvent under administration within the meaning of the Companies(Victoria) Code; or
- (c) resigns his office by notice in writing given to the Secretary.

Quorum and Procedure at Meetings

26.

(1) The Committee shall meet at least 3 times in each year at such place and such times as the Committee may determine.

(2) Special meetings of the Committee may be convened by the President or by any 4 of the members of the Committee.

(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.

(4) Any 4 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

(5) No business shall be transacted unless a quorum is present and if 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.

(6) At meetings of the Committee -

- (a) the President or in his absence the Vice President shall preside, or
- (b) if the President and Vice President are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.

(7) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

(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.

(9) Written notice of each committee meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by pre-paid post addressed to him at his usual or last known place of abode at least two business days before the date of the meeting.

(10) Subject to sub-clause (4) the Committee may act notwithstanding any vacancy on the Committee.

Minutes

27.

The secretary of the Club shall keep minutes of the resolutions and proceedings of each general meeting and each committee meeting in books provided for that purpose together with a record of the names and persons present at committee meetings.

Treasurer

28.

(1) The Treasurer of the Club

(a) shall collect and receive all moneys due to the Club and make all payments authorised by the Club; and

(b) shall keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.

(2) The accounts and books referred to in sub-clause (1) shall be available for inspection by members.

(3) 1. At the commencement of the term of a new committee of management, an order book shall be instituted. The order book may be continued from the previous committee, providing that there is notice in the Treasurer's Report at the Annual General Meeting, of the last order number used by that committee. The report shall also include a list of any outstanding orders.

2. The said order book shall have on each page the Malvern Lacrosse Club Inc name, a sequential number, and provision for the date and purpose of using the order number.

3. As per the constitution of the Malvern Lacrosse Club Inc. Section 21 (1), only the officers of the club may issue an order number on behalf of the Malvern Lacrosse Club Inc. This is not to say that other persons may institute the use of the order once it has been issued.

4. The order book shall remain in the hands of the Treasurer for the term of office.

5. The Treasurer shall be required to bring to the notice of the committee of management the issuance of orders at each meeting of the said committee.

Removal of Committee Members

29.

(1) The Club in general meeting may by resolution remove any member of the Committee, including Secretary, Treasurer, Vice President or General Committee Member before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first mentioned member.

(2) Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and requests that they 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 they are not so sent, the member may require that they be read out at the meeting.

Signing of Negotiable Instruments

30.

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee.

Common Seal

31.

(1) The Common Seal of the Club shall be kept in the custody of the Secretary.

(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 signature either of two members of the Committee or of one member of the Committee and of the Public Officer of the Club.

Alteration of Statements of Purposes and Rules

32.

These rules and the statement of purposes of the Club shall not be altered except in accordance with the Act.

Service of Notices

33.

(1) A notice may be served by or on behalf of the Club upon any member either personally or by sending it by post to the member at his address shown in the Register of Members.

(2) Where a document is properly addressed pre-paid and posted to a person as a letter, 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 of post.

Winding Up

34.

(1) In the event of the winding up or the cancellation of the incorporation of the Club the assets of the Club shall be disposed of in accordance with the provisions of the Act.

Custody of Books and Other Documents

35.

(1) Except as otherwise provided in these Rules, the Secretary shall keep in his custody or under his control all books, documents and securities of the Club.

(2) Financial members may on request from the Secretary and inspect free of charge -

(a) the register of members;

(b) the minutes of general meetings;

(c) the financial statements of the club;

(d) subject to subclause (3) the financial records, books, securities, and any other relevant document of the Association, including minutes of Committee meetings.

(3) The Secretary, on behalf of the Committee, with the Committees consent, may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or whether to do so may be prejudicial to the interests of the Club.

(4) The Committee must on request make copies of these rules available to members and applicants for membership fee of charge.

Source of Funds

36.

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

Management of Funds

37.

(1) The Club must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

(2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.

(3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including electronically) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

(4) All cheques, drafts, bills of exchange, promissory notes, loans, and other negotiable instruments must be signed by 2 committee members.

(5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.

(6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

By-Laws

38.

(1) The General Committee shall have power from time to time to make by-laws not inconsistent with these rules for the efficient working of the Club and to alter, amend or rescind such by-laws as occasion may require.

(2) All by-laws shall be entered by the Secretary in a book to be kept for the purpose and available for inspection.

Life Members

39.

1. Nominations for Life Membership of the Malvern Lacrosse Club shall be forwarded to the Secretary 14 days prior to the Annual General Meeting of the Club.
2. All nominations shall include a nominator and a seconder.
3. Nominations shall be brought to the attention of the members of the Malvern Lacrosse Club at the Annual General Meeting.
4. Nominations shall be held until the end of the season following the nomination during which time objections may be submitted in writing to the secretary.

5. At the end of the season following the nomination(s) a ballot paper, including a self addressed envelope, shall be sent to all active Life Members detailing the nomination(s). Life Members shall be asked to vote for or against the nomination(s) and return the ballot paper to the secretary.
6. The only identifying item for the ballot shall be a count of the number of ballots sent out. This count shall be used to determine how many have been returned.
7. The adjudicators for the ballot shall be the President, Secretary, Treasurer and one Life Member who shall be selected by the committee of management.

Appendix 1 - Nomination Form

NOMINATION of OFFICE BEARERS

I _____ nominate
_____ for the position of

Signature of Nominator _____

Signature of Nominee _____

Secunder _____

Signature of Secunder _____

Note:
This form shall be delivered to the Secretary of the Club not less than 7 days before the date fixed for the holding of the annual general meeting.
The address for posting is :

Appendix 2 - Proxy Form

Proxy Form

I _____ being recorded as a financial member of the Malvern Lacrosse Club Incorporated here by advise that in my absence at the Annual General Meeting to be held on _____ my proxy shall be _____ and shall be entitled to vote on my behalf.

Signed: _____

Proxy: _____

Witness: _____

Date: _____