

Cloverdale Comets Diamond
Sports Association
(Incorporated)

CONSTITUTION

Effective 23 May 2017

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In this document “Act” means the *Associations Incorporation Act 2015*

CONSTITUTION

1. NAME

- 1.1 The name of the Association shall be Cloverdale Comets Diamond Sports Association (Incorporated) which may be abbreviated to C.C.D.S.A., and hereinafter referred to as the "Association".

2. OBJECTS

- 2.1 The objects of the Association are:
- a) To encourage and promote Diamond Sports.
 - b) To obtain sponsorship for the Association (excluding sponsors inconsistent with the membership such as liquor and cigarette companies).
 - c) To do all such things as are conducive or incidental to the above objects; or any of them.
- 2.2 The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

3. POWERS OF THE ASSOCIATION

- 3.1 The Association shall have the following general powers and be trustees of C.C.D.S.A. for the following:
- a) To acquire, hold, deal with and dispose of any real or personal property for the purpose of advancing the objects of the Association.
 - b) To open and operate bank accounts.
 - c) To invest its money in any security in which trust monies may be invested, or in any other manner authorised by the rules of the Association.
 - d) To appoint agents to transact any business of the Association on its behalf
 - e) To enter into any other contract the Association considers necessary or desirable.
- 3.2 To raise money for the purpose of carrying out the affairs of the Association, in any of the following ways.
- a) Public functions or entertainment.
 - b) Sponsorship by business enterprises.
 - c) Fundraising.
- 3.3 To contract with local governing bodies or other duly constituted bodies, for the lease or use of playing grounds or equipment for playing Diamond Sports.
- 3.4 To do all things necessary to give effect to all resolutions duly passed at a meeting of the Association's members.

4. AFFILIATION

4.1 The Association shall affiliate with:

- a) The Tee-ball Association of Western Australia (T.B.A.W.A.)
- b) any other organisation that, from time to time may be deemed beneficial or necessary by the Committee.

5. COLOURS

5.1 The colours of the Association shall be Maroon and Yellow.

5.2 All representative teams shall wear the Association colours unless agreed otherwise by the Committee.

6. MEMBERS

6.1 Membership of C.C.D.S.A. shall consist of:

- a) adult Members, which is defined as registered players and the nominated Parent(s)/Guardian(s) of registered players under the age of 18
- b) junior Members and
- c) honorary Members.

6.2 Any person under the age of 18 years may become a junior member. Such person shall have no voting rights nor be entitled to hold any office, but has all other rights provided to a Member under the rules and other rights and benefits as determined by the Committee.

6.3 An ordinary Member has all rights provided to Members under the Rules, including the right to vote, and other rights and benefits as determined by the Committee.

6.4 Membership shall be for the period from one Registration Day to the next seasonal Registration Day upon payment of the appropriate fees.

7. HONORARY MEMBERS

7.1 The Committee may elect honorary members to the Association who:

- a) Wish to play, but in the opinion of the Executive Committee cannot afford to do so, or
- b) Are persons with a non-playing interest, who may make application to the Association in the required form and comply with the Working with Children Check.

8. PATRON

8.1 The Association may, as its discretion, elect a Patron(s) of the Association at any Annual General Meeting for such a person as may be deemed necessary. A majority of those present will be sufficient to elect any Patron. Such Patron(s) shall not be eligible to vote unless they are current members of the Association under another category of membership.

9. REGISTER OF MEMBERS

- 9.1 The Registrar shall, on behalf of the Association:
- a) Keep and maintain a Register of members of the Association and their email, postal or residential address. The Register may be hard copy or maintained and stored electronically.
 - b) The Register must be so kept and maintained at the Registrar's place of residence or another place as the Committee decide.
 - c) Cause the name of a person who dies, or ceases to be a member of the Association be deleted from the Register of Members.
- 9.2 Any Member is able to inspect the Register free of charge, at such time and place that is mutually convenient to the Association and the Member.
- 9.3 Copy of the Register
- a) A Member may make a request in writing for the copy of the Register.
 - b) The Committee may require a Member who requests a copy of the Register to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of the Association.
 - c) The Association may charge a reasonable fee to the Member for providing a copy of the Register, the amount to be determined by the Committee from time to time.
- 9.4 A Member must not use or disclose the information on the Register:
- a) To gain access to information that a Member has deliberately denied them (that is, in the case of social, family or legal differences or disputes)
 - b) To contact, send material to the Association or a Member for the purpose of advertising for political, religious, charitable or commercial purposes unless the use of the information is approved by the Committee, or
 - c) For any other purpose unless the purpose is directly connected with the affairs of the Association
- 9.5 Two other Committee persons to have access to a back-up copy of the Register of Members, to be determined by the Executive Committee for the purpose to safeguard against data corruption or loss.
- 9.6 Notices or other personal communication connected with these Rules to the Members must be:
- i) delivered by hand or post to the nominated home or postal address or passed directly to the Member or
 - ii) sent by e-mail or any other method of electronic communication to the nominated electronic address of the Member
- 9.7 General communication to Members may also be through electronic media, paper notices or verbal communication.

10. MEMBERSHIP FEES

- 10.1 The Committee may from time to time determine the amount of the annual membership fee, if any, to be paid by each member which may be in the form of a registration fee.

- 10.2 Each Member must pay the annual membership fee to the Treasurer, either directly or electronically, or a person authorised by the Committee to receive payments by such date as the Committee determines under sub rule 10.1.
- 10.3 Subject to sub-rule 10.4, a member whose membership fee is not paid within three months after the relevant date fixed by or under sub-rule 10.2 ceases on the expiry of that period to be a member, unless the committee decides otherwise.
- 10.4 A person who exercises all the rights and obligations of a member for the purpose of these rules if his or her membership fee is paid on or before the relevant date fixed by or under sub-rule 10.2 or within three months thereafter or such other time as the Committee allows.
- 10.5 The registration fee for players shall be due and payable by the third playing date of the season, unless deemed otherwise by the Committee.

11. COMMITTEE

- 11.1 The affairs of the Association shall be managed by a committee of management consisting:
- a) President*
 - b) Vice President Tee-ball*
 - c) Vice President Softball*
 - d) Secretary*
 - e) Treasurer*
 - f) Registrar*
 - g) Up to ten (10) general committee members
- *denotes Executive Committee/office holders
- 11.2 No person shall be entitled to hold a position on the Committee if the person has been convicted of, or imprisoned in the previous five years for:
- a) An indictable offence in relation to the promotion, formation or management of a body corporate; or
 - b) An offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
 - c) An offence under the Incorporations Act
- 11.3 The Association will not remunerate a Committee Member for travel, services or other expenses unless approved by the Committee prior to the expenses incurred, and such expenses must be properly documented and receipted.

12. ELECTION OF COMMITTEE MEMBERS

- 12.1 Committee members of the Association shall be elected at the Annual General Meeting and the election shall be by poll. No absentee or proxy votes shall be accepted.
- 12.2 Should nominations for any office be received in excess of the vacancies, a secret ballot shall be taken.
- 12.3 Should nominations equal the number of vacancies, the persons nominated shall be deemed elected.

- 12.4 Should insufficient nominations be received at the Annual General Meeting for the number of vacancies, the Association shall appoint a member to fill each position still remaining vacant.

13. TERM OF OFFICE

- 13.1 Newly elected officers shall take office immediately after the close of the meeting at which they are elected and shall continue in office until after the next Annual General Meeting.
- 13.2 All officers shall be eligible for re-election.
- 13.3 All outgoing committee members are obliged to return all Association documents and records in their possession to the committee as soon as practicable after their appointment ceases.

14. CASUAL VACANCIES OF THE COMMITTEE

- 14.1 A casual vacancy occurs in the office of a Committee member and that position becomes vacant if the Committee member-
- a) dies;
 - b) resigns by notice in writing delivered to the Chairperson or, if the Committee member is the President, to either Vice-President which takes effect at the time the notice is received or at a time stated in the notice, whichever is later.
 - c) is convicted of a offence under the Act;
 - d) is permanently incapacitated by mental or physical ill-health;
 - e) is absent from more than –
 - i) three consecutive Committee meetings without sufficient reason acceptable by the majority or the Committee; or
 - ii) three Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings.

The Committee shall fill any vacancy that may occur in their number by appointing any member of the Association and such member so appointed may hold office until the close of the next Annual General Meeting.

15. SUB-COMMITTEES

- 15.1 The Executive Committee may set up or dissolve sub-committees from time to time as may be necessary for the operation of the Association.
- a. Sub-committees may comprise (in such numbers as the Committee determines) Members and non-members, where the chairperson elected must be a Member.
 - b. The sub-committee chairperson shall give full minutes on the progress of the activities of the sub-committee at every Committee meeting.
 - c. The sub-committee chairperson shall record all income received and expenditure incurred by the sub-committee's activities. The Treasurer as per normal financial rules shall control however, all monies received and/or paid.
 - d. The sub-committee chairperson may be assigned a float. All spending of this float must be recorded and signed by the chairperson, to be reviewed by the Treasurer before each meeting.

- e. After a fund-raising event organised by a sub-committee, a financial statement must be tabled by the second Committee meeting following the event.

16. DUTIES OF EXECUTIVE OFFICE BEARERS

16.1 President

The President shall:

- a) Be the Chairperson of all meetings of the Association.
- b) Be an ex-officio member of all Committees.
- c) Act in such a manner as the majority of the members of the Association approves.
- d) Maintain the impartiality of the chair.
- e) Conform to the rules of meeting procedure and maintain order throughout the meeting.
- f) Expedite and finalise the business of the meeting within a reasonable time limit.
- g) Ensure adequate and efficient communication exists between the Association, its affiliations and all its members.

16.2 Vice President Tee-ball

The Vice President Tee-ball shall:

- a) In the absence of the President, undertake the duties of the President (16.1).
- b) Coordinate tee-ball operations, in conjunction with the Committee

16.3 Vice President Softball

The Vice President Softball shall:

- a) In the absence of the President, undertake the duties of the President (16.1).
- b) Coordinate softball operations, in conjunction with the Committee.

16.4 Secretary

The Secretary shall:

- a) Co-ordinate the correspondence of the Association.
- b) Cause proper minutes of all attendees, disclosures and the proceedings of all General meetings and Committee meetings to be taken. These minutes are then to be entered within thirty days after the holding of each general meeting and committee meeting as the case requires, in the recordkeeping storage kept for that purpose.
- c) When minutes have been entered and passed as correct under this rule, they shall, until the contrary is proved, be evidence that:
 - i) The general or committee meeting to which they relate was duly convened and held
 - ii) All proceedings recorded as having taken place at the meeting did, in fact, take place, and
 - iii) All appointments or elections purporting to having been made at the meeting have been validly made.
- d) Have custody of all the books, documents and records of the Association other than those to be kept and maintained by the Treasurer and Registrar.

- e) Perform the clerical work of the Association and carry out all directions given at such meetings.
- f) Have the right to attend all meetings of committees and sub-committees but shall have no voting power at such meetings unless he/she is a selected member of that committee.
- g) Ensure that a personal copy of the Association's Constitution is available to all members upon request.
- h) Maintain a record of officers of the Association and the positions held including all persons authorised to use the Common Seal, these being President, Secretary and Treasurer.
- i) Hold the Common Seal and keep an up-to-date record of its use.

16.5 Treasurer:

The Treasurer shall:

- a) Be responsible for all monies collected and received by the Association and shall issue receipts of those monies in the name of the Association.
- b) Pay all monies into approved Association accounts within a week of its receipt or by direction of the Association.
- c) Make payments from the funds of the Association with the authority of a Full Committee Meeting and, in so doing; ensure that all payments are authorised by two of three signatories.
- d) Maintain a record of unfinancial members.
- e) Provide a report at each Committee meeting on the status of Registration amounts received and outstanding.
- f) Keep accounting records that correctly record and explain the financial position of the Association.
- g) Keep its accounting records in such manner as will enable true and fair accounts of the Association to be properly audited if required.
- h) Present a reconciled, financial statement of accounts at each Committee or general meeting
- i) If the Association is a Tier 1 Association, coordinate the preparation of the Financial Statements of the Association to present to the members at the Annual General Meeting the accounts of the Association showing the financial position of the Association at the end of the preceding year.

16.6 Registrar

The Registrar shall:

- a) Collect any fees provided through the registration process, reconcile and provide to Treasurer for banking.
- b) Maintain an up to date and accurate Register of the members of the association in line with clause 9.
- c) Provide a results ladder at the time requested by the Committee
- d) Maintain the game statistics for junior and adult players.

17. MEETINGS OF THE ASSOCIATION

17.1 Annual General Meeting

- a) The Annual General Meeting shall be held within two months of the end of the Association's financial year.
- b) The notice convening an AGM must specify that it is the AGM of the Association
- c) Voting at an Annual General Meeting shall be restricted to financial, adult Members and honorary Members.
- d) Business at the Annual General Meeting shall include:
 - i. Confirm the minutes of the preceding AGM and any Special General Meeting
 - ii. The tabling of an annual report of the committee including the financial statements
 - iii. The election of office bearers including nomination of TBAWA representatives.

17.2 Special General Meetings

- a) A Special General Meeting of members may be convened by the Committee by giving not less than 14 days' notice, in writing.
- b) A Special General Meeting of members shall be convened by the Secretary within 14 days of receipt of a requisition stating the business and signed by at least ten per cent of the Adult members or 25 adult members of the Association (whichever is the lesser figure), and by giving not less than 14 days' notice.

17.3 Committee Meetings

- a) The Committee shall meet at least eight times throughout the year and the president, or at least half the members of the committee, may at any time convene a meeting of the Committee.
- b) The Committee is to determine the place and time of all Committee meetings.
- c) Each Committee member has a deliberative vote.
- d) A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- e) Subject to these rules, 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.
- f) The president shall seek the opinion of all available members of the committee and shall act in such a manner as the majority of such members approve; and
- g) In the event of there being no majority, the president shall call a meeting of the full committee to decide the matter.
- h) Committee members may participate in meetings where they are able to communicate by using any technology that reasonably allows the Member to participate fully in discussions as they happen and in making any decisions.

17.4 General Meetings

- a) General Meetings shall be held as and when necessary during the Association year. At such meetings, any financial, adult or honorary member of the Association is eligible to vote on any issue if they attend the meeting.

- b) A General Meeting of Members may be convened by the Committee by giving not less than seven days' notice, in writing specifying
 - i) the place, date and time of meeting
 - ii) the particulars and order of business to be conducted at the meeting
- c) If within 30 minutes of the time appointed for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of that general meeting as if a quorum were present.
- d) There must not be transacted at an adjourned general meeting, any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- e) At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person and, if so demanded, must be taken in such manner as the Chairperson directs.
- f) A poll demanded under sub-rule 17.4(e) must be taken immediately on that demand being made.
- g) If a poll is demanded and taken under sub-rule 17.4(e) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

17.5 Making decisions at General Meetings

- a) A Special Resolution must be moved at a General Meeting where notice of the Special Resolution has been given under 17.4(b).
- b) A Special Resolution of the Association is required to
 - i) amend the name of the Association;
 - ii) amend the Rules, under rule 29;
 - iii) affiliate the Association with another body;
 - iv) transfer the incorporation of the Association;
 - v) amalgamate the Association with one or more other incorporated associations;
 - vi) voluntarily wind up the association;
 - vii) cancel incorporation; or
 - viii) request that a statutory manager be appointed.
- c) Notice of a Special Resolution must:
 - i) be in writing;
 - ii) include the place, date and time of the meeting;
 - iii) include the intention to propose a Special Resolution;
 - iv) set out the wording of the proposed Special Resolution; and
 - v) be given in accordance with rule 9.6.
- d) A Special Resolution must be passed at a General Meeting at which there is a quorum and be supported by the votes of not less than 75% of the Members present and eligible to cast a vote at the meeting.

18. QUORUMS

- 18.1 At all Annual General Meetings and Special General Meetings of the Association, 11 members shall make a quorum.
- 18.2 Where, at any Annual General Meeting, Special General Meeting or General Meeting, a quorum is not present, the person presiding at the meeting shall adjourn it to such time, date and place as he or she may decide and, at the adjourned meeting, any number of members shall constitute a quorum.
- 18.3 A quorum for the Committee meeting shall consist of five Committee members, with at least three of whom shall be members of the Executive.
- 18.4 A quorum for General meetings shall consist of 10, being at least five Committee Members.

19. VOTING

- 19.1 Each adult member, including the Chairperson and Executive Committee, present at any meeting is entitled to one deliberate vote and in the event of a tied vote, the Chairperson shall exercise a casting vote.
- 19.2 Voting shall be by poll or show of hands or secret ballot for matters of sensitivity. Absentee or proxy votes will not be accepted.

20. ASSOCIATION YEAR

- 20.1 The financial year of the Association will commence on the 1st day of April each year.

21. FINANCE

- 21.1 A banking account will be opened with a recognised banking institution, in the name of the Association, which shall be operated by any two of three signatories consisting of President, Secretary and Treasurer, none of whom are to be related or in a relationship.

22. AUDIT

- 22.1 A meeting of the Committee may appoint an honorary independent auditor to audit the Association books of account at the close of the financial year, in line with the Tier level of the Association under the Act.

23. DISCLOSURE OF INTEREST

- 23.1 A member of the Association who has any direct or indirect pecuniary interest in a contract, or proposed contract, made by or in the contemplation of the meeting shall, as soon as they becomes aware of the interest, disclose the nature and extent of the interest to the meeting.
- 23.2 A member of the Association who has any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of the meeting shall not

take part in any decisions or deliberations of the meeting with respect to that contract and must leave the room while the discussions take place.

- 23.3 The Association shall cause every disclosure made under this section by a member of the Association, to be recorded in the minutes of the meeting at which it is made.

24. COMMON SEAL

- 24.1 The Association shall have a Common Seal and such seal shall be held in the custody of the Secretary, who shall affix same to such documents as from time to time as directed by the Committee. The President and the Secretary shall witness the affixing of the Seal.

25. INSPECTION OF RECORDS ETC. OF ASSOCIATION

- 25.1 A Member may, without charge, inspect the books, documents, records and securities of the Association at such time and place as it mutually convenient to the Association and the Member.
- 25.2 A Member must not use or disclose information in the books, documents or records of the Association except for a purpose:
- i) That is directly connected with the affairs of the Association or
 - ii) Related to the provision of information to the Commissioner in accordance with a requirement of the Act.

26. SUSPENSION OR EXPULSION OF MEMBERS

- 26.1 The Committee shall have the power to suspend or expel any member whose conduct is deemed to be detrimental to the welfare of the Association, after such member has been given the opportunity to appear before the Committee to answer any charge of misconduct of which he/she is accused.
- 26.2 Penalties which may be applied for the substantiated breaches of conduct:
- a. For the first breach of conduct, a letter of warning shall be given from the Committee unless the Committee deems the breach of conduct to be serious enough that immediate action is required, in which circumstance a verbal warning shall be issued.
 - b. Any subsequent breach of conduct will result in the person being suspended from all contact with the Association for a period of up to five years, or expelled from the Association with notification from the Committee in writing within seven days, to take effect from the date of the offence.
- (For penalties related to substance abuse, please refer to point 26.4).
- 26.3 A member who has been banned from the Association shall serve the full ban unless it is proven that such ban causes extreme hardship to that person or persons associated (i.e. immediate family).
- 26.4 Any person or persons involved with this Association found to be using a substance deemed to be illegal under the law:-
- i) will be immediately suspended from the Association, will take no further part in the Association or its business, committee, coaching, managing, scoring, games and/or

training where children are involved and could face instant dismissal pending a hearing before the Committee.

- ii) will be given the opportunity to appear before the Committee to answer any charge of illegal substance abuse of which he/she is accused. The penalty will be decided by the Committee. If found guilty of the said charge the penalty will be instant dismissal from the Association as no first, second or subsequent breaches will be tolerated under any circumstances. Details pertaining to the illegal incident may be passed on to the authorities concerned.

- 26.5 If a Member is suspended or expelled from the Association, the person may appeal the Committee's decision by giving written notice to the Secretary within 14 days of receiving the notice from the Committee's decision under 16.2(b) requesting the appointment of a mediator.

27. RESOLVING DISPUTES

- 27.1 This applies to disputes that arise under this Constitution or relate to the rules of the Association

- i) between Members and
- ii) between the Association and one or more Members
- (a) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party
- (b) If the parties are unable to resolve the dispute, a written request to the Secretary will initiate notice of a Committee meeting within 21 days, at which time all parties will be given full and fair opportunity to state their respective cases.
- (c) The Secretary must inform the parties to the dispute the Committee's decision within 7 days.

- 27.2 A request for mediation may be made where a person is dissatisfied with a decision of the Committee made under 27.1 or any party does not elect to have the matter determined by the Committee.

This mediator must be:

- i) A person chosen by agreement between all parties or
 - ii) A person appointed by the Committee, if the dispute is between Members or
 - iii) An independent mediator, if the dispute is between a Member, the Association and/or the Committee
 - (a) The mediator cannot be a Member who is party to the dispute
 - (b) The party or parties requesting the mediation must pay the costs of the mediation.
 - (c) All parties must, in good faith, attempt to resolve the dispute through mediation, by providing sufficient detail and statements, as requested by the mediator, and allowing all parties involved the opportunity to be heard.
 - (d) The mediator must not determine the dispute and mediation must be confidential.
- 27.3 If a dispute cannot be resolved under the procedures set out in the 27.1 or 27.2, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

28. BY-LAWS AND RULES

- 28.1 The Association shall develop By-Laws and Rules.
- 28.2 By-Laws shall constitute decisions of policy as voted on at Committee or General Meetings of the Association, and may only be changed at such meetings. All By-Laws must be in accordance with and not overrule or contradict this Constitution.
- 28.3 Alterations to the By-Laws can only be made at Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.

29. ALTERATION TO CONSTITUTION

- 29.1 No alteration, repeal or addition shall be made to the Constitution except by Special Resolution at the Annual General Meeting, or General Meeting called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to members 14 days prior to the Annual General Meeting, or 14 days prior to a General Meeting called for such purpose.
- 29.2 The Secretary shall forward such notices of motion, by paper or electronic notification, to each member at least 14 days prior to the Annual General Meeting, or 14 days prior to a General Meeting.
- 29.3 Such motions or any part thereof shall have no effect unless passed by a seventy five percent (75%) majority of those present and entitled to vote at that meeting.
- 29.4 These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agree to be bound by their provisions.
- 29.5 The Association must provide, free of charge, access to a copy of the Rules in force at the time Membership commences, to each person who becomes a Member.

30. DISSOLUTION OF THE ASSOCIATION

- 30.1 The Association may at any time, with the consent of a majority of 75% of the members present, by Special Resolution at any General Meeting called for the purpose, be dissolved.
- 30.2 If upon the winding up of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members, but shall be given or transferred
 - a) to another association incorporated under the act which has similar objects; or
 - b) for charitable purposesWhich association or purposes, as the case requires, shall be determined by resolution of the members.
- 30.3 The Association, Institution or object to which disbursement of property shall be applied, shall be determined by the members of the Association at or before the time of the dissolution or winding up, or in default thereof or if and in so far as effect cannot be given to such determination then such payment or distribution shall be determined by a Judge of the Supreme Court.

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