



CONSTITUTION
(Incorporating Model Rules)

Raised Under the Victorian Government's
Associations Incorporation Reform Act 2012, and the
Associations Incorporation Reform Regulations 2012

For The

EASTERN RAPTORS RUGBY LEAGUE CLUB
AND TOUCH ASSOCIATION (Inc)
(Registration No. A0056201U)

Note:

The act of Incorporation generates the broad limits of the legal capacity of an Association and its powers as a body corporate and also establishes a broad accountability framework. See Part 4 of the Act. More specific operating detail in this regard, features in these rules as reflected in later provisions of the Act and in supporting Regulations.

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Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the *Associations Incorporation Reform Act 2012*, these Rules are taken to constitute the terms of a contract between the Association and its members. In addition and as a written document, these Rules set out the Association's purpose, guide how the Association operates and lists the obligations, rights and responsibilities of members and office holders.

Under Section 6 of the *Associations Incorporation Reform Act 2012*, the rules must make provision for each of the matters specified in Schedule 1 of the Act to the extent that the matter is applicable to the Association and any other prescribed matters. In this regard, these Consolidated Rules incorporate the Model Rules found in Schedule 4 (reference Regulation 12) of the *Associations Incorporation Reform Regulations 2012* with additions that address specific Association needs.

It should be noted that breaches of the Act and Regulations, even where content is in this regard reduced to the Association rules, can represent offences under the *Infringements Act 2006* with prescribed penalties - see also section 208 of the Act and Schedule 3 of the Regulations. Under Part 5 Division 5 of the Act, a member or the Registrar of Incorporated Associations may apply to the Magistrate's Court for an enforcement order seeking compliance with the rules, including enforcement of rights and obligations of the Association or members, or for a restraint order restraining the Association from doing things outside of its scope of purpose. A member or a former member (subject to conditions) may also apply for an order relating to the Association's alleged oppressive conduct e.g. conduct that is unfairly prejudicial or discriminatory, or contrary to the members' interests.

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is the "Eastern Raptors Rugby League Club and Touch Association Incorporated (Inc)" (called the Association in these rules).

2 Purposes

The purpose of the Association is to develop, foster and promote Rugby League Football in the Eastern suburbs of Melbourne, Victoria.

The Association affiliates itself to the National Rugby League Victoria Inc. (NRL Victoria), and it and its members are bound by and must comply with NRL Victoria rules, regulations, codes and policies, and accordingly any rules, regulations, codes and policies NRL Victoria is bound by under its affiliation to any other body (this could include NRL, ASADA, ASC, and other body's as stipulated by NRL Victoria.).

3 Financial year

The financial year of the Association is each period of 12 months ending on 30 September.

4 Definitions

In these Rules—

Act, the Associations Incorporation Reform Act 2012.

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting).

associate member means a member referred to in rule 14(1), if raised as a membership category.

Assistant Secretary means a person appointed by the Committee, who is not a Committee Member, and who maintains all membership records, liaises with NRL Victoria and any other discretionary tasks under the control of the Secretary.

Assistant Treasurer means a person appointed by the Committee who is not a Committee member and who receives money and issues receipts under the control of the Treasurer.

Business Judgment is a decision relevant to the Association's operation and its best interests based on a rational belief that a reasonable person would hold.

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46.

Committee means the Committee having management of the business of the Association.

committee meeting means a meeting of the Committee held in accordance with these rules.

committee member means a member of the Committee elected or appointed under Division 3 of Part 5 of these rules.

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 23(3).

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22.

disciplinary subcommittee means the subcommittee appointed under rule 20.

Director of Facilities means an elected Ordinary Member of the Committee who is responsible for managing and administering the Association's facilities. The Director may nominate an Equipment Manager and a Grounds Manager and where neither of whom are Committee Members.

Director of Fundraising means an elected Ordinary Member of the Committee who is responsible for developing, planning, coordinating, and executing fundraising initiatives for the Association. The Director of Fundraising may nominate a Head of Canteens but where both are accountable to the Treasurer for proper bookkeeping, and where the Head of Canteen is not a Committee Member.

Director of Coaching means an elected Ordinary Member of the Committee who is responsible for managing and administering the Association's rugby league coaching program. The Director of Coaching may nominate a Head Trainer, who is not a Committee Members.

Duty of Care and Diligence means that standard which applies to an office holder in terms of the exercise of powers and the discharge of duties expected of a reasonable person in such a position, where actions are undertaken in good faith and for a proper purpose.

fees, means any fees determined by the Annual General Meeting Committee in accordance with rule 12.

financial year means the 12 month period specified in rule 3.

foundation member means a member that originally established the Association.

general meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting.

Head of Marketing and Media means a person appointed by the Committee who is responsible for marketing the Association and communicating with the members. The Head of Marketing and Media is not a Committee Member.

Head of Sponsorship and Grants means a person appointed by the Committee who is responsible for gaining sponsorship and grant support for the Association. The Head of Sponsorship and Grants is not a Committee Member.

Head Trainer means a person appointed by the Committee who is responsible for the control of the first aid program. The Head Trainer is not a Committee Member.

junior member means a member under Part 3 Division 1.

junior vote has the meaning given in rule 8.

life member has the meaning given in rule 8.

legal guardian, in general terms, means a person granted legal authority (and therefore having a duty) through the will of a deceased person or by appointment by a court, and who cares for the personal and property interests of another person where that person is incapable of legally caring for his or her own interests due to infancy, incapacity or disability. A parent can be seen under various jurisdictions as a natural guardian of a minor child (under 18 years of age). A legal guardian appointment however, can be specified by a court as a general guardian with general authority without a specified limitation or as a special guardian with limited authority e.g. over a person's property and not their well-being.

member means a member of the Association.

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting.

Member Protection Information Officer means a trained person deemed suitable by and appointed by the President to give effect to the Association's Member Protection Policy, to be the point of contact for members wishing to represent a matter confidentially, and who independently advises the President of representations to enable any Committee decision to implement disciplinary procedures. The Member Protection Information Officer is not a Committee Member.

membership year means the period from 01 January to 31 December each year that coincides with the period of Public Liability insurance provided by the Australian Rugby League National Insurance Program and the Victorian Rugby League.

NRL Victoria means National Rugby League Victoria Inc.

petty cash means discretionary funds of the Association, under the control of the Treasurer, in the form of cash for minor expenditures where it is not practical to make disbursement by other means.

Regulations, the *Associations Incorporation Reform Regulations 2012*.

relevant documents means those specified in rule 75.

senior member means a member under Part 3 Division 1.

supporting member has the meaning in rule 8.

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution.

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act.

the Registrar means the Registrar of Incorporated Associations.

voting member means a member specified in rule 8 with a right to be exercised under rule 38.

VRL means the Victoria Rugby League Inc.

PART 2—POWERS OF ASSOCIATION

5 Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Association may—
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on any terms and in any manner as it thinks fit;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Association from paying a member—
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member—if this is done in good faith on terms no more favourable than if the member was not a member, and where there is no perceivable conflict of interest.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Association must have at least 5 members.

8 Who is eligible to be a member and exercise a voting right?

Any person who supports the purposes of the Association is eligible for membership if a member remains financial in terms of approved fees, where membership, is assigned as follows unless otherwise specified with respect to the payment of fees and the exercising of voting rights:

(a) An **Ordinary Member** is any member of the Association who pays the approved fee and participates in the playing activities of the Association. Ordinary Members are entitled to hold any office of the Association and hold voting rights. This category of membership provides for players of 18 years of age and over when senior teams are fielded;

(b) A **Supporting Member** is any member of the Association who pays the approved fee and does not participate in the playing activities of the Association. Supporting Members are entitled to hold any office of the Association and hold voting rights;

(c) A **Junior Member** is any member of the Association who pays the approved fee, participates in the playing activities of the Association and is under the age of 18 years old. Junior members do not have voting rights and are not entitled to hold any office of the Association. However, parents or legal guardians of junior Members are entitled to vote on behalf of Junior Members at General Meetings. Such a vote is called a Junior Vote. In the cases of parents or legal guardians being responsible for more than one Junior Member of the Association, all those Junior Members are considered as a family membership and entitle the parent or legal guardian to one Junior Vote per Junior Member subject to a maximum of three Junior Votes per family membership;

(d) A **Senior Member** is any member of the Association who pays the approved fee, participates in the playing activities of the Association and is over the age of 18 years old. Senior members are entitled to hold any office of the Association and hold voting rights;

(e) A **Volunteer Member** is a member whose application for voluntary service is accepted by the Committee in lieu of fees and has full voting rights at General Meetings. A Volunteer Member may include First Aid Officers/Trainers, Coaches, and Team Managers whose intention is to give service for a full season.

(f) A **Life Member** is a member of the Association who has been nominated and accepted as a Life Member of the Association. A Life Member does not pay any fees and has full voting rights at General Meetings. In regard to the foregoing, any person who has given outstanding service to the Association may be nominated by a Voting Member for consideration for Life Membership. Eligibility for Life Membership includes 10 years continual voluntary services to the Association, playing rugby league for the Association for a period of no less than 10 years or specific items deemed to be of a significant nature to the prosperity of Association. Voting and acceptance of a nominated Life Member takes place at an Annual General Meeting where acceptance requires at least a two-thirds majority of Voting Members present;

Note:

Person(s) nominated for life membership at an AGM that fall outside of the 10 years served, can be put forward for nomination at the committees' discretion (ie, a person who has given outstanding service to the association)

(g) No provision has yet been made for an **Associate Member** while having regard to such members rights under rule 14;

(h) A **Foundation Member** is a member that originally established the Association who pays fees and has full voting rights at General Meetings, and who is appointed as a Foundation Member by the Committee;

(i) The Committee may elect a **Patron(s)** or **Vice Patron(s)** of the Association for such periods deemed necessary. Such Patron(s) or Vice Patron(s) may seek an appropriate form of membership under another category of membership, pay the approved fees and possess voting rights at General Meetings, but if they do not then they are ineligible to vote.

Note:

It is possible for a person to hold a number of voting rights at any one time. To avoid any person exercising more than one voting right that person must declare the voting right to be exercised.

Example: A person, as a parent or legal guardian of a junior member, may hold an office and exercise the voting right of that office. That member's partner may exercise a junior vote as the parent or legal guardian of a junior member up to the limit of family membership voting rights.

If that first person, who holds an office, is single and is also the parent or legal guardian of a junior member/s, that person will declare which of the two voting rights will be exercised.

Neither of these instances prevents that first person from registering a proxy vote on behalf of another person where that other person has a voting entitlement and where proxy voting is permissible.

9 Application for membership

- (1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person—
 - (a) wishes to become a member of the Association; and
 - (b) supports the purposes of the Association; and
 - (c) agrees to comply with these Rules and any supporting policies designed to protect the rights of members.
- (2) The application—
 - (a) must be signed by the applicant; and
 - (b) may be accompanied by the joining fee.

Note

The joining fee is the fee (if any) determined by the Association under rule 12(3). See Appendix 1 for the Membership Application form. A parent or legal guardian may sign the Application on behalf of a minor under the age of 18 years.

10 Consideration of application

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.

Note:

Acceptance of the application of an aspiring ordinary member (senior player) or an aspiring junior member (junior player) will be taken as the provision of official NRL Victoria prescribed form or format of NRL Victoria registration identity. Acceptance otherwise will be communicated by an ERRLC membership card. Rejection of an application will be communicated by letter.

- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

11 New membership

- (1) If an application for membership, including an application to renew a lapsed membership, made to the Secretary of the Association, is approved by the Committee—
 - (a) the resolution to accept the membership must be recorded in the minutes of the Committee Meeting; and
 - (b) the Secretary must, as soon as practicable within 28 days, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
 - (a) the Committee approves the person's membership; or

- (b) the person pays the joining fee within 28 days to the Secretary of the Association.

12 Annual subscription and fee on joining

- (1) At each Annual General Meeting, the Association must determine—
 - (a) the amount of the annual subscription for the following financial year and any other fees for fee paying members; and
 - (b) the date for payment of the annual subscription and any other fees;
- (2) The Association may determine that a lower annual subscription is payable by associate members, where this category of membership is raised.
- (3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) the full annual subscription; or
 - (b) a pro rata annual subscription based on the remaining part of the financial year; or
 - (c) a fixed amount determined from time to time by the Association.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid. The Committee can however, consider hardship cases for the waiver or reduction of any fees by way of a three quarters majority decision.

13 General rights of members

- (1) A member of the Association who is entitled to vote as prescribed under rule 8 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 a General Meeting; and
 - (e) to have access to the minutes of General Meetings and other documents of the Association as provided under rule 75; and
 - (f) to inspect the register of members.

Note:

See Note at Rule 18 that applies limits to inspections of the Register of Members. Voting eligibility at General Meetings will require the production of a currently financial ERRLC membership card to be compared to the Register of Members by the Secretary.

- (2) A member specified in rule 8 with a voting right is entitled to vote if—
 - (a) the member is a member other than an associate member; and
 - (b) more than 10 business days have passed since he or she became a member of the Association; and
 - (c) the member's membership rights are not suspended for any reason.

Note:

Such rights are exercisable noting that the member is bound by these rules

14 Associate members

- (1) Associate members, if this category of membership is raised with the approval of a General Meeting, of the Association include—
 - (a) any members under the age of 15 years; and
 - (b) any other category of member as determined by special resolution at a general meeting.
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a General Meeting.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Association.

Note

Rule 74(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- (2) A member also is taken to have resigned if—
 - (a) the member's annual subscription is more than 12 months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

- (1) The Secretary must keep and maintain a register of members that includes—
 - (a) for each current member—
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) if the member is an associate member, or of any other class of membership, a note to that effect;
 - (v) any other information determined by the Committee; and

(b) for each former member, including those who have resigned a membership, the date of ceasing to be a member.

(2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members. In regard to the above and Rule 18(1) (v), a member may be granted access on request to the pages that only detail name, category of membership and currency of membership; but under Rule 75(2) there will be no access to supporting pages that detail private and therefore protected information such as address, telephone number, email address, employment, junior member represented, emergency contact, ambulance requirements etc.

Division 2—Disciplinary action

Note:

Division 2 should be read in conjunction with rule 81, Member Protection Policy and Member Protection Information Officer and Division 3 Grievance Procedure.

19 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

(a) has failed to comply with these Rules; or

(b) refuses to support the purposes of the Association; or

(c) has engaged in conduct prejudicial to the Association.

Note:

In relation to rule 19 and as a legal entity that can be sued for failing to act, the Committee has a duty of care obligation on behalf of members it represents to immediately refer allegations of major prejudicial conduct to appropriate federal or state authorities for investigation and to the National Rugby League Victoria (NRL Victoria) as the responsible governing body. Such matters may include violence, molestation, abuse (i.e. physical, emotional, verbal, neglect etc), harassment, bullying, vilification, discrimination, fraud, personal injury arising from breaches of OH&S, willful property damage, breach of personal privacy etc.

The Committee has a similar duty of care obligation on behalf of members it represents to take internal action under the procedures in the rules that follow on allegations of lesser prejudicial conduct, again informing NRL Victoria as the responsible governing body. Such matters may include inappropriate language and behaviour, verbal mistreatment of referees, poor leadership of and duty of care of junior members, LeagueSafe related negligence without any personal injury, negligence to report injury to a trainer, false or misleading application for membership, failure to comply with the Association's rules etc.

In this regard, the Committee will decide the threshold relating to each lesser prejudicial conduct by majority vote based upon a grading matrix that may include the severity of an alleged offence multiplied by the impact on the Association.

If any of the above circumstances involve an elected or appointed Committee member or a Volunteer Member that member will stand down from the position held until the matter is resolved by civil authorities, or the Disciplinary Subcommittee or NRL Victoria.

In summary, the Committee has an obligation to report alleged breaches of the NRL Victoria Code of Conduct, and any alleged breach of state or federal law that may not be covered by the Code, to NRL Victoria as the responsible governing body. To assist understanding of accountabilities, the Committee will ensure that all Committee members, Coaches, Trainers, Team Managers, senior players and parents/legal guardians of junior players have access to a copy of the Victorian Rugby League Code of Conduct and the Association Code of Conduct.

20 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee of no less than 3 persons to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - (a) may be Committee members, members of the Association or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

Note:

The Committee will question proposed members of the Disciplinary Subcommittee to establish the absence of any bias and provide written guidance on the concept of natural justice, the role of a disciplinary subcommittee and the process to be followed. Noting the specified minimum number of members under the Act, the Committee will ensure that the committee always has an odd membership number.

Members of the Disciplinary Sub Committee should, if possible, complete training in Play by the Rules (a) Child protection (b) Harassment and Discrimination, and LeagueSafe.

21 Notice to member

Note:

The following procedure may be preceded by written advice from the Secretary where the initial alleged offence falls within the Low band of a grading matrix that may include the severity of an alleged offence multiplied by the impact on the Association - and where such advice notes that no formal action is planned. A second alleged Low band alleged offence or an initial alleged High band alleged offence would see the procedure below automatically followed. The Committee will use its discretion on a case by case basis for any initial alleged Medium band offence to provide written advice as above or to follow the procedure below; but a second alleged offence of any band will see the procedure below automatically followed. Regardless, any person in receipt of the written advice indicated above may ask the Secretary for the procedure below to be followed to test the allegation.

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) stating that the Association proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting or have a representative do so;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
 - (a) take no further action against the member; or
 - (b) subject to subrule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

Note:

The Disciplinary Sub Committee decision will be a simple majority decision.

The Disciplinary Sub Committee has the discretion to reduce a suspension decision period by up to one half upon receiving a guilty plea for a first lesser prejudicial conduct offence – see Note to Rule 19 on lesser prejudicial conduct. The Disciplinary Sub Committee will consider expulsion for initial offences categorized in the high band. The Disciplinary Sub Committee will consider expulsion for repeated offences of a lesser prejudicial conduct nature. The Disciplinary Sub Committee will have the power to pass by resolution the automatic expulsion of a member upon a guilty finding by an external authority of major prejudicial conduct of the nature listed in the Note to Rule 19.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

Note:

A Disciplinary Appeal Meeting is a General Meeting of the Association of attending eligible voters. The member lodging an appeal must specify if the appeal is against the Disciplinary Sub Committee's 'decision' or the 'severity of the decision.'

- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—

(a) specify the date, time and place of the meeting; and

(b) state—

(i) the name of the person against whom the disciplinary action has been taken; and

(ii) the grounds for taking that action; and

(iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

Note:

The Committee must seek maximum attendance by members in the pursuit of natural justice. The purpose of this pursuit is to avoid any members opposing the Disciplinary Sub Committee's decision for personal reasons, to dominate and control a Disciplinary Appeal Meeting, potentially creating a biased outcome. The Committee must therefore remind members that possession of a voting right means a responsibility to attend so that natural justice can occur.

24 Conduct of disciplinary appeal meeting

Note:

The Committee will provide attending members with a written explanation of the need for avoiding bias, the concept of natural justice, the role of a Disciplinary Appeal Meeting and the process to be followed.

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be conducted; and

(b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action based on the decision of the Disciplinary Subcommittee.

Note:

The Committee must also make sure that members exercising a vote at a Disciplinary Appeal Meeting are fully informed by the Disciplinary Sub Committee of the concept of natural justice and the facts presented to it by all parties and the basis of its considerations.

(c) the person whose membership has been suspended or who has been expelled, or the person's representative, must be given an opportunity to be heard.

(2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

(3) A member may not vote by proxy at the meeting.

(4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

Note:

Minor perceived grievances that are short of a major matter and are of a team based nature may be represented to the Director of Coaching or Junior Member Representative to resolve (i.e. matters concerning team selection, coaching methods, personality clashes, and unfair decisions.) Neither may handle any matter that falls within the remit of the Member Protection Information Officer (MPIO) but both may need to escalate consideration of a matter represented to them to the President for the application of procedures found in Part 3 Division 2 Disciplinary Action or Division 3 Grievance Procedure.

Written grievances that fall within the remit of the MPIO are to be made to that person for the application of procedures found in Part 3 Division 2 Disciplinary Action and any mandatory reporting to external authorities.

Otherwise, members should submit a written grievance to the Secretary to enable Committee management of the following procedure where this procedure is designed to achieve balanced outcomes but importantly, to identify any vexatious submissions.

25 Application

(1) The grievance procedure set out in this Division applies to disputes under these rules between—

- (a) a member and another member;
- (b) a member and the Committee;
- (c) a member and the Association.

(2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

26 Parties must attempt to resolve the dispute

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.

27 Appointment of mediator

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—

- (a) notify the Committee of the dispute; and
- (b) agree to or request the appointment of a mediator; and
- (c) attempt in good faith to settle the dispute by mediation.

(2) The mediator must be—

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.

- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

28 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

29 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law at their own cost.

Note:

The Committee must be able to show that every effort was taken under these Rules to resolve a dispute and that therefore no liability applies to the Committee should one or both parties privately seek legal proceedings.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) Despite subrule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) The ordinary business of the annual general meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) to elect the members of the Committee;
 - (d) to confirm or vary the amounts (if any) of the annual subscription and other fees.

- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

31 Special general meetings

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

32 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members who are entitled to exercise a vote.
- (2) A request for a special general meeting must—
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting. The President, or in the President's absence, the Vice President will preside as Chairperson at the special general meeting; and if they are both absent, the voting members must select a voting member to preside as Chairperson.
- (4) A special general meeting convened by members under subrule (3)—
 - (a) must be held within 3 months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

33 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association—
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or

(b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must—

(a) specify the date, time and place of the meeting Such notice. (A notice may be sent by prepaid post to the address appearing in the Register of Members or by facsimile or electronic transmission – see Rule 74); and

(b) indicate the general nature of each item of business to be considered at the meeting; and

(c) if a special resolution is to be proposed—

(i) state in full the proposed resolution; and,

(ii) state the intention to propose the resolution as a special resolution; and

(d) comply with rule 34(5).

Note:

Members may request certain matters be listed as General Business at the Annual General Meeting in response to a Notice. This does not apply to Special General Meetings – see Rules 31 and 32.

(3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

34 Proxies

(1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.

(2) The appointment of a proxy must be in writing and signed by the member making the appointment. A proxy form appears at Appendix 2.

(3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.

(4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.

(5) Notice of a general meeting given to a member under rule 33 must—

(a) state that the member may appoint another member as a proxy for the meeting; and

(b) include a copy of any form that the Committee has approved for the appointment of a proxy.

(6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.

(7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

35 Use of technology

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

36 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
 - (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

Note

If a special general meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

- (b) in any other case—
 - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

37 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
 - (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

38 Voting at general meeting

- (1) On any question arising at a general meeting—
 - (a) subject to subrule (3), each member who has paid necessary fees and who is entitled to vote has one vote; and
 - (b) members may vote personally or by proxy; and
 - (c) except in the case of a special resolution, the question must be decided on a majority of votes in the normal course of events – unless otherwise specified in the rules for a higher threshold for a majority vote also in relation to a matter under question.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

Note:

See Note to Rule 13 on the process used by the Secretary to establish voting right eligibility.

- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

39 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution – where those members have paid necessary fees.

Note

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

40 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

41 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
 - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
 - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

Note:

The Association is a Tier 1 Association under Sections 90-93 of the Act and therefore an independent audit or other review is not necessary unless the majority of members have voted to undertake such at an AGM or unless the Association is directed to undertake such by the Registrar of Incorporated Associations.

PART 5—COMMITTEE

Division 1—Powers of Committee

42 Role and powers

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) The Committee may—
 - (a) appoint and remove staff;

- (b) establish subcommittees consisting of members with terms of reference it considers appropriate.
- (c) Appoint an independent auditor if the need arises without the need to call a Special General Meeting.

43 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

44 Composition of Committee

The Committee consists of—

- (a) an elected President; and
- (b) an elected Vice-President; and
- (c) an elected Secretary; and
- (d) an elected Treasurer; and
- (e) ordinary members elected under rule 53 including the Junior Members' Representative, the Director of Coaching, the Director of Fundraising and the Director of Facilities.

Note:

All holders of a position subject to election (Rule 44 (a),(b),(c),(d) and (e)) will be elected at the Annual General Meeting. No person will hold more than one position at any one time. Subject to accepted exemptions, all elected office holders and Ordinary Members must obtain a Working With Children Check Card (WWC under the *Working With Children Act 2005*) within six weeks of being elected unless they already hold a current card. (The Committee will separately require other specified appointed persons and volunteers to obtain a Working With Children Check Card under its Member Protection Policy).

(Only people who engage in paid or voluntary child related work need a WWC under the *Working With Children Act 2005* but some people may qualify for an exemption e.g. a person under the age of 18 years, teachers with a current registration with the VIT, and police officers. See www.justice.vic.gov.au/workingwithchildren or ring 1300 652 879.)

All Committee members must complete Australian Sports Commission (ASC) training in Play by the Rules (a) Child Protection (b) Harassment and Discrimination, Complaints Handling and LeagueSafe prior to the beginning of the current playing season.

The Director of Coaching must complete, at a minimum, NRL Victoria/NRL International Games Coaching Level 1 or Club Coaching Level 1 accreditation prior to the beginning of the current playing season. Where a minimum of two senior teams is fielded, the Director of Coaching must have current NRL Victoria/NRL Senior Club Coaching Level 2 Accreditation. A Director of Coaching cannot be appointed without current coaching qualifications.

ASC supplied training can be sourced at:
<https://learning.ausport.gov.au/jportal/Courses/tabid/62/Default.aspx>

45 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—
so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act, which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

46 President and Vice-President

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
 - (a) in the case of a general meeting—a member elected by the other members present; or
 - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

47 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar. See also Schedule 1 of the Regulations for the Form for lodgement of Financial Statements.

(2) The Secretary must—

- (a) maintain the register of members in accordance with rule 18; and
- (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and
- (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
- (d) perform any other duty or function imposed on the Secretary by these Rules.

(3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

48 Treasurer

Note:

To be read in conjunction with Part 6 Financial Matters of these rules, rule 75 and Part 7 Financial Reporting of the Act.

(1) The Treasurer must—

- (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
- (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
- (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
- (d) ensure cheques are signed by at least 2 committee members.

Note:

See Note to Rule 69 on cheque signing authority.

(2) The Treasurer must—

- (a) ensure that the financial records of the Association are kept in accordance with the Act; and
- (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.

(3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

Division 3—Election of Committee members and tenure of office

49 Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is 18 years or over; and
- (b) is entitled to vote at a general meeting.

50 Positions to be declared vacant

(1) This rule applies to—

- (a) the first annual general meeting of the Association after its incorporation; or
- (b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.

(2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

51 Nominations

(1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.

(2) An eligible member of the Association may—

- (a) nominate himself or herself; or
- (b) with the member's consent, be nominated by another member.

(3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

52 Election of President etc.

(1) At the annual general meeting, separate elections must be held for each of the following positions—

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer.

(2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.

(3) If more than one member is nominated, a ballot must be held in accordance with rule 54.

(4) On his or her election, the new President may take over as Chairperson of the meeting.

53 Election of ordinary members

- (1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.

Note:

There will be a minimum of two and a maximum of seven Ordinary Members including the Junior Members' Representative.

- (2) A single election may be held to fill all of those positions.
- (3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
 - (a) each member present in person; and
 - (b) each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.

(11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—

(a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or

(b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

55 Term of office

(1) Subject to subrule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.

(2) A committee member may be re-elected.

(3) A general meeting of the Association may—

(a) by special resolution remove a committee member from office by a three quarters majority; and

Note:

The Director of Coaching, the Director of Fundraising and the Director of Facilities may also be removed by a special resolution requiring a three quarters majority of members at a general meeting. The removal of the Junior Members' Representative will require a three quarters majority of members who may exercise a Junior Vote at a general meeting.

(b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.

(4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

(5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

56 Vacation of office

(1) A committee member may resign from the Committee by written notice addressed to the Committee.

(2) A person ceases to be a committee member if he or she—

(a) ceases to be a member of the Association; or

(b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or

(c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note

A Committee member may not hold the office of secretary if they do not reside in Australia. In providing within Section 78 of the Act for non-compliance with the Association's rules being a reason for vacation of office, cessation of committee membership includes a member who is found not to have paid appropriate fees.

56 (2b) only applies to elected committee members, not appointed committee members

57 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—
 - (a) has become vacant under rule 56; or
 - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee**58 Meetings of Committee**

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee. A Special Committee Meeting is one where a specific matter needs a decision and should not be used for a Rule 60 Urgent Committee Meeting requiring immediate action.

59 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

60 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

61 Procedure and order of business

(1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

62 Use of technology

(1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

63 Quorum

(1) No business may be conducted at a Committee meeting unless a quorum is present.

(2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.

Note:

A majority represents 5 out of 8 elected members including a short-term appointment to a position that is subject to election but where a casual vacancy has arisen. Regardless, the Junior Members' Representative must be in attendance for matters relating to Junior Members i.e. where the agenda lists a junior member related matter.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—

(a) in the case of a special meeting—the meeting lapses;

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

64 Voting

(1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.

(2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.

(3) Subrule (2) does not apply to any motion or question, which is required by these Rules to be passed by an absolute majority of the Committee.

(4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(5) Voting by proxy is not permitted.

65 Conflict of interest

(1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.

(2) The member—

(a) must not be present while the matter is being considered at the meeting; and

(b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

(3) This rule does not apply to a material personal interest—

(a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Association.

66 Minutes of meeting

(1) The Committee must ensure that minutes are taken and kept of each committee meeting.

(2) The minutes must record the following—

(a) the names of the members in attendance at the meeting;

(b) the business considered at the meeting;

(c) any resolution on which a vote is taken and the result of the vote;

(d) any material personal interest disclosed under rule 65.

67 Leave of absence

(1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.

(2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

Note:

To be read in conjunction with rules 48 and 75.

68 Source of funds

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee. Currently and under Committee approval, funds are derived from fees, donations, sale of merchandise, sale of food goods and beverages, general and coterie fundraising, and sponsorships.

69 Management of funds

- (1) The Association must open an account with a financial institution, approved by the Committee, from which all expenditure of the Association is made and into which all of the Association's revenue is deposited. No income can be paid or otherwise distributed, directly or indirectly, to members except in accordance with the Act.
- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association. In this regard, expenditure must be used for the promotion of the purpose of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) 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 and other negotiable instruments must be signed by 2 committee members.

Note:

To be signed by the Treasurer and one of the President, Vice President or the Secretary; or in the absence of the Treasurer, by any two of the other office holders. To remove potential conflicts of interest, no two members of the same family or de-facto relationship shall co-sign cheques or co-authorise monetary transfers on behalf of the Association.

- (5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after the issue of an appropriate 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 with supporting purchase documentation and a petty cash book. The limit of a cash float or each cash float used for the purpose of minor procurement or fundraising will be subject to these conditions where the person/s managing the cash float/s will be responsible to the Treasurer for proper accounting.

Note:

Petty cash limits may only be altered by a majority decision of the Committee.

70 Financial records

- (1) The Association must keep financial records that—
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

71 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting subrule (1), those requirements include—
 - (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

Note:

See Form 1 at Schedule 1 to the Regulations.

PART 7—GENERAL MATTERS

72 Common seal

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
 - (a) the name of the Association must appear in legible characters on the common seal;
 - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
 - (c) the common seal must be kept in the custody of the Secretary.

73 Registered address

The registered address of the Association is—

- (a) the address determined from time to time by resolution of the Committee; or

- (b) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

74 Notice requirements

Note:

To be read in conjunction with rules 33, 59 and 60.

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—

- (a) by handing the notice to the member personally; or

- (b) by sending it by post to the member at the address recorded for the member on the register of members; or

- (c) by email or facsimile transmission.

- (2) Subrule (1) does not apply to notice given under rule 60.

- (3) Any notice required to be given to the Association or the Committee may be given—

- (a) by handing the notice to a member of the Committee; or

- (b) by sending the notice by post to the registered address; or

- (c) by leaving the notice at the registered address; or

- (d) if the Committee determines that it is appropriate in the circumstances—

- (i) by email to the email address of the Association or the Secretary;

- or

- (ii) by facsimile transmission to the facsimile number of the Association.

75 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—

- (a) the register of members;

- (b) the minutes of general meetings;

Note:

Copies of Committee Agenda and Minutes will however be made publicly available at the Association's notice board and website.

- (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

Note

See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

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

(4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records;

(d) records and documents relating to transactions, dealings, business or property of the Association.

76 Winding up and cancellation

(1) The Association may be wound up voluntarily by special resolution.

(2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.

(3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.

(4) The body to which the surplus assets are to be given must be decided by special resolution.

77 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

78 Indemnity

Note: Read in conjunction with Section 87 of the Act requiring indemnity for office holders.

The Association must indemnify any current or former member of the Committee out of the property of the Association, where action in an official capacity complies with rule 45(4) & (5) against:

- (1) every liability incurred by that person (except a liability for legal costs); and,
- (2) all legal costs incurred in defending or resisting (or otherwise in connection with) proceedings, whether civil, criminal or of an administrative or investigatory nature, in which a person becomes involved because of that capacity, except to the extent that:
 - (a) the Association is forbidden by statute to indemnify a person against a liability or legal costs: or,
 - (b) an indemnity by the Association of the person against the liability of legal costs would, if given, be made void by statute.

79 Insurance

The Association will annually assess and decide upon the requirement for the payment, whether directly or through an interposed entity, a premium for a contract insuring a person who is a member of the Committee against liability incurred by that person where action in an official capacity complies with rule 45(4) & (5), including liability for legal costs, unless:

- (1) the Association is forbidden by statute to pay or agree to pay the premium; or,
- (2) The contract would, if the Association paid the premium, be made void by statute.

The Association shall also assess the public liability and professional indemnity insurance requirements through the provision of a gap and risk analysis taking into account NRL/NRL Victoria coverage of the Association and where City Council Coverage is considered inadequate. Should the risk exposure be found to be of a high nature the Association should insure against the risk.

80 Awards

The nature and funding of end of season awards for players and volunteers will be agreed by the Committee and a panel of Coaches and volunteers by majority resolution. The Committee will call for nominations against categories identified at Appendix 5 by a specified date to enable necessary purchasing and engraving.

81 Member Protection Policy and Member Protection Information Officer

Note:

This should be read in conjunction with Part 3 Division 2, Disciplinary Action, Division 3 Grievance Procedures, and NRL Victoria's and the Association's Codes of Conduct (as amended by the Association).

(1) The Association's Member Protection Policy deals with the Association's commitment to a person's legal rights to be treated with respect and dignity, and to be safe and protected from forms of harassment, bullying, discrimination and unwanted child imaging. This policy informs Association members of his or her legal and ethical rights and responsibilities, and the standards of behaviour that are required. It therefore covers the care and protection of young people and children participating in the Association's activities.

(2) The policy applies to everyone involved in the Association including committee members, administrators, voluntary workers, coaches, trainers, officials (referees/judges), first aid personnel, players and parents or legal guardians. They will be applied to non-member spectators to the extent that such personnel can be asked to exit a venue, to be banned from games or to be reported to civil authorities.

(3) The President will seek a suitably screened volunteer to be appointed as the Member Protection Information Officer (MPIO). The MPIO will independently report directly to the President only, or in that official's absence to the Vice President, in relation to promotion of the Member Protection Policy within the Association; screening of Association personnel who interact with young people and children (facilitating Working With Children Checks); development of the Association's Code of Conduct between adults, between adults and children, and between children (setting out professional boundaries, ethical behavior and unacceptable behavior not in conflict with the NRL Victoria Code of Conduct); risk assessment and risk management strategies; provision of a confidential point of contact for Association members, particularly for parents and legal guardians and their children; and provision of advice to the President of a complaint to enable informed Committee decisions on any disciplinary measures outlined in these rules.

(4) The MPIO will continue to act in this position until that person wishes to resign or if the President terminates the appointment.

Appendices:

1. Application for Membership
2. Form of Appointment of Proxy
3. Committee Nomination
4. Coach/Manager/Trainer Application
5. Awards

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF THE EASTERN RAPTORS RUGBY LEAGUE CLUB AND TOUCH ASSOCIATION (INC) No A00056201U

(APPLICANT TO READ SECTIONS OF THE RULES BEFORE SIGNING THE APPLICATION - SEE NOTE PRECEDING PART 1 PRELIMINARY, PART 3 DIVISION 1 MEMBERSHIP; DIVISION 2 DISCIPLINARY ACTION; DIVISION 3 GRIEVANCE PROCEDURE, PART 4 GENERAL MEETINGS, RULE 75 CUSTODY AND INSPECTION OF BOOKS AND RECORDS, RULE 81 MEMBER PROTECTION POLICY AND MEMBER PROTECTION INFORMATION OFFICER, AND EXTERNAL DOCUMENTS; SCHEDULE OF FEES AND MEMBER PROTECTION POLICY)

I, _____

(name and occupation)

of _____

(address)

apply to become a _____ member of the EASTERN RAPTORS RUGBY LEAGUE CLUB AND TOUCH ASSOCIATION (Inc)

(insert category of membership)

I have read the above sections of the Association's Rules. In the event of the acceptance of my application I agree to support the purpose of the Association and to be bound by those Rules until my membership ceases.

Signature

Date

APPENDIX 1

APPLICATION FOR MEMBERSHIP OF THE EASTERN RAPTORS RUGBY LEAGUE CLUB AND TOUCH ASSOCIATION (INC) No A00056201U

I, _____, a member of the Association who has paid relevant fees nominate the applicant, who is personally known to me, for membership of the Association.

Signature of Proposer

Date

I, _____, a member of the Association who has paid relevant fees second the nomination of the applicant, who is personally known to me, for membership of the Association.

Signature of Proposer

Date

Committee Decision by Resolution (Rule 10)

Fee accompanying the application – Yes/No (No means the application is returned unactioned)

Accept application – Yes/ No (no means fees are returned and person notified)

Acceptance notified – Yes/NA for rejection

Details entered in the Register of Members – Yes/NA for rejection

Signature of Secretary

Date

APPENDIX 2

FORM OF APPOINTMENT OF PROXY FOR A GENERAL MEETING OF THE ASSOCIATION

(RULE 34 AND EXCLUDING RULE 24 FOR A DISCIPLINARY APPEAL MEETING)

EASTERN RAPTORS RUGBY LEAGUE (INC) No A00056201U

I, _____

(name)

of

(address)

being a _____ member of the above Association where all necessary fees have been paid

(category of membership)

appoint

(name of proxy holder)

who is a _____ member of the above Association where all necessary fees have been paid

(category of membership)

of _____

(address of proxy holder)

as my proxy to vote on my behalf at the annual/special* general meeting to be held on (*delete as appropriate)

(date of meeting)

(signature and date)

Rule 24: A proxy vote cannot be used at a Disciplinary Appeals Meeting.

APPENDIX 3

COMMITTEE NOMINATION FORM

FOR USE AT AN ANNUAL GENERAL MEETING

I, _____

being a financial member, or a Volunteer accepted by the Committee in lieu of fees, or a Life Member, listed in the Register of Members, wish to nominate

for the position of

for the year _____

Signed: _____ date: _____

I, _____

being a financial member, or a Volunteer accepted by the Committee in lieu of fees, or a Life Member, listed in the Register of Members, hereby second the nomination of

Signed: _____ date: _____

The Secretary must receive this form no later than the 6.00pm, 7 days prior to the date of the Annual General Meeting. The form can be posted to, The Secretary, Eastern Raptors Rugby League Club and Touch Association, PO BOX 350, Boronia VIC 3155 or alternatively scanned and emailed [to secretary@easternraptors.com.au](mailto:secretary@easternraptors.com.au)

APPENDIX 4

COACH/MANAGER/TRAINER APPLICATION FORM

I,

Hereby make application to be Coach / Manager / Trainer (Rugby League First Aid Officer) (strike out which is not applicable) for the:

Under _____ for the _____ season.

My qualification is current and the qualification number is

Modified Coach / International Games Coach / Club Coach / Senior Club Coach / LeagueSafe / Rugby League First Aid Officer Level 1 / 2. (strike out which is not applicable)

In support of my application, I offer the following reference contact and my experience details:

_____ (Attach further information if required).

I agree to abide by the Constitution of the Eastern Raptors Rugby League Club and Touch Association including its Member Protection Policy, Code of Conduct and Working With Children requirements.

Signed: _____ Date: _____

The Secretary must receive this form no later than the 6.00pm, prior to the closing date for submissions. The form can be posted to, The Secretary, Eastern Raptors Rugby League Club and Touch Association, PO BOX 350, Boronia VIC 3155 or alternatively scanned and emailed [to secretary@easternraptors.com.au](mailto:secretary@easternraptors.com.au)

APPENDIX 5

ANDREW MCINTYRE & ROWELL AWARDS

Andrew McIntyre Award: Andrew McIntyre's vision of starting up a Junior Rugby League club in Melbourne's eastern suburbs began to get traction in 2008. The Eastern Raptors Rugby League Club was incorporated in June 2011 after strong support from Andrew and the VRL. After many open committee meetings, an interim committee was formed with the inaugural AGM being held on Sunday 22 May 2011. Andrew played an integral part in forming the original committee, however never actually holding a committee position himself. He is seen as the founder of the Association and as such the McIntyre Award was created. *See the Awards Policy for award description.*

Rowell Award: The Rowell family were a significant part of the Association during the early years, contributing a large amount of time and effort into helping establish the Eastern Raptors Rugby League Club. Molly Rowell was Vice President for two successive years whereas Kirsty Rowell (Registrar and the VRL Representative) and Kelly Rowell (Secretary) served for three. Bodie Rowell was a one of the foundation players with Adrian Rowell, of A.D.s Towing, being the Association's first major sponsor. To acknowledge their outstanding service to the Association, the Rowell Award was created. *See the Awards Policy for award description.*