

# CONSTITUTION OF THE BALCATT A BASEBALL CLUB INC.

## 1. NAME OF CLUB

The name of the Club shall be the "Balcatta Baseball Club Inc." and shall be hereafter referred to as the Club.

## 2. INTERPRETATION OF TERMS

2.1 "The Constitution" shall mean the documentation registered with the Corporate Affairs Department.

2.2 "The Executive Committee" shall mean the Committee of Management as herein constituted.

2.3 "The General Committee" shall mean the committee comprising the Executive Committee and Officers of the Club.

2.4 "The President" shall mean the chairperson of the Club.

2.5 "The Secretary" shall mean the general secretary of the Club.

2.6 "The Treasurer" shall mean the treasurer of the Clubs financial section.

2.7 "Members" shall be those persons who meet the criteria set out in the Constitution.

2.8 "Senior Player" is a player who is eligible to register for a senior team only.

## 3. OBJECTS OF THE CLUB

The objects of the Club shall be :

3.1 To foster, control and manage Teeball, Baseball and Softball in Balcatta.

3.2 To promote Teeball, Baseball and Softball in other parts of Western Australia as a secondary consideration to 3.1.

3.3 To obtain sponsorship for the Club.

## 4. POWERS

For the purpose of achieving the objects the Club shall have the power:

4.1 To purchase, sell, hold, lease or rent real or personal property.

4.2 To borrow, raise or secure the payment of money to secure the repaying or performance of any debt, liability, contract or guarantee incurred or to be entered into by the Club.

4.3 To enter into any arrangement with any government or local authority or instrumentality.

4.4 To appoint delegates who shall be required to attend all meetings of those organisations with which the Club is affiliated.

4.5 To affiliate with such organisations that may be deemed to be beneficial or necessary.

4.6 To suspend or expel any member, including life members for any period as the General Committee may determine via majority vote for any breach or infringement of the rules or for any misconduct or dereliction of rules or for any non-compliance with or disobedience of any order contained in any resolution of the General Committee or for conduct which in the opinion of the General Committee is unworthy of a member.

4.6.1 To give suspended or expelled members the right of reply to defend themselves.

4.7 To do all such other things as are incidental or conducive to the objects of the Club.

## 5. EXECUTIVE COMMITTEE HAS THE POWER TO:

5.1 Administer the finances, direct the opening of banking accounts for specific purposes and to transfer funds from one account to another.

5.2 Recommend to the General Committee fees and subscriptions payable by members and decide such other levies, fines and charges as is deemed necessary and advisable and enforce payment thereof.

5.3 Adjudicate on all matters which in any way affects the Club.

5.4 Cause minutes to be made of all proceedings at all meetings of the Executive and General meetings.

5.5 Form and appoint any sub-committee as required for specific purposes.

5.6 To employ, pay and dismiss persons as may be deemed necessary to further the objectives of the Club and to define the duties and payment of such persons as it sees fit.

5.7 Operate social media platforms.

5.8 Manage the club website

5.9 Manage the distribution list of the associated members email addresses.

## 6. THE GENERAL COMMITTEE HAS THE POWER TO:

6.1 Administer the day to day running of the Club.

6.2 To make such rules or by-laws which are to be advertised or employed as may be necessary for the management of its own proceedings and of the Club provided that no rule or by-law shall be made which is inconsistent with this constitution.

6.3 Set standards by which the Club will operate on and off the field.

6.4 Receive reports from associated bodies through delegates and make decisions/recommendations on matters relating to those reports in the best interest of the sport and Club.

6.5 Appoint any person to any vacant position.

6.6 Rectify and/or overrule any decision made by the Executive Committee.

## 7. INCOME AND PROPERTY

7.1 The income and property of the Club shall be applied solely towards the promotion of the objects of the Club and no portion of the income or property shall be paid, transferred or distributed directly or indirectly to the members of the Club provided that nothing shall prevent the paying in good faith or remuneration to any officer or employee of the Club or to any person other than a member, in return for services actually rendered to the Club.

## 8. MEMBERSHIP

8.1 The Club shall consist of persons as may be or have been admitted to the Club by agreement of the General Committee and whose membership has not been cancelled for any misconduct by virtue of this constitution. Each person admitted to membership shall:

- (a) be bound by the Constitution and by-laws of the Club;
- (b) become liable for such fees and subscriptions as may be fixed by the General Committee.

8.2 Membership is one year from registration date to registration date.

## 9. MEMBERSHIP CATEGORIES

### 9.1 Ordinary Member

Ordinary members shall be all registered senior players and parents/guardians of junior registered players.

### 9.2 Honorary Member

Honorary membership may be conferred by the General Committee for a period of one (1) year to any adult (without children playing) who wish to assist in the administration of the Club.

### 9.3 Social Members

Social membership may be given on application to the General Committee to any adult providing any current social membership fee has been paid.

### 9.4 Life Membership

Nominated members who have rendered meritorious service to the Club and who have been elected by an Annual General Meeting shall be considered Life Members of the Club provided in one calendar year there be no more than two persons elected. The election of Life Members must be by a majority of three fourths of the members present at an Annual General Meeting.

#### 9.4.1 Playing Life Members

Senior players will become eligible for life membership of the Club provided they meet the following criteria:

They have played 300 senior games for the Club and/or played Teeball, Junior Softball/Baseball then Senior Softball/Baseball for the Club.

(Juniors games accredited to the game tally at a ratio of four (4) junior games constitutes one (1) senior game).

## 10. COLOURS

The colours of the Club shall be determined by the General Committee.

## 11. ADMINISTRATION OF THE CLUB

### 11.1 General Committee

The Club shall be administered by a General Committee comprising of the Executive Committee and other office bearers elected by the Club members.

### 11.2 Executive Committee

- The Executive of the Club shall consist of :
- President
- Vice President/Baseball/Softball
- Vice President Teeball
- Secretary
- Treasurer
- Registrar
- Assistant Secretary/Treasurer
- Immediate Past President

11.3 The members of the Executive and General Committee shall be nominated from and elected by the members eligible to vote under this Constitution annually at an Annual General Meeting.

Nominations must be in writing and seconded and to be with the Secretary five (5) days prior to the Annual General Meeting. If no nominations are received for any or all positions nominations may be called from the floor.

The elected officers shall take office at the next General Meeting of the Club following the Annual General Meeting at which they were elected.

11.4 The General Committee may declare vacant and fill the office of any Committee member who absents themselves from three consecutive General Committee meetings without apology.

11.5 Should any urgent matter arise, and it is impractical to refer such matters to the General Committee, the Executive shall have the power to deal with each matter by :

- (a) The President seeking the opinion of all Executive Members and by acting in a manner as the majority of Executive Members approve.

(b) In the event of there being no majority decision the President shall call a meeting of the Executive to decide the matter. Two (2) days notice of such meetings be given unless the Executive agrees unanimously to shorter notice.

## 12 FINANCE

12.1 All funds of the Club shall be deposited in the Club's accounts at each bank or recognised institution the General Committee may determine.

12.2 All accounts due to the Club shall be paid after having been passed for payment at a General Committee meeting and when immediate payment is necessary, accounts shall be paid and the action endorsed at the next General Committee Meeting.

12.3 A statement showing the financial position of the Club shall be tabled at each General Committee Meeting by the Treasurer.

12.4 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting.

12.5 The Financial year of the Club shall commence on the day of the first General Committee Meeting following the Annual General Meeting.

12.6 The signatories of the Club accounts shall be determined by the Exec, and will be any two (2) or more from the following:

- President
- Vice President Baseball/Softball
- Vice President Teeball
- Secretary
- Treasurer
- Canteen member

## 13. AUDITOR

13.1 The Annual General Meeting shall elect or appoint an auditor or auditors who must be a qualified practising accountant.

13.2 The Auditor/s shall examine and audit the books and accounts of the Club annually, and have the power to call for all the books, papers, accounts, receipts, etc. of the Club and report thereon to the General Committee within one calendar month of receipt of the books.

13.3 The Auditor shall not be a member of the Club.

## 14. MEETINGS OF THE CLUB

14.1 Annual General Meeting

14.1.1 The Annual General Meeting of the Club shall be held within two (2) calendar months of the scheduled grand final fixture for the senior baseball season at a time and place determined by the Executive Committee.

14.1.2 The Secretary shall give a least twenty eight (28) days notice of the date of the Annual General Meeting to members by any communication means ~~deemed fit~~.

14.1.3 All members and any other interested persons may attend the Annual General Meeting.

14.1.4 The quorum for the Annual General Meeting shall be a minimum of thirty (30) members. If at the end of 30 minutes after the time appointed for the opening of the meeting there being no quorum the meeting shall stand adjourned for 2 weeks.

14.1.5 The agenda for the Annual General Meeting shall be:

#### Opening of meeting

- Apologies
- Confirmation of minutes of previous Annual General Meeting.
- Presentation and acceptance of Treasurers Report
- Election of new Executive Committee
- Appointment of Auditor
- Election of General Committee
- Note of thanks to outgoing Committee
- Notice/s of motion
- Urgent general business
- Election of Life Member(s) (if any)
- Closure

#### 14.2 COMMITTEE MEETINGS

14.2.1 There shall be a minimum of six (6) General Committee Meetings held in any year (season end to season end).

14.2.2 No more than four (4) calendar months shall elapse between General Committee Meetings.

14.2.3 General Committee Meetings shall be held at a time and place as determined by the President within the limits of the preceding paragraphs.

14.2.4 The Secretary shall cause the notification to members of meeting dates by announcement at the previous meetings or in writing seven (7) days prior to the meeting.

14.2.5 The quorum for General Committee Meetings shall be one half plus one of the General Committee of the Club providing also that a least three (3) Executive Committee members are in

attendance. If at the end of 30 minutes after the time appointed for the opening of a General Committee Meeting there is no quorum, those members present shall be deemed competent to discharge the business of the meeting providing that at least three (3) executive committee members are present. Meetings that do not have a quorum present will stand adjourned for one (1) week. If at such subsequent meeting there is no quorum, those members present shall be deemed competent to discharge the business of the meeting. For the purpose of calculating this quorum Executive Committee members will be considered as General Committee members.

14.2.6 The agenda of a General Committee meeting shall be :

- Opening of meeting
- Apologies
- Confirmation of minutes of previous General meeting
- Business arising from previous minutes
- Correspondence inward and outward
- Accounts presented for payment
- Executive committee report
- General Committee office bearers' reports
- Delegates reports
- General business
- Any other matters put to the meeting
- Closure

14.2.7 Any interested person is entitled to attend a General Meeting and to address that meeting at the appropriate time.

### 14.3 SPECIAL GENERAL MEETINGS

14.3.1 The Executive Committee may at any time call a Special General Meeting or shall do so when directed by an Annual General Meeting or a General Committee Meeting or when requested in writing to do so by twelve (12) members of the Club providing such request be given to the Secretary twenty one (21) days prior to such meeting.

14.3.2 The notice calling for a Special General Meeting shall be advertised to all members at least fourteen (14) days prior to the specified date for such meeting and shall specify the business proposed to be dealt with there at or the resolutions proposed to be considered.

14.3.3 No business other than that advertised shall be dealt with at a Special General Meeting.

14.3.4 Quorums and voting rights for Special General Meetings will be as for Annual General Meetings.

### 14.4 EXECUTIVE COMMITTEE MEETINGS

14.4.1 The Executive Committee shall meet at such times and places as determined by the President.

14.4.2 A quorum for such meetings shall be four (4) Executive Members providing one (1) of which must be either the President or one of the Vice Presidents.

#### 14.5 CHAIR OF ANNUAL, SPECIAL AND GENERAL COMMITTEE MEETINGS

14.5.1 The Chair of these meetings shall be the President.

14.5.2 Should the President be unable to attend any such meeting the Chair shall be elected from the following Executive Members:

- Vice President Baseball/Softball
- Vice President Teeball
- Secretary

14.5.3 Should none of the above be present and all criteria for the meeting quorum are met the Members present at the meeting shall elect a Chairperson from within their number.

## 15. VOTING

15.1.1 The Chairperson of the meeting has both a deliberative vote and casting vote.

Should any deliberative vote on any motion result in a tie the Chairperson shall use a casting vote to defeat the motion as put.

15.1.3 All deliberations shall be by a simple majority of Members present except as specifically stated in this document or the Club by-laws. Other than the Chair by means of its casting vote, no Member shall be entitled to more than one (1) vote on any motion.

15.1.4 Voting shall be by a show of hands unless a secret ballot be demanded by two (2) or more entitled members.

15.1.5 The result of a show of hands vote shall be determined by the meeting Chair. Any member may dispute the Chairperson's determination by calling for a division. In that event members shall divide with the yes votes assembling to the right of the Chair and the no votes to the left of the chair. The Chair shall then count the votes and declare the result of the division.

15.1.6 In the event of a secret ballot the Secretary shall distribute ballot papers to entitled members and shall control and conduct the poll.

15.1.7 Votes shall be counted immediately by a member nominated by the Chair and scrutineered by two Executive Office Bearers as nominated by the Chair and who shall jointly declare the result immediately.

#### 15.2 LIFE MEMBERSHIP

15.2.1 Election to Life Membership shall be achieved only after a majority yes vote of three fourths of those members present at an Annual General Meeting is received.



## 15.3 PROXY VOTING

15.3.1 Under no circumstances will proxy voting be allowed at any meeting of the Club.

Only members present at a meeting have a right to vote.

## 15.4 PLAYERS VOTING ENTITLEMENTS

15.4.1 All persons registered to play with the Club in a senior team only will be entitled to voting rights subject to a financial criteria being met.

15.4.2 Persons eligible for Junior registration will not be enfranchised with any voting rights.

15.4.3 Junior Players who are also registered to play in a senior team will be considered as Junior registrations and will not be entitled to vote.

15.4.4. Entitled players will retain their voting status until the day following Club registration day for the following season subject to financial criteria being met.

## 16. BY-LAWS

16.1 By-laws of the Club may be adopted, amended, altered, enlarged or rescinded by resolution passed by a three fourths majority of members present at a General Committee Meeting.

16.2 The Secretary shall cause the notification of all such alterations to the by-laws to members via letter or newsletter.

## 17. AMENDMENTS TO THE CONSTITUTION

17.1 Proposed changes to the Constitution are to be advised in writing to the Secretary at least seven (7) days prior to the notification date of the Annual General Meeting or the Special General Meeting at which such changes will be considered.

17.2 This Constitution may be amended by resolution passed by a three fourths majority of those entitled members present at the meeting called to consider the amendments.

17.3 Within one month of the passing of a resolution or amendment to the Constitution, the Secretary shall notify the relevant Statutory bodies of the amendment.

## 18. DISSOLUTION

18.1 The Club may be dissolved or wound up by Resolution passed by a three fourths majority of those entitled members present at an Annual General Meeting or Special General Meeting which is called for that purpose.

18.2 If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed- a) to another association incorporated under the Act; or b) for charitable purposes which incorporated association or purposes, as the case requires shall be determined by resolution of the members when authorising and directing the Committee under section 33 (3) of the Associations

Incorporation Act 1987 to prepare a distribution plan for the distribution of the surplus property of the Club.

## 19. COMMON SEAL

19.1 The Club shall have and use a common seal inscribed with the name of the Club which shall be held in the custody of the Secretary and it shall be used or affixed to any document only pursuant to a resolution of the General Committee.

19.2 The affixation of the seal shall be executed by the President and any other two members of the Executive.

## 20. WORKING WITH CHILDREN CHECK

Coaches participating in teams, you need to have a Working with Children Check (WWCC) to be able to coach children's teeball, softball and baseball teams.

## 21. CODE OF CONDUCT

Balcatta Baseball Club reserves the right to levy a fine, suspend a member (and/or any persons associated with the member) from the club or expel the member (and /or any persons associated with the member ) from the club if the Club Committee decides that the members, a player associated with the member or a spectator associated with the member has been involved in appropriate behavior, behavior which has breached the (code of conduct), an altercation with others during or after a Baseball, Softball and Teeball game or otherwise brings the game or the club into disrepute. A member must abide by the decision of the Club Committee and there be no right of appeal.