



Mitcham Football Club – Constitution

1. NAME

The Club shall be called the “Mitcham Football Club Inc.” and shall not be dissolved or its named changes without the consent of three quarters of its members present at a General Meeting specially called for that purpose.

- (a) The Club and the property and affairs thereof shall be under the control of the Executive Committee as defined under the terms of Clause 11 hereof.

2. LOCATION

The location of the Club shall be at Price Memorial Oval off Angas Rd, Hawthorn on the state of South Australia.

3. OBJECTIVES

The objectives of the Club shall be:

- (a) To encourage, promote, facilitate, extend and foster the game of Australian Rules Football and other activities and provide social amenities and facilities for the members of the Club.
- (b) To encourage, promote, facilitate, extend and foster the Junior Football program.
- (c) To acquire by purchase, construction or otherwise any real or personal property and to sell, assign, transfer, exchange or otherwise dispose of, lease, hire or otherwise howsoever deal with such property in any part or parts thereof.
- (d) To join or cooperate with any other bodies or clubs concerned with the development of any sport and social activities approved by the Club and generally to assist and join in doing anything likely to advance interests of the Municipality of the City of Mitcham and its residents.
- (e) To raise money for any of the objects aforesaid or any purposes incidental or conducive thereto in such manner as may be approved by the Executive Committee including borrowing with or without giving security, and more particularly regarding monies borrowed on security to secure the repayments of same by mortgage, pledge, bill of sale, assignment, debenture, charge, lien or other security over the whole or any part of the Club's property both real and personal and including future acquired property.
- (f) To do all such other things necessary or incidental or conducive to the attainment of the above objects, or any of them.

- (g) To apply the net profits of the Club after the payment of all costs and expenses of and incidental to the proper and efficient management and development thereof to purposes benefiting the Club.
- (h) To hire and employ clerks, managers, servants and workers and to pay to them and to other persons in return for services rendered to the Club, salaries, wages, gratuities, honorariums and pensions.
- (i) To support and subscribe to any charitable, athletic or public body.
- (j) Sub-section (a) of this clause shall not prevent the Club from establishing and entering teams in any other sport or sports or from acquiring amenities and facilities (whether freehold or leasehold) used in connection with such other sport or sports.

4. MEMBERSHIP

The membership fees of the Club shall be those fees determined by the Executive Committee in each year and shall be applicable according to Clause 6.

Payment of these fees will entitle the person to membership of the Club, subject to the provision of Clause 5 hereof, and to attend and vote at all General Meetings of the Club held during the current season up to and including the Annual General Meeting of that season. No person other than a Life Member shall vote at any meeting unless their membership has been duly paid.

5. CLASSES OF MEMBERS

- (a) SENIOR PLAYERS: A Senior Player is a member of the Club if he is financial, i.e. has paid the annual player registration fee as determined by the Executive Committee under Clause 6.
- (b) SOCIAL: A social member is a person other than a player who is financial in that the person has paid the annual subscription as determined by the Executive Committee under Clause 6. Social members also include financial members of the 1908 Club and Grubstakers, and any Past Players paying an annual \$10.00 subscription.
- (c) LIFE: as described in Clause 7.
- (d) JUNIOR: A parent/guardian of a Junior player is entitled to membership of the Club on payment of the annual registration fee as determined by the Executive Committee under Clause 6.

6. ENTRANCE FEES AND SUBSCRIPTIONS

- (a) The annual subscription for all classes of membership in respect of each year commencing on the first day of April shall be determined by the Executive Committee and shall not be less than \$20 per annum. Life Members unless still playing shall be exempt from payment of subscriptions.
- (b) The Executive Committee may in addition to any subscription make calls on any members not exceeding an amount authorised by a General Meeting.
- (c) All subscriptions shall be due and payable in advance by each member on the first day of April in each year.
- (d) Any member failing to pay their subscription shall, at the discretion of the Executive Committee, have their name erased from the list of membership and shall thereupon cease to be a member of the Club.

- (e) Notwithstanding any Clause contained in this document the Executive Committee may by vote at a meeting of the Committee at which at least two thirds of the Committee for the time being vote in the affirmative, refuse to accept any further annual subscriptions of any member and their membership shall immediately on the termination of the year for which their then subscription has been paid "ipso facto" cease and accrue to such member for by reason of such refusal as aforesaid.

7. LIFE MEMBERSHIP

Life Membership may be granted to office bearers, officials and members who:

- (a) Have played 150 Senior football games for the Club, or have played for eight years as a senior player and been a fully paid up member during this time.
- (b) Have played at least three seasons with the Club Junior teams and thereafter 120 senior football games for the Club.
- (c) Have, in the opinion of the Executive Committee, rendered outstanding services over a period of years in the interest of the Club.

8. RESIGNATION OF MEMBERS

Any member may resign their membership by giving to the Secretary notice in writing to that effect. Every such notice shall, unless expressed otherwise, be deemed to take effect as from the first day of April next following the receipt thereof.

9. EXPULSION OF MEMBERS

- (a) If any member shall, in the opinion of the Executive Committee, have wilfully infringed any of the general rules or by-laws or regulations of the Club, or if the conduct of any member shall in the opinion of the Executive Committee be injurious or prejudicial to the character or interest of the Club, the Committee shall have absolute power to expel or suspend such member or deal with them in any way as the Committee may in its discretion deem proper.
- (b) Any member suspended or expelled from the Club shall be notified in writing by the Secretary and thereafter shall not enter the Club's premises, whether as a visitor or otherwise, during such suspension. However, the Executive Committee may remove or reduce the term of such suspension at any time.
- (c) Any member expelled or who has had their name struck off the membership roll for non-payment of subscription shall have the right of appeal to a Special General Meeting to be summoned (at the expense of a member) with twenty-one (21) days of the expulsion or striking off the roll when a majority of those present and voting shall be required to confirm the expulsion or striking off the roll. If the expulsion or striking off the roll be unconfirmed the member shall be reinstated.
- (d) Upon cessation of membership for any reason whatsoever there shall be no claim by a member against any of the Club's property.

10. MEETINGS OF THE CLUB

(a) Annual General Meeting

1. The Annual General Meeting of the Club shall be held within 3 calendar months after September 30 of each year.
2. Notice of such meetings shall be advised to members at least fourteen (14) days before the date of such meeting.
3. A quorum of at least fifteen (15) financial members is required.
4. Written notice for the purpose of any Club Annual General Meeting or Special General Meeting can be given in writing, and/or email via the Club's official on-line communications methods.
5. The current President shall chair the meeting: in their absence the meeting shall appoint a chairperson.
6. Voting shall be by a show of hands, unless the meeting resolves to conduct a secret ballot.

(b) Special General Meeting

1. May be convened by the Executive Committee or shall be convened on the written requisition signed by at least fifteen (15) financial members. Such requisition shall contain the motion for which the meeting is to be convened and shall be delivered to the Secretary.
2. On the requisition signed by fifteen (15) members being delivered to the Secretary, the Secretary shall call a Special General Meeting within fourteen (14) days by advertisement in the local papers or on the internet.
3. The President shall chair the meeting: in their absence a person appointed by him/her shall chair the meeting.
4. A quorum of at least fifteen (15) financial members is required.
5. No business other than consideration of the motion of which notice has been given shall be conducted at the meeting.

11. EXECUTIVE COMMITTEE

The Executive Committee shall consist of the PRESIDENT, SECRETARY, FINANCE DIRECTOR, FOOTBALL FIRECTOR, OPERATIONS DIRECTOR and the COMMUNICATIONS DIRECTOR. All members of the Executive Committee shall be elected to their specific portfolios at the Annual General Meeting in each year and shall hold office until the next Annual General Meeting.

- (a) All officers of the Executive Committee shall be eligible for re-election and election shall be conducted in the manner set forth in this Constitution.
- (b) Any Casual vacancy among the members of the Executive Committee may be filled by appointment by the remaining Members of the Executive Committee. Any members so appointed shall hold office until the next annual election of the Executive Committee of the Club.
- (c) All members of the Executive Committee shall remain in office until their successors are appointed.

- (d) If any member of the Executive Committee fails to attend three (3) consecutive meetings they shall be considered to have resigned from the Executive Committee forthwith and the vacancy filled by an appointment of the Executive Committee until the next Annual General Meeting.
- (e) The Executive Committee shall review and update the Strategic plan on an annual basis.
- (f) A quorum of the Executive Committee shall be four (4).
- (g) The Executive Committee may continue to operate notwithstanding the fact that a vacancy in the Executive Committee has not been filled.

12. ELECTIONS

- (a) All candidates for office must be members of the Club and, if liable for subscription, financial for at least fourteen (14) days prior to the closing date of nominations.
- (b) In the event of two or more candidates being nominated for any particular role, the election shall be conducted by ballot during the meeting.
- (c) The candidate receiving the greatest number of votes shall be elected, and in the event of a tie the Chairman of the meeting shall exercise a casting vote.
- (d) The President shall chair the meeting: in their absence the meeting shall appoint a chairperson.

13. ROLES AND RESPONSIBILITIES OF EXECUTIVE COMMITTEE MEMBERS

(a) PRESIDENT

The President of the Club will preside at all of the Club and Executive Committee at which he or she is present and ensure that business is conducted in a proper manner. The President shall only have a casting vote on occasions of indecisive ballots during Executive Committee meetings or Annual General Meetings. The responsibilities of the PRESIDENT will include:

1. Overseeing the total operation of the Club.
2. Overseeing the effective operation of the Executive Committee.
3. Overseeing all duties performed by Officers of the Club.
4. Ensuring compliance with all relevant legislation (Liquor, consumer and business, Council, WHS) and provide a healthy and safe environment for all Club stakeholders.
5. Liaising with external stakeholders of the Club.
6. Providing a single point of contact for all media enquiries

(b) SECRETARY

The responsibilities of the SECRETARY will include:

1. Preparation of agendas for Executive Committee Meetings in consultation with the President.
2. Maintenance and safe-keeping of all records (except finance), correspondence and minutes of all meetings.
3. Keep a register of members, incorporating full names and addresses of all members of the Club.

4. Act as Public Officer for the purposes of the Association's Incorporation Act.
5. Convening all meetings of the Club in accordance with this Constitution.

(c) FOOTBALL DIRECTOR

The responsibilities of the FOOTBALL DIRECTOR will include:

1. Overseeing every aspect of Football Operations for the Club, including:
 - a. Junior Football
 - b. Senior Football
 - c. Coaching and Coaching Appointments
 - d. Auskick
 - e. Match Day Operations
2. Development of consistent Coaching standards across the Club.
3. Compliance with the Regulations and By-Laws of the relevant Football associations the Club plays in.
4. Coordinating the optimum approach to achieving the Club's goals in regard to all football with the available Club resources.
5. Appointment of relevant committees and sub-committees relevant to achieving clause 10 (c) 1 above.

(d) FINANCE DIRECTOR

The FINANCE DIRECTOR shall be responsible for the financial affairs of the Club and shall keep accounts and books showing these affairs at all times. The FINANCE DIRECTOR shall have the power to authorise payment of any monies and shall present a report showing the financial status of the Club and details of all revenue and expenditure to the Executive Committee whenever directed by the latter to do so. The FINANCE DIRECTOR shall maintain the Club's one (1) bank account.

The FINANCE DIRECTOR will be responsible for:

1. Overseeing all the entire financial operation of the Club, including:
 - a. Complying with all financial governance requirements.
 - b. Sponsorship
 - c. Grants Applications and management
 - d. Registration fees for all football operations
 - e. Merchandise Sales
2. Keeping Executive Committee members apprised of the financial status of the Club.
3. Providing all financial reporting requirements for the Club for internal management purposes.
4. Providing financial reporting requirements for the Club for external stakeholders.
5. Providing as a minimum a monthly cashflow statement for the Club at Executive Committee meetings.
6. A successful annual external audit of the Club financial accounts.
7. Preparation and submission of an annual budget to the Executive Committee of the Club prior to March 31st of the year concerned.
8. Appointment of relevant committees and sub-committees relevant to achieving clause 10 (d) 1 above.

(e) OPERATIONS DIRECTOR

The OPERATIONS DIRECTOR shall oversee the continued operations of the Club to ensure all Club objectives are met.

The OPERATIONS DIRECTOR will be responsible for:

1. Overseeing all operational aspects of the Club, including:
 - a. Facility/Asset Management
 - b. Oval Management
 - c. Bar and Canteen Operations
 - d. Social Events (planning and implementation)
2. Liaising with the Mitcham Council regarding maintenance issues relating to the Oval and all other facilities.
3. Developing a long-term plan for the Club facilities in consultation with any jointly tenanted Clubs and Mitcham Council.
4. Responding to requests for hiring of facilities in conjunction with the Club FINANCE DIRECTOR.
5. Managing and maintaining an up to date key registry.
6. Appointment of relevant committees and sub-committees relevant to achieving clause 10 (e) 1 above.

(f) COMMUNICATIONS DIRECTOR

The COMMUNICATIONS DIRECTOR shall oversee all aspects of Club internal and external communications.

The COMMUNICATIONS DIRECTOR will be responsible for:

1. All Club Social Media.
2. The Club Website
3. Appointment of relevant committees and sub-committees relevant to achieving clause 10 (f) 1 & 2 above.

14. ROLE OF EXECUTIVE COMMITTEE

- (a) The DIRECTOR of each portfolio shall initiate new ideas and programmes and perform duties within their respective jurisdictions.
- (b) A DIRECTOR may appoint a secretary and/or Committee(s) necessary to implement plans or directives within their portfolio.
- (c) Each DIRECTOR shall make an activity report to the Executive Committee on a monthly basis as a minimum.
- (d) With the approval of the FINANCE DIRECTOR and an approved budget a DIRECTOR shall have authority to commit expenditure pursuant to programs and activities within their portfolio.

15. POWERS AND PROCEEDINGS OF THE EXECUTIVE COMMITTEE

- (a) The Executive Committee shall meet as often as deemed necessary and, in any event, not less than once every two months. Any four (4) members of the Executive Committee may call a meeting of the Executive Committee.
- (b) At all meetings of the Executive Committee each member present shall be entitled to one (1) vote, and a majority affirmative vote must be realised for any motion to be carried. In the event of equality of votes in a motion, the Chairman shall exercise the casting vote.
- (c) The Executive Committee shall review the progress made by each DIRECTOR in their respective portfolios and shall have the power to implement new policy or reverse decisions made within a particular portfolio if deemed necessary.
- (d) If, in the opinion of more than 50% of the members of the Executive Committee, the meaning member is neglecting or incompetent in their duties as DIRECTOR the latter may be expelled from office and the vacancy filled by an appointee of the Executive Committee until the next Annual General Meeting.
- (e) In addition to all powers expressly conferred upon it without detracting from any generality of its powers under the preceding or any other regulations, the Executive Committee shall have the following powers, namely:
 - a. To expend the funds of the Club in such manner as it considers most beneficial for the purposes of the Club and to invest in the name of the Club such part thereof as it may think fit and to direct the sale or transposition of any such investment and to expend the proceeds of any such sale for the purposes of the Club.
 - b. To enter into contracts on behalf of the Club.
 - c. To borrow such monies as may be approved by a majority of members upon the security of the property of the Club or otherwise.
 - d. To delegate all or any of its affairs to a Sub-Committee or to Sub-Committees.
 - e. To make and/or repeal any by-laws as to the management of the Club and the affairs thereof and as to the duties of any officers or servants of the Club and as to the conduct of business by the Executive Committee provided that the same shall not be inconsistent with these Rules.
 - f. To appoint one (1) delegate and one (1) proxy from amongst members of the Executive Committee to represent the Club at all meetings of the appropriate governing association.
 - g. To call General and Special Meetings of the Club.
 - h. And generally, to do all things necessary or expedient for the conduct of the club not herein otherwise provided for.

16. DISBURSEMENTS

All liabilities and payments made by the Club must be passed for payment by the FINANCE DIRECTOR and all cheques shall be signed by the FINANCE DIRECTOR and any one other Executive Committee member. In the temporary absence of the FINANCE DIRECTOR all payments must be passed by resolution of the Executive Committee, and all cheques shall be signed by two members of the Executive Committee.

17. COACH & PLAYER PAYMENTS

All coach and player payments will comply with the payments prescribed by the relevant governing Association.

The Executive Committee has the power to formulate an internal Club policy on player payments and may determine a limit of gross expenditure in this respect in any one year.

18. APPOINTMENT OF COACHES

The appointment of Club coaches shall be ratified by the Executive Committee upon advice and recommendation of the FOOTBALL DIRECTOR.

19. AUDITORS

An Auditor shall be appointed at the first Annual General Meeting and shall hold office until the next Annual General Meeting. The Auditor shall be eligible for re-election. The Auditor shall audit the books of the Club at the end of each twelve (12) months. For the purpose of auditing the books of the Club shall be deemed closed on the 30th September each year.

20. INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

- (a) This Constitution may only be added to, altered or amended at an Annual General Meeting or a Special General Meeting convened in accordance with this Constitution.
- (b) The notice convening the meeting shall set out details of the proposed amendments.
- (c) The notice convening the meeting shall be forwarded to members at least fourteen (14) days prior to the date fixed for the meeting.
- (d) A motion to mend this Constitution must be carried by a majority of two-thirds of members present and voting at the meeting.
- (e) In the event of any doubt or uncertainty arising as to the interpretation or application of the provisions of this Constitution or any rules, by-laws or regulations made under it, the Executive Committee shall have the power to make a ruling which shall be binding on the members.
- (f) In the event of a situation arising for which provision is not made in this Constitution or any rules, by-laws or regulations made under it, the Executive Committee may determine what action if any is to be taken and its decisions shall be binding on the members.
- (g) If the Executive Committee is required to make a determination under 20 (f) it shall propose an amendment to the Constitution to remedy the anomaly at the next Annual General Meeting.

21. FUNDS OF THE CLUB

The income and property of the Club howsoever derived shall be applied towards the objects of the club as herein set forth and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise to the members of the Club, provided that nothing herein contained shall prevent payment in good faith of remuneration to any officers or servants of the club or other persons in return for services actually rendered to the Club not prevent payment on any monies borrowed from any member of the Club.

22. WINDING UP

The Club shall not be dissolved unless all liabilities have been discharged and a motion has been passed by a three-quarter majority vote of members present at a Special General Meeting convened for the purpose.

Should the Club resolve to wind up, this must be effected by a special resolution as follows:

- (a) The resolution must be passed at a duly convened meeting of members of the club

- (b) At least twenty-one (21) days written notice to propose the resolution as a special resolution has been given to all members of the Club, and;
- (c) It is passed at a meeting referred to in this paragraph by a majority of not less than three quarters of such members of the Club as, being entitled to do so, vote in person, or where proxies are allowed, by proxy, at that meeting.

In the event of the Club being wound up, the funds which remain after such dissolution and the satisfaction of all debts and liabilities of the Club shall be paid and applied by the Club in accordance with its powers to any organisation which:

- (a) Has similar objectives at the Club, and;
- (b) Which has rules prohibiting distribution of its assets and income to its members.