

Rules of the Association

Kensington Flemington Junior Sports Club Incorporated

Updates made – 10 April 2024

23rd September 2013.

Amendments at request of Consumer Affairs Victoria 15th November 2013.

Rules of the Association

Kensington Flemington Junior Sports Club Incorporated

PART 1---

NAME AND STATEMENT OF PURPOSE

1. *Name*

The name of the incorporated association is **Kensington Flemington Junior Sports Club Incorporated**

2. *Statement of Purposes*

Kensington Flemington Junior Sports Club's purpose is to:

- be a community based junior sports club run primarily by parents for the development and enjoyment of young people;
- provide an environment that is safe, friendly and inclusive for all.
- create a culture that:
 - seeks to positively develop all players' self-esteem;
 - emphasises the primacy of learning co-operative skills within a team environment;
 - promotes a sense of good sportsmanship and respect for others;
 - ensures that participation in the Club is accessible to all regardless of gender, ability or background;
 - encourages all players to develop their sporting skills to their fullest potential;
 - promotes active, healthy living amongst young people;
 - facilitates the fielding of teams that are competitive, disciplined and well drilled

PART TWO---

DICTIONARY AND RULE CHANGE PROCESS

3. Dictionary

(1) In these Rules, unless the contrary intention appears---

“Act” means the **Associations Incorporation Reform Act 2012**

“AGM” means an Annual General Meeting;

“Association Committee” means the committee of management of the Association;

“Association Vice President” means an office holder appointed under rule 20(3)(c);

“Club” means a sporting club affiliated with the Association;

“Elected Association Committee Members” means a minimum of five (5) and a maximum of (7) elected members composed of the President, the Secretary, the Treasurer and a minimum of two (2) and a maximum of four (4) Ordinary Members elected at the AGM of the Association in each year;

“FFA” means Football Federation Australia;

“FFV” means Football Federation Victoria;

“financial year” means the year ending on 31 August;

“general meeting” means a general meeting of members convened in accordance with rule 12.

“member” means a member of the Association;

“Ordinary Member” means a member of the Association Committee who is not an Office Holder of the Association under Rule 24;

“Office Holder” means a member of the Association Committee who holds the office of President, Association Vice President, Treasurer or Secretary under Rule 24;

“Regulations” means regulations under the Act;

“relevant documents” has the same meaning as in the Act.

“Sports Vice President” means a member appointed to the Association Committee under Rule 23(3)(b)

(2) In these Rules, a reference to the Secretary of an Association is a reference---

(a) if a person holds office under these Rules as Secretary of the Association---to that person; and

(b) in any other case, to the public officer of the Association.

4. Alteration of the rules

These Rules and the statement of purposes of the Association must not be altered except;

- In accordance with the Act; and by
- special resolution of a general meeting of the Association.

PART THREE---

MEMBERSHIP RIGHTS AND DUTIES, DISCIPLINE and DISPUTE RESOLUTION

5. *Membership, entry fees and subscription*

- 1) Any parent or guardian of a registered child may apply for membership of the Association.
- 2) A registered child is a player for whom:
 - a) the applicable registration form provided by the Association is completed;
 - b) the form is lodged with the appropriate Club membership officer; and
 - c) the applicable registration fee is paid.
- 3) Any parent or guardian applicant must apply electronically or in writing and must confirm that he/she/they
 - a) wishes to become a member of the Association
 - b) supports the purposes of the Association
 - c) agrees to comply with these rules
- 4) The Secretary must, within 28 days after receipt of the amounts referred to in sub--rule (8) enter the applicant's name in the register of members. Such register may be kept electronically.
- 5) An applicant for membership becomes a member and is entitled to exercise the rights of membership when his or her name is entered in the register of members and will remain a member for a period of one year from the date their child is registered under Rule 5(2).
- 6) If the Association Committee rejects an application, the Association Committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- 7) A right, privilege, or obligation of a person by reason of membership of the Association--
 - a) is not capable of being transferred or transmitted to another person; and
 - b) terminates upon the cessation of membership whether by death or resignation non--renewal or otherwise.
- 8) Applicable membership and registration fees will be determined by the Association from time to time and are payable as outlined in the relevant registration form.

President's Life Membership Awards

- 9) The Association Committee has the power to confer one or more President's Life Membership Awards. The granting of this award will confer life membership on an individual who has given outstanding service to the Association or its clubs pursuant to criteria the Association Committee may set from time to time . President's Life Members will be entitled to all the rights and duties of membership of the Association.

6. *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. Any other information determined by the Committee; and
 - b) For each former member, the date of ceasing to become a member.
- 2) Any member may, at a reasonable time 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.

7. General rights of members

- 1) A member of the Association who is entitled to vote has the right—
- a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - b) to submit items of business for consideration at a general meeting; and
 - c) to attend and be heard at general meetings; and
 - d) to vote at a general meeting; and
 - e) to have access to the minutes of general meetings and other documents of the Association as provided under Rule 48; and
 - f) to inspect the register of members.
- 2) A member 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.

8. Ceasing membership

- 1) A member of the Association who has paid all moneys due and payable by a member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of his or her intention to resign.
- 2) After the expiry of the period referred to in sub-rule (1)—
- a) the member ceases to be a member; and
 - b) the Secretary must record in the register of members the date on which the member ceased to be a member.

9. Discipline, suspension and expulsion of members

- 1) Subject to these Rules, if the Association Committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the Association Committee may by resolution—
- a) fine that member an amount not exceeding \$500; or
 - b) suspend that member from membership of the Association for a specified period; or
 - c) expel that member from the Association.
- 2) A resolution of the Association Committee under sub-rule (1) does not take effect unless—

- a) at a meeting held in accordance with sub--rule (3), the Association Committee confirms the resolution; and
 - b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- 3) A meeting of the Association Committee to confirm or revoke a resolution passed under sub--rule (1) must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub--rule (4).
- 4) For the purposes of giving notice in accordance with sub--rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice--
- a) setting out the resolution of the Association Committee and the grounds on which it is based; and
 - b) stating that the member, or his or her representative, may address the Association Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
 - c) stating the date, place and time of that meeting; and
 - d) informing the member that he or she may do one or both of the following--
 - i. attend that meeting;
 - ii. give to the Association Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - e) informing the member that, if at that meeting, the Association Committee confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.
- 5) At a meeting of the Association Committee to confirm or revoke a resolution passed under sub--rule (1), the Association Committee must--
- a) give the member, or his or her representative, an opportunity to be heard; and
 - b) give due consideration to any written statement submitted by the member; and
 - c) determine by resolution whether to confirm or to revoke the resolution.
- 6) If at the meeting of the Association Committee, the Association Committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal that resolution at a general meeting.
- 7) If the Secretary receives a notice under sub--rule (6), he or she must notify the Association Committee and the Association Committee must convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- 8) At a general meeting of the Association convened under sub--rule (7)-----
- a) no business other than the question of the appeal may be conducted; and
 - b) the Association Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - c) the member, or his or her representative, must be given an opportunity to be heard; and
 - d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 9) A resolution is confirmed if, at the general meeting, not less than two--thirds of the members vote in person, in favour of the resolution. In any other case, the resolution is revoked.

10. Disputes and mediation

- 1) The grievance procedure set out in this rule applies to disputes under these Rules between--
 - a) a member and another member; or
 - b) a member and the Association.
- 2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 4) The mediator must be--
 - a) a person chosen by agreement between the parties; or
 - b) in the absence of agreement--
 - i. in the case of a dispute between a member and another member, a person appointed by the Association Committee; or
 - ii. in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 5) A member of the Association can be a mediator.
- 6) The mediator cannot be a member who is a party to the dispute.
- 7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 8) The mediator, in conducting the mediation, must-----
 - a) give the parties to the mediation process 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 to the dispute throughout the mediation process.
- 9) The mediator must not determine the dispute.
- 10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART FOUR---

GENERAL MEETINGS OF THE ASSOCIATION

11. *Annual general meetings*

- 1) The Association Committee may determine the date, time and place of the AGM of the Association.
- 2) The notice convening the AGM must specify that the meeting is an AGM.
- 3) The ordinary business of the AGM shall be--
 - a) to confirm the minutes of the previous AGM and of any general meeting held since that meeting; and
 - b) to receive from the Association Committee reports upon the transactions of the Association during the last preceding financial year; and
 - c) to elect officers of the Association and the ordinary members of the Association Committee; and
 - d) to receive and consider the statement submitted by the Association in accordance with Part 7 of the Act.
- 4) The AGM may conduct any special business of which notice has been given in accordance with these Rules.

12. *Special general meetings*

- 1) In addition to the AGM, any other general meetings may be held in the same year.
- 2) All general meetings other than the AGM are special general meetings.
- 3) The Association Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- 4) If, but for this sub--rule, more than 15 months would elapse between AGMs, the Association Committee must convene a special general meeting before the expiration of that period.
- 5) The Association Committee must, on the request in writing of members representing not less than 5 per cent of the total number of members, convene a special general meeting of the Association.
- 6) The request for a special general meeting must----
 - a) state the objects of the meeting; and
 - b) be signed by the members requesting the meeting; and
 - c) be sent to the address of the Secretary.
- 7) If the Association Committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- 8) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the Association Committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

13. Special business

All business that is conducted at a special general meeting and all business that is conducted at the AGM, except for business conducted under the rules as ordinary business of the AGM, is deemed to be special business.

14. Notice of general meetings

- 1) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- 2) Notice may be sent—
 - a) by prepaid post to the address appearing in the register of members; or
 - b) if the member requests, by electronic transmission.
- 3) No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- 4) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

15. Quorum at general meetings

- 1) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- 2) Five members personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
- 3) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present—
 - a) in the case of a meeting convened upon the request of members—the meeting must be dissolved; or
 - b) in any other case—the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 4) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

16. Presiding at general meetings

- 1) The President, or in the President's absence, the Association Vice President, shall preside as Chairperson at each general meeting of the Association.
- 2) If the President and the Association Vice President are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

17. Adjournment of meetings

- 1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- 2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- 3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12.
- 4) Except as provided in sub--rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

18. Voting at general meetings

- 1) Upon any question arising at a general meeting of the Association, a member has one vote only.
- 2) All votes must be given personally.
- 3) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 4) A member is not entitled to vote at a general meeting unless all moneys due and payable by the member to the Association have been paid.

19. Poll at general meetings

- 1) If at a meeting a poll on any question is demanded by not less than 3 members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

20. Manner of determining whether resolution carried

If a question arising at a general meeting of the Association is determined on a show of hands--

- a) a declaration by the Chairperson that a resolution has been--
 - i. carried; or
 - ii. carried unanimously; or
 - iii. carried by a particular majority; or
 - iv. lost; and
- b) an entry to that effect in the minute book of the Association-----

is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

21. Proxies

The Association requires that all votes be made personally. Voting by proxy is not allowed for under these rules.

PART FIVE ---

ROLE OF THE ASSOCIATION AND ITS COMMITTEE, DUTIES AND ROLE OF OFFICE HOLDERS AND ELECTIONS

22. *The role of the Association*

- 1) The role of the Association is to provide a variety of sports to the children of its members, and to govern and administer various clubs for particular sports including:
 - a) Flemington Junior Football Club;
 - b) Kensington Junior Soccer Club
 - c) Kensington Junior Cricket Club
 - d) Kensington Junior Basketball Club
 - e) Kensington Junior Netball Club
 - f) such other additional or successor clubs as the Association Committee decides

The Association is a not for profit organisation

- 2) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- 3) Sub---rule (2) 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.

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.

23. *The role of the Association Committee*

- 1) The affairs of the Association shall be managed by the Association Committee.
- 2) The Association Committee
 - a) shall control and manage the business and affairs of the Association; and
 - b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Association; and
 - c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Association Committee to be essential for the proper management of the business and affairs of the Association, and to do all things incidental or conducive to the purposes of the Association
 - d) The Association Committee may only exercise its powers and use its income and assets (including any surplus) for its purposes
 - e) the Association Committee may create by resolution and present an award or awards for conspicuous service on such criteria that it determines from time to time. The criteria for any such award must be distributed throughout the membership and nominations received before a decision is made by the Association Committee to award it

- 3) Subject to the Act, the Association Committee shall consist of a maximum of eleven (11) members elected, appointed or co-opted in the following way:

Elected AC members

- a) a minimum of five (5) and a maximum of seven (7) elected members composed of the President, the Secretary, the Treasurer and a minimum of two (2) and a maximum of four (4) Ordinary Members each of whom shall be elected at the AGM of the Association in each year;

Appointed Association Vice President

- b) the elected members will, at the first meeting of the Association Committee following their election, appoint one of the Association Committee members to the position of Association Vice President;

Appointed Sports Vice Presidents

- c) The Elected AC members will appoint the President of each Club to the Association Committee to the position of Sports Vice President;
- d) Persons appointed to the position of Sports Vice President are Ordinary Members of the Association Committee;

Co-opted AC members

- e) The elected members may co-opt additional members provided the total number of Elected Members, Appointed Sports Vice Presidents and co-opted members does not exceed eleven persons. Co-opted AC members are Ordinary members of the Association Committee.

24. Office holders

- 1) The officers of the Association hold their positions on an honorary basis and shall be-----
- a) a President;
- b) an Association Vice-President;
- c) a Treasurer; and
- d) a Secretary.
- 2) The provisions of rule 23, so far as they are applicable and with the necessary modifications, apply to the election of persons to any of the offices referred to in sub-rule (1).
- 3) Each officer of the Association shall hold office until the AGM next after the date of his or her election but is eligible for re-election subject to the rules of the Association.
- 4) In the event of a casual vacancy in any office referred to in sub-rule (1), the Association Committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and including the conclusion of the AGM next following the date of the appointment.

25. General Duties of the Association Committee

- 1) As soon as practicable after being elected or appointed to the Association Committee, each committee member must become familiar with these Rules and the Act.
- 2) The Association Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Association Committee comply with these Rules
- 3) Association 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.

26. Duty of the Association Committee to keep accurate minutes of any meeting

- 1) The Association Committee must ensure that accurate minutes are taken and kept of any meeting held under these Rules including any Association Committee, Special or General Meeting.
- 2) The minutes must record:
 - a) the business considered at the meeting,
 - b) any resolution on which a vote is taken and the result of the vote,
 - c) the names of Association Committee members and or other members attending the meeting.

27. President and Association Vice--President

- 1) Subject to subrule (2), the President or, in the President's absence, the Association Vice--President is the Chairperson for any general meetings and for any committee meetings.
- 2) If the President and the Association 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.

28. 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.

- 2) The Secretary must--
 - a) maintain the register of members; and
 - b) keep custody of all books, documents and securities of the Association
 - 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.

29. Treasurer

- 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 Association 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.
 - e) ensure that the financial records of the Association are kept in accordance with the Act; and
 - f) coordinate the preparation of the financial statements of the Association and their certification by the Association Committee prior to their submission to the annual general meeting of the Association.
- 2) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

30. Ordinary members of the Association Committee

- 1) Subject to these Rules, each ordinary member of the Association Committee shall hold office until the AGM next after the date of election but is eligible for re-election.
- 2) In the event of a casual vacancy occurring in the office of an ordinary member of the Association Committee, the Association Committee may appoint a member of the Association to fill the vacancy and the member appointed shall hold office, subject to these Rules, until the conclusion of the AGM next following the date of the appointment.

31. Election, Appointment and Co-option of Association committee members

- 1) Persons shall nominate for and be elected to the specific offices of Secretary, President and Treasurer at the AGM.
- 2) Persons shall also nominate and be elected as Ordinary Members of the Association Committee at the AGM.
- 3) A member may nominate for as many of the office holder vacancies as they wish, and may also nominate for an Ordinary Member vacancy.
- 4) Subject to Rule 23(3), Nominations for the offices of Secretary, President and Treasurer or the Ordinary Member positions of the Association Committee must be:
 - a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - b) delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the AGM.
- 5) A person who has nominated for any position on the Association Committee may change or amend their nomination for nomination to a different or additional position at the AGM.

- 6) Should no member of the Association nominate for the positions of President, Secretary or Treasurer prior to the AGM then those persons elected as Ordinary members of the Association Committee may either:
 - a) co-opt a suitable person to any of those offices; or
 - b) select the President, Treasurer or Secretary from the elected Ordinary Members at the first meeting of the Association Committee after the AGM.
- 7) If insufficient nominations are received to fill the maximum number of elected Ordinary Member vacancies on the Association Committee, the candidates nominated shall be deemed to be elected and further nominations for Ordinary Members may be received at the AGM.
- 8) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 9) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- 10) The ballot for the election members of members of the Association Committee must be conducted at the AGM in such manner as the Association Committee may direct subject to rule 32

32. If a Ballot is required

- 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
- 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 sub-rule (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 sub-rule (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 sub-rules (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.

33. Vacancies

- 1) The office of an officer of the Association, or of an Ordinary Member of the Association Committee, becomes vacant if the officer or member-----
 - a) ceases to be a member of the Association; or
 - b) becomes an insolvent under administration within the meaning of the Corporations Law; or
 - c) resigns from office by notice in writing given to the Secretary.

PART SIX – ASSOCIATION COMMITTEE PROCESS

34. Meetings of the Association Committee

- 1) The Association Committee must meet at least 3 times in each year at such place and such times as the Association Committee may determine.
- 2) Special meetings of the Association Committee may be convened by the President or by any 4 members of the Association Committee.

35. Notice of Association Committee meetings

- 1) Written notice of each Association Committee meeting must be given to each member of the Association Committee at least 2 business days before the date of the meeting.
- 2) Written notice must be given to members of the Association Committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

36. Quorum for Association Committee meetings

- 1) Any 5 members of the Association committee constitute a quorum for the conduct of the business of a meeting of the Association Committee.
- 2) No business may be conducted unless a quorum is present.
- 3) If within half an hour of the time appointed for the meeting a quorum is not present—
 - (a) in the case of a special meeting—the meeting lapses;
 - (b) in any other case—the meeting shall stand adjourned to the same place and the same time and day in the following week.
- 4) The Association Committee may act notwithstanding any vacancy on the Association Committee.

37. Conflicts of interests arising in Association Committee Meetings

- 1) An Association Committee member who has a material personal interest in a matter being considered at an Association Committee meeting must disclose the nature and extent of that interest to the Association 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.

38. Voting at Association Committee meetings

- 1) Questions arising at a meeting of the Association Committee, or at a meeting of any sub-committee appointed by the Association Committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- 2) Each elected, appointed or co-opted Association Committee member present at a meeting of the Association Committee, or at a meeting of any sub-committee appointed by the Association Committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

39. Removal of Association Committee member

- 1) The Association in general meeting may, by resolution, remove any member of the Association Committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.
- 2) A member who is the subject of a proposed resolution referred to in sub-rule (1) 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.
- 3) 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.

40. 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 37

PART SEVEN ---FINANCIAL MATTERS

41. 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.

42. Management of funds

- 1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- 2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- 3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including 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.
- 5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- 6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

43. 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.

44. 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.

PART EIGHT ---GENERAL MATTERS

45. 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.

46. Registered address

The registered address of the Association is—

- a) the address determined from time to time by resolution of the Association Committee; or
- b) if the Association Committee has not determined an address to be the registered address—
the postal address of the Secretary.

47. Notice requirements

- 1) Any notice required to be given to a member or an Association 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) Any notice required to be given to the Association or the Association Committee may be given—
 - a) by handing the notice to a member of the Association 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 Association 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.

48. 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;
 - c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.
- 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.

49. 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.

PART NINE

FOOTBALL FEDERATIONS COMPLIANCE RULE

50. FFA & FFV Membership Compliance Rule

This Rule 50 applies while the Association remains a member club of FFA and is limited in its application to children and members participating in codes regulated by FFA and FFV.

- 1) The objects for which the Association is established include to:
 - a) be the member club of FFA and to comply with the constitution and by-laws of FFA and FFV;
 - b) prevent infringement of the constitution and by-laws of FFA and FFV and protect Football from abuse;
 - c) foster friendly relations among the officials and players of Football by encouraging Football games;
 - d) prevent racial, religious, gender or political discrimination or distinction among Football players;
 - e) promote, provide for, regulate and ensure effective management of Football competitions, tournaments and games under the control of or authorised by the Association;
 - f) co-operate with FFA, FFV and other bodies in the promotion and development of, or otherwise in relation to, Football, the Statutes and Regulations and the Laws of the Game;
 - g) facilitate the provision and maintenance of grounds, playing fields, materials, equipment and other facilities for Football; and
 - h) act in the best interests of the Association and Football.
- 2) Subject to sub-clause 3, an addition, amendment or alteration of the objects in sub-clause 1 or of any other rule contained in these Rules must be approved in accordance with Rule 4.
- 3) The Association must:
 - a) remain an incorporated association (or become a body corporate) to be recognised by FFA and/or FFV and must have the following characteristics:
 - i. it organises teams to participate in competitions sanctioned by FFV or FFA;
 - ii. all members of its teams are entitled to membership;
 - iii. members may vote in an election for any officers of the Association or as ordinary members of the Committee
 - iv. agrees to be bound by the Statutes and Regulations, the Laws of the Game and those FFA or FFV rules (including the respective constitutions) and by-laws expressed to apply to it; and
 - v. prevent infringement of the constitutions and by-laws of FFA and FFV and protect Football from abuse;
 - b) amend:
 - i. these Rules; or
 - ii. the By-laws,to promptly adopt changes in the constitutions and by-laws of FFA and/or FFV made from time to time to the extent that they are applicable to the Association. In this sub-clause the reference to changes to by-laws includes additional or replacement by-laws;
 - c) not otherwise amend or vary these Rules insofar as they exclusively apply to a child in a code regulated by the FFA or FFV without the consent of FFV (while a member club of FFA) and in accordance with the Act; or
 - d) not otherwise amend or vary any of its By-laws relevant to a code regulated by FFA or FFV without the consent of FFV (while a member club of FFA).

FFV must consent to any amendment to these Rules or those By-laws which are required by law.
- 4) Subject to applicable law, the Association must:

- a) promulgate and comply with, and do everything within its power to enforce compliance with, the Statute and Regulations and the Laws of the Game; and
 - b) co-operate with FFA and FFV in all matters relating to the organisation of competitions, the Association's own competitions and Football in general.
- 5) The members of the Association with child in a code regulated by FFA or FFV shall consist of members over 18 years of age who, subject to these Rules, shall have the right to be present, debate and vote at general meetings;
- 6) The Association must procure that each member who has a child playing a code regulated by FFA or FFV agrees to be bound by and observe:
- a) these Rules;
 - b) the Laws of the Game;
 - c) the Statutes and Regulations and those of the By-Laws expressed to apply to or in relation to members;
 - d) the Statutes and Regulations and the constitutions and by-laws of FFA and FFV as enforced from time to time;
 - e) the FFV Codes of Behavior and Rules of Competition, as amended from time to time; and
 - f) the FFA Code of Conduct, as amended from time to time.

For the purposes of this Rule 50, unless the contrary intention appears:

By-law means a by-law made under these Rules.

FFA means Football Federation Australia Limited ACN 106 478 068.

FIFA means Federation Internationale de Football Association.

FFV means Football Federation Victoria Incorporated.

Football means "Association Football" as recognised by FIFA from time to time. To avoid doubt, at the date of adoption of this Rule 50, Football includes the games of Football, soccer football, indoor or 5 a side (Futsal) Football and beach Football.

Laws of the Game means the rules of Football referred to in the Statutes and Regulations.

Member means a member of the Club admitted to membership under Rule 5.

Statutes and Regulations means the Statutes and Regulations of FIFA in force from time to time.

NOTES

“SCHEDULE 1”

PREPARATION OF FINANCIAL STATEMENTS BY PRESCRIBED ASSOCIATIONS--AUSTRALIAN ACCOUNTING STANDARDS

Australian Accounting Standard Number	Name of Australian Accounting Standard	Issued
AASB 1018 (replaces AAS 1)	Statement of Financial Performance	June 2002
AAS 4	Depreciation	August 1997
AAS 5	Materiality	September 1995
AAS 6	Accounting Policies	March 1999
AAS 8	Events Occurring After Reporting Date	October 1997
AAS 15	Revenue	June 1998
AAS 17	Leases	October 1998
AAS 28	Statement of Cash Flows	October 1997
AAS 36	Statement of Financial Position	October 1999
AASB 1041 (replaces AAS 38)	Revaluation of Non-Current Assets	July 2001