

CONSTITUTION OF THE MELVILLE MARINERS BALL CLUB INCORPORATED

1. NAME

- 1.1. The name of the Club is the Melville Mariners Ball Club Incorporated.

2. DEFINITIONS

- 2.1. In this Constitution, unless the context requires otherwise:

- (a) "Act" means the Associations Incorporation Act 2015 (WA);
- (b) "Annual General meeting ("AGM")" means the General Meeting of the Club mandated by s50(1) of the Act;
- (c) "Club" means the incorporated association to which this Constitution applies;
- (d) "President" means the duly elected committee Member holding the office of President;
- (e) "Co-Opted Committee Member" means a person appointed by the Committee to the Committee for a specific purpose or to provide particular skills or expertise, who holds office for the period determined by the Committee, and who may attend meetings but is not entitled to vote.
- (f) "Commissioner" means the person designated as Commissioner under section 153 of the Act;
- (g) "Committee" means the duly elected management committee of the Club;
- (h) "Committee meeting" means a meeting of the Committee;
- (i) "Committee Member" means a Member of the Committee;
- (j) "Ex-Officio Member" means a person who holds membership of the Club or the Committee by virtue of holding another office or position, as determined by this Constitution or by resolution of the Committee, and who may attend meetings but is not entitled to vote.
- (k) "Extraordinary General Meeting ("EGM") means a General Meeting other than an annual general meeting;
- (l) "Financial records" includes
 - (i) invoices, receipts, orders for payment, bills of exchange, cheques, promissory notes, and vouchers;

- (ii) documents of prime entry; and
- (iii) working papers and other documents needed to explain:
 - (A) methods used in preparing financial statements; and
 - (B) adjustments to be made in preparing financial statements;
- (m) "Financial statements" means the statements required under Part 5 Division 3 of the Act;
- (n) "Financial year" means the period commencing on 1 April and ending on 31 March;
- (o) "General meeting" means a meeting of the Club which all members are entitled to receive notice and attend.
- (p) "Member" means a person or body corporate who is a member of the Club;
- (q) "Patron" means a person appointed by the Committee in recognition of their standing in the community or their support for the Club, who may attend meetings and contribute to the affairs of the Club but who is not entitled to vote at meetings or to hold office;
- (r) "Register " means the Register referred to in section 53 of the Act;
- (s) "Registrar" means the duly elected committee Member holding office as the Registrar.
- (t) "Rules" means this Constitution as amended from time to time;
- (u) "Secretary" means the duly elected committee Member holding office as Secretary;
- (v) "Special resolution" has the meaning given by section 51 of the Act;
- (w) "Treasurer" means the duly elected committee Member holding office as Treasurer.
- (x) "Vice President" means the duly elected committee Member holding office as vice president.

3. NOT FOR PROFIT STATUS

- 3.1. The property and income of the Club shall be applied solely towards its objects and purposes.
- 3.2. No portion shall be distributed directly or indirectly to any Member, except in good

faith in pursuit of the objects.

3.3. Payments to Members from the Club's funds may only be made:

- (a) as reasonable remuneration for services or goods supplied in the ordinary course of business;
- (b) as an honorarium for service to the Club; or
- (c) as reimbursement for reasonable expenses incurred on behalf of the Club.

3.4. For the avoidance of doubt if a Member incurs an expense in good faith but without the authority of the Committee, the Committee may still ratify the expenditure and reimburse it.

4. OBJECTS

- 4.1. To liaise with government and private agencies for the provision of tee-ball and baseball activities and recreation.
- 4.2. To promote and develop tee-ball and baseball and related recreational activities.

5. POWERS

- 5.1. To borrow or raise funds for the Club's purposes in such manner as the Committee determines.
- 5.2. To acquire real or personal property required for the Club's purposes.
- 5.3. To engage staff, contractors or volunteers as needed.
- 5.4. To invest the Club's funds.
- 5.5. To issue gifts or prizes for fundraising purposes.
- 5.6. To affiliate or amalgamate with other not-for-profit incorporated bodies with similar purposes.

6. MEMBERSHIP

6.1. Criteria

Membership is open to any person who supports the objects of the Club and meets any additional criteria determined by the Committee or stated in this Constitution.

6.2. Membership Categories:

- (a) Player Members, who shall be Registered financial players of any age;

- (b) Executive Members, who shall be the President, Vice President, Secretary, Treasurer and Registrar;
- (c) Other Office Bearers, who shall be the Sports Coordinator, Facility Coordinator and those other office bearers appointed under clause 8.1(b)(iii);
- (d) Other Members, being those whom the Committee may appoint from time to time as ex-officio Members, co-opted Committee Members, life Members of the Club and volunteers.

6.3. Membership Terms

The Membership of a Member shall be current during the following periods:

- (a) Playing Members: 12 months commencing 1 July of each year;
- (b) Executive Members: from election or appointment until the AGM of the following year;
- (c) Office Bearers: from election or appointment until the AGM of the following year;
- (d) Other Members, who may from time to time be appointed by the Committee but otherwise in accordance with this Constitution.

6.4. Membership during the Year

Nothing in this Constitution is to be taken as intending that a Member of any type cannot join after the relevant commencement date for their category of Membership, but such Memberships shall all expire in accordance with the expiry date for that category of Membership set out in this Constitution.

6.5. Membership Fees

Membership fees shall be determined by the Committee but:

- (a) Discounts on Membership fees shall be in the sole discretion of the Committee.
- (b) No refund shall be given for the balance of a Membership for any part of a Membership Term not used by reason of a Member resigning prior to expiry of their category of Membership for that year for any reason save where determined otherwise by the Committee in its discretion.

6.6. Resignation:

- (a) A Member may resign by written notice to the Secretary;

6.7. Appointments:

- (a) The Committee may appoint Patrons;
- (b) The Committee may nominate for Life Membership any volunteer who has demonstrated outstanding achievements and/or long-term dedication to the club the efforts of whom have resulted in significant positive benefit to the Club exceeding the typical expectations of membership.

7. REGISTER OF MEMBERS

- 7.1. The Registrar shall maintain the Register under section 53 of the Act.
- 7.2. The Register must include class of Membership and date of entry.
- 7.3. The Register shall be maintained in hard and/or electronic form until 30 June each year.

8. MANAGEMENT

8.1. The Committee shall consist of:

- (a) Executive Members being:
 - (i) President;
 - (ii) Vice President;
 - (iii) Secretary;
 - (iv) Treasurer; and
 - (v) Registrar.

Executive Committee roles shall not be amalgamated.

- (b) Other Office Bearers:
 - (i) Sports Coordinator;
 - (ii) Facility Coordinator; and
 - (iii) Up to 2 additional roles as selected by the Executive Committee Annually;
- (c) A Committee member or other Office Bearer shall be at least 18 years of age.

9. ELECTIONS AND TENURE

9.1. A person becomes a Committee Member if:

- (a) elected at a general meeting; or
- (b) appointed under rule 9.7.

9.2. At least 42 days before the AGM, the Secretary shall notify all Members:

- (a) of positions open for election;
- (b) that subject to clause 8.1(a), they may nominate for election to a position or positions; and
- (c) that they may submit nominations in within 14 days.

9.3. Each nomination must include:

- (a) a signed nomination form from the candidate and a supporting Member;
- (b) a short supporting statement indicating the candidate's qualifications for the role and any other material which the candidate considers relevant;
- (c) a statement that they are of at least 18 years of age; and
- (d) a declaration that the candidate:
 - (i) has or within one month of being elected will have a working with children check; and
 - (ii) is not disqualified for Membership under clause 9.6(a).

9.4. Election Procedure:

- (a) Election Official
 - (i) The Vice President, or if unavailable the Secretary (in that order), shall officiate at the election.
 - (ii) A separate ballot shall be held for each Executive Member role and each Office Bearer role;
- (b) Nominations
 - (i) If no nominations are received for a role, nominations may be called from the floor.
 - (ii) A single nominee for a role shall be subject to a vote under clause 12.

- (iii) In the case of multiple nominees, Members shall cast their votes in accordance with this Constitution and otherwise in a manner determined by the Committee.
- (c) Eligibility
 - (i) A Member may vote provided that:
 - (A) They are financial Members; and
 - (B) Are over the age of 18 years.
 or
 - (ii) A Member may vote provided that:
 - (A) They are financial Members; and
 - (B) Where under the age of 18 years, have their parent or guardian vote on their behalf.
- (d) A nominee may vote for themselves;
- (e) The new President may assume the role immediately following election.

9.5. Tenure of Executive Members and Office Bearers

- (a) Office of Executive Members and Office Bearers commences upon election or appointment;
- (b) Office of Executive Members and Office Bearers is held until the conclusion of the next AGM;
- (c) Executive Members and Officer Bearers may seek re-election.

9.6. Eligibility / Ceasing to Hold Office

- (a) A person is not eligible to be elected or appointed as a committee Member if they:
 - (i) do not have a working with children check and have not declared that they will hold a working with children check under clause 9.3(d);
 - (ii) are disqualified under section 39 of the Act;
 - (iii) are charged with an offence involving violence, dishonesty or involving a person under the age of 18 years and that charge has not been determined by a court or dropped;

- (iv) have been convicted of an offence involving violence or dishonesty within the last 10 years;
 - (v) have been convicted of an offence involving a person under the age of 18 years; or
 - (vi) are subject to a violence restraining order or a family violence restraining order.
- (b) A Member of the Committee ceases to hold office if they:
- (i) resign in writing;
 - (ii) do not have a working with children check within one month of election;
 - (iii) become ineligible to hold office under the Act;
 - (iv) become subject to a violence restraining order or a family violence restraining order;
 - (v) are charged with any offence of violence or dishonesty or any offence against a person under the age of 18 years;
 - (vi) are removed by resolution of a general meeting; or
 - (vii) are absent without apology from three consecutive Committee meetings.

9.7. Casual Vacancy

- (a) The Committee may fill a casual vacancy in any Committee role and/or subject to clause 8.1(a) amalgamate committee roles by a vote of the Committee and that person or amalgamation will hold office or apply as the case may be until the next AGM.

10. MEETINGS

10.1. Annual General Meeting (AGM)

- (a) An AGM shall be held at least once each year after 1 March and before 1 June.
- (b) Notice of at least 21 days shall be provided in writing or via electronic communication.
- (c) The notice must include:
 - (i) date, time, and venue;

- (ii) the general nature of business;
 - (iii) the names of candidates for election; and
 - (iv) wording of any proposed special resolution in accordance with the Act.
- (d) At the AGM, the Club shall:
- (i) confirm minutes of the prior AGM;
 - (ii) receive the President's report;
 - (iii) receive and consider the Club's financial statements;
 - (iv) consider proposed changes to this Constitution;
 - (v) elect Committee Members, patrons and life Members (if applicable);
 - (vi) consider whether the Club requires independent review of its accounts or the appointment of an auditor; and
 - (vii) address other business submitted with at least 7 days' notice and approved for discussion by the President and the Vice President acting reasonably and in good faith.

10.2. Extraordinary General Meeting (EGM)

- (a) The Secretary shall call an EGM where it is requested by:
 - (i) Any 3 Committee Members; or
 - (ii) 10% of Members eligible to vote at such a meeting.
- (b) The Secretary shall give notice of an EGM of at least 14 days in writing or via electronic communication.
- (c) The notice must include:
 - (i) date, time, and venue;
 - (ii) the general nature of business to be discussed at the meeting; and
 - (iii) wording of any proposed special resolution in accordance with the Act.

10.3. Committee Meetings

- (a) Committee meetings shall be held no fewer than six times per year.
- (b) The Secretary shall give notice of at least 7 days of a committee meeting in writing or via electronic communication.
- (c) The notice in clause 10.3 (b) shall include a draft agenda.
- (d) Not less than 5 days before the committee meeting, any Member may add not more than two items to the agenda.
- (e) The Secretary shall circulate the final agenda no later than 3 days before the date of the committee meeting.

10.4. A person may attend any meeting by any form of electronic means which is sufficient to allow them to hear and be heard.

10.5. Working Committee

- (a) The Committee or not less than three members of the Committee may meet informally ("Working Committee") on short notice for the purposes of matters involving the day to day operation of the Club.
- (b) A Working Committee shall not make financial decisions.
- (c) A Working Committee may make ordinary day to day non material decisions for the smooth operation of the Club but all decisions of a Working Committee shall be formally reported and minuted in the Committee Meeting next following and any decision which has not been irrevocably put in place or otherwise acted on may be vetoed in a vote of the Committee or otherwise varied or substituted.

11. QUORUM

11.1. A quorum consists of:

- (a) 10% of Members for AGMs or EGMs;
- (b) five Members for Committee meetings (two of whom must be Executive Members).

11.2. The President, or Vice President in their absence, shall chair general meetings.

11.3. No business may be conducted unless a quorum is present.

11.4. If quorum is not present within 30 minutes:

- (a) an EGM meeting lapses;

- (b) at the AGM, two or more ordinary Members may constitute quorum; and
- (c) at a Committee Meeting, the meeting is deemed adjourned to the same time and same day in the following week and lapses if there is no quorum that time.

12. VOTING

12.1. Voting at AGM/EGM

- (a) Each Member is entitled to one vote on any issue before a meeting at which that Member participates.
- (b) Where the Member is under 18 years of age, a parent or guardian may vote on their behalf but where such parent or guardian has more than one minor for which they are responsible and who is a Member, they may only vote once unless a poll is taken.
- (c) To vote at a general meeting, a person must:
 - (i) have been a Member at the time notice of meeting was given; and
 - (ii) have paid all required fees or monies due.
- (d) Motions are decided by a show of hands of Members present unless a poll is demanded.
- (e) A motion will be declared carried where:
 - (i) over 50% of eligible votes cast are in favour of the motion; and
 - (ii) in the event of a tie, by the chairperson exercising a casting vote.
- (f) Poll
 - (i) A poll is to be taken if demanded prior to a vote being taken by any Member.
 - (ii) On the taking of a poll any parent or guardian shall have:
 - (A) one vote for themselves if a Member; and
 - (B) one additional vote for each minor:
 - I. for whom they are responsible; and
 - II. who is a financial Member of the Club.
- (g) Ex-officio and co-opted Members may not vote.

- (h) Life Members may vote.
- (i) Patrons may not vote.

12.2. Committee Meetings

- (a) At Committee meetings, all votes shall be done via a show of hands.
- (b) The Chairperson shall not have a vote unless there is an equality of votes and then they shall have one vote.

12.3. Proxies at General Meetings

- (a) A Member entitled to vote at a general meeting may appoint another Member as their proxy to attend and vote on their behalf.
- (b) The proxy must be a financial Member who is eligible to vote in their own right at the general meeting.
- (c) The appointment of a proxy must:
 - (i) be in writing and signed by the appointing Member;
 - (ii) state the name of the proxy and the meeting to which the appointment applies;
 - (iii) otherwise, be substantially in the form annexed to this Constitution; and
 - (iv) be delivered to the Secretary no later than 24 hours before the commencement of the meeting;
- (d) A Member may not hold more than two proxies at any one meeting.
- (e) A proxy appointment may direct the proxy to vote either generally or in a specific manner on specified motions. Where the proxy is given discretion, they may vote as they think fit.
- (f) The chairperson of the meeting must ensure that all valid proxy appointments are recorded and accounted for when determining the outcome of any vote.
- (g) A proxy may vote on a show of hands or on a poll, subject to clause 12.1.
- (h) A parent or guardian voting on behalf of a minor Member under clause 12.1(b) may not appoint a proxy in that capacity but may appoint a proxy if they are a Member in their own right.

13. SPECIAL RESOLUTIONS

13.1. A special resolution is required to:

- (a) alter the Constitution;
- (b) change the name of the Club;
- (c) approve terms of amalgamation with another Club;
- (d) wind up the Club voluntarily;
- (e) seek a court order to wind up the Club; and
- (f) cancel the Club's incorporation.

13.2. A special resolution:

- (a) May be moved at an AGM or an EGM;
- (b) despite clause 10.2(b), shall not be moved at a meeting of which less than 21 days' notice is given;
- (c) Shall be carried on the vote of 75% of the persons entitled to vote who are present in person or by proxy on a show of hands unless a poll is demanded prior to the vote being taken.

14. AMENDMENTS TO CONSTITUTION AND CREATION OF POLICIES, RULES & REGULATIONS

14.1. Where this Constitution is amended pursuant to a Special Resolution, the notice of the special resolution and the amended Constitution shall be lodged with the Department of Commerce and the Club shall otherwise comply with all requirements of the Act necessary to allow the amended Constitution to have full legal force and effect.

14.2. The Committee shall have the powers acting in good faith to make policies, rules or regulations or codes of conduct (Rules) from time to time which Rules shall:

- (a) Be circulated to all Members upon being made;
- (b) Be operative from the date of circulation; and
- (c) Be the subject of a vote at the next AGM by way of confirmation, and to the extent not confirmed by vote shall expire.

15. MINUTES

15.1. The Secretary or a person authorised by the Committee must keep minutes of all meetings.

15.2. Minutes must include:

- (a) matters discussed;
- (b) resolutions passed; and
- (c) voting outcomes.

15.3. AGM minutes must also record:

- (a) names of attendees;
- (b) proxy forms received;
- (c) financial reports presented; and
- (d) audit or review reports.

15.4. Minutes must be recorded within 30 days.

15.5. The Chairperson must verify and sign minutes as correct.

15.6. Signed minutes are conclusive evidence of:

- (a) proper convening of the meeting;
- (b) business conducted as recorded; and
- (c) validity of elections or appointments.

16. DUTIES OF OFFICE BEARERS

16.1. The President or the Vice President shall:

- (a) chair all general and Committee meetings; and
- (b) in the absence of the President and Vice President, any Member entitled to vote at the meeting may nominate to act as Chairman and the Members present at that meeting shall appoint one of their number by vote.

16.2. The Secretary shall:

- (a) record minutes of all meetings and maintain either scanned or hard copies;
- (b) record attendance and apologies;
- (c) prepare reports as required;

- (d) within 6 months after the end of the financial year, lodge with the Commissioner the Annual Information Statement required by section 156 of the Associations Incorporation Act 2015 (WA) and at the first Committee Meeting after lodgement, provide written confirmation this has been done;
- (e) handle correspondence;
- (f) notify Consumer Protection of any changes to the Club's contact details within 28 days;
- (g) lodge special resolutions to alter the rules within one month of passing the resolution; and
- (h) perform other duties as directed.

16.3. The Treasurer shall:

- (a) receive and bank funds within five working days;
- (b) maintain financial records in a fit state to allow an audit to be conducted;
- (c) approve transactions with joint authority of an authorised officer;
- (d) provide a financial report at each Committee meeting including a statement of all funds received and spent;
- (e) prepare accounts for the AGM in accordance with the requirements of the Act; and
- (f) head a subcommittee to oversee:
 - (i) canteen management; and
 - (ii) Fundraising and sponsorship.

16.4. The Sports Coordinator shall head a subcommittee overseeing:

- (a) Coaching;
- (b) Umpires;
- (c) Managers;
- (d) Baseball;
- (e) State Championship; and
- (f) Special Events.

16.5. The Facility Coordinator shall head a subcommittee to oversee:

- (a) Uniforms;
- (b) Equipment; and
- (c) First aid.

16.6. The Registrar shall:

- (a) manage the registration of Members, maintain up-to-date Membership records, and ensure all registration data is accurate and reported to the Committee as required; and
- (b) Head a subcommittee to oversee social media and advertising.

17. FINANCIAL MANAGEMENT

17.1. Funds may be sourced from registration fees, donations, fundraising, grants, interest, and other sources approved by the Committee from time to time.

17.2. The Club must maintain a bank account in its name with a financial institution authorised to carry on banking business in Australia.

17.3. All income received by the Club must be deposited into the Club's bank account within five business days.

17.4. No expenditure may be incurred unless:

- (a) it is approved by resolution of the Committee; or
- (b) it falls within a delegated authority limit approved by the Committee.

17.5. The Committee may authorise the Treasurer to approve expenditure up to a maximum limit set by the Committee from time to time. Expenditure beyond that limit must be approved in advance by the Committee.

17.6. All payments must be made by electronic transfer and must be authorised by any two of the President, Vice President, Secretary, and Treasurer such individuals not to be related by blood or marriage or marriage-like relationship.

17.7. The Treasurer must keep accurate financial records of all income and expenditure and present a financial report at each Committee meeting.

17.8. The financial records of the Club must be retained for at least seven years after the date of the relevant transaction in accordance with section 67 of the Act.

18. DISCIPLINE AND DISPUTES

18.1. Suspension or Expulsion:

- (a) The Committee may suspend or expel a Member for breach of the Rules or conduct detrimental to the Club.
- (b) Written notice of at least 28 days must be provided before a meeting is held to consider the suspension or expulsion.
- (c) The notice must specify:
 - (i) the meeting date and location;
 - (ii) grounds for the proposed action; and
 - (iii) the Member's right to respond in writing or in person.
- (d) At the meeting, the Committee must:
 - (i) give the Member an opportunity to respond;
 - (ii) consider any submissions; and
 - (iii) decide whether to suspend or expel the Member.
- (e) The decision takes effect immediately.
- (f) The Member must be notified in writing of the Committee's decision within 7 days.
- (g) The Member may, if dissatisfied with the decision, make a written request for a mediation within 14 days of the date of the decision.
- (h) If the Member requests mediation, the parties to the mediation are the Member and the Committee.
- (i) During any suspension:
 - (i) Membership rights are suspended;
 - (ii) no refund or credit is payable; and
 - (iii) the Registrar shall update the Register with the details of the Member's suspension details.
- (j) When any suspension expires, the Registrar shall update the Register to reflect the end of the suspension.
- (k) Despite anything in this clause the Committee may impose an immediate suspension which will take effect until the meeting referred to in clause 18.1(b) in a case which the Committee in its sole and absolute discretion considers warrants it but such a suspension will not be taken into account as evidence of any conduct on the part of the suspended member.

18.2. Grievance Procedure:

- (a) This procedure applies to disputes between:
 - (i) a Member and another Member; or
 - (ii) a Member and the Club.
- (b) The parties to a dispute must first attempt to resolve the matter informally and in good faith within 14 days of becoming aware of the dispute.
- (c) If the dispute is not resolved under clause 18.2(b), any party to the dispute may initiate the grievance procedure by providing written notice to the Secretary. The notice must:
 - (i) specify the parties to the dispute; and
 - (ii) set out the nature of the dispute and the outcome sought.
- (d) The Committee must convene a meeting to consider the grievance within 28 days of receiving the notice. The Secretary must provide at least 7 days' written notice of the meeting to each party, including:
 - (i) the date, time and location of the meeting;
 - (ii) a summary of the matter to be discussed; and
 - (iii) a notice that each party may make oral and/or written submissions.
- (e) At the meeting convened under clause 18.2(d), the Committee must:
 - (i) give each party a reasonable opportunity to be heard;
 - (ii) give due consideration to any written or oral submissions; and
 - (iii) determine the matter and advise the parties of the outcome in writing within 7 days.
- (f) If the dispute involves the Club and any party to the dispute objects to the Committee deciding, the Committee must not decide and must instead offer the parties the opportunity to resolve the matter through mediation under clause 18.3.
- (g) Nothing in this clause prevents the parties from agreeing at any stage to resolve the dispute through mediation under clause 18.3.

18.3. Mediation:

- (a) This clause applies to any dispute under clause 18.1 or 18.2 where:
 - (i) a party requests mediation; or
 - (ii) the grievance procedure requires the matter to be referred to

mediation.

- (b) The mediation must be conducted by a mediator:
 - (i) agreed between the parties to the dispute; or
 - (ii) if the parties cannot agree within 14 days, appointed by the Committee from a panel of mediators approved by the Department of Mines, Industry Regulation and Safety or otherwise suitably qualified.
- (c) The mediator must be independent and impartial and must not:
 - (i) have a personal interest in the subject matter of the dispute; or
 - (ii) have a close personal relationship with any party to the dispute.
- (d) Before the mediation, each party must provide the mediator with a brief written statement of the issues in dispute, served at least 5 days prior to the mediation.
- (e) At the mediation:
 - (i) each party must have a reasonable opportunity to be heard;
 - (ii) each party must participate in good faith with the aim of resolving the dispute;
 - (iii) the mediator may not make a binding determination or impose an outcome; and
 - (iv) all discussions and communications must remain confidential and may not be used in any subsequent proceedings.
- (f) The costs of the mediation, including the mediator's fees, must be borne equally by the parties unless otherwise agreed or determined by the mediator on grounds of fairness.
- (g) If the mediation relates to a decision to suspend or expel a Member under clause 18.1 and the decision is overturned or withdrawn as a result of the mediation process, any actions taken by the Club during the period of suspension or expulsion remain valid, but the Registrar shall update the Register to reflect the reversal or withdrawal of the suspension or the expulsion as the case may be.

18.4. Minors

A minor who is a Member and who is:

- (a) Subject to clause 18.1;
- (b) Involved in a procedure under clause 18.2; or
- (c) Involved in a mediation under clause 18.3,

may be present for meetings or discussions under those clauses and may participate as deemed appropriate by the mediator or the Committee as the case may be but shall at all times be accompanied by and where necessary represented by their parent or guardian.

19. INSURANCE:

- 19.1. The Club must maintain insurance coverage appropriate to its activities, operations, and legal obligations.
- 19.2. Without limiting the generality of rule 19.1, the Club must effect and maintain the following insurances to the extent that they are reasonably available at commercial rates:
 - (a) public liability insurance for an amount not less than \$10 million or such other amount as the Committee determines appropriate, covering injury to persons or damage to property arising out of the Club's operations or events;
 - (b) volunteer workers' personal accident insurance covering all volunteers engaged in authorised activities of the Club;
 - (c) management liability or association liability insurance to cover risks associated with the acts or omissions of Committee Members and office holders, including coverage for legal defence costs;
 - (d) property insurance for any equipment, uniforms, and other assets owned or controlled by the Club; and
 - (e) any other insurance required by law or reasonably determined by the Committee to be necessary for the operation and protection of the Club and its Members.
- 19.3. The Committee must review the adequacy of all insurances annually and maintain a record of the policies held, including policy numbers, insurers, expiry dates, and coverage summaries.
- 19.4. The Club must not do or omit to do anything which may result in any policy of insurance being rendered void or voidable.

20. WORKING WITH CHILDREN CHECKS (“WWCC”)

20.1. Any person aged 18 years or over who undertakes child-related work for the purposes of the Club, including but not limited to coaching, umpiring, refereeing, managing, training, supervising, or otherwise having regular contact with Members under the age of 18 years, must hold a current Working with Children Check as required by the Working with Children (Criminal Record Checking) Act 2004 (WA).

20.2. A person must not commence, or continue in, any child-related work for the Club unless they hold a current WWCC.

20.3. Exemptions

- (a) A person under the age of 18 years is not required to hold a WWCC.
- (b) Other statutory exemptions under the Act continue to apply, provided that the Committee is satisfied that the exemption is valid in the circumstances.

20.4. Committee Responsibility

- (a) The Committee must maintain a register of all persons required to hold a WWCC, including card numbers and expiry dates.
- (b) The Committee must ensure that no person engages in child-related work on behalf of the Club without a current WWCC, unless exempt under clause 20.3.

20.5. Breach

- (a) A breach of this clause constitutes conduct detrimental to the Club and may result in suspension, removal from duties, or termination of Membership in accordance with this Constitution.
- (b) Nothing in this clause limits the operation of the Act, and any failure to comply with statutory requirements may also expose the individual and the Club to penalties under law.

21. EXECUTION OF DOCUMENTS:

21.1. The Club may have a common seal:

- (a) engraved with the Club’s name;
- (b) kept by the Secretary or authorised person;
- (c) whose affixation to any document shall only be by resolution of the Committee and witnessed by the President and two Committee

Members; and

- (d) whose use shall be recorded each time it is used.

21.2. Documents may be executed without a seal if signed by two Committee Members authorised by a vote.

22. INSPECTION OF RECORDS:

22.1. A Member may inspect:

- (a) the Register of Members;
- (b) other records, subject to Committee discretion.

22.2. Requests must be made to the Secretary.

22.3. Inspection is free of charge.

22.4. Copies or extracts may be made but records may not be removed.

22.5. Information must only be used for purposes directly connected with the affairs of the Club or to comply with the Act and the Registrar may require a Member to make a statutory declaration stating the purpose for which a copy of the Register is being sought.

23. PUBLIC STATEMENTS:

23.1. Committee Members must not publish information about the Club's business without express authorisation recorded in the Committee's minutes.

24. DISTRIBUTION OF SURPLUS PROPERTY ON CANCELLATION OF INCORPORATION OR WINDING UP:

24.1. In this rule –

surplus property, in relation to the Club, means property remaining after satisfaction of –

- (a) the debts and liabilities of the Club; and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Club,

but does not include books relating to the management of the Club.

24.2. On the cancellation of the incorporation or the winding up of the Club, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Associations Incorporation Act 2015.

FORM OF PROXY

I, _____ [full name of Member], of
 _____ [address], being a
 financial Member of the Melville Mariners Ball Club Incorporated (the Club), hereby appoint:

_____ [full name of proxy]
 of _____ [address of proxy],

also being a financial Member of the Club, as my proxy to vote on my behalf at the Annual
 General Meeting / Extraordinary General Meeting* of the Club to be held on ____ / ____ /
 ____ and at any adjournment of that meeting.

This form is to be used in favour of / against* the resolution(s) as follows:

Resolution 1: ☐ In favour ☐ Against

Resolution 2: ☐ In favour ☐ Against

Resolution 3: ☐ In favour ☐ Against

(*Strike out whichever is not applicable)

Signed: _____ Date: ____ / ____ / ____

Member Name: _____

Notes:

1. A proxy must be a financial Member of the Club and eligible to vote.
2. This form must be delivered to the Secretary at least 24 hours before the meeting.
3. A Member may not hold more than two proxies at any meeting.
4. Please complete all fields in ink and in block letters.