



Christies Beach Sports and Social Club Inc.

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CHRISTIES BEACH SPORTS AND SOCIAL CLUB INC
CONSTITUTION

1. NAME OF ASSOCIATION

The name of the Incorporated Body is
"CHRISTIES BEACH SPORTS AND SOCIAL CLUB INC.",
and shall not be dissolved, nor shall its name be altered without the occurrence of three
fourths of its members present at a meeting specially called for that purpose.

2. DEFINITIONS AND INTERPRETATIONS

In this Constitution unless the contrary intention appears:

“Act” means the Associations Incorporation Act 1985 (SA).

“Affiliated Clubs” means clubs that meet the requirements of clause 3

“Annual General Meeting” means a meeting of the kind described in clause 7.

“Management Committee” means a committee appointed under clause 9.

*“Committee” means the body consisting of the Committee Members and constituting the committee
for the purposes of the Act.*

“Constitution” means this constitution of the Club.

*“Committee Member” means a member of the Committee and includes Elected Committee Members
and Appointed Committee Members and any person acting in that capacity from time to time
appointed in accordance with this Constitution.*

“Elected Committee Member” means a committee member appointed under clause 8.

*“Financial year” means the year ending on the next 31 October following incorporation and
thereafter a period of 12 months commencing on 1 November and ending on 31 October each year.*

*“General Meeting” means a general meeting of Members and includes the Annual General Meeting
or any Special General Meeting.*

*“Intellectual Property” means all rights subsisting in copyright, business names, names, trademarks
(or signs), logos, designs, equipment including computer software, images (including photographs,
videos or films) or service marks relating to the Club or any activity of or conducted, promoted or
administered by the Club in South Australia.*

“Life Member” means an individual appointed as a life member of the Club under clause 4.

“Member” means a member for the time being of the Club.

“Objects” means the objects of the Club in clause 3.

“Associate Member” means a person admitted as an ordinary member of the Club under clause 4.

“Ordinary Resolution” means:

*at a meeting of Members, a resolution passed at a General Meeting by a majority of
Members present, entitled to vote and voting; or*

*at a meeting of the Committee or a committee of the Committee, a resolution passed
by a majority of those present, entitled to vote and voting.*

“Regulation” means a rule, regulation, by-law or policy made by the Committee under this Constitution.

“Seal” means the common seal of the Club.

“Special General Meeting” means a general meeting of Members convened in accordance with clause 7.

“Special Resolution” means a resolution passed at General Meeting of the Members if:

at least 14 days written notice specifying the intention to propose the resolution as a special resolution has been given to all Members; and

it is passed at a duly convened meeting of the Members by a majority of not less than three-quarters of Members present, entitled to vote and voting.

INTERPRETATION

In this Constitution a reference to a function includes a reference to a power, authority and duty;

a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority of the performance of the duty;

words importing the singular include the plural and vice versa;

words importing any gender include the other genders;

persons include corporations and bodies politic;

references to a person include the legal personal representatives, successors and permitted assigns of that person;

a reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or another legislative authority having jurisdiction); and

unless the contrary intention appears, a requirement that something is in writing will be met if it is produced by electronic, photographic, lithographic or other means by which it can readily be read and reproduced.

3. OBJECTS OF THE CLUB

The Objects/Responsibilities of the Christies Beach Sports and Social Club Inc. are

- (a) To be the controlling body responsible for the control care and management of the John Bice Memorial Recreation Ground and including the buildings and improvements thereon, as well as the playing arena and surrounds (hereinafter referred to as the "Complex").
- (b) To enter into a lease agreement with the corporation of the City of ONKAPARINGA (referred to as the "council") respect of the Complex.
- (c) To provide develop and maintain sporting and recreational facilities and amenities and to promote sport, recreation and social activity on the Complex and on any other land leased or licensed to the CBS&SC INC.

- (d) To enter into contracts for the supply of goods or services for the purpose of the Complex.
- (e) To rent, lease or otherwise negotiate for the use of land and buildings, which may be required for the purpose and objects of the club.
- (f) To apply for and hold any license or permit which may be required in connection with any of the Management Committee's objectives and in particular a license to sell liquor.
- (g) To encourage all clubs affiliated to the CBS&SC INC. to be financially viable and operate to benefit the CBS&SC INC.
- (h) To do all such other lawful acts, in accordance with all Government laws and regulations in the State of South Australia, as may be incidental or conducive to the promotion or carrying out of the above objects or any of them.
- (i) *To encourage affiliate clubs to be affiliated with the state sporting body*
- (j) *To encourage affiliate clubs to maintain and enhance the reputation of the Sport and the standards of play and behaviour of Members*

PROVIDED THAT:

- (1) The CBS&SC INC. shall not support with its funds any object or endeavour to impose on or procure to be observed by its members or others any regulation, instruction or condition which, if an object of the CBS&SC INC. would make it a trade union;
- (2) The CBS&SC INC. shall not secure any pecuniary profit for the members which can be declared as a dividend for all or any of them. All trading surpluses are to be reinvested to provide enhanced or additional amenities for the members of the CBS&SC INC.

4. AFFILIATED CLUBS

- (a) All Affiliated Clubs will be required to abide by the CBS&SC INC'S Constitution and By-Laws at all times.
- (b) All clubs are to be based at the Complex and are required to be affiliated to the CBS&SC INC with prior approval by the Management Committee.
- (c) All members over the age of 18 of the affiliated clubs must be members of the CBS&SC INC.
- (d) Any affiliated club may cancel its affiliation by advising the Management Committee in writing of it's decision and the Management Committee will not unless there are outstanding monies due to the CBS&SC INC unreasonably withhold approval of such report.
- (e) All affiliated clubs will be required to submit a financial statement on request by CBS&SC INC.

5. MEMBERSHIP

The CBS&SC INC. shall consist of the following classes of members:

- (a) Full Members
 - (i) Any suitable person (player or social) over the age of 18 years,
 - (ii) Available to any person granted life membership.
- (b) Associate Membership
 - (i) Non voting social member.

LIFE MEMBERSHIP

Any member of the CBS&SC INC recommended by two thirds of the Management Committee as an Honorary Life Member in consideration of any special, long, or meritorious service or for any other commendable reason regarding the welfare of the complex in general shall, if such recommendation be approved at the next Annual Meeting or Special General Meeting of the CBS&SC INC be made an Honorary Life Member. Not more than two Honorary Life Members shall be appointed in one Calendar year. Each Honorary Life Member shall be exempted from payment of all subscriptions and shall be entitled to all privileges of a full member.

MEMBERSHIP (special notes)

Membership falls due on the 1st day of January and is due annually.

6. APPLICATION FOR MEMBERSHIP

- (a) All applications for membership shall be proposed by two full financial members of the CBS&SC INC.
- (b) Shall be accompanied by a joining fee as prescribed by the Management Committee and a full years subscription due for the appropriate category of membership : and
- (c) Display in a prominent position within the complex for a minimum period of 7 days before acceptance;
- (d) Confirmed acceptance by the Management Committee at the first meeting thereof after the 7 day period provided that the Management Committee has no objection and it has considered any objections received from other full members of the CBS&SC INC.

7. PERIOD OF MEMBERSHIP

- (a) All membership is valid for a period of 12 months other than :
 - (k) Honorary Life Members who become valid from the day of their acceptance and is for life unless cancelled at the written request of the member.
- (b) Any member can have their membership revoked by the Management Committee as a result of that member acting in a manner detrimental to the Complex or the CBS&SC INC. Constitution or By-Laws. In the event of such action being taken the member concerned shall have the right to appeal to the management committee

or to the next Annual General Meeting or to a Special General Meeting specifically called for such an appeal.

- (c) The number of members shall be determined by the Management Committee and if the number of applications for membership should exceed the maximum set, a waiting list shall be established. Persons on this waiting list shall not be entitled to any membership privileges until a membership vacancy becomes available and the application has been approved by the Management Committee.

The Management Committee shall have the power to set the annual membership fee and joining fee (if any) for each category of membership and shall declare such fees at the Annual General Meeting.

8. OBLIGATIONS OF MEMBERS

Each Member must:

- i. treat all staff, contractors and representatives of the Club with respect and courtesy at all times;*
- ii. maintain and enhance the standards, quality and reputation of both the Club and the Sports; and*
- iii. not act in a manner unbecoming of a Member or prejudicial to the Objects or the interests or reputation of the Club or affiliated clubs.*

9. EFFECT OF MEMBERSHIP

- i. This Constitution constitutes a contract between each of the Members and the Club and each Member is bound by this Constitution and the Regulations.*
- ii. Each Member is also bound by the rules and regulations governing competitions in which the Member participates.*

10. GENERAL MEETINGS - ANNUAL AND SPECIAL

1. The Annual General Meeting of the CBS&SC INC shall be held no later than the last day of March.
2. The Annual General Meeting shall: -
 - (i) Confirm the minutes of the previous Annual General Meeting and of any Special General Meeting held ;
 - (ii) Receive and adopt the audit statement of receipts and payments and balance sheet from the previous financial year and present auditors report.
 - (iii) Receive and adopt the Annual Report of the Management Committee and
 - (iv) Transact other business of which at least 14 days prior notice has been given including the election of office bearers.

3. Special General Meetings may be called by the President or at the written request of 15 voting members of the CBS&SC INC. and the purpose for which such a meeting is to be called shall be expressed in such a request. Members shall be provided 14 days notice with details of business to be discussed in the notice.
4. The Chairman or in his absence, a member of the Management Committee of the CBS&SC INC shall preside at all General Meetings of the CBS&SC INC.
5. Twenty (20) voting members, including 5 members of the Management Committee present at Annual or Special General Meetings shall constitute a quorum.
6. If with 30 minutes of the time appointed for the Annual General Meeting or a Special General Meeting a quorum has not been reached then the meeting shall be adjourned until such time as the members can be notified of the new date for such meeting to be held in accordance with this constitution.

11. ELECTIONS

- i. If the number of nominations received for the Committee does not exceed the number of vacancies to be filled, then those nominated will be declared elected at the Annual General Meeting.
- ii. If there are insufficient nominations received to fill all vacancies on the Committee, nominations for the remaining Elected Committee Member positions may be made from the floor of the Annual General Meeting. If the number of nominations received from the floor does not exceed the number of vacancies to be filled, then those nominated will be declared elected at the Annual General Meeting.
- iii. If at any stage the number of nominations for the Committee exceeds the number of vacancies then to be filled, an election must be conducted at the Annual General Meeting.
- iv. Elections must be conducted by secret ballot or in such manner and by such method as may be determined by the Committee from time to time or if the Committee has not made a determination, by the method determined by the chairperson of the Annual General Meeting.

If at the close of the Annual General Meeting, vacancies on the Committee remain unfilled, the vacant positions will be casual vacancies .

12. RESOLUTIONS

1. Where this Constitution requires or permits a decision to be made or a resolution to be passed by a General Meeting, the Committee or a sub-committee of the Committee, the decision may be made or the resolution may be passed by Ordinary Resolution unless either this Constitution or the Act requires otherwise.
2. SPECIAL RESOLUTION
 - i. at least 14 days written notice specifying the intention to propose the resolution as a special resolution has been given to all Members; and

ii. it is passed at a duly convened meeting of the Members by a majority of not less than three-quarters of Members present, entitled to vote and voting.

13. MANAGEMENT OF THE CBS&SC INC

The Management Committee shall consist of 9 people: -

- 2 Football Delegates
- 2 Cricket Delegates
- 2 Netball Delegates
- 1 Darts Delegate
- 2 Social Delegate
- 1 Ex-Officio Council Elected Member, (as nominated by the City of Onkaparinga)

The Management Committee shall consist of the following positions: -

President
Chairman
Treasurer
Secretary
Six (5) Committee Persons

The President, Chairman, Treasurer and Secretary will be elected from the committee for a term of 1 year.

Two (2) Members of the Management Committee will be elected from the social members. Each member will serve for one year.

The Management Committee can co-opt an employee on to the committee in an-ex officio capacity to assist the Management Committee.

The Management Committee shall meet at least ten (10) times in each year and the interval between any two meetings shall not exceed two months.

14. ROLE AND DUTIES OF OFFICE BEARERS AND COMMITTEE

(a) PRESIDENT

- (i). Shall ensure the management of the club adheres to the objects as set out in clause 3.
- (ii). Or his delegate shall be responsible to the Management Committee for supervision and control of the activities and duties of all paid staff.

(b) CHAIRMAN

- (i). Shall preside at all meetings (except as otherwise provided herein) and shall conduct same with dignity and decorum being conscious only of the true objectives of the CBS&SC INC.

(b) TREASURER

- (i) shall monitor all transactions of a financial nature in particular monies received and accounts paid.
- (ii) shall keep proper records of all monies received and expended by, or on behalf of the CBS&SC INC and of all matters pertaining to such receipts, funds, liabilities and transactions of the CBS&SC INC.
- (iii) shall prepare and submit to the Annual General Meeting of the CBS&SC INC in each year, a duly audited annual statement of accounts and balance sheet of the CBS&SC INC up to and including the last day of the INC's financial year.
- (iv) shall prepare for and submit to the Management Committee a responsible budget for the ensuing year.
- (v) shall continually review the accounting procedures adopted by the CBS&SC INC to ensure that all procedures are up to date and comply with the law.
- (vi) shall perform all duties as are directed by the Management Committee and accountable to the Management Committee at all times for actions or decisions made.

(c) SECRETARY

- (i) shall call General Meetings and Management Committee meetings when directed to do so, attend and record accurate minutes thereof.
- (ii) shall conduct correspondence and perform such duties as directed by the Management Committee and be responsible to the President and the Management Committee for his/her actions at all times.
- (iii) shall be responsible for the custody of the books, journals and all the documents whatsoever belong to the CBS&SC INC and make such available for inspection by the Auditors or any member of the Management Committee in the presence of Auditors.
- (iv) shall ensure that a current role of members of the CBS&SC INC is kept.

(d) OFFICERS

- (i) shall without prejudice represent the members of CBS&SC INC in decision making for the betterment of the CBS&SC INC.
- (ii) shall be required to perform all duties as directed by the Management Committee and be responsible to the President and the Management Committee for his/her actions/decisions at all times.

15. POWERS OF THE MANAGEMENT COMMITTEE

The CBS&SC INC through the Management Committee shall have for the purpose of carrying out its objects all of the powers set out in Section 25 of the Associations Incorporation Act and in addition and without limiting the generality thereof shall have the following powers: -

- (a) Buy, take on lease, or otherwise acquire and real or personal property for the purpose of the CBS&SC INC.
- (b) Sell or otherwise dispose of all or any of the real or personal property of the CBS&SC INC.
- (c) Let all or any portion of the real or personal property of the CBS&SC INC for such term or terms, at such rent or rents, generally upon and subject to such terms conditions and agreements as may be deemed desirable, and to except surrender of leases and the vacations of tenancies
- (d) Invest any monies of the CBS&SC INC in any securities of, or guaranteed by the Government of the Commonwealth or a state, with power from time to time to vary or transpose such investments for or into others of a like manner.
- (e) The Management Committee shall retain financial control of the CBS&SC INC.
- (f) Shall determine the standards of dress and conduct within the premises of the CBS&SC INC.
- (g) Attend generally to all matters affecting the welfare of the CBS&SC INC.
- (h) Give guarantees and borrow money, upon the security of the assets of the CBS&SC INC or otherwise.
- (i) Authorise any two (2) of the following as bank signatories: - The President, , Treasurer, Complex Manager or elected committee member. Any two (2) to sign.
- (j) To define the duties and employment of the Complex Manager and all paid servants of the CBS&SC INC. To appoint and dismiss the above mentioned.
- (k) Fix the salaries or remunerations or honoraria of all persons.
- (l) Appoint a member to fill any vacancy of an Office Bearer of the club that may occur during the year.
- (m) Make Rules and By-Laws consistent with this constitution for the regulation of its own proceedings and for defining the respective powers and duties of sub-committees or officers of the CBS&SC INC and for the government of the CBS&SC INC generally. Such Rules and By-Laws shall be recorded as minutes.
- (n) Expulsion of Members

The Management Committee shall have the power to suspend for any period or expel any member whose actions or whose behaviour contravenes the objectives of

the CBS&SC INC. Appeals against such expulsion or suspension shall be decided by the Management Committee.

16. SUB-COMMITTEES

The Management Committee shall have the power to appoint sub-committees for specific purposes and at all times retain the right to revoke any actions of those sub-committees or officers.

17. MANAGEMENT COMMITTEE MEETINGS

- (a) The Management Committee shall meet at least ten (10) times in each year and the interval between any two meetings shall not exceed two months.
- (b) If any member of the Management Committee absents themselves from three consecutive meetings without an acceptance apology or permitted leave, the Management Committee may terminate his membership of the Management Committee.
- (c) Management Committee members will be notified of the next meeting at prior meetings.
- (d) Five Management Committee members shall constitute a quorum at the Management Committee meetings.
- (e) If the Chairman shall be absent or unwilling to act as Chairperson of a Management Committee meeting, the Management Committee members present shall appoint one of their number to chair.

18. VOTING

- (a) At all General Meetings, Officers and financial members, eighteen years of age or over, shall be entitled to one vote each, NB associate members have no voting rights.
- (b) At all meetings of the Management Committee, officers and Management Committee members (with the exception of the President and paid staff) shall be entitled to one vote each.
- (c) At all General Meetings and meetings of the Management Committee the Chair person shall be entitled to a vote which will be cast where there is a tied vote.
- (d) All elections and questions shall be decided by a simple majority except as prescribed in clause 18 (a).
- (e) At all meetings voting shall be by a show of hands. If so requested by two or more voting members, who are present at the meeting at which the election or questions is to be decided, voting shall be by secret ballot.

19. MINUTES

Accurate minutes shall be kept of all meetings and shall be available for examination by any member. No resolution of a General Meeting shall be rescinded unless fourteen (14) days notice is given to members.

20. DISPUTE RESOLUTION PROCEDURE

- a) The dispute resolution procedure set out in this clause applies to disputes between a Member and:**
 - b) another Member; or**
 - c) the Club.**
- d) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all parties.**
- e) 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 ten (10) days after the scheduled meeting, refer the dispute to the State Sport Dispute Centre for resolution.**
- f) The Committee may prescribe additional grievance procedures in Regulations consistent with this Rule 20.**
- g) In this clause 'Member' includes any former Member who was a Member not more than six months before the dispute occurred.**

21. FINANCE

- (a) The first financial year of the CBS&SC INC shall be the period ending on the 31st day of October 1993 and thereafter a period of twelve months ending on the 31st day of October in each year.**
- (b) The Management Committee shall cause to be kept proper books of account in which full, true and complete details of the affairs and transactions of the CBS&SC INC shall be recorded.**
- (c) The Management Committee shall operate bank accounts in the name of CBS&SC INC and all monies received shall be paid into the account forthwith.**
- (d) All valid accounts rendered to the CBS&SC INC shall be authorised and passed for payment by the Management Committee.**

22. AUDIT

At the conclusion of the CBS&SC INC's financial year (and also whenever requests by the president of the CBS&SC INC) the accounts of the CBS&SC INC shall be audited by an auditor or auditors appointed by the Management Committee and the auditors shall report thereon to the Management Committee of the CBS&SC INC.

23. ASSETS

An Asset register is to be kept and maintained by the Management Committee and audited twice yearly by designated Management Committee officers as a nominated by the President. No part or parts of the assets of the CBS&SC INC shall be given or transferred in any way to a member of the CBS&SC INC except those payments in good faith which may be made to a member of the CBS&SC INC, or for goods supplied in the ordinary way of business or any reasonable out-of-pocket expenses incurred by a member of the CBS&SC INC acting under the authority of the Management Committee.

24. ALTERTION OF CONSTITUTION

- (a) Alterations to this Constitution may be made at an Annual General Meeting or a Special General Meeting by a resolution passed by two thirds majority of those present and entitled to vote.
- (b) Fourteen (14) clear days notice of the Annual General Meeting shall be given.

25. PUBLIC OFFICER

The Management Committee shall appoint any person other than the Auditors to be the Public Officer of eth CBS&SC INC and may revoke such appointment.

26. PATRONAGE

A Patron and Vice Patron may be appointed at the Annual General Meeting.

27. LICENCED AREA

The following rules and regulations shall apply to the licensed area of clubrooms, notwithstanding and rule elsewhere provided in this constitution.

- (a) No liquor shall be sold or supplied to any person under 18 years of age.
- (b) No person under 18 years of age, except boys and girls who are being trained as waiters and waitresses or messengers and who are not allowed to serve behind the bar, shall be employed in the licensed area.
- (c) At all times the club, employees and volunteers should meet the responsibilities and obligations set out by the Liquor License Act of 1997
- (d) An Officer or any member of the Management Committee or whoever is in charge of the clubrooms at the time shall have authority to remove any member or visitor and refuse any member or visitor a drink and shall report the matter to the next Management Committee Meeting.
- (e) All members are required to be neat in appearance, generally care for the premises and assist to maintain the general neat appearance of the facilities, and ensure the good conduct and demeanour of the visitors.

28. SEALHOLDERS

The number of persons authorised in each year to use the Common Seal of the CBS&SC INC shall be three (3) and such persons shall be appointed by the Management Committee and any (2) or more of the persons for the time being so authorised may use such Common Seal and a minimum of two such persons shall in all cases countersign any deed, instrument or document to which such Common Seal shall be affixed in order to give validity thereto. The Common Seal shall be used only with the authority of the Management Committee, which shall also provide for the safe custody thereof. The Common Seal shall be affixed to documents only in the presence of the Seal holders countersigning.

29. INDEMNITY

The CBS&SC INC shall indemnify any Office Bearer or Member against liability incurred by such Office Bearer or Member or intending to do any act as agent or servant in the reasonable interests of the CBS&SC INC.

30. INTERPRETATION OF RULES

If any case arises which is not, or in the opinion of any member of the CBS&SC INC is not provided for in the rules of this constitution, it shall be referred to the Management Committee of the CBS&SC INC and its decision shall be final.

31. DISSOLUTION

If at any time the Management Committee considers that the CBS&SC INC should be dissolved it shall present its reasons to a Special General Meeting of the CBS&SC INC, if a resolution for the dissolution is carried by a majority of voting members present, the real and personal property of the CBS&SC INC shall be sold and disposed of by the Management Committee by private treaty or by auction as the Management Committee determines (with power to the Management Committee to give good and valid receipts for all purchase monies) and the monies arising from such sale and disposition, after payment of all incidental expenses and debts and liabilities of the CBS&SC INC shall be held by the Management Committee upon trust. Such monies shall be given to the Sporting Incorporated Bodies to which the CBS&SC INC is directly affiliated with upon dissolution.

32. COLOURS

- (a) The colours of the Incorporated bodies shall be Red Black and White. A condition of a clubs affiliation to the CBS&SC INC is that the Affiliated club colours shall be Red Black and White.
- (b) The provision of sub-clause (a) hereof may be amended or varied by the Management Committee.