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# **SMOSH WEST LAKES JUNIOR FOOTBALL CLUB INCORPORATED**



Incorporation No. A24233

## **CONSTITUTION**

### **1. NAME**

- 1.1 The official name of the Association shall be the 'SMOSH WEST LAKES JUNIOR FOOTBALL CLUB', and shall herein and hereafter be referred to as 'the Club'. The Club being first established in Adelaide, South Australia, in the month of October 1998.

### **2. COMMON SEAL**

- 2.1 The Club shall have a common seal, which shall consist of the words, "SMOSH West Lakes Junior Football Club Incorporated". The seal shall be kept in the custody of the Secretary and shall only be affixed by the Secretary to documents at a meeting of the Committee and pursuance of a resolution of the Committee; the affixing of the same seal shall be attested to by at least two (2) members of the Committee.
- 2.2 The Official Club Logo of the SMOSH West Lakes Junior Football Club Inc. will be an animated lion bearing the colours maroon, gold and blue (image example above). The colours of the Club Guernsey will be a gold lion, against a background of maroon and blue [of any combination].

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- 2.2.1 An alternative colour scheme, known as a 'clash', may be designed for the purposes of Guernsey colour, or other suitable purpose, by the combination of a blue lion, against a background of maroon and gold [of any combination].

### **3. OBJECTS OF THE CLUB**

- 3.1 To foster the game of Australian Rules Football in Metropolitan Adelaide [Metropolitan Adelaide is defined as SANFL Juniors Football League and will be referred to hereinafter as 'the League']
- 3.2 To purchase, lease, hire or by any other (legal) means acquire any real personal estate necessary or convenient for the purpose of the Club.
- 3.3 To buy, sell, supply and deal in all kinds of apparatus and all kinds of privileges, liquid, and solid, required or used by members of the Club.
- 3.4 To hire and employ all classes of persons whose services may be deemed necessary for the purposes of the Club.
- 3.5 To invest the monies of the Club not immediately required for any of its objects in such a manner as from time to time as may be determined.
- 3.6 To take part in interclub and all other football matches, including matches played within the city of Adelaide, or elsewhere, subject to the authority of the League in every case where such authority exists.
- 3.7 To do all such other lawful things as are incidental or conducive to the attainment of the objects aforementioned.

### **4. OFFICERS**

- 4.1 At the Annual General Meeting of the Club a Committee comprising the following shall be elected: President, to, Treasurer and seven (7) Committee members.
- 4.2 The Committee shall hold office until the end of the following Annual General Meeting in the year it was elected. Each member of the Committee shall be eligible for re-election.
- 4.3 The position of any Committee member absent for three (3) consecutive meetings without leave of absence shall automatically become vacant. Acceptance of an apology shall be deemed grant of such leave.
- 4.4 The Committee shall have the power to co-opt up to two (2) further Committee members and may fill casual vacancies.

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- 4.5 The Committee shall be responsible to the Club.
  - 4.6 The Club or Committee may appoint sub-Committees. The Chairperson of the Committee (who shall be elected by the Committee at the first Committee meeting) shall ex officio be a member of all such sub-Committees.

## **5. MEMBERSHIP and MANAGEMENT**

- 5.1 Membership shall be open to all persons subscribing to the Objects of the Club and paying the prescribed subscription. There shall be two categories of membership; full (playing) membership and associate (non-playing) membership. No restrictions shall be imposed on any person by virtue of religious or political beliefs, gender, race or age, but the Committee shall have the right to refuse membership to any person without signing any reason therefore. A member may resign from the Club by notifying the Secretary in writing of the intention so to do and upon such resignation being accepted by the Committee, he or she shall cease to be a member of the Club.
- 5.2 At any Annual General Meeting of the Club, a life member, on the nomination of the Committee, may be elected. Such election is to be on account of some special service or services rendered to the Club. A life member shall be entitled to attend and vote at all General Meetings of the Club and have other such privileges as may be decided upon from time to time by the Committee.
- 5.3 At the Annual General Meeting, a patron, honorary Vice Presidents (of any number), and an honorary Auditor may be elected.

## **6. MEETINGS**

- 6.1 The Annual General Meeting shall be held at a suitably nominated time by the current committee, each calendar year. At least fourteen (14) days' notice of each meeting shall be given to each member by publication through email, internet service, noticeboard or other object. Failure of the member to take notice of the meeting date shall not invalidate the Meeting.
- 6.2 The notice shall state the time, date and place of the Meeting.
- 6.3 The business of the Annual General Meeting shall be;
  - 6.3.1 to receive the Annual Report and statement of accounts;
  - 6.3.2 to elect a Committee for the following year;
  - 6.3.3 to consider motions of which due notice has been given which any member, with the permission of the Meeting, may introduce;

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- 6.3.4 to dispose of any other matter which may be consistent with the Constitution, introduced at such a Meeting;
  - 6.3.5 that at the Annual General Meeting the President, if present, shall chair the Meeting. If the President is absent at the time the Meeting is due to start, the members shall elect a person to chair the Meeting from those members present; and
  - 6.3.6 that nominations for office-bearers for the following year may be made at the Annual General Meeting.
- 6.4 Any elections required shall be by secret ballot. Any equality in voting (tie) shall be resolved in favour of the retiring candidate (if any) or otherwise by lot. In the event of a ballot, scrutineers shall be elected by the members present and the voting papers shall be destroyed after the results of the ballot have been announced.
- 6.4.1 Each member personally present at any meeting shall have one (1) vote, and in the event of an equality of voting on any matter, the Chairperson of the Meeting shall have a second or casting vote as well as the first or deliberative vote. All voting may be by show of hands but if any member present should require the voting to be by way of ballot, thereupon such vote shall be taken by ballot, in the ordinary way.
  - 6.4.2 A quorum for Committee meetings shall be one third (1/3) of the Committee and for the Annual General Meeting the quorum shall be ten (10) financial members of the Club.
  - 6.4.3 A Special General Meeting may be called by the Committee at any time, and shall be called upon receipt by the Secretary of a requisition stating therein the object of such a Meeting and signed on behalf of not less than ten (10) of the financial Club members. Such Meetings shall be called within fourteen (14) days of receipt of such requisition and not less than seven (7) days notice shall be sent to all Club members.
  - 6.4.4 General Meetings shall not be *in camera*.

## **7. SUBSCRIPTIONS**

- 7.1 The annual subscriptions shall be set by the Committee as soon as possible after the date of the Annual General Meeting.
- 7.2 Subscriptions shall be due on the date set by the Committee provided that the aforesaid date is advertised to all members.
- 7.3 Differential subscriptions may be levied at the discretion of the Committee

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- 7.4 A member shall not be deemed non-financial until the set subscription is three (3) months in arrears.

## **8. FINANCE**

- 8.1 True accounts shall be kept of all monies received and expended by the Club. At least once a year, the accounts of the Club shall be examined and an income and expenditure account and balance sheet prepared and the correctness of the accounts and balance sheet ascertained by one or more auditor(s).
- 8.2 The financial year of the Club shall commence on 1 October and end on 30 September of the following year, and the accounts shall be audited and certified by the Club's auditor(s) and shall be submitted to the Annual General Meeting.
- 8.3 The Committee shall be empowered to invest the funds and property of the Club upon such securities as the Committee shall from time to time think fit.
- 8.4 The Committee, on behalf of the Club and subject to the approval of a General Meeting or Special General Meeting of members, shall be empowered to borrow upon security of the Club's real and personal property such monies as may from time to time be required for carrying on the activities of the Club, or for providing additional facilities and benefits for the members or for any other purpose connected with the objects of the Club and may authorise the execution of any and all such mortgages, pledges, or securities as may be necessary to secure the repayment of such monies.

## **9. DISSOLUTION**

- 9.1 The Club shall be dissolved if;
- 9.1.1 a resolution to this effect is carried by a General Meeting, fourteen (14) days of notice of the proposed resolution having been given; or
- 9.1.2 financial membership drops to ten (10) or less members.
- 9.2 If upon the dissolution of the Club there remains, after satisfaction of all debts and liabilities, any property or funds whatsoever, the same shall not be distributed or paid amongst the members of the Club but shall be transferred or given to some other Club or institution having objects similar to those of the Club, to be determined by members of the Club at or before the time of dissolution, and in default thereof, as may be directed upon application to the Supreme Court of South Australia.

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## **10. AMENDMENTS**

The Constitution may be amended by three-fifths majority at an Annual General Meeting or Special General Meeting provided seven (7) days notice of the proposed amendment has been given to all members.

## **11. INTERPRETATION**

11.1 Any doubt arising as to the application or meaning of any clause of the Constitution shall be decided by the Committee, whose decision shall remain by a vote during an Annual or Special General Meeting, whose decision shall then be final and conclusive.

11.2 If any circumstance occurs which, in the opinion of the Committee, is not provided for in this Constitution, it shall be determined by the Committee in such a manner as deemed expedient and in the spirit of the Constitution.

## **12. SUSPENSION AND EXPULSION**

Any member may be expelled or suspended from membership at the discretion of the Committee, provided that such a member shall have the right of appeal to a General Meeting. Voting on this issue shall be by secret ballot both in the Committee and in the General Meeting.

## **13. COPIES OF THE CONSTITUTION**

The Secretary shall supply a copy of this Constitution, without charge, upon reasonable request, to any new or existing member.

## **14. REGISTERED OFFICE**

The Registered Office of the Club shall be West Lakes Sports and Social Club, Bartley Terrace, West Lakes Shore, 5020, in the State of South Australia, or any such other place as the Committee shall from time to time register.

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## APPENDIX A

### Business Certificate



Government of South Australia  
Office of Consumer and  
Business Affairs

**SOUTH AUSTRALIA**  
Associations Incorporation Act 1985  
Section 20(1)

Incorporation Number: A24233

**Certificate of Incorporation**

This is to certify that

**SMOSH WEST LAKES JUNIOR FOOTBALL  
CLUB INCORPORATED**

is, on and from the sixth day of November 1998  
incorporated under the Associations Incorporation Act 1985.

Given under the seal of the Corporate Affairs Commission at Adelaide on this  
eighth day of April 2008



Commissioner of Corporate Affairs



**Certificate**