



# ALBANY CREEK GPS RUGBY UNION CLUB (Inc.)

## Constitution Rules and By-Laws

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To be revised: Annually prior to season commencing.	<b>PRINTED DOCUMENT IS UNCONTROLLED</b>	

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**Amendment record**

Version	Date	Modification	Author	Date of AGM
1.2	June 2001	Completion	S Taylor	8 <sup>th</sup> August 01
1.3	Sept 2002	Section 4 Classes of membership re voting rights minors, honorary member.	S Taylor	
1.4	Oct 2002	Section 5 Election of Life member modified from general meeting to annual meeting	S Taylor	
1.5	April 2004	Section 4 – Classes of membership, add Patron, Imd Past President Section 13 – Increase management committee to include 2 <sup>nd</sup> VP, clarify section 2 to management committee rights Section 34 – Financial Year end Section 23 – Remove active season reference Section 24 – Add appoint Patron, remove set fee's until start next season	S Taylor	21 <sup>st</sup> April 2004
1.6	April 2005	Section 13 – clarify statement from last AGM Section 13, 14, 24 – remove election of officers from AGM to nominated general meeting to allow end of season election.	S Taylor	
1.7	Nov 2015	Formatting; Modified age in Cl 36.2 & 36.3; Added Cl 36.4 (h), 42.3 (excluding first paragraph) and 43 – 47.	C Langton	By-Laws changes only, approved by Committee vote on 12 <sup>th</sup> November 2015
1.8	June 2021	Update of all Sections to comply with new QRU Rules. Update of entire Constitution to reflect affiliate title and management of committee. Removal of old terminology.	J. Pascoe	

# Rules

## Words and Expressions to have Meaning in the Act

A word or expression that is not defined in this constitution, but is defined in the Associations Incorporation Act 1981 has, if the context permits, the meaning given by the Act.

## 1 Name

The name of the incorporated club shall be:

“Albany Creek GPS Rugby Union Club Inc”. - referred in these rules as (-the Club).

## 2 Objects

The objects of the –Club are: -

- (a) To promote the sport of Rugby Union particularly in the Albany Creek area
- (b) To encourage fair play and sportsmanship
- (c) To act as a community citizen in a respectful manner

## 3 Powers

- (1) The –Club has the powers of an individual.
- (2) The –Club may, for example -
  - (a) enter contracts; and
  - (b) acquire, hold, deal with and dispose of property; and
  - (c) make charges for services and facilities it supplies; and
  - (d) do other things necessary or convenient to be done in carrying out its affairs.
- (3) The –Club may also issue secured and unsecured notes, debentures and debenture stock for the –Club.

## 4 Classes of Membership

- (1) The membership of the –Club shall consist of the following classes of members-
  - (a) Playing members; (Voting over the age of eighteen (18) years)
    - (i) Junior, registered members under the age of eighteen (18) years
    - (ii) Senior, registered members over the age of eighteen (18) years
  - (b) Ordinary members; (Voting)
    - (i) Management Committee and/or nominated subcommittee members
    - (ii) Parents/guardians of players under the age of eighteen (18) years
    - (iii) Coaches, Managers and Referee’s
  - (c) Life members; (Voting)
  - (d) Honorary members; (No Voting rights)
    - (i) Representatives of affiliates, associations and major sponsors
    - (ii) Immediate Past President, advisory for 2 years after office
    - (iii) Patron, appointed at the Annual General Meeting of the –Club
  - (e) Voting rights are excluded for minors under the age of eighteen (18) and honorary member classes.
  - (f) Social Member: (No Voting rights)
    - (i) A Parent of a registered player or other adult over the age of eighteen (18) who pays a small fee to receive club apparel and food/drink vouchers.
- (2) The number of ordinary members is unlimited.

## **5 Membership Admission**

- (1) A member of the incorporated Club on or before a day fixed by the management committee, is not liable to pay a further amount of annual subscription for the period before the day fixed by the management committee as the day on which the next annual subscription is payable.
- (2) A Playing Member who has registered and paid the appropriate fee established by the Club to participate in the activities of the club.
- (3) A member having been nominated, seconded and elected at the Annual General Meeting or appointed as per Section 12.1
- (4) A Life member having been nominated at an Annual General meeting in recognition of not less than 8 years' service to the club, providing they are proposed, seconded and accepted by no less than two thirds of the voting members present at the Annual General meeting with the number unlimited.
- (5) An honorary member having been nominated and seconded at a general meeting, within a limit of 50 honorary members in each year.

## **6 Term of Membership**

- (1) Coaches, managers and referees as appointed by the management committee at the commencement of and during the competition season.
- (2) The period of membership for the Management Committee shall expire at the conclusion of the Annual General meeting after their election unless the membership is terminated either by resignation, termination, illness or expulsion.
- (3) The period of membership for honorary, ordinary or playing members shall expire at the conclusion of the Annual General Meeting or at the conclusion of the competitive season whichever may be the sooner.

## **7 Membership Fees**

- (1) The membership fee for Playing Members
  - (a) is the amount determined by the management committee at a general meeting; and
  - (b) is payable when, and in the way, the management committee determines.
- (2) The membership fee shall be waived for the following members-
  - (a) Admission as a Life member of the Club
  - (b) Honorary members

## **8 Admission and Rejection of Members**

- (1) The management committee must consider an application for membership at the next meeting of the committee held after it receives-
  - (a) the application; and
  - (b) the appropriate membership fee for the application.
- (2) The management committee must decide at the meeting whether to accept or reject the application.
- (3) If a majority of the management committee members present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member to the class of membership applied for.

- (4) The secretary of the –Club must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

## **8 Termination of Membership**

- (1) A member may resign from the –Club by giving a written notice of resignation to the secretary.
- (2) The resignation takes effect on-
  - (a) the day and at the time the notice is received by the secretary; or
  - (b) if a later day is stated in the notice - the later day.
- (3) The management committee may terminate a member’s membership if the member-
  - (a) is convicted of an indictable / criminal offence; or
  - (b) does not comply with any of the provisions of these rules; or
  - (c) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the –Club.
- (4) Before the management committee terminates a member’s membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- (5) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

## **9 Appeal Against Termination or Rejection of Membership**

- (1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.
- (2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- (3) If the secretary receives a notice of intention to appeal, the secretary must, within 3 months after the day of receipt, call a general meeting to decide the appeal. Upon receipt of the appeal the termination is to be suspended pending the outcome of the appeal.
- (4) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- (5) Also, the management committee and the committee members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.
- (6) An appeal must be decided by a vote of the members present at the meeting.
- (7) If a person whose application has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the application fee paid by the person. If an existing member is terminated after going through all due process of termination and rights of appeal, then they are not entitled to a refund of any fees.

## **10 Register of Members**

- (1) The management committee must keep a register of members.
- (2) The register of members must include the following for each member-
  - (a) the full name; and
  - (b) residential address of the member;
  - (c) the date of admission as a member;
  - (d) the date of death or resignation of the member;
  - (e) details about the termination or reinstatement of membership;
  - (f) any other the management committee or the members at a general meeting decide.
- (3) The register must be open for inspection at all reasonable times.
- (4) However, before the member may inspect the register, the member must apply to the secretary to inspect it.

## **11 Secretary**

- (1) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the –Club‖ within 1 month after the vacancy happens.
- (2) The secretary must be an individual residing in Queensland, who is-
  - (a) a member of the –Club‖ elected by the –Club‖ as secretary; or
  - (b) any of the following persons appointed by the management committee-
    - (i) a member of the –Club’s management committee;
    - (ii) a member of the –Club‖;
    - (iii) another person whom is not a member of the club.

The management committee may appoint and remove the –Clubs secretary at any time.

## **12 Membership of the Management Committee**

- (1) The management committee of the –Club‖ consists of a minimum of a president, senior and junior vice-presidents, treasurer, secretary and registrar.
- (2) Any other members of the –Club‖ the –Club‖ elect or appoint at a general meeting.
- (3) A member of the management committee, other than the secretary, must be a member of the –Club‖.
- (4) At a nominated general meeting of the –Club‖, the members of the management committee must retire from office but are eligible on nomination for re-election.

## **13 Electing a Management Committee**

- (1) A member of the management committee may only be elected as follows-
  - (a) any members of the –Club‖ may nominate, with a seconder, another member to serve as a member of the management committee;
  - (b) the nomination must be-
    - (i) in writing; and
    - (ii) signed by the candidate and the members who nominated him or her; and
    - (iii) given to the secretary at least 14 days before the general meeting at which the election is to be held.
  - (c) if, at the start of the meeting, there are not enough candidates nominated,

nominations may be taken from the floor of the meeting.

- (2) Each member present at the annual general meeting may vote for any number of Candidates, not more than the number of vacancies;
- (3) A list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the —Clubll for at least 7 days immediately preceding the general meeting.
- (4) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.

#### **14 Resignation or Removal from Office of Management Committee Member**

- (1) A management committee member may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect on-
  - (a) the day and at the time the notice is received by the secretary; or
  - (b) if a later day is stated in the notice - the later day.
- (3) A committee member may be removed from office at a general meeting of the —Clubll if a majority of the club members present at the meeting vote in favour of removing the committee member.
- (4) Before a vote of club members is taken about removing the committee member from office, the committee member must be given a full and fair opportunity to show cause why he or she should not be removed from office, including an option to hear the case at the next general meeting of the —Clubll set no later than 1 month from the date of the motion of removal.
- (5) A committee member has no right of appeal against his or her removal from office under this section.

#### **15 Vacancies on the Management Committee**

- (1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the —Clubll to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the management committee may act despite a casual vacancy on the management committee.
- (3) However, if the number of committee members is less than the number fixed under these rules as a quorum of the management committee, the continuing members may act only to-
  - (a) increase the number of management committee members to the number required for a quorum; or
  - (b) call a general meeting of the —Clubll.

#### **16 Functions of the Management Committee**

- (1) Subject to these rules or a resolution of the —Clubll members carried at a general meeting, the management committee-
  - (a) has the general control and management of the administration of the affairs, property and funds of the —Clubll; and
  - (b) has authority to interpret the meaning of these rules and any matter relating to the —Clubll on which the rules are silent.



- (2) Subject to minuted approval and notification at the AGM, the management committee may exercise the powers of the –Club–
- (a) to borrow, raise or secure the payment of amounts in a way the committee decide; and
  - (b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the –Club– in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the –Club’s– property, both present and future; and
  - (c) to purchase, redeem or pay off any securities issued; and
  - (d) to borrow amounts from –Club– members and pay interest on the amounts borrowed;
  - (e) to mortgage or charge the whole or part of its property; and
  - (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the –Club–; and
  - (g) to provide and pay off any securities issued; and
  - (h) to invest in a way the members of the –Club– may from time to time decide.
- (3) For sub-section (2)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by-
- (a) the financial institution for the –Club–; or
  - (b) if there is more than 1 financial institution for the –Club– - the financial institution nominated by the –Club–.

## **17 Meetings of the Management Committee**

- (1) Management committee meetings shall be held monthly from January to September inclusive and at least once during the off-season October to January.
- (2) A general meeting that is held during a calendar month waives the requirement for a management committee meeting.
- (3) The committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the committee.
- (5) If the secretary receives a written request signed by at least 33% of the management committee members, the secretary must call a special meeting of the committee.
- (6) A request for a special meeting must state-
  - (a) why the special meeting is being called; and
  - (b) the business to be conducted at the meeting.
- (7) At a management committee meeting, more than 50% of the members elected or appointed to the committee as at the close of the last general meeting of the members form a quorum.
- (8) A question arising at a committee meeting is to be decided by a majority vote of committee members present at the meeting and, if the votes are equal, the question is decided in the negative.
- (9) A management committee member must not vote on a question about a contract or proposed contract with the –Club– if the member has an interest in the contract or proposed contract, and if the member does vote the member's vote must not be counted.
- (10) The secretary must give each management committee member at least 14 days’ notice of a special meeting of the committee.
- (11) A notice of a special meeting must state-
  - (a) the day, time and place of the meeting; and

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- (b) the business to be conducted at the meeting.
- (12) The president or, if there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the vice-president is to preside as chairperson at the meeting.
- (13) If the president and the vice-president are absent from a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.
- (14) If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called on the request of committee members, the meeting lapses.
- (15) If a quorum is not present within 30 minutes after the time fixed for a management committee meeting called other than on the request of committee members, the meeting is to be adjourned to-
  - (a) the same day, time and place in the next week; or
  - (b) a day, time and place decided by the committee.
- (16) If, at the adjourned meeting mentioned in subsection (15), a quorum is not present within 30 minutes after the time fixed for the meeting, the meeting lapses.
- (17) Any club members may attend a management meeting and raise points of order through the Secretary prior to the commencement of the meeting, however, will not hold voting rights of the management committee.
- (18) No proxies are allowed at management meetings.

## **18 Delegation of Management Committee Powers**

- (1) The management committee may delegate the whole or part of its powers to a subcommittee consisting of the -Clubl members considered appropriate by the committee.
- (2) A subcommittee may only exercise delegated powers in the way the management committee decides.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.
- (7) Subcommittees shall be determined from time to time but shall include those set out in Section 38.

## **19 Acts Not Affected by Defects or Disqualifications**

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Subsection (1) applies even if the act was performed when-
  - (a) there was a defect in the appointment of a member of the management committee;

- (b) subcommittee or person acting as a member of the management committee; or
- (c) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

## 20 Resolutions of Management Committee without Meeting

- (1) A written resolution signed by each member of the management committee for the time being entitled to receive notice of a committee meeting is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subsection (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

## 21 Annual General Meetings

Annual general meetings must be held-

- (a) At least once per year
- (b) Within six (6) months of the end of financial year
- (c) Recommended to be at the completion of each rugby season in order to elect new committee to commence planning and implementation for following season.

## 22 Business to be Conducted at Annual General Meeting

The following business must be conducted at each annual general meeting –

- (a) receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the –Club|| for the last financial year;
- (b) receiving the auditor's report on the financial affairs of the –Club|| for the last financial year;
- (c) presenting the audited statement to the meeting for adoption;
- (d) nominating the date of a general meeting for the election of the management committee coinciding with the completion of the current season (September – October);
- (e) appointing an auditor;
- (f) appointing a patron;
- (g) receiving minutes of previous meeting;
- (h) receive Management Committee's report.

## 23 Special General Meeting

- (1) The secretary may only call a special general meeting by giving each member notice of the meeting within 14 days after-
  - (a) being directed to call the meeting by the management committee; or
  - (b) being given a written request signed by-
    - (i) at least 33% of the members of the –Club|| presently on the management committee; or at least 12 ordinary members of the –Club||; or
  - (c) being given a written notice of an intention to appeal against the decision of the management committee-
    - (iii) to reject an application for membership; or
    - (iv) to terminate a person's membership.
- (2) A request mentioned in subsection (1)(b) must state-
  - (a) why the special general meeting is being called; and
  - (b) the business to be conducted at the meeting.

## 24 Notice of General Meeting

- (1) The secretary, on instruction by the management committee in accordance with the constitution may call a general meeting of the —Clubl.
- (2) The secretary must give at least 14 days written notice of the meeting to each —Clubl member.
- (3) The management committee may decide the way in which the notice must be given.
- (4) However, notice of the following meetings must be given in writing-
  - (a) a meeting called to hear and decide the appeal of a member against the rejection or termination of the members membership by the management committee; or
  - (b) a meeting called to hear and decide a proposed special resolution of the —Clubl.
- (5) A notice of a general meeting must state the business to be conducted at the meeting.

## **25 Quorum for a General Meeting**

- (1) Subject to subsection (5), at a general meeting twice the number of members presently on the management committee plus 1 form a quorum.
- (2) No business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
- (3) If a quorum is not present within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the –Clubl, the meeting lapses.
- (4) If a quorum is not present within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the –Clubl, the meeting is to be adjourned to-
  - (a) the same day, time and place in the next week; or
  - (b) a day, time and place decided by the management committee.
- (5) If at an adjourned meeting, a quorum under subsection (1) is not present within 30 minutes after the time fixed for the meeting, the members present form a quorum.
- (6) The chairperson may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (7) If a meeting is adjourned under subsection (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.
- (10) In this rule -"member" shall not include a person purporting as a delegate of an affiliate, corporation or associate of the –Clubl.

## **26 Procedure at a General Meeting**

- (1) Subject to these rules, at each general meeting -
  - (a) the president or, if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, either the Senior or Junior vice-president is to preside as chairperson; and

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- (b) if the vice-presidents are absent or unwilling to act as chairperson, the members present must elect one of their number to be chairperson of the meeting; and
  - (c) the chairperson must conduct the meeting in a proper and orderly way; and
  - (d) each question, matter or resolution must be decided by a majority of votes of the members present; and
  - (e) each member present and entitled to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote; and
  - (f) a member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting, an honorary member or under the age of eighteen (18) years; and
  - (g) voting may be by a show of hands or a division of members, unless at least 20% of the members present demand a secret ballot; and
  - (h) if a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides; and
  - (i) the result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held; and
  - (j) a member may only vote in person, no proxies are allowed
    - (i) on a show of hands, each person present who is a member or a representative of a member has 1 vote; and
    - (ii) in a secret ballot, each member present in person has 1 vote
- (2) the secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting and general meeting are entered in a minute book; and
- (3) the secretary must ensure the minute book for each general meeting is open for inspection at all reasonable times by any financial member who previously applies to the secretary for the inspection.
- (4) To ensure the accuracy of the minutes recorded under subsection (2)-
- (a) the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy; and
  - (b) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
  - (c) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the —Club that is a general meeting or annual general meeting, verifying their accuracy.

**27 By Laws**

- (1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the —Club.
- (2) A by-law may be set aside by a vote of members at a general meeting of the —Club.

**28 Alteration of Rules**

- (1) Subject to the —Associations Incorporation Act 1981, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (2) However, an amendment, repeal or addition is valid only if it is registered by the chief executive. These need to be presented in accordance with Division 2, Paragraphs 48-49 of the 2021 Version.
- (3) Any change to the constitution or reference to GPS Old Boys Rugby Union Club must approved in writing from the management committee of GPS Old Boys Rugby Union Club.

## 29 Common Seal

- (1) The management committee must ensure the –Clubll has a common seal.
- (2) The common seal must be-
  - (a) kept securely by the management committee; and
  - (b) used only under the authority of the management committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by-
  - (a) the secretary; or
  - (b) another member of the management committee; or
  - (c) someone appointed by the management committee.

## 30 Funds and Accounts

- (1) The funds of the –Clubll must be kept in an account in the name of the –Clubll in a financial institution decided by the management committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the –Clubll and presented at each management committee meeting.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) If an amount is paid by cheque, the cheque must be signed by any 2 of the following-
  - (a) the president;
  - (b) the vice president;
  - (c) the treasurer.
- (5) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed –not negotiablell.
- (6) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (7) All expenditure must be approved or ratified at a management committee meeting.
- (8) The treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following is prepared -
  - (a) the income and expenditure for the financial year just ended;
  - (b) the –Clubs assets and liabilities at the close of the year;
  - (c) the mortgages, charges and securities affecting the property of the –Clubll at the close of the year.
- (9) The auditor must examine the statement prepared under subsection (8) and present a report about it to the secretary before the next annual general meeting following the financial year for which the audit was made.
- (10) The income and property of the –Clubll must be used solely in promoting the –Club’s objects and exercising the –Club’s powers.

## 31 Documents

The management committee must ensure the safe custody of books, documents, instruments of title and securities of the –Clubll.

## **32 Financial Year**

The financial year of the –Clubll closes on 31<sup>st</sup> December in each year. For Audit reports an extension may need to be requested from the Financial Regulators office by the President and Treasurer if required.

## **33 Distribution of Surplus Assets to Another Entity**

- (1) This section applies if the –Clubll-
  - (a) is wound-up under part 10 of the Act; and
  - (b) it has surplus assets.
  
- (2) The surplus assets must not be distributed among the –Clubll members and surplus assets must be transferred as follows, in consultation by GPS Old Boys Rugby Union Club Inc Ashgrove;
  - (a) to an entity having objects like the –Club’s objects; or
  - (b) transferred to the management committee of GPS Old Boys Rugby Union Club Inc.
  
- (3) In this section – "surplus assets" has the meaning given by section 92(3)11 of the Act.

## By-Laws of the Club

### 34 Duties of Officers

#### 36.1 *President Shall*

- (a) Preside at all meetings
- (b) Develop the budget of the –Club
- (c) Provide direction to fellow committee and club members
- (d) Present a report to the AGM on the clubs current and future activities
- (e) Primary contact for QRU, and BJRU
- (f) Attend affiliate meetings
- (g) Delegate to the SPSA (refer Delegates section (39))
- (h) Develop business activities of the –Club

#### 36.2 *Senior Vice President Shall*

- (a) Preside over meetings in the absence of the President
- (b) Attend affiliate meetings in the absence of the President
- (c) Secondary delegate to the SPSA
- (d) Develop business activities of the –Club
- (e) Manage and develop the Senior activities of the –Club (U10 to U16)
- (f) Manage the Sub Committees of the –Club
- (g) Coordination of home hub set up
- (h) Key Point of Contact for all U10-U16 Games
- (i) Development and management of Senior coaches and Managers
- (j) Secondary contact for BJRU and other clubs
- (k)

#### 36.3 *Junior Vice President Shall*

- (a) Attend affiliate meetings in the absence of the President
- (b) Preside over meetings in the absence of the President
- (c) Secondary delegate to the SPSA
- (d) Manage and develop the Junior activities of the –Club (U6 to 9)
- (e) Coordinate home hub set up
- (f) Key Point of Contact for all U6-U9 games throughout the season.
- (g) Development and management of Junior Coaches and Managers
- (h) Secondary contact for BJRU and other clubs

#### 36.4 *Secretary Shall*

- (a) Issue notice of all meetings in accordance with Constitution and By-Laws
- (b) Responsible for recording minutes of all meetings
- (c) Keep books for recording Minutes of Records of proceedings of all meetings of the club or delegate a recorder if unavailable for a meeting. To be able to produce minutes as required.
- (d) Conduct all correspondence of the Club and keep proper records of Club files and correspondence
- (e) To ensure all information is communicated to team managers and coaching staff (or delegate to a Committee Member, Managers Coordinator or Coaches Coordinator).
- (f) Maintaining the register of members of the association (in consultation with the Registrar).



### **36.5 Treasurer Shall**

- (a) Maintain a full and accurate particular of the financial affairs of the Club - keep all books and accounts of the Club and prepare a statement of receipts and expenditure and present it at each Management Committee Meeting and General Meeting.
- (b) Receive all moneys and issue receipts for moneys, deposits all moneys into the bank account and maintain bank reconciliation statements.
- (c) Ensure all accounts for payment are presented to the Club and are passed by the management Committee as expense incurred by the club.
- (d) Prepare a balance sheet for inspection and signature of the Auditor and present same at the Annual General Meeting
- (e) Be able to display all books of accounts at any time to members within 7 days' notice
- (f) Manage petty cash and floats in accordance to section 32 of the Constitution
- (g) Manage the inventory of Club assets, stock and merchandise items.

### **36.6 Registrar Shall**

- (a) Maintain all records of registered players with the Club (on behalf of the Secretary).
- (b) Maintain the register of members of the club (on behalf of the Secretary).
- (c) Produce team lists contact details for the secretary to publish
- (d) Attend competition registrar meetings and be primary contact between Clubs. If there are complaints or issues to be resolved between clubs, then all are to go through the Registrar.
- (e) Responsible for publishing information such as team lists, and season draws.
- (f) Ensure all competition paperwork and results are delivered and Managers are using Rugby Match Day correctly.
- (g) Maintain club database and history including statistics
- (h) Ensure all registration levies, insurance levies and affiliation levies are paid
- (i) Access email for competition updates, draw information
- (j) Contact for cancellation or to cancel playing events

### **36.7 Marketing / Public Relations / Fund Raising Manager Shall**

- (a) Manage the Public relations activities of the –Club in consultation with the Management Committee.
- (b) Manage Sponsor relations and activities
- (c) Develop marketing / sponsorship activities for the –Club
- (d) Manage press and external club inquiry
- (e) Produce club communications / newsletter
- (f) Manage club advertising and promotion
- (g) Liaise with affiliates and associates on sponsorship activities
- (h) Attend management meetings
- (i) Manage club fund raising and raffles
- (j) Organize events and social activities as may be approved by the management committee
- (k) Attend and present update on activities to the management committee meetings
- (l) Report to the Secretary for events and raffles

## **37 Roles and Sub-Committees**

### **37.1 Coaching Co-Ordinator**

- (a) Ensure all teams have coaches and managers
- (b) Roster training programs / courses for coaches with goal of as many coaches as possible to hold Level 1 accreditation.
- (c) Ensure all coaches are performing fairly and ethically
- (d) Assist coaches during training sessions
- (e) Attend management meetings
- (f) Encourage training and qualification of referee's
- (g) Foster the development of the Sport

### **37.2 Canteen Manager**

- (a) Manage the Canteen Sub Committee
- (b) Ensure the canteen is operable and stocked
- (c) Order supplies and maintain supplier contacts
- (d) Manage rosters and assistants
- (e) Develop profitable returns for club members
- (f) Ensure all goods are fair cost and reasonable
- (g) Assistant to the Treasurer for cash and float management
- (h) Attend management meetings

### **37.3 Club Manager**

- (a) Manage training and playing inventory
- (b) Manage the facilities of the –Clubll
- (c) Ensure all teams are equipped with training aids
- (d) Order new equipment as approved by the management committee
- (e) Manage team jerseys and allocation
- (f) Report to the Treasurer for asset tracking
- (g) Ensure grounds are marked and in good condition
- (h) Coordinate and consult with the Coaching Co-ordinator.
- (i) Control and track the keys for the Club’s facilities.

## **38 Affiliation**

- (1) The –Clubll shall remain affiliated to the GPS Old Boy’s Rugby Union Club Inc, located at Ashgrove Brisbane and as such retain the use of GPS in the –Clubll name.
- (2) The –Clubll will affiliate to the Queensland Rugby Union (QRU), the Brisbane Junior Rugby Union and as such operate under the conditions as set by the governing rules of the QRU and BJRU.
- (3) The –Clubll shall, as an affiliate of GPS Old Boys Rugby Union Club, be associated with the South Pine Sporting Association and as such operate under the rules of this association.

## **39 Delegates**

- (1) As directed by GPS Old Boys Rugby Union Club, the –Clubll will provide delegates to the monthly meetings of the South Pine Sporting Association with voting rights. With respect to financial matters involving GPS Old Boys Rugby Union Club the delegates cannot vote unless approval has been obtained in writing from GPS Old Boys Rugby Union Club.

## **40 Procedures and Policy**

- (1) The –Clubll shall always develop and maintain procedures and policies for the management of the –Clubll and the functions of the sport it serves. Amendment of such policies and procedures will be in conjunction with the rules as governed by the affiliates, or for the purpose of safety or –Duty of Carell and Government legislation, as required by the management committee. Such policies and procedures must cover but not limited to: -
  - (a) Medical attendance / training
  - (b) Managers roles and responsibilities
  - (c) Coaches roles and responsibilities
  - (d) Canteen and Food management and handling
  - (e) Game management guidelines
  - (f) Duty of care, care with children
  - (g) SPSA policies and management

## **41 Home Ground**

- (1) Location - The home ground of the –Clubll shall be located at the South Pine Sporting Association, Cribb Road Brendale.
- (2) The Club will manage the home grounds and will not do or permit any activities which may become a nuisance to either residents, adjoining sporting groups or the Moreton Bay Regional Council.
- (3) The –Clubll may develop its own facilities such as Club house, Canteen and Storage areas and maintain ownership of such facilities under the entity of this constitution. All activities in development of these facilities will be in accordance with the rules as set by the South Pine Sporting Association and Moreton Bay Regional Council
- (4) Operating of the –Clubll facilities where provided at the home ground will be by jurisdiction of the –Clubll and if required GPS Old Boys Rugby Union Club may make use of these facilities on arrangement with the club.

## **42 Club Code**

### **42.1 Code of Conduct**

Members of the –Clubll shall conduct their behaviour as outlined in the –Code of Conductll as published by the BJRU and QRU at all times when representing the –Clubll. At all times members must be fair to each other and opposing clubs and or management of affiliates.

### **42.2 Equal Playing time**

Coaches are to, wherever possible give all players equal playing time.  
Coaches have the authority to stand down players for the following:

- (a) Violation of the code of conduct
- (b) Misbehaviour at training or games
- (c) Failing to attend training

### **42.3 Grading of Players**

- (1) Where multiple teams are available within an age group, the following grading rules shall be applied-
  - (a) Non-Competitive (U6 – 10) –
    - (i) equal balance of skills across all teams
    - (ii) Sibling alignment, allow for siblings to match divisions/locations
  - (b) Competitive (U12 – 16) – based on skill selection for grade
- (2) Team Review Sub-Committee

A Team Review Sub-Committee consisting of the Registrar, President, Vice Presidents and the Coaching Co-ordinator will implement the Sub-Committee duties under this clause.

- (3) U6 – U10 Forming of Players into Teams.

Players will be viewed from the start of Preseason Clinics to Muster Night. Registration of

**Constitution Rules and By-Laws**

players up to Muster Night will not be limited by number.

During this period the Sub-Committee will meet and based on registration numbers and a legitimate forecast of player numbers up to Muster Night (end of period), will decide on the number of teams at each age group.

The number of teams, the overall maximum aggregate number of players and the number of actual current registered players in each age group will be broadcast to all players and players' parents/guardians.

Coaching staff will be appointed for each team. The Sub-Committee, in consultation with coaches, will decide the team lists.

Player numbers for each team will be limited to a maximum of:

- (a) U6 – U8 age group - 13 players
- (b) U9 age group – 17 players
- (c) U10 & U11 – 20 players

In accordance with Section 111 of Qld Anti-Discrimination Act 1991, female players are entitled to play in mixed teams from U6-U11. From U12 onwards, female players are to be a part of Albany Creek Girls Rugby or the Albany Creek Girls Rugby Academy. This is to be coordinated with the President, Girls Vice-President and Registrar in conjunction with BJRU.

Sibling alignment will be considered first and foremost for those players in the U6-U9 age groups prior to team allocation. A parental/guardian request to the club may alter this arrangement so long as all parties are happy. –Greenll will be the first sibling aligned team within the club and if required –Blueell will be the next.

Where numbers of registered players exceed the maximum number of players for nominated teams at that age group, the Sub-Committee will review and recommend team lists. These team lists will then be ratified by the Management Committee. The players that are not selected will be informed of their options.

The club has a duty of care to ensure that players do not play in situations that exceed their skills and ability from a safety perspective, the Sub-Committee will consider feedback from coaches, review and make recommendations to the Management Committee. Players in this situation will be informed of their options.

Options for players that are not selected in teams will be discussed with players and parent/guardians, in a meeting with the Sub-Committee, offered within 1 week of the end of the grading period. Options that the club can offer may be limited by the circumstances.

The teams will be announced at/or near Muster Night.

After Muster Night, further registrations will only be allowed in the following circumstances:

- (a) Where in each of the nominated teams, the player numbers do not already meet maximum playing numbers; and
- (b) Where nominating player shall /or are likely to meet, by 3<sup>rd</sup> trial game of the season with appropriate coaching, the skills required for the forecast team/s grade from an individual player safety duty of care perspective; or
- (c) Under extenuating circumstances, recommended by the Sub-Committee, at the discretion and approval of the Management Committee.

- (4) U12 and above – Grading of Players into Teams.

**Constitution Rules and By-Laws**

A grading period will be announced, with the grading period running from Muster Night and ending at/ or prior to the 2<sup>nd</sup> trial game of the competition. Registration of players prior to the grading period start will not be limited by number.

Prior to the grading period the Sub-Committee will meet and based on registration numbers and a legitimate forecast of player numbers up to Muster Night (start of grading), will decide on the number of teams at each age group.

The number of teams, the overall maximum aggregate number of players and the number of actual current registered players in each age group will be broadcast to all players and players' parents/guardians.

An age group does not require grading in the situation where players fit precisely into one team, then the team will be announced at/or near Muster Night.

Where the numbers of registered players is less than the maximum number of players for nominated teams at that age group, players may choose not be graded in the selection process and will be treated in accordance with the clubs grading process (i.e. they will be placed in the lower division team).

Where numbers of registered players exceed the maximum number of players for nominated teams at that age group, grading will be mandatory for all players, this information will be broadcast to all players and players' parents/guardians. Where players do not attend grading in mandatory circumstances they will not be selected in teams, the Sub-Committee will consider extenuating absentee circumstances and make recommendations to the Management Committee.

Coaching staff will be appointed for each team. The selectors, following the clubs grading process, will select players for each of these teams.

Player numbers for each team will be limited to a maximum of:

- (a) U12 and above age groups – 23 players

Where numbers of registered players exceed the maximum number of players for nominated teams at that age group, the Sub-Committee considering the grading selections shall recommend team lists. These team lists will then be ratified by the Management Committee. The players that are not selected will be informed of their options.

The club has a duty of care to ensure that players do not play in situations that exceed their skills and ability from a safety perspective, the Sub-Committee will consider feedback from coaches, review and make recommendations to the Management Committee. Players in this situation will be informed of their options.

Options for players that are not selected in teams will be discussed with players and parent/guardians, in a meeting with a Sub-Committee, offered within 1 week of the end of the grading period. Options that the club can offer may be limited by the circumstances.

After the grading period starts, further registrations will only be allowed in the following circumstances:

- (a) Where in each of the nominated teams, the player numbers do not already meet maximum playing numbers; and
- (b) Where nominating player shall /or are likely to meet, by the 3<sup>rd</sup> trial game of the season with appropriate coaching, the skills required for the forecast team/s grade from an individual player safety duty of care perspective; and
- (c) Where nominating players are not over filling any specific playing position; or
- (d) Where teams during/after grading require specific playing positions to be filled for team viability; or

- (e) Under extenuating circumstances, recommended by the Sub-Committee, at the discretion and approval of the Management Committee.
- (5) Information Broadcasts through this process will be via:
- (a) Email to the email address nominated during the registration process.
  - (b) Posted on Club Social Media (i.e. Team App, Club Website).

#### **42.4 Grading Disputes**

In the event of a grading selection, the selection powers will primarily rest with the nominated (all) coaches of the age group requiring multiple teams. The coaching co-ordinator will act as an arbitrator of disputes between either coaches or members with his/her decision deemed final. Any further appeals must be made in writing addressed to the Secretary of the –Clubll stating reason of dispute and with cause for reinstatement or alteration to the select policies of the –Clubll.

#### **42.5 Junior Age Eligibility**

Junior players are to play within age groups as defined by the Brisbane Junior Rugby Union competition rules with exception to the following-

- (a) An older team is short on available players (one year only in advance of age allowable)
- (b) The correct age group team is at full capacity
- (c) On approval from the management committee as to reason
- (d) Under no circumstances can an older player play in lower age groups

### **43 Special Requirements for Membership Fees**

In accordance with rule 7(1) (b), the management committee determines that fees shall be paid with the following minimum requirements:

- (a) The preferred method of fee payment shall be payment on full upon registration.
- (b) Upon request fees may be paid in two stages. At least 50% of the fee shall be paid on registration, the balance of the fee shall be paid prior to muster night.
- (c) Genuine hardship cases for alternate payments shall be approved at the discretion of the Management Committee.

Where fees have not been paid in accordance with these requirements, the registered player shall be notified, and if payment is not remedied within 1 week of notice, the player will be de- registered and notified in writing accordingly.

### **44 Special Requirements of the Management Committee**

- (1) A person may be a candidate only if the person—
  - (a) is an adult; and
  - (b) is not ineligible to be elected as a member under section 61A of the Act.
- (2) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised—
  - (a) whether or not the association has public liability insurance; and
  - (b) if the association has public liability insurance—the amount of the insurance.
- (3) A member immediately vacates the office of member in the circumstances mentioned in

section 64(2) of the Act.

#### **45 Special Requirements for Admission and Rejection of Members**

- (1) The management committee must ensure that, as soon as possible after the person applies to become a member of the –Clubll, and before the management committee considers the persons application, the person is advised-
  - (a) whether or not the –Clubll has public liability insurance; and
  - (b) if the –Clubll has public liability insurance—the amount of the insurance.

#### **46 Special Requirements for Register of Members**

- (1) However, the management committee may, on the application of a member of the –Clubll, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

#### **47 Prohibition on use of information on register of members**

- (1) A member of the –Clubll must not—
  - (a) use information obtained from the register of members of the –Clubll to contact, or send material to, another member of the –Clubll for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Subrule (1) does not apply if the use or disclosure of the information is approved by the –Club’.

#### **48 Child Protection Act 2021 – Protecting Players**

- (1) There are two relevant changes to the law which affect sport and create new criminal offences.
  - (a) 1 Failure to protect a child from, or take steps to remove the risk of, a sexual offence;
  - (b) 2 Failure to report a belief of a child sexual offence (either current or past).

##### **(2) Failure to protect offence**

A new offence has been created when adults in organisations such as the Club fail to act on knowledge of a significant risk to a child participating in their organisation being subjected to a sexual offence.

Acting to protect the child at risk means that if the responsible adult has the power or responsibility to remove that risk, they must do so.

For example, if an adult holding a position that requires them to exercise a duty of care towards a child has knowledge of a risk of a sexual offence being committed upon a child, failure to act can result in a maximum jail term of five years.

In the context of a sporting club or organisation, this offence applies to board members, employees and volunteers.

##### **(3) Failure to report offence**

The other offence relates to failing to make a report to police. This section is wide-ranging in that it covers adults who believe, on reasonable grounds, or even should have believed, that a child sexual offence is either being committed against a child or has previously been committed. If that person fails to make a police report immediately after becoming aware (or being deemed to have been expected to know by virtue of their position), up to three years imprisonment applies.

**Constitution Rules and By-Laws**

A defence does exist to this provision however, which is contained in the definition of a 'reasonable excuse'.

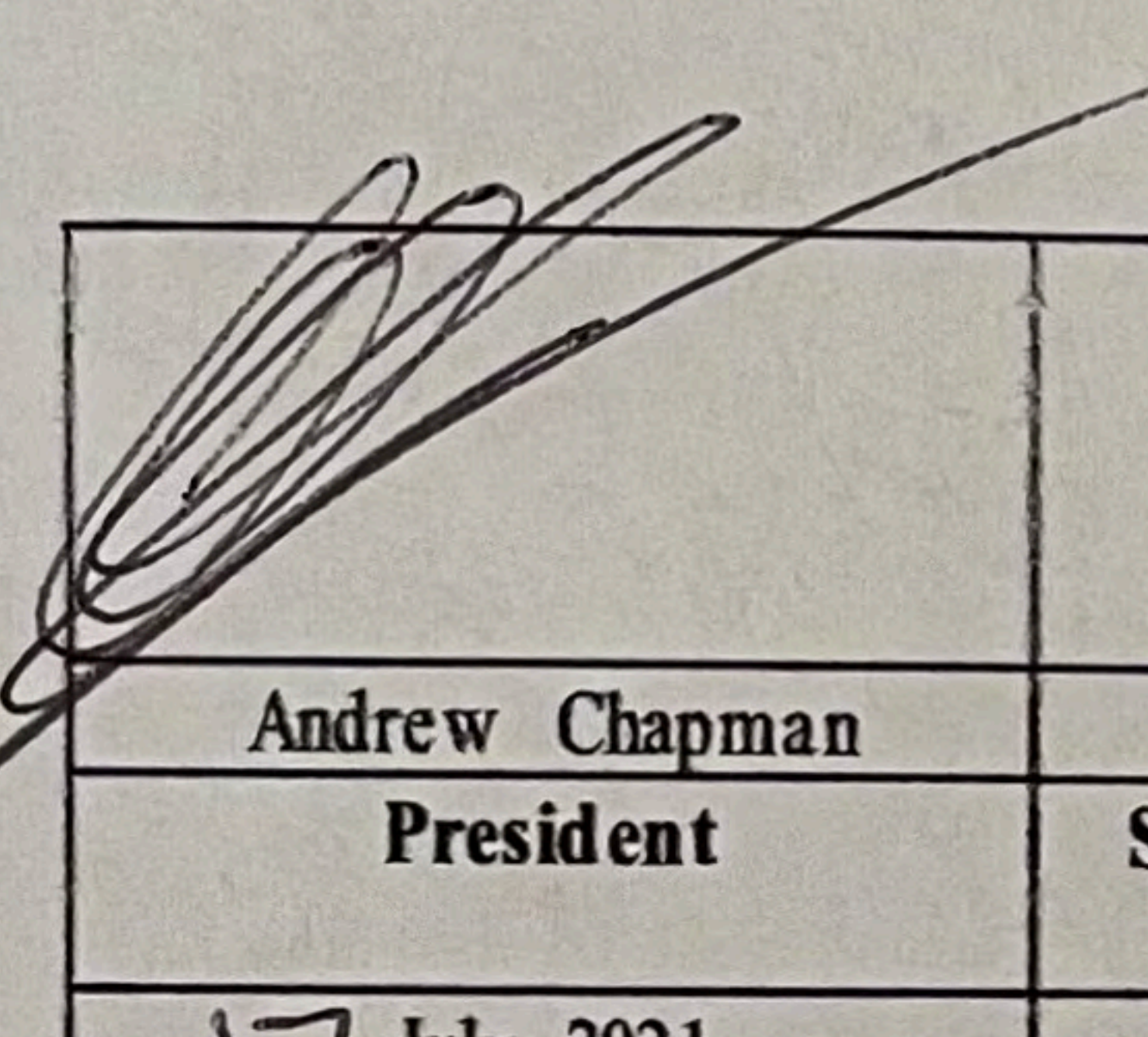
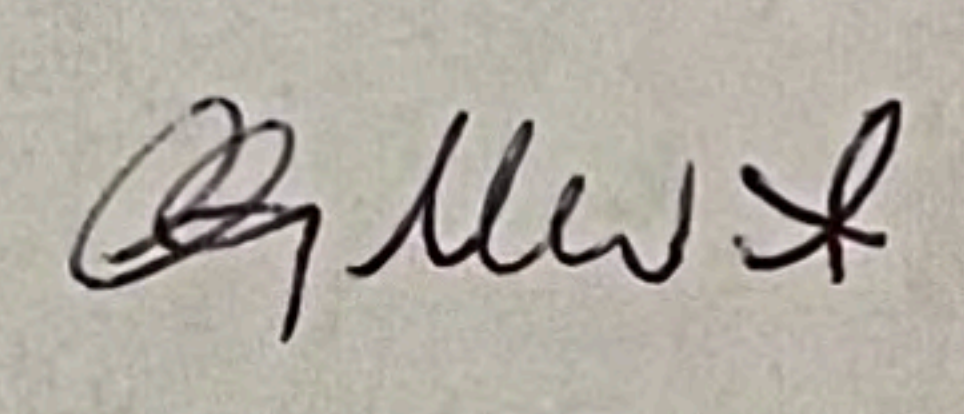
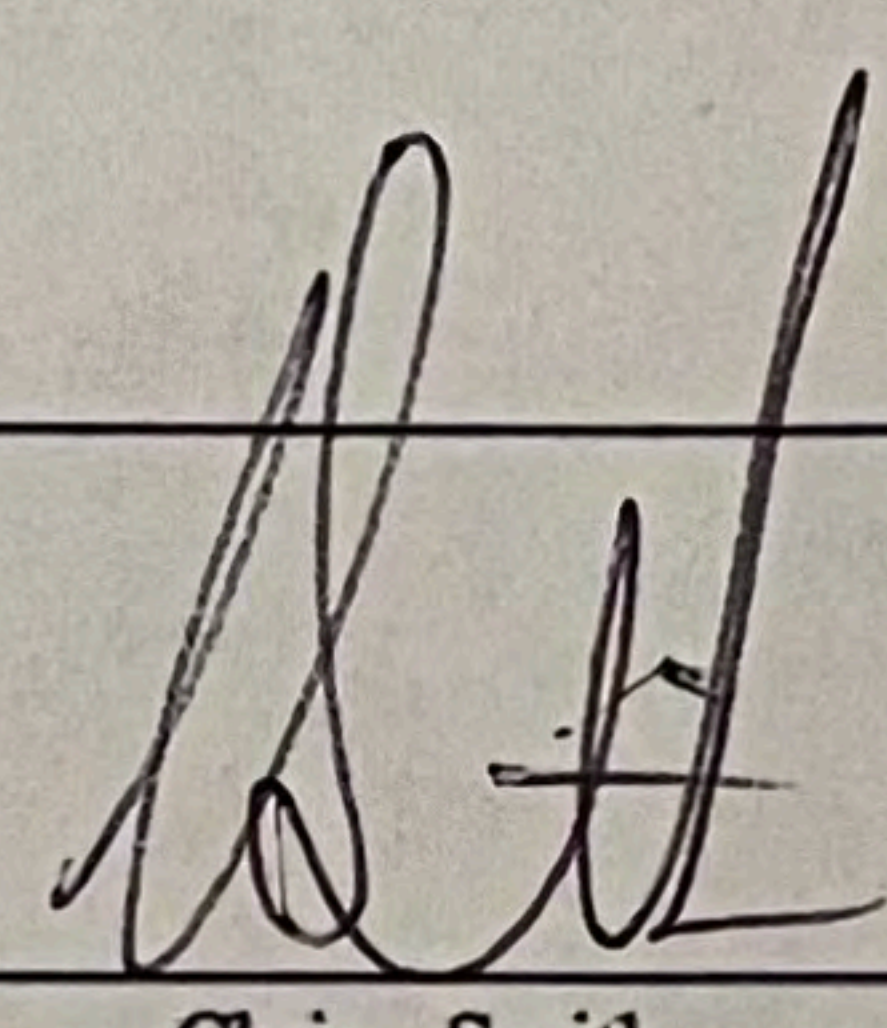
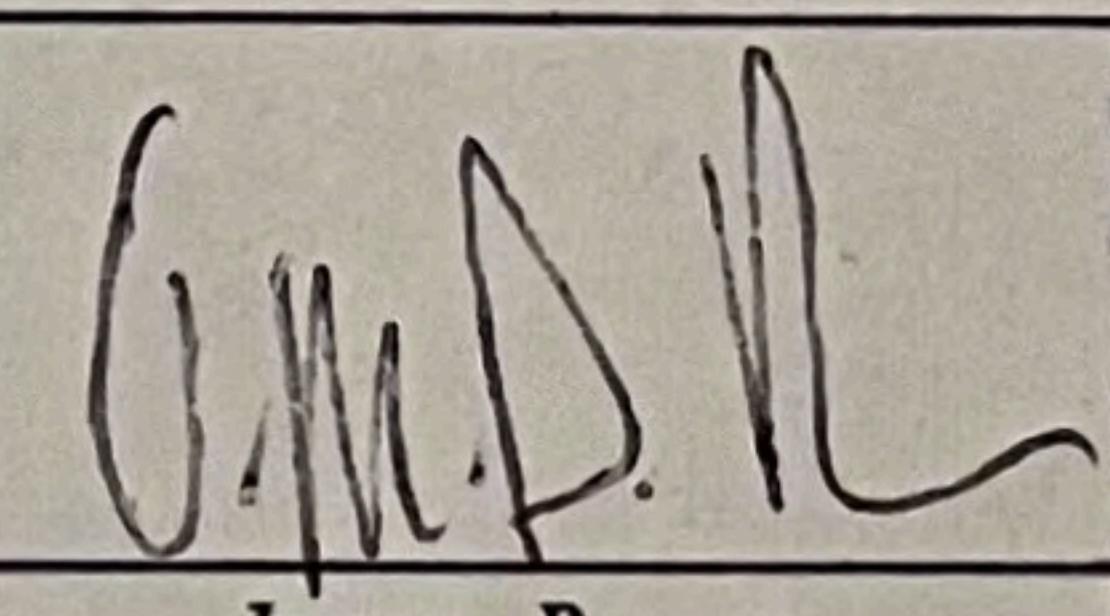
Reasonable excuses include:

- (a) believing the matter has already been reported;
- (b) if the alleged victim is now an adult and they do not want the matter reported;
- (c) If reporting the matter could endanger the alleged victim;

Anyone who in 'good faith' makes a disclosure to police is not liable in any way for having done

- (4) Parents, coaches and managers are to be vigilant with any potential child sexual offence issues relating to players. A process for reporting is in place. First instance is the team coach or manager, or the Club Child Safety Representative which is to be appointed by the Committee at the commencement of each season. If this is not deemed the correct approach, then reporting to the Qld Police or relevant authorities it to occur.

**END**

			
<b>Andrew Chapman</b>	<b>Courtney West</b>	<b>Chris Smith</b>	<b>James Pascoe</b>
<b>President</b>	<b>Secretary/Girls Vice-President</b>	<b>Senior Vice-President</b>	<b>Junior Vice President</b>
17 July 2021	17 July 2021	17 July 2021	17 July 2021