



CONSTITUTION OF THE
ALBANY TOUCH FOOTBALL
ASSOCIATION INC.

Est 1999
Edited 2013

This is the annexure of 13 pages marked "A" referred to in Form 5
signed by me and dated 17 April 2013

Name: _____

Signed: _____

Dated: _____

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1. **NAME**

The name of the Association shall be the Albany Touch Football Association Inc.

2. **HEADQUARTERS**

The headquarters of the Association shall be as determination by the Association from time to time, or in the event of no such determination, the address of the Secretary.

3. **INTERPRETATIONS**

In this constitution and in any amendments made hereunder, the following words shall have the following meanings, unless the context is inconsistent with such interpretation.

- (3a) ASSOCIATION – means the Albany Touch Football Association Inc. (ATFA)
- (3b) SPORT – means the sport of Touch Football
- (3c) OFFICERS – means those persons appointed by members to represent their interests and carry out specific tasks for the betterment of Touch Football
- (3d) RULES – means any rules made pursuant to this constitution
- (3e) SPECIAL RESOLUTIONS – means a resolution passed at any meeting by a majority of seventy five (75) per cent of the members voting in person or by proxy at an Annual Meeting, A General Meeting or Special Meeting, of which special notice has been given specifying the intention to propose the resolution as a 'Special Resolution'.
- (3f) SPECIAL NOTICE – means a Notice of a special meeting of which fourteen (14) days notice is given to the members specifying the intention to propose a resolution, the text of which is contained in the Notice.
- (3g) Words importing the singular numbers shall include the plural number of singular number respectively and words importing the masculine gender shall include the feminine gender and vice versa unless the context clearly and expressly requires otherwise.
- (3h) MEMBERS – means a registered member of a team which has met its financial obligations and/or an individual who has paid all relevant subscriptions
- (3i) TEAM – means a financial team by having paid all relevant subscriptions
- (3j) MISCONDUCT – means action or behaviour in breach of the Association's Constitution or by-laws and decisions or public action by a member that may bring the Association into disrepute
- (3k) FINANCIAL YEAR – means the period commencing on the first day of July and ending on 30 June in the following year.
- (3l) the ACT – means the *Associations Incorporated Act 1987*

4. **OBJECTS**

The objects of the Association are:

- (4a) To promote, encourage, foster, develop, extend, govern and control the sport of Touch football
- (4b) To promote, organise and conduct championships, competitions and other events pertaining to the sport of Touch as may from time to time be considered expedient
- (4c) To maintain and promote standardised playing rules and regulations
- (4d) To select, support and/or sponsor any representative or teams for purposes associated with Touch football
- (4e) To take any action in the interest of Touch football, which is consistent with the foregoing
- (4h) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of the property or income may be paid or otherwise distributed directly or indirectly to and other persons or organisations without the approval of the General Committee

5. **PROPERTY AND INCOME**

The property and income of the Association shall be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members or the Association, except in good faith to promote those objects or purposes

6. **REGISTRATION AND MEMBERSHIP**

- (6a) Membership of the Association is open to players and officials of the Albany Touch Football competition who have registered and paid the subscription fee by the date nominated by the General Committee
- (6b) The Secretary shall on behalf of the Association keep and maintain the register of players in accordance with Section 27 of the Act and that register shall be so kept and maintained at his/her place of residence, or at such place as the members at a General Meeting decide
- (6c) The Secretary shall cause the name of a person who dies or who ceases to be a member to be deleted from the register of members

7. **SUBSCRIPTIONS**

- (7a) The General Committee shall from time to time at a General Meeting determine the amount of the subscription to be paid by each member or team
- (7b) Each member or team shall pay to the Treasurer, the amount of the subscription determined under this constitution by the second playing day of each season
- (7c) A member or a team whose subscription is not paid within one month after the relevant date fixed by the

General Committee ceases on the expiry of that period to be a member, unless the General Committee decides otherwise

- (7d) A member is a financial member for the purpose of these rules if his/her individual or team subscription is paid on or before the relevant date fixed by the General Committee or within one month thereof

8. **RESIGNATIONS**

- (8a) A member who delivers notice in writing of his or her resignation from the ATFA to the Secretary or another General Committee member ceases on that delivery of cessation
- (8b) A person who ceases to be a member remains liable to pay to the ATFA the amount of any subscription due and payable by that person to the ATFA but unpaid at the date of the cessation

9. **MISCONDUCT**

- (9a) Any member or person belonging to the Association may be reported to the Association for misconduct. Such a report shall be in writing to the Secretary giving details of the alleged misconduct and shall be given within fourteen (14) days of the alleged misconduct occurring
- (9b) The Secretary shall inform the person against whom the allegation was made, in writing, of the details of the allegation and of the time and place of any proposed Disciplinary Committee Meeting
- (9c) Any person against whom an allegation is made who fails to appear when called upon shall be suspended until he so appears

10. **GENERAL COMMITTEE**

- (10a) Members of the General Committee shall consist of the:
- President
 - Vice President
 - Secretary
 - Treasurer
 - not less than six (6) others

all of whom shall be members of the ATFA.

- (10b) Committee members must be elected to membership of the General Committee at an AGM
- (10c) A committee members term will be from his or her election at an AGM until the election referred to in 10b at the next AGM after his or her election, but he or she is eligible for re-election to membership of the General Committee
- (10d) A person who is eligible for election or re- election may at the Annual General Meeting concerned:-
- Propose or second himself or herself for election or re-election; and
 - Vote for himself or herself

- (10e) The Secretary shall ensure that notice of all persons seeking election to membership of the General Committee is given to all members when notice is given to those members calling the Annual General Meeting at which that election is to be held
- (10f) If the number of persons nominated for election to membership of the General Committee does not exceed the number of vacancies in that membership to be filled:-
- The Secretary shall report accordingly to, and
 - The President shall declare those persons to be duly elected as members of the General Committee at the Annual General Meeting concerned.
- (10g) When a casual vacancy within the meeting occurs on the General Committee:-
- The Committee may appoint a member to fill that vacancy; and
 - A member appointed under this Rule shall hold office until the commencement of, and be eligible for election to membership of the General Committee at the next following Annual General Meeting
- (10h) The General Committee is to have responsibility for the resolution of policy concerned with the control and direction of Touch football within the Association and is to hold such General Meetings as the General Committee decides but not less than twice each year.
- (10i) Subject to this Constitution and any directions given by Special Resolution of the Annual General Meeting or Special Meeting pursuant to clause 28, the General Committee shall be the governing body of the Association and shall have the power to do all such acts and things to give effect to the Objects of the Association and without prejudice to the generality of the foregoing.
- (10j) The General Committee may:
- (I) Raise money and acquire such assets necessary to carry out the above and to obtain such permits as may be necessary for that purpose
 - (II) Invest and deal with moneys of the Association not immediately required in such securities as may be determined by the General Committee from time to time.
 - (III) Utilise the services of any person or create any subcommittees considered necessary for the efficient conduct of the affairs of the Association.
 - (IV) Enter into and make arrangements for employment of persons on such terms as is deemed proper
 - (V) Make, vary or change By-laws to this Constitution, but so that such By-laws are not inconsistent with this Constitution, prescribing any matters necessary or convenient to be prescribed for giving effect to this Constitution and/or any of its objects PROVIDED THAT no such by-laws shall be effective until seven (7) days after a copy thereof has been forwarded by post, email or hand delivered to the members.
 - (VI) Do all lawful acts and things as are incidental or conducive to the carrying out of the above.

11. DUTIES OF OFFICERS

The President:

Shall preside as the Chairman at meetings wherever possible, represent the ATFA at functions or discussions and generally guide the policy and operations to achieve the objects listed in this Constitution

The Vice-President:

Shall assist the President, act in his/her stead at meetings or functions at which the President is unable to be in attendance and carry out any duties assigned to them by any properly called meetings

The Secretary:

Shall convene, attend (wherever possible) and keep a record of all meetings of the Association and of the General Committee and of the attendance of members at Committee meetings.

- Within fourteen (14) days of all meetings a copy of the minutes of such meetings shall be forward to the members of the General Committee
- To keep such records as the General Committee may direct him/her to keep and to have the minutes signed as correct by the President
- To conduct correspondence and to take charge of all records, books, documents and registers
- To perform all secretarial work necessary to carry out the objects of the ATFA
- To do such other things as he/she may be properly instructed to do by the General Committee or required to do by these rules or to comply with any requirements of the Act.

The Treasurer:

Shall be responsible for the collection and subsequent depositing of all monies received, in accounts authorised by the General Committee. The Treasurer shall also be responsible for the payment of all expenditure so authorised, ensure that proper accounting records are kept and attended to such other financial matters as are necessary

Additionally he/she shall be responsible for the preparation of:

- Annual Statements of Accounts for submission to the Auditor and subsequent distribution to members.
- Periodical statements relating to finance as required by the General Committee
- An Annual Budget

12. MEETINGS

Quorums for meetings shall be:

- | | |
|----------------------------------|-----------------------------------|
| • Annual General Meetings (AGM) | 10 members and 50% office Bearers |
| • General Committee Meetings | 50% of General Committee Members |
| • Special Meetings | 10 members |
| • Disciplinary Committee Meeting | 3 members |

No business shall be transacted at any meeting unless a quorum of members is present at the time when the meeting is to proceed to business

In the event of a quorum not being present, thirty (30) minutes after the time laid down for the commencement of the meeting, the meeting will lapse, and be reconvened at a time, date and place as stipulated by the Chairman.

13. **ANNUAL GENERAL MEETING (AGM)**

The AGM shall be held each year at a venue and on a date decided by the General Committee, but shall be held no later than four (4) calendar months after the close of the Financial Year.

Notice of the date, place and time of the holding of the AGM shall be given by the Secretary to each member with reasonable notice prior to the meeting.

The order of business to be transacted at the AGM shall be:

- Apologies
- Registration of Members.
- Annual Report
- Financial Report
- Elections
- Elections of Life Members.
- Appointment of Auditor
- Motions of amendment of Constitution and By-laws
- General Business

14. **GENERAL COMMITTEE MEETING**

General Meetings of the Association shall be held when and where determined by the General Committee

Notice of the date, time and place of the holding of the General Committee shall be given by the Secretary to each member with reasonable notice prior to the meeting.

The order of business at General Committee Meetings shall be:

- Apologies
- Registration of members.
- Declaration of other business by prior notice in writing
- Minutes of previous meetings
- Reports
- Other business

15. **SPECIAL MEETING**

A special meeting, in accordance with clause (3g) shall be convened by the Secretary upon Special Notice signed by not less than six (6) members having been given, in writing, to the Secretary and Special Notice having been given of the meeting

The meeting shall be convened within twenty-eight (28) days of receipt of such notice.

A Special Meeting, in accordance with clause (3d), shall deal only with the matters included in the Special Notice PROVIDED ALWAYS that following consideration of those matters, the General Committee and ratified at the next General Committee Meeting.

A Special Meeting may consider notices of motion for amendment of the Constitution.

16. CHANGE IN ORDER OF BUSINESS

With the consent of the meeting the Chairman may alter the order of business of an Annual General Meeting or a General Committee Meeting.

17. VOTING RIGHTS

The right to vote at a meeting shall apply as follows:

- | | |
|--------------------------------|---|
| • Annual General Meeting (AGM) | Financial Members of the Association |
| • General Committee Meeting | Office Bearers of the Association and elected General Committee Members |
| • Special Meeting | Financial Members of the Association |
| • Subcommittee Meeting | Members of the Subcommittee |

The Chairman shall have a deliberative as well as a casting vote in the case of a deadlock

At the AGM, immediately preceding the election of the General Committee, the Chairperson shall, with the consent of the members present, appoint an Acting Chairperson, who shall be a member and all elected positions shall be declared vacant

At this stage, the following Voting Rights shall apply:

- Members shall have one (1) vote each
- In the case of a deadlock the Acting Chairperson shall exercise a casting vote (in addition to the deliberative vote provided in (1))
- Upon election the General Committee Members shall attain voting rights.

Method of Voting:

- Voting on a motion will be on simple majority and will be on the voices unless a show of hands is called.
- Voting at all elections shall be on a simple majority and conducted by a show of hands unless a Secret Ballot is called. Such ballots shall be conducted by scrutinisers elected from the meeting
- A declaration by the Chairman that a motion has been carried unanimously or lost shall be conclusive.

18. THE VISITORS

The Association shall have the power to admit visitors to, or exclude them from, its meetings and any visitor may, on the invitation of the Chairman, with the consent of the majority of members present, address the meeting.

19. OFFICE BEARERS

- (i) At every AGM of the Association elections shall be held for the General Committee and Officer Bearers, including offices such as Registrar, Director of Referees, Grounds Controller, etc... but the General Committee may fill any vacancy occurring between annual elections as referred to in Clause (22).

- (ii) Nominations of candidates for appointment or election as Office Bearers shall be given in writing

addressed to the Secretary before the commencement of the AGM. If no nominations have been received in writing for a position nominations may come from the floor of the meeting and may be in respect of any person.

- (iii) All nominees should be present at the meeting and consent to the nomination PROVIDED THAT a person unable to attend the AGM shall deliver to the Secretary before the meeting a letter indicating his consent to nomination to the positions specified in the letter.

A person is ineligible for membership of the General Committee, and is automatically removed as a member thereof if he/she:

- (i) has been convicted of any offence and sentenced to imprisonment for a period of 12 months or more; or
- (ii) Has been disqualified by a properly constituted disciplinary body, within the sport, for a period in excess of 5 years; provided that after the expiration of the period of imprisonment or disqualification that person will, unless the General Committee decides to the contrary, be eligible for election.

20. **CASUAL VACANCIES**

Where an Office Bearers position becomes vacant, an appointment to fill that office/position may be made by the General Committee upon acceptance by the proposed appointee. An office shall be deemed to be a casual vacancy if the occupant fails to attend two (2) consecutive General Committee Meetings without prior notice.

21. **RESIGNATION FROM OFFICE**

An office referred to in Clause (21) will be declared vacant at any time upon the office holder having submitted his/her written resignation to the Secretary.

22. **REMOVAL FROM OFFICE**

A holder of an office referred to in Clause (21) may, upon the passing of a Special Resolution, be removed from office for misconduct.

23. **RESTRICTIONS FROM HOLDING OFFICE**

Unless otherwise agreed by the passing by the General Committee of a Special Resolution to that effect, no person shall be eligible to hold more than one office mentioned in Clause (21) of this Constitution.

24. **FINANCIAL**

(24a) The Association will collect from teams affiliated with them and/or members thereof, such fees as are determined by the General Committee and shall remit same to the Treasurer.

(24b) The Association shall operate in its name at any bank or financial institution such accounts as may be agreed upon by the General Committee. All funds of the Association shall be paid into the Association account. Unless otherwise resolved the signatories to the Association accounts shall be the President, Vice-President, Treasurer and Secretary with two (2) of the four (4) signatures being required on

any cheque from or withdrawal application, or otherwise decided upon in view of the number of official members elected.

- (24c) The financial records of the Association shall consist of receipt books, ledgers, journals, cheque books and such other books as are deemed necessary by the General Committee to show the current financial position of the Association.
- (24d) At the close of the Financial Year the Treasurer shall prepare statements of income and expenditure and assets and liabilities of the Association. Such statements shall be presented to the next AGM of the Association. The prepared statements shall be audited before being printed for presentation to the AGM.
- (24e) Copies of the printed accounts shall be available at the AGM.

25. **LIFE MEMBERSHIP**

Nominations for Life Membership of the Association may only be considered at an AGM in accordance with the following conditions:

- A maximum of two (2) may be elected at each AGM
- Nominees must have held, unless extenuating circumstances exist, continuous membership of the Association for a minimum of five (5) years.
- Nominations in writing, including a detailed summary of service and contribution to the Association shall be proposed by two (2) General Committee Members and must be received by the Secretary of the Association at least seven (7) days prior to the AGM. A report shall be presented to the AGM in respect of each nomination.
- There must be at least seventy-five percent (75%) of the full voting strength of the General Committee present at the AGM before an election for life membership can proceed.

A person can only be elected to Life Membership on receipt of a 75% majority of voting members.

The privileges of Life Membership shall be prescribed by by-laws. Life Membership is absolutely forfeited upon any failure to observe such by-laws and will be forfeited upon the passing of a Special Resolution of removal from Life Membership for other reasons.

26. **AMENDMENT OF CONSTITUTION AND BY-LAWS**

Notice of motion to add to, rescind or amend this Constitution and/or the by-laws of the Association, shall be given, in writing, to the Secretary together with the names of the proposer and seconder both of whom must be members at the time of giving the notice as per Clause (3f).

The Secretary shall inform all members, in writing of the proposed amendment at least fourteen (14) days prior to the meeting. Amendments of the Constitution shall require a Special Resolution to be successful.

By-Laws Shall be amended by a simple majority. The Secretary shall inform all members in writing of the proposed amendments by Special Notice.

Amendments may be made at an Annual General meeting, General Committee or Special meeting of the Association.

27. **NOTICE OF MOTION**

All notices of motion shall be given, in writing, to the Secretary together with the name of the proposer and seconder both of whom must be members at the time of giving the notice, and shall nominate the meeting to which the notice shall be put.

A notice of motion shall be served on the Secretary not less than fourteen (14) days prior to the meeting.

A notice of motion shall not be put to a meeting unless each member of the Committee has been given fourteen (14) days notice of such motion bearing the names of the proposer and seconder.

For the proposed of Clause 22 and 32 no change will be allowed to any notice of motion.

In the cases of emergency only, a notice of motion to rescind or amend a motion previously passed by the Association may be submitted and dealt with at the same meeting PROVIDED THAT approval is given by a resolution supported by 75% of such members as being entitled to vote in person.

28. **ASSOCIATION EXPENSES**

Members incurring reasonable expenses in carrying out the Association business may be reimbursed from time to time with the approval of the General Committee provided that proof of expenses have been provided.

29. **BY-LAWS**

By-laws may be made prescribing matters that are necessary or convenient for carrying out or giving effect to the Constitution. By-laws may prescribe the means by which effect is given to this Constitution.

30. **COMMON SEAL OF ASSOCIATION**

The Association shall have a common seal on which its corporate name shall appear in legible characters.

The common seal of the Association shall not be used without the express authority of the General Committee and every use of the common seal shall be recorded.

The affixing of the common seal of the Association shall be witnessed by any two (2) of the President, Vice-President, Secretary and the Treasurer.

The common seal of the Association shall be kept in the custody of Secretary or of such other person as the General Committee from time to time decides.

31. **INSPECTION OF RECORDS**

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

32. **INDEMNITY**

Every member shall indemnify and save harmless the Association from the claims, suits, actions, demands and damages whatsoever which any person may have or suffer arising out of any activity of the Association whether by way of accident, negligence or other cause and all such persons shall be deemed to have waived all such Claims, suits, actions, demands and damages which they may thereafter have had against the Association in respect thereof. By virtue of this indemnity the Association shall on no account be responsible to any member for the matters stated above. In case of members at the time of this Constitution indemnity and this Clause shall be binding upon each of them after the expiration of twenty-eight (28) days from the receipt by such members of a copy of this Constitution. Each member shall be deemed to have received such a copy after the expiration of seventy-two (72) hours from time of posting by the Secretary.

33. **DISSOLUTION**

(33a) The Association shall be dissolved in the event of the number of members falling below four (4) or upon the vote of 75% majority of persons entitled to vote present at a Special Meeting convened for that purpose and of which notice incorporating the purpose of the Special Resolution is given in accordance with this Constitution.

(33b) If upon winding up of the association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed amongst the members or former members, but shall be given or transferred:

- To another association incorporated under the Act which has similar objects; or
- For charitable purposes

which association or purpose, as the case required, shall be determined by resolution of the members.