# Proposed modifications to ‘St Paul’s McKinnon Junior Football Club’ Constitution

**Context**

To the best of the 2015 SPMJFC Club Committee’s knowledge the most current documented version of the club constitution is the version adopted after a Special Meeting convened on 12 March 2003 (see Preface page on attached document). The document itself is a convoluted mix of governance and club policy matters, and was reviewed in 2014 and 2015 with a view of updating the document as required by the Associations Incorporation Reform Act 2012 assented to 1 May 2012. With the development of the Club Information Booklet and SPMJFC Policies and Guidelines in February 2016, there is provision for deletion of sections from the current Constitution as they are now covered appropriately in these documents. This separation of constitutional matters from club policies will make it easier for the committee of the day to update club policies, and should ensure compliance as an incorporated association operating in Victoria in 2016.

**Next Steps:**

* Once Committee signs off proposed changes suggest send to an external reviewer (Incorporations “expert”) for comment
* Document would then need to be sent to Club Members ahead of the Annual General Meeting for review and passing at the AGM on insert 2016 Date

**Proposed Changes**

We originally put a series of proposed changes to the Club for approval at Club Committee Meeting in August, 2015. The following changes have now been made on a revised copy of the Constitution and are indicated as such in red font. The document will require a complete overhaul of the formatting given its derivation from an old pdf file format.

**Statement of Purpose**

Refinements and slight edits to the current ‘Statement of Purpose’ as follows:

a. Promote and encourage the Australian Rules Football in accordance with the rules and laws of the Australian Football League and the rules and by-laws of our affiliated League

d. Host and support the coordination of an AFL affiliated Auskick Program and field teams in age groups ranging from U8’s through to U17’s.

g. Uphold the Codes of Behaviour for club officials, players and parents as published from time to time by the Australian Football League and Australian Sports Commission.

**Section 2 – Definitions**

All second level numbering i.e. 2.1a, b etc needed to be changed as we had 2.1a and 2.1b repeated at the top of this list of definitions

a. The Act: means 'The Associations (Amendment) Act 1997' and ‘Associations Incorporation Reform Act’ 2012.

Financial Year: means the year ending on 30 September each year – confirming that’s what we want as our Year End Date?

h. The League: means the ‘Southern Metropolitan Junior Football League (SMJFL)’ or any other organisation with whom St Paul's enters teams to participate in a junior football or other sporting activity.

i. Codes of Conduct means the 'Codes of Conduct and/or 'Codes of Behaviour' produced for junior sport in Australia by the Australian Football League or Australian Sports Commission.

**Section 4.3 Team Member**

Delete the following

Change clause 4.3.1 a to “*The player is listed as a 'Registered Player' with the SMJFL and appears on the appropriate age SPMJFC team list and/or the players name is listed on a clearance application form, interchange, block transfer, permit to play (or similar document) which authorises that player to participate as a player with a St Paul's team, and*”

4.3.1 c When applying for membership as a Team Member, the player has not yet attained the age of 18 years. - except for the Under 19's players. {Amended 2001 AGM}.

Delete clauses 4.3.1 c and 4.3.2 – not necessary given comment above re ”appropriate age” and quite simply players won’t be able to be registered if they contravene age rules as prescribed by the SMJFL.

Edit Clause 4.3.3 to “4.3.2. A Player will be deemed to be a financial team member and therefore eligible to participate in Club matches when the requirements of Rule 4.8. Part C Fees, have been complied with”.

**Section 4.4 Life Membership**

Edit Clause 4.4.1 as follows “A Life Member is a person who has demonstrated outstanding and dedicated service to the club, *“demonstrated* for at least five years … (add following) *typically in significant club roles such as coaching, Executive roles on Committee or in key support roles for a longer period” and (add following) demonstrated and reinforced the behaviours described in the Club Code of Conduct”*

Edit Clause 4.4.2 by deleting phrase “… and normally only one (or two) Life Members would be nominated in any one year”.

**Section 4.8 Fees**

Edit Clause 4.8.1 to following 4.8.1. *“Financial club membership is an annual membership that will commence the Club’s Registration Day (or on the date membership fees are paid) and will conclude twelve months from the Club’s registration day”*

**Section 5 Register of Members**

Edit clause 5.1 as follows:

The Secretary *“and / or the Registration Secretary”* must keep and maintain a register of team members …

Delete Clauses 5.2 and 5.3 related to the availability of inspection and copying of the member register, as they would be now considered obsolete given Privacy Laws and Legislation.

**Section 9 Annual General Meeting**

Edit 9.3.b as follows “*to receive from the committee reports upon the state and the transactions of the Club during the last preceding financial year*” – to compel the Club to provide a general update on the achievements and actions undertaken by the Club in the preceding period and not be limited to financial transactions.

Delete clause 9.3 d *“to receive and consider the statement submitted by the Club in accordance with Section 30(3) of the Act”* refers to previous Act and so not even sure what this is meant to cover

**Section 10 Special General Meeting**

Change the minimum requirement of numbers required to convene a Special General Meeting from “not less than five percent” to twenty percent such that Clause 10.5 now read as follows:

10.5 The Committee must, on the request in writing of members representing not less than *“twenty percent”* of the total members entitled to vote in accordance with Rule 2.1 (e) convene a special general meeting of the Club

**Section 21 Office Holders**

Delete constitutional requirement to have both a Senior and Junior Vice President by editing as follows:

*21.1 The Offices of the Club shall be referred to as the Executive Committee and shall consist of*

*a. A President;*

*b. A Vice President;*

*c. A Treasurer; and*

*d. A Secretary.*

*e. Other Executive roles as deemed necessary to support the running of the Club*

As a result edits to use singular term of Vice President throughout document.

Edit Clause 21.3 related to maximum tenure of people in Executive Roles as follows: 21.3 *“Each officer of the Club shall hold office until the next annual general meeting after the date of his or her election but is eligible for re-election to the same position for a maximum of two (2) consecutive years only, after which time the officer must stand aside from that position unless otherwise agreed to by a majority of the Club Committee”.*

Section 21.4 c 3 – add “Registration Secretary”.

Delete 21.4 c 6 but cover need for transparency in Club matters in Rule 36.

Section 21.4 d to now read (d)
TREASURER: The Treasurers duties and responsibilities are detailed at Rule 32 Accounts and Financial Management.

Section 21.5 e ‘Special Appointments’

Delete section as there is no such role of “League Delegates”. Club delegates may be required at League Meetings where voting on League matters are required, so suggest change clause as follows:

*21.5 (e) (1) Where the Club is required to be represented at an affiliated League meeting, the President, Secretary, or Vice President of the Club would ordinarily be required to attend, and vote on behalf of the Club on league matters. Otherwise a specifically nominated committee members may act as a proxies for the Club at such events.*

Delete 21.5 (e) (2)

**Section 31**

That Section 31 ‘Minutes of Meeting’ be retitled to ‘Committee Decisions, Actions and Conflicts of Interest’ and include additional clauses related to Conflict of Interest as follows:

*31.2 All members of the committee are expected to operate and decide on Club matters in good faith and therefore are indemnified from any liability in the course of performing their duties as an office holder or ordinary committee member*

*31.3 Any Office Holder or Ordinary Committee Member who has an interest or relationship with a contract, proposed contractor, supplier or service provider to the Club shall declare such interest at any meeting in which such a contract or relationship is to be discussed and refrain from voting on any matter related to such contract or relationship.*

**Section 32**

That Section 32 ‘Fund Management’ be re-titled as ‘Accounts and Financial Management’ and include additional clauses as follows:

*32.5 The Committee shall cause accounts to be opened in the name of the Club with such financial institutions as it may think proper. Authorised individuals, primarily the Club Treasurer and President will be charged with responsibly administering the Club bank accounts.*

*32.6 The Club shall conduct an audit of accounts and the operational book-keeping records at least once every two to three years.*

*32.7 The Club Committee will adopt a prudent approach to financial management and investment for the Club, striving to achieve minimally an operational break-even position each financial year, unless significant investment in the infrastructure or assets of the Club is warranted and determined critical by the Committee. This goal should ordinarily allow the Club to re-invest revenue raised via subscription, association, canteen and bar sales to purchase and replenish equipment, furniture and other requirements.*

**Section 32 Notice to Members**

Add clause to Section 32 now entitled “Communication to Members” a clause 34.2 as follows:

“The Committee will publish throughout the season all relevant match day, policy, club strategy and operational information via newsletter and on Club web-site”

**Section 36 Custody and Inspection of Books and Records**

Delete sections 36.2 and 36.3 related to the inspection and copies of accounts, books and securities.

**Delete Club Policy Sections as indicated below but include a new Section 37**

37. CLUB POLICIES

37.1 The committee of the day must review and publish Club policies and guidelines as deemed appropriate by the Committee and required by the AFL, Australian Sports Commission, and affiliated League. A separate Club Policies and Guidelines document will be made available on the Club web-site and will typically cover playing, health and safety, registration and other operational matters deemed appropriate for the effective running of the Club.

**Section 37 Doping & Anti-Drug Policy**

Delete from constitution, as now covered in Club Policies & Guidelines Handbook and on Club web-site

**Section 38 Smoke Free Club**

Delete from constitution, as already published in Club Policies & Guidelines Handbook and on Club web-site

**Re-numbered Section 38 Code of Conduct**

States consequences for breaching Code of Conduct as described in Section 7 of Club Constitution so have kept in revised Constitution

**Section 41 Club Colours and Emblems**

Delete from constitution, as now covered in the Club Information Booklet and on Club web-site

**Now Section 40 Appointment of Coach Coordinator**

Change Clause 40.1 to

*The committee may at their discretion and judgement wish to appoint a paid or non-paid Coach Coordinator role for the following season. The oversight and management of the effectiveness and impact of role is to be provided by the Club’s Football Department and be based on appropriate*

**Now Section 41 Appointments of Team Officials**

To read as follows:

41.1 COACH APPOINTMENT PANEL. The committee is to appoint a 'Coach Appointment Panel' prior to or immediately after the Annual General Meeting each year. The panel wold be led by the Coaching Coordinator if such an appointment has been made, otherwise will be made up of members of the Club’s Football Department and other invited Adult Members.

41.2 The role of the Panel is to interview applicants for team coaching positions for the following season. The committee shall provide guidance to the panel on the qualities and capabilities of Coaches being sought by the Club. The panel is to interview applicants for coaching positions and is to recommend to the committee the names of the selected team coaches for the following year.

41.3 TEAM MANAGERS. The committee is to support each team with recruiting team managers for each St Paul's team. The team manager is to be the official club representative at a match and is to be responsible to the Football Department within the Club Committee for the day to day management of a St Paul's team. The committee and Football Department are to prepare instructions for the guidance of team managers.

**Section 44 Appointment of Team Captain**

Delete from constitution - *not practical or important for all teams*

**Now Section 42 Affiliations**

Change to reflect change of name from MSJFL to Southern Metro Junior Football League in 2012