



*"The Premier Family Club"*

**SOUTH  
FREMANTLE  
FOOTBALL CLUB  
(INC)**

**CONSTITUTION  
AND RULES**

DECEMBER 2009

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## SOUTH FREMANTLE FOOTBALL CLUB (INC.) CONSTITUTION AND RULES

### 1. NAME

The name of the Club shall be the South Fremantle Football Club (Inc). (hereinafter called "The Club") having its registered office at Fremantle Oval, Fremantle, Western Australia.

### 2. AFFILIATION

The Club shall be affiliated with the Western Australian Football League Inc.

### 3. CLUB COLOURS

The colours of the Club shall be red and white and of such design as the Board of Directors (hereinafter called "The Board") shall from time to time determine.

### 4. OBJECTS

The objects for which the Club is established are:-

- (a) To foster the Australian National game of Football and to provide facilities for the playing of the game and to encourage and promote such game of football and any other athletic game or athletic sport in which human beings are the sole participants.
- (b) To provide, maintain, fix up and furnish Club premises in Western Australia for the use and accommodation of its Members and their guests upon premises of which it may be the occupier from time to time and generally to afford to its Members and their guests all the usual privileges, advantages, conveniences and accommodation of a Club. Such accommodation shall be provided from the funds of the Club and no person shall be entitled to derive any benefits or advantages from the Club hereunder which is not shared equally by every member hereof.
- (c) To provide recreational and sporting facilities for its Members, to encourage the game of football in its district and in its country zones and elsewhere and to promote good fellowship amongst its Members.

### 5. POWERS

- (a) To purchase, lease, hire, exchange of otherwise acquire any real and personal property and any rights and privileges which the Club may consider necessary or convenient for the objects of the Club and without affecting the generality of the foregoing to improve, manage, develop, exchange, lease, mortgage dispose of turn to account or otherwise deal with any such property rights or privileges for such consideration and upon such terms and conditions as the Club may think fit.
- (b) To make sure agreements with cities, towns, shires or other bodies for the purpose of lease or other hiring of suitable property or properties for the purposes of the Club and to maintain the grounds, lawns and buildings for the use and accommodation of its Members.

- (c) (i) To borrow money by way of loan or overdraft or by the issue of debentures for the purpose of carrying on the work or activities of the Club and to invest in any of the investments authorised by law and surplus funds of the Club not immediately required for the purpose of the Club.
- (ii) Without limiting the generality of sub-Rule (i) above to borrow money by way of loan secured by a registered mortgage over the Club premises to the value thereof for the purpose of allocating funds under Rule 30 hereof.
- (iii) To sell, transfer or otherwise dispose of the Club premises on a lease and re-purchase basis, the re-purchase price being a pre-determined amount and upon such conditions terms and covenants as shall restrict any purchaser of the Club premises in dealing in any manner whatsoever with the Club premises until the option of re-purchase date or whatever terms conditions and covenants are made with respect to the re-purchase of the Club premises have expired or have been met.
- (iv) To secure by way of mortgage charge bond debenture or otherwise the payment of money in such manner as the Club sees fit and to charge all or any of the Club's assets (both present and future) with the repayment or redemption of such mortgage charge bond or debenture.
- (v) To draw, make, accept or endorse discount and issue cheques promissory notes and bills or exchange.
- (d) To apply for obtain and renew from time to time a club license under the Liquor Licensing Act 1988 and its amendments.
- (e) To arrange, carry on, conduct and manage teams for competitions and matches for any game and sport fostered by the Club as the Board may think fit and to form Club's organisations and inter-club competitions for such games and sports the control and direction whereof shall lie with the Board or any committee appointed by the Board for that purposes and which committee shall be responsible to report to and be accountable as to ever financial aspects thereof to the Board.
- (f) To do all such other acts matters and things as are incidental or conducive to the attainment of all or any of the objects of the Club.

## 6. INCOME AND PROPERTY

- (a) The income and property of the Club whensoever derived shall be applied solely towards the objects of the Club and no portion thereof shall be paid or transferred directly by way of dividend, bonus or otherwise howsoever by way of profit to the Members of the Club or to any of them or to any person claiming through any of them provided that nothing herein contained shall prevent the payment in good faith or remuneration for services rendered to any players or any other person employed in conducting the game of football provided further that no such payment or part payment shall be made by way or commission or allowance from or upon the receipts of the Club of liquor supplied or from any of the funds of the Club.

- (b) Notwithstanding the provisions elsewhere contained in these Rules the Board may at such time and upon such terms and conditions as it may in its discretion deem fit commence and maintain any provident superannuation or pension fund for any football players, any full-time employees or any other person employed by the Club in conducting the game of football or in promoting the objects of the Club.
- (c) No person shall be entitled to or shall participate in any payment or be paid for his services to the Club as a player either directly or indirectly and whether by way of cash contribution or by way of gift, donation, bonus or otherwise unless he is a financial member of the Club.

## 7. MEMBERSHIP

- (a) The Club consists of all members appearing on the Register of Members to be members of the Club on the 31<sup>st</sup> day of October, 1994 and of all members duly elected to membership thereafter in the manner herein described.
- (b) The Club shall consist of the following classes of members:
  - (i) Ordinary Members
  - (ia) Ordinary Members who have all the rights as Ordinary Members in sub-clause (i) but are not entitled to request a Special Guest Meeting on Dissolution Matters or vote on Dissolution Matters in accordance with Rule 47.
  - (ii) Country Members
  - (iii) Joint Members - Husband/Wife, Male/Female Friend
  - (iv) Honorary Members
  - (v) Life Members
  - (vi) Junior Members
  - (vii) Social Club Members
  - (viii) Lifetime Members

All of whom are hereinafter called "the Members".

- (c) No members shall cease to be a member until his resignation has been accepted as provided in Rule 18 hereof or until he is expelled by the Board under the provisions of Rule 19 hereof.
- (d) Every member shall be under a continuing liability for subscriptions until he shall cease to be a member.
- (e) There shall be a nomination fee and annual subscription as determined from time to time by the Board. The nomination fee and annual subscription shall accompany an application for membership.
- (f) Every candidate for Ordinary, Country, Joint, Junior or Social Club Membership of the Club shall be proposed and seconded by Life, Ordinary or Country Members of the Club and shall be accompanied by the nomination fee and the first annual subscription. The application shall contain the name and address of such person and shall be posted on the notice Board of the Club for a period of not less than seven days before election provided however that an interval of not less than two (2) weeks shall elapse between nomination and election. At the Board

meeting next following the said two (2) weeks the Board shall elect such person to membership or refuse the application for membership at the Board meeting. The Board shall have the right to refuse to admit any person to membership of the Club without assigning any reason for so doing.

- (ff) (i) Any person denied membership by the Board may request from the Board written reasons for refusal of membership.
- (ii) Within seven (7) days of receiving written reasons for refusal of membership, a person may by writing to the Chief Executive Officer of the Club, demand to be heard by the Club's Membership Tribunal ("the Tribunal"). A hearing before the Tribunal must take place within fourteen (14) days from the date the Chief Executive Officer of the Club has received the said written request.
- (iii) The tribunal is to consist of three (3) members, one which is to be a legal practitioner who is not a member of the Club, one a non-board member of the Club and one a respected citizen of the community who is not a member of the Club. The legal practitioner shall be the Chairperson of the Tribunal.
- (iv) At the Tribunal hearing the aggrieved person and the Board may be presented by any person who is not or has never been a legal practitioner.
- (v) The Tribunal is not required to provide written reasons for their decision and there shall be no appeal to any other body from a decision of the Tribunal.
- (g) Any male person over the age of 18 years who has at any time played a total of 25 games for the League side of the Club, shall be entitled to remission of portion of the application fee and annual subscription for the time being and such person shall, subject to application and election in the normal way, and to these Rules, be entitled to become an Ordinary Member of the Club.
- (h) Any member who fails to pay his subscription within six months of the same falling due shall cease to be a member of the Club and shall be struck off the list of members.
- (i) The Board may from time to time limit the number of persons who may be Ordinary, Country, Joint, Junior or Social Club members of the Club at any one time.

## 8. ORDINARY MEMBERSHIP

- (a) Any person having attained the age of 18 years on payment of such sum as may be decided by the Board from time to time shall upon making applications in such form as shall from time to time be determined by the Board and upon election by the Board on a day to be notified become a financial member of the Club of the period expiring at the close of the next following Annual General Meeting.

- (b) The term Ordinary Member includes the term "Provisional Member" and a person eligible to become a Provisional Member shall be a Pensioner, an Unemployed Person, or a Full Time Student.

## 8A SOCIAL CLUB MEMBERSHIP

- (a) Any person having attained the age of eighteen (18) years on payment of such sum as may be decided by the Board from time to time shall upon making application in such form as shall from time to time be determined by the Board and upon election by the Board on a day to be notified become a Social Club Member.
- (b) A Social Club Member shall not be entitled to vote at any meeting of the Members of the Club or otherwise nor have any right, title or interest in or to any of the property of the Club nor propose or second any candidate for admission as a Member but in all other aspects shall have all privileges and rights of ordinary membership excluding on home match days.

## 9. COUNTRY MEMBERS

- (a) Any person having attained the age of eighteen (18) years and whose permanent residence is not less than fifty (50) kilometres from the Club premises may be elected a Country Member upon payment of such sum by way of nomination fee and subscription fee as the Board may from time to time determine.
- (b) Upon election a Country Member shall be entitled to all privileges and rights of membership and shall be subject to all the conditions as contained herein.
- (c) Any Ordinary Member whose usual place of residence is at the time of application not less than fifty (50) kilometres from the Club premises or who has changed his usual place of residence from within that distance of the Club premises to place outside that distance and whose subscription has been paid to date of application may upon application in writing to the Board and with approval of the Board be transferred to the Country Members' list and thereafter without the necessity of a new election or the payment of any entrance fee they shall be a Country Member entitled to the privileges and subject to the liability of a Country Member. Any Country Member who ceases to have the residential qualifications of a Country Member and whose subscription has been paid to the date of application may upon application in writing to the Board (after payment of the difference in subscription) with the approval of the Board be transferred to the Ordinary Members' list and thereafter without the necessity of a new election or the payment of any entrance fee they shall become an Ordinary Member entitled to the privileges and subject to the liabilities incidental to membership generally.

## 10. JOINT MEMBERS

Any combination of husband and wife, male and female friend, female and male friend having attained the age of 18 years, on payment of such sum as may be decided by the Board from time to time shall upon making application in such form as shall from time to time be determined by the Board and upon election by the Board on a day to be notified become joint financial members of the Club for the period expiring at the close of the next Annual General Meeting. Both joint members will have full membership rights and privileges.

11. HONORARY MEMBERS

- (a) Save and except as provided in paragraph (g) of this rule no person:
- (i) whose usual place of residence is situated within twenty-five (25) kilometres of the Club premises
- OR
- (ii) who was afforded the privileges of the Club as an Honorary Member at any time within three months immediately preceding his proposition
- OR
- (iii) who is a juvenile shall be eligible for Honorary Membership
- (b) Subject to the provisions of the Liquor Licensing Act 1988 and its amendments no person shall become an Honorary Member of the Club unless:
- (i) he is proposed in writing signed by a member in a form setting out that such person is to the knowledge of the proposer, eligible according to the rules of the Club to be elected an Honorary Member; and
  - (ii) notice thereof is posted on the Club premises by the Chief Executive Officer, the time of such posting being marked thereon; and
  - (iii) at least seven days elapsed between the posting of such notice and the election; and
  - (iv) the person proposed as an Honorary Member is duly elected by the Board according to these Rules.
- (c) When the requirements of the foregoing rules have been complied with the proposed Honorary Member may be elected by any three members of the Board.
- (d) An Honorary Membership shall last one month from the day of election.
- (e) The Board shall have power, in cases appearing to them to require it, to revoke the admission of any Honorary Member without any notice and without assigning any reason therefore provided that not less than half of the Board are present at the meeting which decides to revoke such membership.
- (f) Honorary Members shall not be entitled to vote or be present at any meeting of the members of the Club nor have any right title or interest in or to any of the property of the Club nor propose or second any candidate for admission as a member may not bring any guest into the Club premises. Except as aforesaid Honorary Members shall be afforded all the privileges enjoyed by Ordinary Members.
- (g) Notwithstanding the provisions of the foregoing Rules, the Board may from time to time elect for such period as it shall think fit as an Honorary Member of the Club any of the following persons:
- (i) A person who has assisted for rendered some special service to the Club or one who because of his position and standing in the community is in a position to do so.



- (ii) The Board, Executive Officers and those playing members of the league clubs affiliated with the Western Australian Football League who are over the age of eighteen (18) years on the occasions when such clubs are competing in official fixtures under the sponsorship of the aforesaid League of the Fremantle Oval.
- (iii) Members of sporting bodies visiting Western Australia who have attained the age of eighteen (18) years.
- (iv) The Governor-General for the time being of the Commonwealth and the Governor of the State and the Lieutenant-Governor.
- (v) The Commanding Officers of the Armed Forces of the Commonwealth of Australia for the time being in the State.
- (vi) Judges of the Supreme Court and District Court of the State of Western Australia and the Federal Court of Australia and the High Court of Australia.
- (vii) The Premier and Members of the Executive Council of the State.
- (viii) The Mayor, Councilors and Executive Officers of the Municipality of Fremantle.

## 12. LIFE MEMBERS

Any persons who have rendered specially meritorious direct services to the Club may on recommendation by the Board to the members at the Annual General Meeting be appointed Life Members of the Club. It shall be necessary that such person or persons be elected by a three-fourths majority with not less than twenty-five Members voting at an Annual General Meeting of the Club. Life Members of the Club shall be persons who have attained the age of eighteen years, and after election shall be exempted from payment of any portion of the annual subscription. Not more than three Life Members of the South Fremantle Football Club (Inc) shall by authority of this Rule be elected a Life Member of the Club in any one calendar year and enjoy the same privileges as shall Life Members of the Club appointed pursuant to this Rule. A playing Member of the Club who has:

- (a) played 150 League games for the Club; or
- (b) played a combined minimum of 180 League games which:
  - (i) a minimum of 120 League games have been played for the Club or a combination of the Club and Western Australia ("the state") whilst representing the Club, and
  - (ii) the balance being games for a Victorian Football League/Australian Football League Club (s)

shall without limiting the number of Ordinary Members who may be recommended by the Board to the Members in Annual General Meeting for election as a Life Member of the Club shall also be recommended by the Board to the Members in Annual General Meeting to be elected a Life Member in the same manner and on the same terms and conditions as are therein before specified to apply to Ordinary Members.

Such provisions shall apply retrospectively as from recommencement of the West Australian Football Senior League Competition, from and including year 1945.

### 13. LIFETIME MEMBERS

- (a) Any person who has completed a period of fifty (50) years as a member becomes eligible for Lifetime Membership and shall be appointed at the Annual General Meeting by a three-fourths majority with not less than twenty-five Members voting. After election Lifetime Members shall be exempted from payment of any portion of the annual subscription.
- (b) Each of the following people who were members of South Fremantle's League side during the "Golden Years" (1947-1954) are eligible for "Lifetime Membership" as at the 2006 Annual General Meeting: Bill Anderton, Peter Cobby, John Crook, Pat Daly, Colin Davey, Laurie Green, Des Kelly, Bob Mason and Des Reed.
- (c) Any player who:
  - i) made his league debut for the South Fremantle Football Club 50 or more years ago: and
  - ii) played 50 or more league games for the South Fremantle Football Club: and
  - iii) was not cleared to play for any other WAFL club: and
  - iv) who is not deceased or who is not already a Life Member or a Lifetime Members, and
  - v) upon the favourable recommendation of the Board of Management is eligible to be appointed as a Lifetime Member.

### 14. JUNIOR MEMBERS

Any male person under the age of 18 years who is a player of any football team of the Club may on payment of such sum as may be decided upon by the Board from time to time make application in such form as may be determined by the Board for admission as a Junior Member of the Club and such application shall be dealt with by the Board on a day to be notified and the Board shall, if it thinks fit, elect such person as a Junior Member of the Club. A record shall be kept by the Chief Executive Officer of the Club.

### 15. GUESTS

- (a) No guests shall be admitted unless accompanied by a Member of the Club.
- (b) Members will be responsible for the conduct of the guests they introduce.
- (c) The Chief Executive Officer or any Member of the Board shall have the right to object to the presence of any guest whom he may consider an undesirable person.
- (d) No members shall be entitled to invite into the Club premises, more than three visitors at any one time, unless the Chief Executive Officer or a Director of the Club has granted prior approval.

## 16. REGISTER OF MEMBERS

The Chief Executive Officer shall keep a Register of Members setting forth the name, address and nature of membership of each member in each category of Member. An up to date copy of such Register shall be maintained and kept from the time to time at the registered office of the Club and in the Office of the Chief Executive Officer.

## 17. IDENTIFICATION OF MEMBERS

- (a) Every Ordinary Member, Joint Member, Country Member, Life Member, Junior Member, Social Club Member and Lifetime Member upon paying his or her subscription shall be supplied with a membership card in such form as the Board may from time to time prescribe and such membership card shall admit him or her to the Club premises. Such membership card shall not be transferable.
- (b) Any member transferring his or her membership card shall be liable to have his or her membership card forfeited in addition to suffering any other penalty which the Board may impose.

## 18. CLUB BADGE

- (a) The Club shall have a club badge in such form as the Board may from time to time prescribe and every Ordinary Member, Country Member, Life Member, Junior Member, Joint Members and Social Club Member may be supplied with such a badge in addition to his or her membership card.
- (b) The Board may sell or cause to be sold such badges to such person or persons being supporters of the Club as they shall from time to time think fit and to prescribe the fee to be paid thereof.
- (c) The purchase or possession of such badge shall not make the owner or holder thereof a member of the Club nor entitle him or her to attend at any Annual General or Special Meeting of the Club or to cast any vote at any election or in the affairs of the Club or to have any election or in the affairs of the Club or to have any rights in or to the Club nor to enter or be upon any part of the Club premises other than the Players Change Rooms and such other parts of the Club rooms usually open to the Club supporters or to which the Board may from time to time give them access. Such persons or supporters shall not be on any part of the Club premises at any time reserved for the sale of liquor or be served with liquor on any part of the Club premises except where such persons or supporters have attained the age of eighteen (18) years when a guest to the Club premises on the invitation and in the company of a member of the Club pursuant to these Rules.

## 19. RESIGNATION OF MEMBERS

- (a) Any member desiring to resign his or her membership shall notify the Chief Executive Officer in writing of his or her desire to resign. Once the Chief Executive Officer has presented the letter of resignation to the Board at the next Board Meeting, the member is deemed to have resigned his or her membership.

- (b) Such person shall continue to be a member of the Club until his or her resignation is accepted by the Board or until the condition subject to which it is accepted shall be fulfilled.

## 20. EXPULSION OF MEMBERS

- (a) In the event of any member being charged in writing with : -

- (i) conduct which the Board may consider prejudicial to the interest of football or the Club; or
- (ii) a grave breach by a member of the Rules or By-Laws of the Club ; or
- (iii) conduct on the part of a member rendering it, in the opinion of the Board, desirable that he or she should cease to be a member or that other action be taken under this Rule ; or
- (iv) failing to pay any fine imposed on him under these Rules or the By-laws or the Club ; he or she will be called before the Board and failing a satisfactory explanation in the opinion of the Board he or she may be cautioned, suspended, fined, required to resign or expelled. There shall be no refund of any entrance fee or subscription.

- (b) Any such charge may be laid by any other member.

- (c) Any charge that the Board may wish to lay shall be laid by the Chief Executive Officer.

- (d) The Board shall be specially summoned to consider questions under the above preceding Rule, and notice thereof in writing shall be sent to the member at least seven days prior to the meeting and before coming to a decision the Board shall hear the person who laid the charge and any explanation which such member charged may desire to give, together with any evidence in support of such explanation. The decision of the Board shall be final. Neither the complainant nor the member complained against shall be entitled to be represented by a legal practitioner.

- (e) The Chief Executive Officer, shall on the application of either the complainant or the member complained against may not less than three clear days before the date fixed for the hearing of such charge send a written notice to any other member to appear and give evidence in respect to the charge.

- (f) In the event of the complainant or the member complained against failing to attend at the time and place arranged the Board may nevertheless proceed with the hearing of the complaint and take evidence and decide the case as if all parties had been present.

- (g) If after hearing the evidence the Board shall be of the opinion that the charge is sustained they shall inflict such penalty as is within their power as they think fit and shall forthwith cause notice of such penalty to be sent to the member charged by registered post addressed to his address as recorded in the records of the Club.

- (h) If the Board considers a penalty of expulsion should be imposed upon any member so charged it may in its absolute discretion before imposing such penalty give the member an opportunity of resigning voluntarily from the Club within such time as the Board shall decide.
- (i) The President, Chief Executive Officer, or any two members of the Board may summarily suspend a member pending investigation of any charge under the preceding sub-sections.
- (j) Any such member so dealt with by the Board may be reinstated by the next ensuing Annual General Meeting on notice as prescribed by these Rules or by a Special General Meeting convened as hereinafter provided and the decision of a three-fourths majority at such Annual General Meeting or Special General Meeting with at least seventy-five members present and voting shall be final and binding as to such reinstatement.

## 21. FEES AND SUBSCRIPTIONS

- (a) Every member shall pay an annual subscription to be determined by the Board from time to time.
- (b) Ordinary Members of the Club being players of any football team of the Club may at the discretion of the Board be exempted from payment of a nomination fee without in any way interfering with their rights and obligations as Ordinary Members.
- (c) The annual subscription shall be due and payable within six (6) months of the commencement of the financial year of the Club and every member whose subscription is not paid within that time shall cease to be a member of the Club. The Board may reinstate such a member upon and subject to such conditions in regard to payment of all arrears and other liabilities to the Club as the Board may think fit.
- (d) Honorary Members are not required to pay a subscription.

## 22. BOARD OF DIRECTORS

- (a) The Board of Directors of the Club is to consist of Six (6) Directors comprising the President, One (1) Vice President and Four (4) other Members all of whom shall be elected as Directors as here-in after provided. The President shall be the Chairman of the Board of the Directors. The Vice President shall be appointed by the Board and shall be appointed at the first meeting of the Board held after the Annual General Meeting. Each Director shall be an honorary officer of the Club provided that in the event that one of the Directors of the Club is appointed Chief Executive Officer by the Board as provided in Clause (28)a herein that Director shall be described and known as the Executive Director of the Club for so long as he is both Director and Chief Executive Officer of the Club.
  - (aa) The Treasurer of the Club shall be appointed by the Board at the first meeting of the Board held after the Annual General Meeting.

- (b) The Board shall have the sole control and regulation of the affairs and management of the Club and shall have the power to perform all such acts and deeds as shall appear to them desirable for the management of the Club.
- (c) The Board shall meet at least once a month at such time as may be deemed necessary for the transaction of Club business.
- (d) Notice of every meeting shall be forwarded by the Chief Executive Officer to each member of the Board at least twenty-four hours prior to such meeting.
- (e) If subsequent to the election of the Board as provided by these Rules the office of President or the office of Vice President or one or more of the Board shall become vacant then subject to sub-clause (g) of this Rule the members of the Board then remaining in office may choose a member to fill such vacant office or offices for such period remaining until the next Annual General Meeting and such person or persons may stand for re-election to such office or other office.
- (f) The Board shall act by resolution and a resolution upon being declared carried by the Chairman of the Board shall become binding upon all members of the Club.
  - (i) Unless the Board shall by resolution otherwise determine the procedure at all meetings of the Board shall be governed by the rules ordinarily observed in the conduct of meetings in committee.
  - (ii) In any case of doubt the Chairman of the Board shall give a ruling as to the procedure to be followed. In the event that a vote of the Directors being tied then the Chairman shall be entitled to a second and casting vote.
- (g) Any declaration of ruling made or given by the Chairman of a Board meeting shall be final.
- (h) A resolution in writing signed by a majority or members of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.
- (i) The Board shall have the following powers and rights:--
  - (i) Full control over all the affairs and undertakings of the Club with power to exercise on behalf of the Club all the rights and powers as are by these Rules specifically required to be exercised in some other manner.
  - (ii) Power to delegate routine matters or any specified duty to any one or more of its Officers or to any servant of the Club. The Board shall be responsible for the acts of the delegates except where he is guilty of fraud or gross negligence.
  - (iii) The Board may appoint from its members and from the Members of the Club (if the Board so sees fit) Committees for any purpose that the Board may think fit provided further that the powers of such committee shall be limited in such way as the Board may decide. The Committee shall as and when called upon by the Board be responsible for reporting upon the activities in respect of which it is appointed.

- (iv) Nothing done by the Board or any Committee shall be invalid by reason only of the fact that it shall afterwards be discovered that there was some defect in the appointment of such Committee or that the Members thereof or any of them were disqualified from so acting.
- (v) Power to elect a Club Patron and Vice-Patron or Vice-Patrons.
- (vi) Power to appoint Club Representatives to the West Australian Football League.
- (vii) Power to appoint Trustees.
- (viii) To interpret these Rules and any By-laws made thereunder and any resolutions passed by the Board and to determine and decide any questions not provided for by these Rules and any decision thereon shall be binding and conclusive on the Club.
- (ix) The Board may appoint from its members (if it sees fit) a maximum of 3 additional Directors for a period of time not exceeding 12 months for any purpose that the Board may decide provided that these appointed Directors shall not have voting rights on the Board.
- (x) Power to appoint annually a Treasurer of the Club, who shall then be a member of the Board, and who shall not have voting rights on the Board.
- (j) The Board shall:
  - (i) Receive all monies and subscriptions.
  - (ii) Authorise all expenditure.
  - (iii) Engage or discharge servants and attendants upon such terms as to remuneration and conditions of such engagements as the Board shall think fit.
  - (iv) Deal with members guilty of misconduct as herein - before provided.
  - (v) Determine from time to time the conditions on which and the time when members may use the Club premises or any part or parts thereof or use the property of the Club or any part or parts thereof.
  - (vi) Determine what persons, if any, who are not members of the Club shall be allowed to use the Club premises or any part or parts thereof during what time or times and subject and under what conditions.
  - (vii) Generally to conduct the affairs of the Club including all matters relating to the management of the Club premises.
- (k) Minutes of all resolutions and proceedings of the Board shall be entered in a book provided for that purpose.

- (l) Three members of the Board shall form a quorum.
- (m) If any member of the Board whether ex-officio or not shall absent himself from three consecutive meetings of the Board without previously sending a satisfactory explanation, he shall be deemed to have vacated office and shall not be eligible for re-election in that year and the Board shall then fill the vacancy so created by appointing a member who contested the previous ballot or if no such member shall be available then the Board may choose any person to fill any vacancy so arising within two Board Meetings after the vacancy is established.
- (n) Every Director of the Club shall be indemnified out of the funds of the Club against any losses, damages, costs or expenses incurred by him in or about the discharge of his duties except such as are incurred by his own willful act, neglect or default.
- (o) The President shall act as an ex-officio member of all Committees and a member of the Board shall be Chairman of each Committee.
- (p) The Board may, from time to time, make alter and repeal by-laws regulating:
  - (i) the Club colours and design;
  - (ii) the conduct, control and administration of every branch of the football activities of the Club;
  - (iii) the conduct, control and administration of any other sporting, athletic or social activities of the Club;
  - (iv) the use of the Club grounds and reserve by members, and the admission thereto of guests for the purpose of playing thereon or watching the play thereon;
  - (v) generally for the good conduct and control of the affairs of the Club.

Such by-laws shall, provided that they are not inconsistent with the Rules of the Club for the time being or with the Liquor Licensing Act 1988, be binding on all Members.

### 23. NOMINATION AND ELECTION OF DIRECTORS

- (a) The President shall be elected separately from the election of other Directors. All Directors shall be elected by Ordinary, Joint, Country, Life Members and Lifetime Members at any Annual General Meeting and shall hold office for a term of two (2) years. No person shall be eligible to serve more than six (6) consecutive terms as President.
- (b) The President and the other Directors of the Club shall be elected either at the Annual General Meeting of the Club or by post ballot and the Board shall in its sole discretion determine the method of such election.
- (c) The Board shall before the 31<sup>st</sup> day of October in each year fix a day for the holding of the Annual General Meeting of the Club which date shall be no later than the fifteenth day of December thereafter.



- (d) The Chief Executive Officer shall 28 days at least before the date fixed for such meeting advertise in the "West Australian" newspaper or such other newspaper as the Board may appoint notice of the date, time and place at which such meeting is to be held, giving particulars of the Directors retiring and the vacancies to be filled and calling of nominations for such vacancies.
- (i) Such nominations shall be in writing and shall be signed by two (2) members of the Club eligible to vote at meeting of the Club as proposer and seconder respectively and shall also bear an acceptance of such nomination signed by the candidate.
  - (ii) No candidate shall accept nomination for more than one (1) office.
  - (iii) Such nominations shall be forwarded so as to reach the Chief Executive Officer, not later than the twenty-first day before the date of the meeting or the date of the election (whichever the case may be).
  - (iv) The Chief Executive Officer, shall place on the Notice Board in the Club premises a list of names of the persons so nominated with the names of their respective proposers and seconders immediately after receipt thereof and such list shall remain posted until and inclusive of the day of such Annual General Meeting or the date of election (whichever the case may be). Failure to post and keep posted any such notification shall not invalidate any nomination.
  - (v) If no more that the required number are nominated the person or persons so nominated shall be declared elected for the ensuing year. If more nominations are received than the number of Members required then the election shall be by ballot or at the Annual General Meeting.
- (e) In the event of the election of Directors of the Club being conducted by a postal ballot vote the following provisions shall apply:-
- (i) The Chief Executive Officer, shall fourteen days at least before the date fixed for the Annual General Meeting send to every member a ballot paper containing the names of the candidates who have been nominated and calling attention to the next following sub-rule.
  - (ii)
    - (a) Each member shall vote for the full number of candidates required to be elected for each office.
    - (b) Each member shall so vote by placing a cross (X) in the boxes alongside the names of the candidate(s) for whom the member wishes to vote. A ballot paper which does not comply with this requirement shall be null and void.
    - (c) Such ballot paper shall be forwarded in a sealed envelope addressed to the Returning Officer care of the Chief Executive Officer, so as to reach the Chief Executive Officer or shall be so handed to the Chief Executive Officer, not less than twenty-four hours before the time fixed for the Annual General Meeting.

- (iii) Such envelopes shall immediately on receipt by the Chief Executive Officer be placed in a ballot box provided for the purpose and sealed by the Returning Officer.
- (iv) The Returning Officer shall after closing of the ballot open the ballot box in the presence of two Scrutineers and proceed with the counting of the votes.
- (v) The Returning Officer shall report in writing to the Chairman of the Annual General Meeting the names of the Directors elected and the Chairman shall declare them duly elected at the Annual General Meeting.
- (vi) In the case of an equality of votes for any candidates the Chairman of the meeting shall not have a second and casting vote and the election of such candidates shall take place at the Annual General Meeting next following the postal vote for the purpose of conducting the election of Directors to such positions of Director as may remain unfilled. In all respects the provisions of sub-clause (f) of this Clause shall apply to such election.
- (g) In the event of such election taking place at the Annual General Meeting the following provisions shall apply:-
  - (i) Every member present thereat and entitled to vote shall upon giving his name to the Returning Officer have such name ruled off the Register of Members and shall thereupon be given a ballot paper by the Returning Officer.
  - (ii) The Returning Officer shall explain to the meeting the method of voting for the candidate as in the preceding Rule.
  - (iii) Each voting member will mark his ballot paper accordingly and will place the same in a ballot box to be provided.
  - (iv) The Returning Officer will count the votes in accordance with the preceding Rule and report verbally to the Chairman the names of the Directors elected.
  - (v) Thereafter the procedure shall be the same as in the preceding Rule.
- (h) The persons declared elected in the manner prescribed shall be Directors of the Club from the date of the Annual General Meeting provided that the retiring Board shall hold office and continue to act until the first official meeting of the newly elected Board.
- (i) The Returning Officer shall forthwith post the names of the Directors so elected on the Notice Board of the Club with the number of votes received by each.
- (j) No unfinancial member shall be eligible for office or be permitted to nominate any office-bearer or to vote at any election.

## 24. RETURNING OFFICER

The Returning Officer shall be appointed annually by the Board but he or she shall not be a member of the Board or a candidate for a position on the Board.

## 25. SCRUTINEERS

No less than two (2) Scrutineers shall be appointed by the Board after the close of nominations for office on the Board and before the day appointed for the holding of any Annual or Special General Meeting at which the result of a ballot is to be declared. The ballot shall close twenty-four hours before the advertised time of commencement of the Annual or Special General Meeting.

## 26. RESIGNATION OF DIRECTORS

- (a) (i) In the event of all the members of the Board desiring to resign or in the event of the number of Members of the Board from any cause whatsoever falling to three or less a new Board shall be elected in the manner provided in the preceding Rules and for such election the words Special General Meeting shall be read for the words "Annual General Meeting" wherever they appear in such Rules and such other alteration shall be made in the procedure outlined by the Rules as shall be necessary or expedient.
- (ii) A Board elected under this Rule shall hold office only until the first meeting of the Board elected at the next following Annual General Meeting.
- (b) (i) A Director of the Club may resign from his office by tendering his resignation to the Board.
- (ii) Such resignation shall not take effect until it is accepted by the Board.
- (c) If any Director of the Club shall die or become lunatic or of unsound mind or bankrupt or shall compound with his creditors or resign or cease to be a member of the Club or absent himself from three consecutive meetings without leave of absence his office shall immediately thereupon become vacant.
- (d) Any vacancy on the Board except such as may fall within the provisions of Rule 26(c) hereof shall be filled by the Board and any Member so chosen shall retain office until the first meeting of the Board elected at the next following Annual General Meeting.

## 27. WAFL DIRECTORS AND PROXY DIRECTORS

There shall be such numbers of Directors to the West Australian Football League and Proxy Directors as shall be required by the rules for the time being of such League. The Directors and Proxy Directors shall be elected by the Board within four meetings after the Annual General Meeting. The Board shall have power from time to time to remove any such Director or Proxy Director and appoint any other person in the place of the Director or Proxy Director removed.

## 28. CHAIRMAN

The Chairman shall preside at all meetings and functions of the Club. In his absence the Vice-Chairman shall preside or in his or her absence a Chairman shall be elected from the members of the Board present.

## 29. CHIEF EXECUTIVE OFFICER

- (a) The Chief Executive Officer of the Club shall be appointed by the Board and may also be a Director of the Club and in the event that the Chief Executive Officer is a Director of the Club at the same time as he is the Chief Executive Officer of the Club he shall be described and known as the Executive Director of the Club. In the event that the Chief Executive Officer is also the Executive Director any remuneration paid to such person shall be in respect to their position as Chief Executive Officer and not in respect to their position as Executive Director. The appointment of the Chief Executive Officer shall be on a permanent basis after serving a satisfactory probationary period. The terms of probation shall be fixed by the Board. Such appointment shall be terminated by one (1) months written notice by either party. In the case of the Board, this decision shall be reached by three-fourths majority.
- (b) The Chief Executive Officer shall carry out such duties as the Board may from time to time assign to him and he shall act in the capacity of being the Chief Executive Officer of the Club.

## 30. HOUSE COMMITTEE

- (a) The Board shall appoint for a period ending simultaneously with the date of the Annual General Meeting in each year, any persons from its own member the Members and other (as it sees fit) as members of the House Committee.
- (b) The House Committee shall meet at least monthly under the Chairmanship of a member of the Board, who shall report all meetings to the Board.
- (c) The House Committee shall be concerned with the social activities of the Club and shall in all things be responsible to carry out such duties as directed by the Board.

## 31. INVESTMENT COMMITTEE

- (a) The Board may appoint a Committee to be called the Investment Committee which shall comprise of no more than three (3) Directors of the Club the Chief Executive Officer a nominee of the Club's solicitors and no more than three (3) other members of the Club appointed by the Board, being Members eligible to vote at meetings of the Club.
- (b) The Chief Executive Officer and the nominee of the Club's solicitors shall not be entitled to vote at any meeting of the Investment Committee.
- (c) At a meeting of the Investment Committee one non-voting members and three (3) voting members shall constitute a quorum.

- (d) The Board shall allocate from time to time such funds as it may determine to the Investment Committee and upon such special conditions as may be determined by the Board at the time of allocating funds or thereafter. Upon the Board determining any special conditions with respect to any allocation of funds to the to the Investment Committee such special conditions can only be repealed, amended or altered by a two-third majority of members present at a Board Meeting.
- (e) The Investment Committee shall invest all funds allocated to it in the purchase of freehold real property, personal property, and business and any trustee investments authorised by law and shall not in any manner encumber any real property so purchased without the approval of the Board and upon such conditions with or without any personal guarantees as the Board shall deem fit provided however that any authorised investment made by the Investment Committee shall be binding on the Board and the Club.
- (f) The Investment Committee shall have the power to appoint employ or engage solicitors, agents, managers or such other persons as it may determine for the purpose of negotiating or conducting any purchase or sale of any property and for the general management of any property acquired under its powers of investment.
- (g) The members of the Investment Committee shall in their capacity as members of the Investment Committee have the duties obligations and responsibilities to the members of the Club as those which a trustee bears to a trust and the beneficiaries thereunder and without limiting the generality of the foregoing in particular the duties of the members of the Investment Committee shall be: -
- (i) to acquaint themselves with the terms of their powers of investments as stated herein or as determined by the Board.
  - (ii) not to impeach the validity of their powers of investment or the title of the Club to investment made.
  - (iii) to adhere to and carry out the powers of investment.
  - (iv) to act impartially and fairly to the Club.
  - (v) to keep and render proper accounts and to give full information when required by the Board.
  - (vi) to exercise reasonable care diligence and prudence with respect to the investment powers.
  - (vii) not to delegate their duties or powers.
  - (viii) to pay and transfer funds allocated to the Investment Committee and investments made therewith and income derived therefrom to the correct persons body or corporation.
  - (ix) to act gratuitously.

- (x) not to deal with the funds allocated to the Investment Committee or investments made therewith and income derived therefrom for their own benefit or otherwise to profit from the powers of investment.
- (h) The accounts of the Investment Committee shall be audited annually by the auditors of the Club and such accounts shall be tabled and reported on at the Annual General Meeting.
- (i) The Board may by a two-third majority of members present at any Board Meeting remove any voting members of the Investment Committee and the Board may then fill the vacancy so created.
- (j) The members of the Club may by special resolution on the vote of a three-fourths majority of the members present at the Annual General Meeting or any Special General Meeting duly convened for that purpose resolve that the Investment Committee return to the General Bank Account of the Club the funds allocated to the Investment Committee by the Committee and any investments made therewith and income derived therefrom provided that the Investment Committee shall be entitled to retain such funds investments and income as shall be equal to the amount required by the Club to either:
  - (i) discharge all encumbrances on the Club premises, or
  - (ii) re-purchase of the Club premises or both

### 32. BANKING ACCOUNT

- (a) All monies or securities for monies received by the Club (including monies received from the Western Australian Football League by way of League dividends and/or from supporters of the Club or by way of donations to players) shall be paid into the General Bank Account of the Club or in such other current account or interest bearing account or any bank building society or company as the Board shall think fit as and when the same are received and such monies shall be used for the general purposes of the Club.
- (b) Any monies received by the Club from the Western Australian Football League by way of League dividends and/or from supporters of the Club or by way of donations to players shall as and when received be paid into the Club's General Bank Account and such monies shall be primarily utilised for the payment to players and other persons referred to in Rule (6) hereof.
- (c) The Board may in addition to the General Bank Account of the Club referred to in Sub-Rule (a) above, open such other bank or other account or accounts as the Board shall from time to time in their absolute discretion consider necessary of the proper management of the Club.

### 33. AUDITORS

The accounts of the Club shall be audited by auditors, elected at the Annual General Meeting in each year.

### 34. AUDITOR REMUNERATION

The auditor's remuneration shall be fixed at the Annual General Meeting.

### 35. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of members shall be held not later than the fifteenth day of December in each year for the purpose of receiving the Annual Report of the Board, the Balance Sheet and Financial Statements the election of officers of the Club for the ensuing season and any other general business which may be submitted to the meeting.
- (b) The Annual General Meeting shall be called by advertisement once in the daily press and by circular addresses to each member at least fourteen days previous to each such meeting.
- (c) Ordinary, Joint, Country, Life Members and Lifetime Members of the Club shall be entitled to vote at the Annual General Meeting of the Club.
- (d) All resolutions, questions and matters submitted in accordance with these Rules to the Annual General Meeting except as otherwise provided in these Rules shall be decided by a majority of those present to be determined in the first instance by a show of hands, unless a ballot be demanded by at least ten members present. In the event that a vote be tied then the Chairman shall not have a second and casting vote and such resolution question or matter shall lapse.

### 36. ORDER OF BUSINESS AT MEETINGS

1. The business of the Club at Ordinary Meetings shall be conducted in the following order:-
  - (a) Consideration and confirmation of the Minutes of the previous meeting.
  - (b) Correspondence.
  - (c) Finance.
  - (d) Reports.
  - (e) Business left over from the previous meeting.
  - (f) Discussion of business of which notice of motion has been given.
  - (g) General business.
  - (h) Notices of Motion.
2. At the Annual General Meeting the procedure to be followed should be as follows:-
  - (a) Presentation of Annual Report and Balance Sheet and Financial Statements.
  - (b) Election of Officers.

- (c) Notices of Motion.
- (d) General Business.
- (e) Social.

### 37. SPECIAL GENERAL MEETING

Special General Meetings shall be called by the Chief Executive Officer whenever directed by the President or the Board or Trustees or any Trustee or upon receiving a requisition signed by thirty (30) members of the Club setting out the objects of the proposed meeting. At all Special General Meetings no business shall be transacted other than that specified in the notice covering such meeting and other matters relevant thereto.

- (a) The Special General Meeting shall be called by advertisement once in the "West Australian" newspaper and by circular addressed to each member at least fourteen days previous to each such meeting.
- (b) Ordinary, Joint, Country, Life Members and Lifetime Members of the Club shall be entitled to vote at all Special Meetings of the Club.
- (c) All resolutions, questions and matters submitted in accordance with these Rules to the Special General Meeting except as otherwise provided in these Rules, shall be decided by a two-thirds majority of those present to be determined in the first instance by a show of hands, unless a ballot be demanded by at least ten members present. In the event that a vote be tied then the President shall not have a second and casting vote and such resolution question or matter shall lapse.

### 38. QUORUM

At an Annual General Meeting and at Special General Meetings, forty (40) members shall constitute a quorum.

### 39. FINANCIAL YEAR

The Financial Year and the Membership Year of the Club shall close on the last day of the month of October in each year.

### 40. RULES - INTERPRETATIONS

The interpretation of these Rules, or of any question arising out or not provided for in these Rules shall be in the discretion of the Board whose decision thereon shall be final and binding on all members.

### 41. TRUSTEES

- (a) There shall be three Trustees who shall be appointed by the Board and who shall hold office until their successors have been appointed.
- (b) The Board may at any time remove the Trustees or any of them and may fill any vacancy occurring by death, resignation or removal.



- (c) The Chairman shall, inform the Trustees of all major decisions of the Club and the Trustees shall have access to the minutes of all Sub-Committee and Directors' meetings.
- (d) The Trustees are authorised to raise and discuss the Club's financial matters with the Auditors.

#### 42. COMMON SEAL

The Chief Executive Officer shall have the custody of the Common Seal of the Club which shall be affixed to all such deeds, instruments and documents as authorised by the Board and as need be under seal and shall be signed by the President in the presence of any two of the Trustees and countersigned by the Chief Executive Officer.

#### 43. COACHES

The appointment of the coaches shall be in the hands of the Board.

#### 44. CAPTAIN AND VICE-CAPTAIN

A Captain and Vice-Captain of the Club shall be appointed by the Board and the Board shall have power from time to time to remove the Captain and/or Vice-Captain from office and to re-appoint him or to appoint any other person in his place.

#### 45. SELECTION COMMITTEE

The Selection Committee of the League team shall be appointed annually by the Board and who shall report to and be responsible to the Board.

#### 46. CONDUCT ON THE FIELD

The Captain is required to inform the Board immediately after the occurrence of any act of disobedience, bad language or conduct of any player calculated to lower the dignity of the Club. Any player reported by the Captain for any offence on the field shall be dealt with by the Board.

#### 47. DISPUTES

Any dispute between members may be referred in writing by either disputant to the Board whose decision thereon subject to these Rules shall finally settle the matter. The Complainant shall with his complaint, deposit twenty dollars with the Chief Executive Officer and if the Board consider the complain to be frivolous they may order the amount to be forfeited to the funds of the Club.

#### 48. DISSOLUTION

On application in writing made to the Board by not less than ten (10) per cent of the financial members of the Club, signifying their desire that the Club should be dissolved, a Special General Meeting shall be called to consider the questions, notice of which meeting and its objects shall be posted in the usual place and sent by circular to every member fourteen (14) days immediately preceding the date of the meeting.

The votes of at least three-quarters of financial members of the Club present at the Special General Meeting will be necessary to carry the proposition for dissolution. Those entitled to vote shall be financial members of the Club prior to 31 October, 1994 and/or persons who have been financial members of the club for eight consecutive years.

#### 49. LIQUOR ACT REQUIREMENTS

No Rule shall be amended or repealed nor shall any new Rule be made except on the vote of a majority of the members present at the Annual General Meeting or a Special General Meeting duly convened for that purpose. Notice of any proposed amendment, repeal or addition must be given by notice in writing to the Chief Executive Officer in time for him to give 14 days notice of such amendment or addition or repeal. Within 14 days after making any amendment or alteration to the rules of the Club, the Board shall send or deliver to The Director of Liquor Licensing a certified copy of the amendment or alteration. No effect shall be given to any amendments without the prior approval of the Director of Liquor Licensing.

#### 50. ACCOMPANING GUEST

A guest shall not be supplied with liquor in the Club's premises unless on the invitation and in the company of a member and at the times specified in the Liquor Licensing Act 1988 as amended. A guest shall not be supplied with liquor to be consumed other than in the Club premises.

#### 51. LIQUOR COMSUMPTION

No liquor shall be sold or supplied for consumption elsewhere than on the Club's premises unless such liquor is removed from the premises of the Club by the member purchasing same.

#### 52. CLUB ENTRY AGE

No liquor shall be sold or supplied to any person under eighteen years of age and no member under eighteen years of age shall be admitted to any part of the Club where liquor is sold or consumed.

#### 53. CLUB SERVICE AGE

No person under eighteen years of age shall be employed in the Club; but this restriction shall not apply to persons employed in the administration of the Club.

#### 54. LIQUOR SERVICE AGE

No person under the age of eighteen shall serve in any bar on the Club premises.

#### 55. EMPLOYMENT AGE

No person under the age of eighteen years shall be employed in or about any bar on the Club premises or in the delivery of liquor on the Club premises.

### 56. PERIOD OF EMPLOYMENT

No steward, cook or other employee of the Club shall be employed for a longer period than is provided in any relative award of the Court of Arbitration for persons similarly employed.

### 57. PAYMENT

No payment or part payment of any Chief Executive Officer or other officer or servant of the Club shall be made by way of commission or allowance from or upon the receipts of the Club for liquor supplied.

### 58. LIQUOR LICENSED OPENING HOURS

The Club shall be open for the sale of liquor during such hours (within the hours permitted by the Liquor Licensing Act 1988 as amended) as the Committee shall from time to time determine. The name of any member refusing to leave the Licensed Premises punctually at the hour of closing shall be communicated by the Chief Executive Officer to the Board.