

TOMPKINS PARK COMMUNITY  
AND RECREATIONAL ASSOCIATION  
( INCORPORATED )

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CONSTITUTION AS AMENDED ON 13 JULY 1998

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NAME

The name of the Association is TOMPKINS PARK COMMUNITY AND RECREATIONAL ASSOCIATION (INCORPORATED) (hereinafter called "the Association")

2. OBJECTS AND POWERS

- (a) To establish, maintain and conduct an association for the promotion of Cricket, Rugby Union, artistic cultural, recreational and any other lawful activities, to promote and foster sports of all kinds and codes and activities conducive to the well being of the community of the City of Melville for the benefit and enjoyment of the members and their guests on premises of which the Association is an occupier.
- (b) To make such agreements with Municipalities or other bodies for the purchase, leasing or other hiring of suitable property or properties for the purpose of the Association and to lay out, construct, maintain and alter any grounds for athletic sports or other pastimes necessary or convenient for the purposes of the Association.
- (c) To borrow or raise money or secure the payment of money in such manner and on such terms as the Association shall think fit and in particular to execute mortgages, bills of sale, charges or other securities charged upon all or any of the Association's property (present and future or either) and to purchase, redeem, pay off or agree to a variation of all or any of such securities.
- (d) To invest the moneys of the Association not immediately required for any of its objects upon such securities and in such manner as may from time to time be determined.
- (e) To procure the Association to be registered as an Association under the Liquor Licensing Act 1988 and amendments.
- (f) To enter into such agreements as are reasonable and necessary or as are considered advisable for the proper utilisation of the Association's assets and for the proper carrying out of the other objects herein detailed.
- (g) To enter into arrangements with and make contributions to the bodies which are affiliated with the Association in furtherance of the promotions and advancements of the activities mentioned in Rule 2(a) of these rules.

(h) To do all such other acts matters and things as are incidental or conducive to the attainment of all or any of the above objects.

3. ASSOCIATIONS  
INCOME AND  
PROPERTY

The income and property of the Association whencesoever derived shall be applied solely towards the promotion of the objects of the Association, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the persons who at any time are or have been members of the Associations, or to any of them or to any person claiming through any of them. No member shall be entitled to derive any benefit or advantage from the Association which is not shared equally by every other member thereof.

PROVIDED THAT nothing herein contained shall prevent the payment in good faith or remuneration to any officer or servant of the Association, or to any member thereof, or other person in return for any services actually rendered or value given to the Association, nor prevent the payment of interest at a rate not exceeding ten (10) per centum per annum on money borrowed from any member of the Association.

4. MEMBERSHIP

4.1.1

Membership of the Association shall be open to all persons or bodies corporate interested in the objectives of the Association provided that the Board of Management ("the Board") may refuse to approve any membership application.

4.1.2

All applications for membership shall be posted on the notice board of the club for a period of not less than seven days before election provided also that an interval of not less than fourteen days shall elapse between nomination and election.

4.2

Members shall be classified as:

(a) Full Member

This category of membership is limited at any one time to four (4) natural persons from each of the Melville Cricket Club Inc. ("MCC") and the Palmyra Rugby Union Club Inc. ("PRUC") and one natural person from each other Affiliated Body all of whom must be nominated by their respective Associations provided that the number of members under this category may be increased by special resolution of the Association. A Full Member shall be eligible to hold office and to vote at any meeting of the Association.

(b) Ordinary Member

- (i) Any Ordinary Member shall be any person who has paid the requisite subscription fee and whose application has been accepted by the Board but he/she will not be eligible to vote at any meeting of the Association.
- (ii) A financial member of the MCC or the PRUC or of an Affiliated Body shall be deemed to be an Ordinary Member of the Association.

(c) Affiliated Bodies

Affiliated Body shall mean the Palmyra Rugby Union Club Inc and the Melville Cricket Club Inc and such other body as shall be granted the status of Affiliated Body pursuant to the provisions of this sub-clause.

Any eligible body desiring to become an Affiliated Body may apply in writing to the Board to become an Affiliated Body.

Within thirty (30) days of such application being made the Board shall cause an Extraordinary General Board Meeting to be called and the applicant eligible body shall be admitted as an Affiliated Body if:-

- (i) the Extraordinary General Meeting by two thirds majority approves of such affiliation conditionally or unconditionally;
- (ii) the applicant body agrees to comply with any conditions to such approval as may be decided by the Extraordinary General Board Meeting by two thirds majority; and
- (iii) the applicant body pays to the Association an Affiliation fee in the sum of \$50,000-00 or such greater amount as may be decided by the Extraordinary General Board Meeting by two thirds majority.

(d) Life Member

The Board may nominate a member for life membership in consideration of special services rendered to the Association.

PROVIDED ALWAYS THAT the Board shall not nominate a member to such position unless such member has completed ten (10) years' membership with the Association AND PROVIDED THAT no Life Member shall be nominated prior to the year 2006.

Life Members shall be elected at an Annual Board or Special Board Meeting of the Association.

Life Members have no Association voting rights.

(e) Honorary Members

Honorary Members shall be those whose usual place of residence is situated not less than 24 kilometres from the Association premises and who have been elected by the authority of any two members of the Board. No person shall be so elected who has afforded the privileges of the Association as an Honorary Member at any time within three (3) months immediately preceding, or who is a juvenile.

In addition, any person may be elected as an Honorary Member for such period as the Board may determine who possesses any of the special qualifications hereunder mentioned, namely:-

- (i) The Governor General of the Commonwealth of Australia or any member of his staff.
- (ii) The Governor or Lieutenant Governor or Administrator of any State of the Commonwealth of Australia or any member of his staff.
- (iii) Any member of the House of Representatives, the Senate, the Legislative Council, or the Legislative Assembly of Western Australia.
- (iv) Any member of the City of Melville Council or its Executive Officers.
- (v) Persons of distinguished position or attainment.
- (vi) The President, Secretary and members of the Western Australian Cricket Association and the Western Australia Rugby Union and the President, Secretary and members of the

governing body of any affiliated  
organisation and Recognised  
Participating Body.

(f) Temporary Member

Pursuant to Section 48(s) of the Liquor  
Licensing Act 1988 a person who is on any day  
visiting the club:

- (i) as a member or an official of, or a  
person assisting a team that is to  
contest in a pre-arranged event in a  
game of sport or activity on that  
day; or
- (ii) at the invitation of a member to  
engage in that sport/activity on that  
day may be taken to be a person who  
is afforded temporary membership on  
that day.

The following classes (g) to (j) shall be classes  
of membership of a Participating or Affiliated  
Body and will entitle any member to the same  
membership category of the Association without any  
Association voting rights.

(g) Country Members

Shall be those who are actively associated  
with the activities of the Association but  
whose place of residence is situated not less  
than forty (40) kilometres from the  
Association premises.

(h) Social Members

Shall be members who are entitled to exercise  
such of the privileges of the Association as  
may be provided by its Rules with the proviso  
that they will not be eligible to vote or  
hold office nor may they become registered  
with any of the organisations with which the  
Association is affiliated or which are  
Recognised Participating Bodies.

(i) Associated Members

The spouse or reputed spouse of any Ordinary  
Member shall be an Associated Member and  
shall be entitled to exercise such of the  
privileges of the Association as may be  
provided by its rules with the proviso that  
they will not be eligible to vote or to hold  
any office.

(j) Junior Members

- (i) Any person either male or female who is over the age of 6 years and under the age of 18 years may make application for admission to the Association as Junior Member.
- (ii) Such application shall be in writing on such form as is prescribed from time to time and shall be accompanied by such nomination fee as is set down for payment by applications for Junior Membership.
- (iii) Junior Members shall have no voice in the management of the Association and shall not be entitled to hold office, attend General Meetings or vote at any poll of the Association, but shall in all other respects conform to and be bound by these Rules and By-laws of the Association for the time being in force.
- (iv) Junior Members shall only occupy such premises or use such facilities of the Association as and when directed by the Board when in the company of an adult person in authority over them.

Recognised Participating Body

The following bodies shall be deemed to be and are Recognised Participating Bodies of the Association:

- (i) The Melville Community Arts and Craft Centre;
- (ii) The Melville Junior Cricket Council (Inc.);
- (iii) The Tompkins Park Touch Football Association;
- (iv) The Melville Lacrosse Club;
- (v) The Melville Suburban Turf Cricket Club;
- (vi) The Sri Lankan Association of WA (Inc.).

An eligible body desiring to become a Recognised Participating Body as is herein before provided may apply in writing to the

Board to become a Recognised Participating Body. Within thirty (30) days of such application being made the Board shall cause an Extraordinary Board Meeting to be called.

The applicant eligible body shall be admitted as a Recognised Participating Body if:-

- (i) The Extraordinary Board Meeting by two thirds majority approves such admission conditionally or unconditionally; and
- (ii) the applicant eligible body agrees to comply with any conditions to such approval that may be decided by the Extraordinary Board Meeting by two thirds majority.

4.3

#### VOTING RIGHTS

None of the above described categories of Membership (except for a member categorised as a Full Member) is entitled to vote at any Annual General Meeting or Special General Meeting of the Association and any resolution put to the vote at any such meeting shall (except for any special resolution) be decided by a majority of votes cast on a show of hands.

4.4

#### PROXIES

A Full Member eligible to vote may appoint in writing another member to be the proxy of the appointing member and to attend and vote on behalf of the appointing member at any meeting of the Association.

4.5

#### MEMBERSHIP FEES

The Board shall from time to time determine the amount of annual subscription or registration fee to be paid by each member classified under these Rules and such fee shall be paid to the Treasurer on a date to be fixed by the Board.

### 5. REGISTER OF MEMBERS

5.1

The Secretary of each of the Affiliated Bodies and Recognised Participating Bodies shall submit to the Board the name of the Association so affiliated or participating together with names and addresses of each and every one of the persons registered as members of that Association as on the 1st day of July of each year and thereafter from time to time submit the names and addresses of such further persons as shall become registered



members of that Affiliated and Recognised Bodies. The Secretary of the Association shall keep and maintain a register of all such members and enter therein the names and addresses of all members so registered with the Association.

The Secretary of the Association shall also keep and maintain a Register of all other members.

The register of members must be continually available for inspection at the club premises.

5.2

Members may introduce guests to the club at any time provided:-

- . No member may introduce more than three (3) guests to the Club premises at any one time
- . A guest shall not be supplied with liquor in the Club premises except on the invitation and in the company of the member
- . A guest shall be supplied with liquor to be consumed on the Club premises only
- . The member introducing the guest shall be responsible for the proper conduct of the guest whilst on Club premises
- . Any person who has been refused membership of the Club or who shall be under suspension or expulsion of the Club, shall not be admitted as a guest of any member of the Club
- . A member may, at their expense, and with the approval of the club committee, supply liquor to guests, without limitation as to number, at a function held by or on behalf of that member, at the Club premises.

6. TERMINATION OF MEMBERSHIP

Any member of an Affiliated or Recognised Body upon ceasing to become a member of an Affiliated or Recognised Body shall cease to be a member of the Association. The Secretary of each Affiliated or Recognised Body shall notify the Secretary of the Board in writing that such person has ceased to be a member of that body.

7. BOARD OF MANAGEMENT

The control and management of the affairs and property of the Association shall be vested in a Board consisting of:-

- (a) A President;
- (b) A Vice President;
- (c) Secretary;

- (d) Treasurer;
- (e) Two (2) members from each Affiliated Body to be nominated by the Body concerned;
- (f) One (1) member from the Council of the City of Melville to be nominated by that Council.
- (g) One (1) delegate from each Recognised Participating Body and such delegate may attend meetings of the Board but shall not have any voting rights.

All of the abovementioned persons shall be members of the Association elected to membership of that Board (except for persons mentioned in 7 (e), 7 (f) and 7 (g) ). The persons mentioned in 7 (e), 7 (f) and 7 (g) are not entitled to vote at any Annual General Meeting or Special General Meeting of the Association. Each person occupying any of the above described positions shall hold office for a period of one (1) year but may be re-appointed provided that the position of President shall be alternated between the MCC and the PRUC. Any casual vacancy occurring in an office may be filled by the Board or by another member of the retiring member's Affiliated Body, as the case requires, but the member so chosen shall only hold office until the expiration of the term of the original appointee to that office.

8. GENERAL POWERS OF THE BOARD OF MANAGEMENT

The Board shall control and conduct the management of any buildings and premises acquired, leased or otherwise vested in or occupied by the Association and shall have power to make regulations and By-laws in respect of:-

- (a) The conditions upon which and times when Affiliated or Recognised Bodies or members of the Association may use the premises and property of the Association.
- (b) The conduct of members of the Association using the premises and property of the Association and to provide therein for the imposition of fines and penalties for any breach of those regulations and By-laws.

9. PARTICULAR POWERS OF THE BOARD OF MANAGEMENT

- (a) To appoint officials or servants of the Association and to dismiss them as occasion may require at its direction.
- (b) To appoint sub-committees consisting of members of the Board or of members of one or more of the Affiliated or Recognised Bodies to carry out duties allotted to those sub-committees by the Board.

- (c) To do and perform any other acts matters or things in furtherance of the objects of the Association as the circumstances may require provided that such acts matters or things not be inconsistent with these Rules.

10. SECRETARY

The Secretary shall:-

- (a) Keep full and correct minutes of all resolutions and proceedings of every General Meeting and all Committee Meetings in books provided for that purpose together with a record of the names of members present at all such meetings;
- (b) keep a register of Affiliated Bodies and of their members setting forth their names and addresses;
- (c) attend to all correspondence.

11. TREASURER

The Treasurer shall:-

- (a) Collect and receive all moneys due to the Association and make all payments authorised by the Board;
- (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and disbursements and present financial reports to the Board at each monthly meeting thereof;
- (c) present to the Annual General Meeting a balance sheet and statement of receipts and disbursements in respect of the year's operations such balance sheet and statements to be certified correct by an auditor appointed for the purpose at the Annual General Meeting.

12. AUDITOR

The Auditor shall at all reasonable times have access to the Association's accounts and records and may examine the same and report thereon so as to exhibit a true and correct view of the Association's finances at every Annual General Meeting.

13. BOARD OF  
MANGEMENT  
MEETINGS

- (a) Meetings of the Board shall be held at least once a month, but the President or Secretary shall have power to call meetings of the Board whenever it is deemed necessary. Any member of the Board absenting himself from three consecutive meetings and failing to give a satisfactory account of such absence may by a majority vote of the Board be deemed to have forfeited his seat and be replaced by

a member of the same body which appointed him.

(b) A quorum of the Board shall consist of any five (5) members.

14. GENERAL MEETINGS

(a) ANNUAL: The Annual General Meeting of members shall be held in July of each year on a date to be fixed by the Board. Notice of the meeting must be published for fourteen (14) days on the notice board in the Association room. At this meeting a report shall be presented by the President on behalf of the Board as well as the statement of accounts for the past year, duly audited, and any other business in accordance with these Rules may be transacted.

The order of business at the Annual Meeting shall be as follows:-

- (i) Reading Notice of Meeting.
- (ii) Reading of Minutes of last Annual Meeting and any other General Meeting not already confirmed, and confirming or amending same.
- (iii) Reading President's report.
- (iv) Discussion and adoption or otherwise of above.
- (v) Reading Statement of Accounts and dealing with same.
- (vi) Any general business for the Association's guidance in the coming season for the advancement of the Association.

No quorum shall be deemed to exist unless at least six (6) full members shall be present.

The President shall decide all questions of order unless otherwise by these Rules provided.

All notices of motion for consideration at the Annual Meeting must be handed to the Honorary Secretary in writing seven (7) clear days before the meeting.

(b) SPECIAL: The Board may at any time call a Special General Meeting by publishing seven (7) days' notice of such meeting in the Association premises. A Special General Meeting shall also be called by the Board on

a requisition signed by not less than three (3) members, stating in detail the purpose of the meeting. Notice of the meeting and a copy of the requisition shall be published in the Association premises for at least seven (7) days before the meeting. Only business of which notice shall have been given as above, or in accordance with these Rules shall be transacted at a Special General Meeting.

No quorum shall be deemed to exist unless at least six (6) full members shall be present.

Any General or Special Meeting may be adjourned for a period of seven (7) days by a majority of those present.

15. FINANCE

- (a) On or before the 31st day of December 1996, or such other date as the Board may determine, each Affiliated Body shall subscribe the sum of TWENTY THOUSAND DOLLARS (\$20,000-00) as and by way of an affiliation fee and such sum shall be paid to the bank account of the Association at its bank and applied to operating expenses.
- (b) Upon the receipt of any account from the City of Melville, specifying the total amount payable by the Association in respect of all of the premises occupied by the Association but vested in the City of Melville, the Board shall make such arrangements for the payment of the total sum as may be mutually agreed by and between the Association and the Council.
- (c) In the event of an Affiliated Body desiring to withdraw from the Association and having given to the Board twelve (12) months' notice in writing of its intention so to do and providing that all moneys due by it have been paid up to that time and adjusted if necessary for any proportion of the year the Affiliated Body was affiliated such Affiliated Body may withdraw from the Association and its members shall thereupon cease to be members of the Association.
- (d) On the withdrawal of an Affiliated Body from the Association such Affiliated Body shall deliver up and assign unto the Association all its right title and interest in and to the premises and property of the Association and its obligations under this Rule shall thereby terminate without prejudice however to any rights or remedies of the Association in respect of any antecedent breach of these Rules by the Affiliated Body.

- (e) All rents and profits made by the Association in hiring or letting of any of its premises or property for functions or meetings whether to Affiliated Bodies or to other bodies or persons and all funds otherwise acquired shall be credited to the account of the Association and applied towards the improvement of the Association's amenities and facilities and or to the acquisition and or repayment thereof whether freehold or leasehold or in assisting in the promotion of any of the objects of the Association as the Board may determine.

16. SUBSCRIPTION

- (a) Subscription fees for each category of membership shall be paid by the respective members and be determined from year to year by the Board. All Subscriptions shall be due on a date set by the Board in each year. In no year shall the annual subscription be less than the amount prescribed by the Liquor Licensing Act 1988 and its amendments.
- (b) Any member who does not notify the Secretary of the Association or the Secretary of the Association of the Affiliated or Recognised Body of which he is a member in writing within thirty (30) days of the date set for payment of fees of his withdrawal from the Association shall be liable for the full subscription for the current year.
- (c) Any member who fails to pay his subscription in accordance with these Rules shall automatically be deemed unfinancial and shall forthwith cease to be a member of the Association, unless he renders a satisfactory explanation to the Board, which shall have discretionary power in regard to same.
- (d) New members' subscriptions are payable immediately after receipt of notification of acceptance.
- (e) Subject to the following Sub-clause (h) a member shall not be relieved of his subscription under any circumstances except on appointment to Life Membership.
- (f) The Board may admit as Members at a reduced fee, in each case being not less than the minimum subscription provided by the Liquor Licensing Act 1988, age pensioners and/or persons who become age pensioners and are members of the Association or an Affiliated or Participating Body.

- (g) In this clause reference to the age of a Junior Member shall mean the age of the member on the 31st day of December of each year.
- (h) A Life Member shall be required to pay the minimum subscription referred to in the Liquor Licensing Act 1988 or take no part in the management or control of the Association.

17. PAYMENT OF FEES

- (a) The Association shall have power to offset debts including unpaid subscription due by any member against any money due by the Association to that member.
- (b) A member resigning from the Association shall pay all debts due to the date of resignation. For the purpose of this section a member resigning from the Association within thirty (30) days of the close of the Association year shall not be obliged to pay any portion of the subscription charged for that year, but a member resigning after the thirty (30) day period mentioned above shall be liable to pay the annual subscription.

18. PAYMENT OF OTHER DEBTS

- (a) All other debts due to the Association other than membership fees shall be paid on demand.
- (b) A demand for payment under this sub-section shall be lawful if made by any elected or appointed officer of the Association.
- (c) Should a member's debt to the Association remain outstanding for a period longer than six (6) months the Board shall have power to cancel the debtor's membership without notice.

19. VISITORS

Visitors may be admitted to the premises set apart for holding functions but not elsewhere and only at such times and at such hours as shall be allowed by the Board under the conditions for hiring and using the premises. The member introducing a visitor shall be responsible for his behaviour and is not entitled to invite into the Association premises more than three (3) visitors at any time.

20. SUPPLY OF LIQUOR AND RELATED MATTERS

- (a) No liquor shall be sold or supplied for consumption elsewhere than on the Association's premises.
- (b) No person under 18 years of age shall be supplied with liquor and no member under the age of 18 years shall be admitted to any portion of Association premises where liquor

is sold or consumed unless in the company of an adult person in authority over them.

- (c) No person under 18 years of age shall be employed in the Association, but this restriction shall not apply to persons employed in the administration of the Association.
- (d) No person under the age of 18 years shall serve in any bar on the Association premises.
- (e) No person under the age of 18 years shall be employed in or about any bar on the Association premises or in the delivery of liquor on the Association premises.
- (f) No payment or part payment of any Secretary, Manager, or other officer or servant of the Association shall be made by way of commission or allowance from or upon the receipts of the Association for liquor supplied.
- (g) The Association's rooms shall be open to the members at such times as the Board shall deem fit. PROVIDED THAT except with the permission of the Licensing Authority in no case shall the Association be open for the sale of liquor after hours prescribed by the Licensing Authority for that purpose. The name of any member refusing to leave the Association premises punctually at the hour of closing shall be communicated by the Secretary to the Board.
- (h) No gambling or betting shall be allowed on the premises unless conducted pursuant to a permit issued by the office of Racing and Gaming.

21. ALTERATION OF RULES

No object, power or rule of the Association shall be repealed or amended and no new object power or rule shall be made except upon a resolution carried by a majority of three quarters of the full members present and voting at a general meeting the notice of which shall set out in full the proposed repeal or amendment or new rule. As soon as practicable after the making of any proposal for a change to the Constitution or Rules of the club, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.

22. COMMON SEAL

The Common Seal of the Association shall bear the words "Tompkins Park Community and Recreational



Association (Incorporated)" and shall be kept in the custody of the Secretary. The Common Seal shall be affixed to any deed instrument or other document at a meeting pursuant to a resolution of the Board. The Common Seal shall be affixed by the Chairman or person acting in such capacity and one other member of the Board and countersigned by the Secretary.

23. APPEAL

Any members of the Association who may feel aggrieved by any decision or action of the Board may appeal against such decision or action to a General Meeting of the Association by giving notice to the Secretary of his intention in that behalf not later than one (1) calendar month after the decision or action complained of was given or done.

Such notice shall state the grounds of appeal and the appeal shall be heard at a Special General Meeting convened not less than one (1) month from the lodging of the notice of appeal.

24. DISSOLUTION

The Association may be dissolved or wound up by a resolution carried by a majority of three quarters of the full members present and voting at a Special Meeting called for such purpose, PROVIDED THAT notice of any such meeting shall be forwarded to each member at his last known address at least fourteen (14) days prior to such meeting.

25. DISPOSAL OF ASSETS

If upon a dissolution or winding up of the Association there remains after satisfaction of all debts and liabilities any property whatsoever it shall be given or transferred to the Affiliated Bodies in equal shares or to such charitable object or objects as shall be determined by the members of the Association prior to dissolving or winding up the Association.