

THE SCUDS SOCIAL GOLF CLUB Inc

CONSTITUTION



2025

Current 1st January 2025

Section One – Definitions and Interpretation

1. Definitions and Interpretation

- 1.1 In this Constitution unless the contrary intention appears, “accounts” means profit and loss account, income and expenditure account and balance sheets, and includes statements, reports and notes attached to or intended to be read with any of these profit and loss accounts and balance sheets.
- 1.2 “Committee” means the Club Committee of the Club as defined in clause 4.1 of this Constitution.
- 1.3 “member” unless otherwise qualified, means a member of any category/class of membership, male or female, as set out in this Constitution.
- 1.4 “The Act” means the Associations Incorporation Act 1987.
- 1.5 “Voting members” means members who are eligible to vote at any Annual or Special Meeting
- 1.6 In this Constitution, if not inconsistent with the subject or the context, words denoting any gender shall include all genders, and words denoting the singular number shall include the plural and vice versa.
- 1.7 A reference to any statute in this Constitution includes a reference to that statute as amended, repealed, consolidated or substituted and includes orders, ordinances, regulations, rules and by-laws made under or pursuant to that statute.
- 1.8 Any By-Laws made by The Committee or any decision by The Committee on the construction or interpretation of the Constitution or of any By-law made pursuant thereto shall be subject to confirmation or revision by the members of the Club in General Meeting or by a Court, having appropriate jurisdiction in Western Australia. Any such decisions shall be binding on all members of the Club.

Amendments to the Constitution

- 1.8 This Constitution may not be amended, suspended or substituted except by a Special Resolution passed by a majority of not less than three fourths (75%) of the total votes cast by members present and entitled to vote at a General Meeting held for that purpose.
- 1.9 The notice of motion of a Special Resolution proposing an amendment to or suspension or substitution of the Constitution shall be lodged with the Captain and posted on the Club Notice Board thirty (30) days before the date of the General Meeting.
- 1.10 Within one month after making any alteration to the Constitution, The Committee shall provide the Commissioner for Corporate Affairs with the notice of Special Resolution setting out particulars of the alteration and a certification on the form required by the Act.

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Section Two: Name, Location and Purpose

- 2.1 The name of the Club is The SCUDS SOCIAL GOLF CLUB Inc. hereinafter referred to as "The Club".
- 2.2 The Club shall be an association incorporated under the Associations Incorporation Act 1987.

Club Colours and Emblem

- 2.3 The official Club colours shall be white conforming to (colour FFFFFFFF) with a black Trim (colour 000000).

The Club emblem (logo)

- 2.4 **The Club emblem (logo)**
- 2.5 Shall be the figure of a golf green with a red flag and a large tree left of center aligned with small row of bushes. A golden sun will be on the right of the green and the words SCUDS in gold (colour f6c20f), or Black (colour 000000). Font: Arial Black 48pt Regular uppercase (sample below).



A copy of the logo design sample will be held by the Club Secretary.

- 2.6 The Common Seal shall be held by the Club Secretary

Objectives The objectives of the Club are:

- 2.7 To conduct a golf and social club and to provide for the use of members and visitors.
- 2.8 To promote, encourage and foster the playing of the game of golf and to provide all things incidental to the attainment of these objects. To apply the property and income of the club solely towards the promotion or objects of the club and no part of the property or income may be paid or otherwise distributed, directly or indirectly, to members of the club, except in good faith for the promotion of those objects or purposes.

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- 2.9 To promote, encourage and foster a social outlet for club members, throughout the season the Club holds various social events. Membership of the Social Club is non-compulsory although expected.

Social Club

- 2.10 The Club also holds various fund-raising activities such as raffles, etc, with all funds raised going towards social functions and an end of season dinner and trophy presentation night.
- 2.11 The Fee for social club membership shall be set by the Captain or nominated Social Club Manager.

Other Clubs

- 2.12 Membership of the Birdie Club is non-compulsory and is drawn each week at appropriate competitions.

Section Three:

Membership Categories, Classes and limits Rules, Discipline, Expulsion and Resignations

3. Four categories of membership are available

- 3.1 **Full Member Note:** The Committee may at any time decide that the number of members in any category shall be limited. Any such limits decided by The Committee shall be prescribed in the By-laws. The payment of the prescribed annual fee entitles the member or life member to compete in all Club competitions and shall be entitled to exercise all the rights and privileges of the Club including voting rights and eligibility to stand for positions on The Committee. Life Members pay half the full member fees. See Fees section 5.2.1

Full Members must be registered as a member of the GolfWA Association and hold a recognised handicap.

Note: Membership of GolfWA includes a Golf Link Handicap Card. Only full and part time members will hold recognized handicaps and be eligible to vote at meetings. Only a member who has the right to vote under the existing rules may participate in a vote on a proposed special resolution.

Members must have a Golf Link Card for competition purposes a Membership card can be obtained through Scuds membership and affiliated membership of the GolfWA Association and will come into effect after three (3) stroke rounds played to determine the starting handicap.

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- 3.2 **Life Member** – A member that has given good service to the committee or club over a prolonged period of time; If elected as a life member that member will pay half of the annual fee as set down.
- 3.3 **Member Part Time** - The payment of the prescribed monthly fee entitles the member to compete in any Club competition in that month.
- 3.4 **Visitor** - Any person may play for any of the novelty prizes by payment of the novelty fee. Visitors will not be eligible to win the club competition for that day, however they may be eligible for novelty prizes upon application to the Captain and after the appropriate fee has been paid.

Election of Members

Nominations

- 3.4 Every candidate for membership, except Life, or Honorary Members, shall be given a copy of this Constitution and By-laws and shall be proposed by one and seconded by another member of the Club, both of whom shall be members of the Club.
- 3.5 All applications for membership shall be considered by The Committee and accepted or rejected by a majority vote. Any candidate whose application for membership is rejected shall not again be eligible for nomination unless The Committee otherwise determines.

Annual General or Special General Meeting.

- 3.6 The Annual General Meeting (AGM) shall be held on a suitable date in January at a venue nominated to all members at least 14 days prior to the meeting, and members irrespective of membership class or voting rights shall receive written notification of such meeting, 51% of members shall constitute a quorum.

The main business of the AGM shall be the election of office bearers and the approval of the fee structure. Elected members of The Committee shall assume their appointments at the conclusion of the Annual General Meeting at which their election is declared.

- 3.7 A general committee meeting shall be held each quarter during the club year. Usually first week of March, June and September. A minimum of three committee members shall make a quorum.
- 3.8 A special general meeting can be called by 20% of members, either the officers or members to discuss a specific SUBJECT PROVIDING THE INTENTION TO CALL a meeting and the subject to be discussed is notified to all members at least fourteen days prior to the meeting.

The special resolution is passed if it is agreed to be at least 75% of the members who vote at the meeting (not 75% of the total membership).

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Enrollment of New Members

- 3.9 On election of a member the Captain shall at once give the member notice thereof and subject to the payment of any nomination fee, subscription, affiliation fees and any other monies due, the person shall be enrolled as a member of the Club on the register from that date.

Liability of Members

- 3.10 Any member shall be liable to censure or suspension by The Committee if that member refuses or neglects to comply with this Constitution or any By-law of the Club or any order or direction by The Committee or of any General Meeting or is guilty of any act or conduct detrimental to the interest of the Club or other members.

Committee Meeting Hearings

- 3.11 The Committee shall deliver in person or send a notice to the member's recorded address advising the member of any charges, the time, place and date of the Board meeting at which the question shall be determined and particulars of the member's alleged offence or conduct. At least seven (7) days notice of such meeting shall be given and if the member fails to attend, The Committee shall proceed and decide the case as if the member was present.

Censure/Suspension

- 3.12 If after hearing the evidence The Committee considers that the charge is sustained, it may censure the member or suspend the member for a specified period not exceeding twelve (12) months during which the member is denied access to any or all privileges, facilities and rights of the Club.

Expulsion

- 3.13 If, in the opinion of The Committee, a member's action is so detrimental to the interests of the Club that expulsion is warranted, The Committee, in its discretion and after due consideration of all evidence, may expel the member from the Club.

Notwithstanding any such expulsion, the member so expelled shall be liable to the Club for all monies due by the member at the time of expulsion.

- 3.14 The expelled member (provided that member is financial), shall have the right to appeal by calling a Special General Meeting, in accordance

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with Rules, to have the matter determined. Any such determination shall be final and binding.

- 3.15 No person shall be entitled to take action or proceedings against the Club or in respect of any such censure, suspension or expulsion and must conform to the decision of The Committee or Special General Meeting. An expelled member forfeits all rights to be nominated for membership at any future date.

Resignation of Members

- 3.16 Any member wishing to resign from the Club shall give notice of such intention in writing to the Captain on or before the first day of February next occurring.

Otherwise, the member shall be liable to pay the full applicable subscription for the current financial year or such an amount, not exceeding the full subscription, as may be decided by The Committee.

- 3.17 If a member's fees lapse by three (3) months the membership will lapse and the member will need to re apply to the club for membership. The member shall be liable to pay the full applicable subscription for the current financial year or such an amount, not exceeding the full subscription, as may be decided by The Committee.

- 3.18 If a member has been absent from the club for a period of more than twelve (12) months, if the member's Golf Link card is current that handicap will be used, if the Golf Link card is no longer valid, then the member must submit three new stroke round cards as approved by the committee before any application to re join is accepted. The member shall be liable to pay the full applicable subscription for the current financial year or such an amount, not exceeding the full subscription, as may be decided by The Committee.

Section Four: The Committee of Management

- 4.1 The Committee of Management shall be responsible for the management of the Club and shall consist of Captain, Vice-Captain, Treasurer, Secretary, Club handicapper, a Social Club officer and a Media & Communications Officer. The positions of Club Captain, Vice-Captain, Treasurer, Secretary, Club handicapper and Media & Communications Officer can only be filled by a Full or Life Member. All positions shall be elected for a term of one year.

All committee members shall retire at the end of the year, however retiring members may nominate for re-election.

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Indemnification

4.2 All officers, whether honorary or paid, and all employees of the Club are hereby indemnified against all liability properly incurred by them in the performance of their duties or for the benefit of the Club.

Casual Vacancy

4.3 Any vacancy occurring during the period of office of members of The Committee shall be filled by a suitable replacement, approved by the Committee, and any person so appointed shall retain office until the next Annual General Meeting.

Duties

Club Captain - To organise the draw each playing day and determine the prize winners.

Club Vice-Captain - To assist the Captain as required.

Secretary - To handle all correspondence and maintain the minutes of all Club Meetings. To submit Information Statement before June 30th each year.

Treasurer - To manage all club finances and maintain a record of receipts and expenditures.

Handicapper - To carry out the duties of handicapper in accordance with the Golf Link rules, arrange fixtures and maintains all handicap records.

Media & Communications Officer - To manage the club's web page and electronic communication and inform members of other club competitions or events as advised, help arrange all fixtures including away fixtures and undertakes such communication duties as directed by the committee.

Social Club Manager Shall arrange club functions for social events as requested or suggested by members.

Match Committee - Shall be convened by the Committee usually the Captain and Handicapper along with another so nominated by the committee, and may (include all other officers). To adjudicate any matters on the rules of golf arising from any competition, arrange and conduct fixtures and assist in the general running of the Club.

Note:

All of these positions are honorary and do not receive any payment for performing their duties, although appropriate expenses may be claimed.

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5 Fees

- 5.2.1 All fees for membership, competitions and novelty prizes shall be set at the AGM for the ensuing year.
- 5.2.2 Life Members will pay half the membership fee
- 5.2.3 Green, fees and cart hire fees are not included in any of the following and must be paid on the Saturday prior to the game or at the Pro Shop, in accordance with their payment procedure, prior to the game.
- 5.2.4 Membership - The annual fee must be paid by the end of February, new members after 30 June will not be included in eclectic or annual club trophy competitions. Any adjustment to the fees or any administration fee shall be determined by The Committee.
- 5.2.5 Competition - A competition fee is payable on the day of the competition and includes a novelty fee. All fees received on any day will be divided as per the current fee schedule.
- 5.2.6 New members will also join Membership of The GolfWA Association and obtain a Golf Link Handicap Card. Fees must be paid to the Club directly and includes the annual GolfWA Association membership fee.

Note: If the member does not have a current Golf Link Card, then after three stroke rounds and approval to join, the club handicapper will allocate a starting handicap and the Club member will be issued with a Golf Link Handicap Card.

Financial Year

- 5.2.6 The financial year shall be from the 1st day of January to the 31st day of December, both dates inclusive.
- 5.2.7 The club membership financial year shall be from the 1st week of February (Opening Day) to the 31st day of December, both dates inclusive.

6. Winding Up

- 6.1 If the Committee is of the opinion that the Club should be wound up, or on the application in writing made to The Committee by not less than thirty percent (30%) of members entitled to vote signifying their desire that the Club be wound up The Committee shall convene an Extra Ordinary General Meeting to consider the question.
- 6.2 At such Extra Ordinary General Meeting a special resolution shall be required to be passed to wind up the Club.
- 6.3 If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges

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and expenses of that winding up, that property shall be distributed to: A suitable Charity.

- 6.4 For charitable purposes. The particular incorporated association or purposes, as the case requires, shall be determined by resolution of members when authorising and directing The Committee under Section 33 (3) of the Associations Incorporation Act 1987 to prepare a dissolution plan for the distribution of the surplus property of the Club.
- 6.5 Not for Profit. The property and income of the association must be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the association, except in good faith in the promotion of those objects or purposes.

End of Constitution.