

# Constitution

Gungahlin United Football Club

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# **Definitions**

"The Act" means the Associations Incorporation Act 1991;

"AGM" means Annual General Meeting;

"The Club" or "GUFC" means Gungahlin United Football Club (ACT) Inc.;

"Club Official" means a member of the Executive Committee, either of the Sub-Committees, a Shared Resource under section 3.4 or a coach or a manager of any of the Club's teams, or a volunteer with the club;

"Casting Vote" means an extra vote given to a chairperson to decide an issue when the vote on both sides is equal. The chairperson shall have a deliberative as well as a casting vote;

"Community Sub-Committee" means the Sub-Committee Members listed in Part 3.3.1;

"Executive Committee" means the Committee Members listed in Part 3.1.1;

"Football" means "Association Football" as recognised by FIFA from time to time. Football includes the games of football, soccer football, indoor or five a side (futsal) football and beach football;

"FFA" means the Football Federation of Australia;

"Member" means a current member of the Club who is the holder of one or more of the types of memberships set out in Part 2.1;

"Premier League Sub-Committee" means the Sub-Committee Members listed in Part 3.2.1;

"Registrant" means a person who plays football for the Club but who is not a Member.

"SGM" means Special General Meeting;

# Part 1 - The Club

#### **1.1 NAME**

1.1.1 The name of the Club is Gungahlin United Football Club (ACT) Inc.

## 1.2 INCORPORATION

1.2.1 The Club is incorporated under the Associations Incorporation Act 1991 (ACT).

#### **1.3 AIMS**

1.3.1 The Club's aim is to provide the best environment for the participation and fullest development of its members in Football.

This will be achieved by:

Providing a safe and enjoyable organisation and environment in which Members can participate
and engage in Football at a reasonable cost and follow the pathways to professional football.

- Giving everyone who wants to participate in Football the opportunity to do so in a safe and welcoming environment.
- Ensuring that across all of the Club, all Members are collectively doing everything possible to build and develop successful teams, male and female, at every age and level of ability.
- Providing strong governance, making the best decisions for all, and working together with the Club's committees, members and other stakeholders to develop the right basis on which the Club will operate.

#### 1.4 Values

At the Gungahlin United Football Club, we are strongly committed to the following values:

- Respect we value and respect the contributions made to football by club members, players, officials, Capital Football and the FFA;
- Integrity we will always conduct ourselves in a professional and ethical manner in all aspects of the club;
- Football Excellence we will at all times support and promote football excellence in our players, regardless of the level, age or gender;
- Continuous Education we will at all times promote and support ongoing education of players, coaches and officials;
- Fairness and Equity we will at all times treat people with fairness and respect;
- Community we will create a sense of community, bringing together people with a passion for football.

They define what the club believes in.

#### 1.5 CLUB LOGO

- 1.5.1 The Club will own and maintain a logo for exclusive use by the Club and approved partners. No person may use the Club's logo for any purpose whatsoever without the written permission of the Executive Committee.
- 1.5.2 The Club, through the Executive Committee, retains all rights relating to the use of the Club Name, Logos, trademarks (or signs), designs, equipment including computer software, images (including photographs, videos or films) or service marks relating to the Club or any activity of or conducted, promoted or administered by the Club.
- 1.5.3 The Executive Committee may take whatever action it deems necessary, including legal action, against any Member or sponsor or any other person who uses the Club name or logo without its written authorisation.
- 1.5.4 At no point may the logo be altered in any way without the written consent from the Executive Committee.

#### 1.6 CLUB EQUALITY POLICY

1.6.1 The Club has and maintains a policy of equality of treatment and opportunity for every Member and registrant. The aim of this policy is to ensure that every Member and registrant is treated fairly and with respect and that membership of the Club and playing Football for the Club is equally accessible to all.

#### 1.7 CLUB POLICIES AND PROCEDURES

1.7.1 The Executive Committee, on behalf of the Club, will maintain the necessary policies and procedures to enable it to properly and lawfully operate and all Members must abide by those policies and procedures.

# Part 2 – Membership of the Club

#### 2.1 TYPES OF MEMBERSHIP

Membership of the Club will consist of the classes of Members set out in Parts 2.1.1 to 2.1.4 below and such other classes as may be established by the Executive Committee under Part 2.1.5 from time to time. Other than for Life Members, the Executive Committee may, in its absolute discretion, prescribe the Fees and any rights or benefits (except for voting rights, which are set out in Part 2.2) for each class of Membership as and when it considers appropriate.

#### 2.1.1 Life Member

A life member is a Member who has been elected as a life member by the Executive Committee in its absolute discretion.

A life member is entitled to all the privileges of Full Membership without payment of further Membership Fees.

#### 2.1.2 Full Member

A Full Member is a person, eighteen years of age or above, who will have duly applied to be a Member of the Club and will have paid the appropriate Membership Fee.

#### 2.1.3 Honorary Member

An honorary member is any person, upon whom the Executive Committee has conferred an honorary membership of the Club. Honorary membership may only be conferred by the Executive Committee for one membership year at a time. Honorary members will not be:

- required to pay any Membership Fees;
- entitled to attend and/or vote at any meeting of the Club.

#### 2.1.4 Social Member

Subject to any restrictions imposed by the Executive Committee, Social members will have all the rights of membership of the Club, PROVIDED THAT Social Members will not be entitled to attend and/or vote at any meeting of the Club or upon any ballot, or stand for election as a Committee Member.

# 2.1.5 Other Classes of Membership

The Executive Committee may establish other classes of membership from time to time.

#### 2.2 **VOTING RIGHTS**

Except where otherwise provided in this Constitution, all Members other than Honorary Members and Social Members are eligible to vote at AGMs and SGMs.

## 2.3 MEMBERSHIP APPLICATION AND FEES

- 2.3.1 The Executive Committee will from time to time determine the Membership Fees that are applicable to each class of membership and the times for payment of such Membership Fees.
- 2.3.2 To obtain or renew membership a person must complete and sign the membership application in the form determined by the Executive Committee and pay the applicable Membership Fee.
- 2.3.3 The Secretary will retain all signed membership applications and will produce such applications and records to the Returning Officer (as defined in section 4.1.9) for verification (if required) as to the identity of any person voting at any election or general meeting of the Club.
- 2.3.4 Except for Life Membership, Membership of the Club will be for one year (or part thereof). A Member's membership will commence on payment of the Membership Fee for that year and such membership will cease immediately after the last day of that calendar year.
- 2.3.5 No Member whose Membership Fee is unpaid or who owes any money to the Club for arrears of Membership Fees or fines, will be entitled to vote at any meeting or upon any ballot, or be eligible to be elected or appointed as a Club Official.
- 2.3.6 The Executive Committee, in its absolute discretion and without having to give reasons:
  - has the right to refuse any application for Membership;
  - must not accept more than one application for Membership from any person; and
  - may accept an application for Membership made by a person who is the legal guardian of any person under or over the age of 18 years.

#### 2.4 REGISTER OF MEMBERS

- 2.4.1 The Club will cause to be kept a register of Members which will contain the full names and addresses of Members, together with their respective Membership number. Upon application for or renewal of Membership, the Secretary will cause the required details to be entered into the register of members. All such entries will be made within one month after receipt of such application for Membership has been received.
- 2.4.2 The Executive Committee may require details in addition to those details that are required in accordance with the immediately preceding clause, to be recorded in the register of Members.
- 2.4.3 The register of Members may be kept using such technological means as the Executive Committee may determine from time to time.
- 2.4.4 A Member changing their name and/or address must immediately notify the Club in writing of such change.

#### 2.5 RESIGNATION

A Member may resign from the club by giving written notice to the Secretary of his or her resignation and returning all equipment and property in his or her possession.

#### 2.6 DISCIPLINE

- 2.6.1 All Members are subject to the Constitution, by-laws, Policies, the FFA National Code of Conduct and the FFA Spectator code of Behaviour.
- 2.6.2 If a Member breaches any provision of the Constitution, or any Club policy or procedure, or any Code of Conduct, or where a charge of bringing the Club into disrepute has been made against a member, the Executive Committee may act as or designate a disciplinary panel to examine the circumstances of the breach or charge. The disciplinary panel must act in accordance with "GUFC Disputes and Disciplinary Policy".
- 2.6.3 The disciplinary panel will make recommendations for the Executive Committee based on the outcomes of its investigation. The Executive Committee will have complete discretion as to whether it accepts the recommendations made and has complete discretion as to what, if any, action it takes.

#### 2.7 CODE OF CONDUCT

2.7.1 Members may also be subject to a separate code of conduct in respect of any position they may hold within the Club.

## Part 3 – The Club Committees

There will be an Executive Committee which will oversee the affairs of the Club and there will be 2 sub-committees, the Premier League Sub-Committee and the Community Sub-Committee, each of which will report to the Executive Committee. The Executive Committee will prepare a statement of the duties of each sub-committee and make such changes as it considers necessary from time to time.

# 3.1 EXECUTIVE COMMITTEE

- 3.1.1 The Executive Committee shall be comprised of the following seven positions:
  - President
  - Vice President Premier League
  - Vice President Community
  - Sales and Marketing Director
  - Technical Director
  - Secretary
  - Treasurer

The position of Secretary and Treasurer will be elected to the Executive Committee and attend all meetings unless excused but shall not have a vote.

3.1.2 Each position on the Executive Committee will be for a term of three years. The members elected shall take up their positions within 28 days following their election.

- 3.1.3 In order to stand for the position of Vice President Premier League, a Member must have the necessary qualifications set out in the position description for Vice President Premier League as referred to in 3.1.9.
- 3.1.4 In order to stand for the position of Vice President Community League, a Member must have the necessary qualifications set out in the position description for Vice President Community League as referred to in 3.1.9.
- 3.1.5 The positions of Sales and Marketing Manager and Technical Director shall be appointed by the Executive Committee.
- 3.1.6 Executive Committee Members shall be eligible for re-election.
- 3.1.7 No Person may hold more than one position on the Executive Committee.
- 3.1.8 No Person may hold more than one position on the Executive Committee and one other position, whether on the Premier League Sub-Committee, Community Sub-Committee, or as a Shared Resource.
- 3.1.9 The Executive Committee will prepare and retain position descriptions for all Executive Committee, Sub-Committee and Shared Resource positions.
- 3.1.10 If any position on the Executive Committee or either Sub-Committee becomes vacant, the Executive may appoint any Member to that position until the next AGM, when an election for the position shall take place and clause 3.1.2 shall apply.

## 3.2 PREMIER LEAGUE SUB-COMMITTEE

- 3.2.1 The Premier League Sub-Committee shall be comprised of the following Positions:
  - Vice President Premier League
  - Men's Head Coach
  - Women's Head Coach
  - Administration Manager
  - Sponsorship Manager.
- 3.2.2 Each position will be for a term of three calendar years.
- 3.2.3 Other than the position of Vice President Premier League, each position on the Premier League Sub-Committee shall be appointed by the Executive Committee for a period of 3 years. Persons may be re-appointed at the end of their term.
- 3.2.4 Subject to clause 3.1.8, no Person may hold more than one position on the Premier League Sub-Committee.
- 3.2.5 The Executive Committee will prepare and retain position descriptions for all Premier League Sub-Committee positions.

# 3.3 COMMUNITY SUB-COMMITTEE

- 3.3.1 The Community Sub-Committee shall be comprised of the following Positions:
  - Vice President Community
  - Community Coach
  - Seniors Coordinator
  - Women's Coordinator
  - Juniors Coordinator
  - Schools Liaison Officer
  - Child Welfare Officer
  - Referees' Coordinator
- 3.3.2 Each position will be for a term of two calendar years.
- 3.3.3 Other than the position of Vice President Community, each position on the Community Sub-Committee shall be appointed by the Executive Committee for a period of 3 years. Members may be re-appointed on the expiry of their 3-year term.

- 3.3.4 Subject to clause 3.1.8, no Person may hold more than one position on the Community Sub-Committee unless approval is granted by the Executive Committee.
- 3.3.5 The Executive Committee will prepare and retain position descriptions for all Community Sub-Committee positions.

#### 3.4 SHARED RESOURCES

- 3.4.1 The Shared Resources shall be comprised of the following Positions or such other Positions as the Executive Committee may create from time to time:
  - Registrar
  - Equipment Manager
  - Deputy Equipment Manager
  - Communications Manager
- 3.4.2 All Shared Resources shall be appointed by the Executive Committee for a term of 2 years. The Executive Committee may reappoint a person on the expiry of their 2-year term.
- 3.4.3 Subject to clause 3.1.7, no Person may hold more than one Shared Resource position.
- 3.4.4 GUFC will retain position descriptions for all Shared Resource positions.
- 3.4.5 The Executive Committee may abolish any position or create new positions as it thinks fit.

#### 3.5 NOMINATIONS AND ELECTIONS

- 3.5.1 All Members over the age of 18 shall be eligible for nomination to any elective Executive Committee position, subject to satisfying any requirements of that position's description.
- 3.5.2 All nominations for Executive Committee positions must be seconded by another Member.
- 3.5.3 All written nominations must be sent to the secretary fourteen days prior to the Annual General Meeting. If no nominations are received in writing, nominations may be accepted from the floor at the Annual General Meeting.
- 3.5.4 A Member will be elected to a position by a simple majority of members entitled to vote and present at the Annual General Meeting. This is subject to clause 3.5.2.

## 3.6 RESIGNATION

3.6.1 A committee or sub-committee member may resign his or her position on such committee or sub-committee in writing to the Secretary giving two weeks' notice.

# 3.7 EXPULSION

- 3.7.1 At all times all Members of the Club are subject to the constitution, by-laws, Policies and Code of Conduct as determined by GUFC.
- 3.7.2 If a Member is alleged to have breached any provision of the Constitution, or any endorsed policy of the Club, or any part of the Code of Conduct or any applicable Capital Football or FFA rule or regulation, or where a charge of bringing the Club into disrepute has been made against a member, the Executive Committee may act as or designate at least 3 Members to form a disciplinary panel to examine the circumstances of the breach or charge and make such recommendations as it considers necessary or appropriate.
- 3.7.4 The Executive Committee will receive the report of any disciplinary panel and make all final decisions relating to the allegations or charge and any punishment.
- 3.7.5 A committee or sub-committee member's position may be terminated by two thirds majority of an Executive Committee meeting if he or she fails to attend three consecutive committee or sub-committee meetings.

## 3.8 DISSOLUTION

3.8.1 At any time the Executive Committee may be dissolved by a two thirds majority of Members entitled to vote and present at a Special General Meeting called for that purpose.

# Part 4 – Meetings

# 4.1 ANNUAL GENERAL MEETING (AGM)

- 4.1.1 GUFC shall, at least once in each calendar year and within the period of five months after the expiration of each financial year of the Club, convene an Annual General Meeting of its members.
- 4.1.2 GUFC must give 28 days' notice to all members. This notice must specify the place, date, and time of the meeting. This notice must also be advertised in local media.
- 4.1.3 Notices of Motion for the AGM and Nominations for Executive Committee Positions must be in writing, and received by the Secretary no later than fourteen days prior to the AGM.
- 4.1.4 The Secretary must circulate an agenda, including all Notices of Motion, to all members at least seven days prior to the AGM.
- 4.1.5 The Agenda for the AGM shall be:
  - A. Opening of the Meeting
  - B. Apologies
  - C. Confirmation of the previous AGM Minutes
  - D. Reports from the President, Vice President Premier League, and Vice President Community
  - E. Financial Report
  - F. Appointment of the Auditor
  - G. Election of Eligible Committee Positions
  - H. Notices of Motion
  - Meeting Closed
- 4.1.6 The President shall preside over the AGM unless he or she is absent, in which case the Vice President Premier shall preside and, if the Vice President Premier is absent, Vice President Community shall preside.
- 4.1.7 No person eligible to vote may do so more than once on each motion.
- 4.1.8 A Quorum for the AGM is when 10 members eligible to vote are present. If a quorum is not reached within 30 minute from the nominated start time, those present shall determine a date within one month to reconvene the meeting.
- 4.1.9 A "Returning Officer" shall be appointed by the Executive Committee at least 14 days before each AGM and SGM and that Returning Officer shall be responsible for the conduct of all elections at that general meeting.

# 4.2 SPECIAL GENERAL MEETING (SGM)

- 4.2.1 A Special General Meeting may be called by a two thirds majority of the Executive Committee.
- 4.2.2 A Special General Meeting shall be called when the Executive Committee is presented with a notice signed by no less than 25% of Members.
- 4.2.3 All members must be given 21 days' notice of a Special General Meeting, this notice must specify the place, date, and time of the meeting.

4.2.4 The Secretary must provide the agenda and all related material to Members at least seven days prior to the meeting.

## 4.3 EXECUTIVE COMMITTEE MEETING

- 4.4.1 The Executive Committee shall meet at least once a month and at any other time as directed by the President
- 4.4.2 The Secretary shall provide seven days' notice to all Executive Committee Members of the meeting.
- 4.4.3 A quorum for an Executive Committee Meeting is formed when four of the members are present.

#### 4.4 PREMIER LEAGUE SUB-COMMITTEE MEETING

- 4.5.1 The Premier League Sub-Committee shall meet once a month prior to the Executive Committee and at any other time as directed by either the President or Vice President Premier League
- 4.5.2 The Vice President Premier League shall act as chair
- 4.5.3 The Vice President Premier League shall appoint a minute taker, who will submit the minutes to the Secretary within fourteen days.
- 4.5.4 Members are entitled to submit agenda items.

# 4.5 COMMUNITY SUB-COMMITTEE MEETING

- 4.5.1 The Community Sub-Committee shall meet once a month prior to the Executive Committee and at any other time as directed by either the President or Vice President Comunity
- 4.5.2 The Vice President Community shall act as chair.
- 4.5.3 The Vice President Community shall appoint a minute taker, who will submit the minutes to the Secretary within fourteen days.
- 4.5.4 Members are entitled to submit agenda items.

## Part 5 – Finances

# **5.1 REVENUE**

- 5.1.1 The Club may raise funds by any lawful means but all fund-raising activities must be agreed to by the Executive Committee.
- 5.1.2 All moneys received on behalf of GUFC shall be deposited in a cheque account or investment account or such other account(s) in the name of the club as the Executive Committee sees fit.

### **5.2 EXPENSES**

- 5.2.1 The income and property of GUFC (which includes the Club logo) shall be used solely for the Aims of the club, in accordance with such policies and procedures as are in place from time to time and as may be determined by the Executive Committee.
- 5.2.2 No payments shall be drawn on any account of the Club except for the payment of the normal running costs of GUFC as may be determined by the Executive Committee, or other expenditure as authorised by the Executive Committee.

### **5.3 AUTHORITY**

- 5.3.1 All accounts of the Club shall be operated by a minimum of two authorised signatories who shall be drawn from the Executive Committee.
- 5.3.2 The Premier League Sub-Committee has the right to approve spending within a predefined limit as set out in the Operating Budget without seeking further approval of the Executive Committee.
- 5.3.3 The Community Sub-Committee has the right to approve spending within a predefined limit as set out in the Operating Budget without seeking further approval of the Executive Committee.
- 5.3.4 The predefined limits referred to in sections 5.3.2 and 5.3.3 will be set by the Executive Committee in the Operating Budget for each year.

#### **5.4 AUDIT**

- 5.4.1 An Auditor shall be appointed at the Annual General Meeting
- 5.4.2 The Auditor shall examine and audit all the books and accounts of GUFC annually, and have the power to call for all books, accounts, papers, receipts, records etc. of the club and to report thereon to the Annual General Meeting.

# Part 6 - Child Welfare

#### **6.1 PROTECTION FOR CHILDREN AND OTHERS**

- 6.1.1 GUFC is committed to the safety and wellbeing of all children and young people, particularly but not limited to those who are registered players. GUFC supports the rights of the child and will act without hesitation to ensure that a child-safe environment is maintained at all times. GUFC also supports the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a secure environment for all participants.
- 6.1.2 GUFC requires that every Club Official, within one month of his or her election or appointment, as the case may be, will apply for and obtain and retain, for the duration of his or her position, a registration card under section 49 of the Working With Vulnerable People (Background Checking) Act 2011.
- 6.1.3 A Club Official must immediately report to the Executive Committee any act or other thing by which he or she reasonably believes that a child may have been harmed or may be likely to suffer any harm whatever. Failure to do so may result in disciplinary measures.

## **6.2 CHILD SUPERVISION**

In accordance with section 6.1, GUFC promotes the supervision of all children and young people by a responsible parent or guardian at all times. Parents and Guardians are responsible for the physical supervision of children at all times whilst engaging the services of the club. Parents or Guardians who fail to provide supervision for a child or young person may be referred to a disciplinary panel under clause 6.5.

# 6.3 ALCOHOL

- 6.3.1 No Alcohol shall be consumed by any member or spectator at a Match involving players under the legal age of drinking outside of designated alcohol consumption areas.
- 6.3.2 No Alcohol shall be consumed by any Club Official whilst performing services for GUFC.

# **6.4 COMPLAINTS**

- 6.4.1 Any person may make a complaint to the Club under this Part 6.
- 6.4.2 All complaints made under this Part 6 will be kept confidential and will not be disclosed to another person without the complainant's consent unless the law requires disclosure or if disclosure is necessary to effectively deal with the complaint.
- 6.4.3 Upon Receipt of a written or oral complaint, the Executive Committee will appoint an ad hoc Disciplinary Panel to investigate each claim made. The Disciplinary Panel will be bound by the 'GUFC Disputes and Disciplinary policy' and may make recommendations for the Executive Committee based on the outcomes of its investigation. The Executive Committee will have complete discretion as to whether it accepts the recommendations made and has complete discretion as to what, if any, action it takes.
- 6.4.4 If the complaint involves a person who is not a Club Member, it shall be referred directly to Capital Football. However, the Club may take such interim steps to protect its Members and players as the Executive Committee deems necessary.

#### **6.5 DISCIPLINARY MEASURES**

6.5.1 An ad hoc Disciplinary Panel instituted under this Part 6 may make such recommendations to the Executive Committee as it believes necessary. This includes but is not limited to, written warning, expulsion, or referral to local law enforcement agencies.

# Part 7 – Disputes and Disciplinary

- 7.1 All Members are subject to and all complaints, allegations and charges will be dealt with in accordance with the Capital Football "Disputes & Disciplinary Regulations" and the "GUFC Disputes and Disciplinary Policy".
- 7.2 In the case of a conflict between the Capital Football "Disputes & Disciplinary Regulations" and the "GUFC Disputes and Disciplinary Policy" the "GUFC Disputes and Disciplinary Policy" shall take precedence.

## Part 8 – Books of Accounts and other Documents

8.1 Custody of the Books of Accounts will rest with the treasurer and will be held at his or her home address.

The responsibility for taking minutes of all meetings will rest with the Secretary and the minutes will be held at his or her home address.

Any member, during a general meeting, may examine any book of account, bank record, receipts and invoices, and/or any other document pertaining to the conduct of the clubs' business.

#### Part 9– Constitutional Amendments

9.1 No part of this Constitution shall be changed unless approved by a three quarters majority of members entitled to vote and present at an Annual General Meeting, or at a Special General Meeting called for that purpose.

9.2 The Secretary shall provide notice of all motions to change the Constitution to members at least fourteen days prior to an Annual General Meeting or fourteen days prior to a Special General Meeting called for that purpose.

# Part 10 - Dissolution

- 10.1 Gungahlin United Football Club shall be dissolved if:
  - a resolution to this effect is carried by a Special General Meeting, twenty eight days of notice of the proposed resolution having been given; or
  - financial membership drops to ten or less members; or
  - The Club becomes insolvent

If upon the dissolution of GUFC there remains, after satisfaction of all debts and liabilities, any property or funds whatsoever, the same shall not be distributed or paid among the members of the club but shall be transferred or given to an Association or institution having objectives similar to those of the Association, to be determined by members of the Association at or before the time of dissolution, and in default thereof as may be directed upon application to the Supreme Court of Australia in that behalf.