

# **PORT KEMBLA JUNIOR FOOTBALL CLUB**



# **CONSTITUTION**

# Table of Contents

## **PART 1 – PRELIMINARY**

<b>1.DEFINITIONS .....</b>	<b>5</b>
<b>2.CLUB .....</b>	<b>6</b>
<b>3.OBJECTS OF THE CLUB .....</b>	<b>7</b>

## **PART 2 – MEMBERSHIP**

<b>4.MEMBERSHIP GENERALLY .....</b>	<b>9</b>
<b>5.NOMINATIONS OF MEMBERS .....</b>	<b>9</b>
<b>6.CESSATION OF MEMBERSHIP .....</b>	<b>10</b>
<b>7.MEMBERSHIP NOT TRANSFERABLE .....</b>	<b>11</b>
<b>8.LIFE MEMBERS .....</b>	<b>11</b>
<b>9.REGISTER OF MEMBERS .....</b>	<b>13</b>
<b>10.EFFECT OF MEMBERSHIP .....</b>	<b>13</b>
<b>11.SUBSCRIPTION AND FEES .....</b>	<b>14</b>
<b>12.REFUND OF MEMBERS FEES .....</b>	<b>14</b>
<b>13.MEMBERS' LIABILITIES .....</b>	<b>14</b>
<b>14.RESOLUTION OF DISPUTES .....</b>	<b>14</b>
<b>15.DISCIPLINING OF MEMBERS .....</b>	<b>15</b>
<b>16.RIGHT OF APPEAL OF DISCIPLINED MEMBER .....</b>	<b>16</b>

## **PART 3 – THE COMMITTEE**

<b>17.POWERS OF THE COMMITTEE .....</b>	<b>17</b>
<b>18.COMPOSITION OF THE COMMITTEE .....</b>	<b>17</b>
<b>19.TITLES AND DUTIES OF THE COMMITTEE MEMBERS .....</b>	<b>18</b>
<b>20.ELECTION OF COMMITTEE MEMBERS.....</b>	<b>22</b>
<b>21.CASUAL VACANCIES .....</b>	<b>22</b>
<b>22.REMOVAL OF COMMITTEE MEMBERS .....</b>	<b>23</b>
<b>23.COMMITTEE MEETINGS AND QUORUM .....</b>	<b>24</b>
<b>24.CONFLICT OF INTEREST .....</b>	<b>24</b>
<b>25.DELEGATION OF COMMITTEE TO SUB COMMITTEE .....</b>	<b>25</b>
<b>26.VOTING AND DECISIONS .....</b>	<b>25</b>

## **PART 4 – GENERAL MEETINGS**

<b>27.ANNUAL GENERAL MEETINGS .....</b>	<b>26</b>
<b>28.SPECIAL GENERAL MEETINGS.....</b>	<b>26</b>
<b>29.NOTICE .....</b>	<b>27</b>
<b>30.QUORUM OF GENERAL MEETINGS.....</b>	<b>27</b>
<b>31.VOTING .....</b>	<b>27</b>

## **PART 5 – MISCELLANEOUS**

<b>32.FUNDS SOURCE AND MANAGEMENT .....</b>	<b>28</b>
<b>33.CUSTODY OF BOOKS .....</b>	<b>28</b>
<b>34.INSPECTION OF BOOKS .....</b>	<b>28</b>
<b>35.AUDITOR .....</b>	<b>29</b>
<b>36.DISPERSAL OF CLUBS INCOME AND PROPERTY.....</b>	<b>29</b>
<b>37.WINDING UP OR DISSOLUTION OF THE CLUB .....</b>	<b>29</b>
<b>38.AFFLIATED MEMBER.....</b>	<b>30</b>
<b>39.MATTERS NOT COVERED BY THESE RULES .....</b>	<b>30</b>
<b>40.ALTERATION OF THE OBJECTS AND THE RULES .....</b>	<b>30</b>
<b>APPENDIX 1 – APPLICATION FOR MEMBERSHIP OF CLUB.....</b>	<b>31</b>
<b>SUMMARY OF ALTERATIONS .....</b>	<b>32</b>

## PART 1 – PRELIMINARY

### 1. DEFINITIONS

In this Constitution unless the contrary intention appears:

“**Act**” means the *Clubs Incorporation Act 2009 (NSW)*.

“**Annual General Meeting**” means the Annual General Meeting of the Club.

“**Association**” means the organisation controlling Football in the Illawarra, of which the **Club** is a Member, or is otherwise affiliated with.

“**Club**” means Port Kembla Junior Football Club.

“**Constitution**” means this Constitution of the PKJFC Club.

“**Committee**”. Are the elected group responsible for the day to day running of the Club in accordance with these rules. The Office Bearers constitute part of the committee of the Club

“**Football**” means the sport of soccer.

“**FSC**” means Football South Coast

“**General Meeting**” means the general operational meetings of the Club as defined in **Part 4 of this constitution**.

“**Governing Body**” means the organisation controlling Football in NSW, of which the **Club** is a Member, or is otherwise affiliated with the Club, either directly, or through a Region.

“**Intellectual Property**” means all rights subsisting in copyright, business names, names, trademarks (or signs), logos, 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 in New South Wales.

“**Life Member**” means an individual appointed as a Life Member of the Club under **clause 8**.

“**Member**” means a Member for the time being of the Club as defined in **clause 4**.

“**Objects**” means the objects of the Club as defined in **clause 3**.

“**Office Bearers**” mean the following elected Committee Members of the Club

- a) The President
- b) The Vice-President
- c) The Treasurer
- d) The Secretary

“**PKJFC**” means Port Kembla Junior Football Club

“**Public Officer**” means the person appointed to be the public officer of the Club in accordance with the Act. This will be the Secretary.

“**Register**” means a register of Members kept and maintained in accordance with **Clause 9**.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

**“Rules, Regulations, Codes of Conduct, Policies”** mean any Rules, Regulations, Codes of Conduct, Policies made by the Committee, Association and or Governing Body.

**“Seal”** means the common seal of the Club.

**“Special General Meeting”** means a special meeting called as defined in **Clause 28**, which is not an Annual General Meeting or Committee Meeting

**“Special Resolution”** means a special resolution as defined in the Act.

**“Sport”** means the sport known as Football / Soccer.

**“Sub Committee”** a sub branch, reporting to the Committee for various special roles e.g. fundraising, building, that may or may not include general Committee Members.

## 2. THE CLUB

The name of the corporation is the Port Kembla Junior Football Club, herein referred to as “Port Kembla Junior Football Club” or the “Port Kembla”. The Club is a not for profit organisation.

### 2.1 CLUB EMBLEM

- Aboriginal with Black and White Stripes

### 2.2 CLUB COLOURS

- Home Shirt Black and White striped.
- Sock Black with letters PKJFC.
- Shorts Black with White strip on sides with PKJFC logo.

### 2.3 COMMON SEAL

The common seal of the association must be kept in the custody of the public officer. The common seal must not be affixed to any instrument except by the authority of the Committee. The affixing of the common seal must be attested by the signatures either of 2 Members of the Committee or of 1 Member of the Committee and of the public officer or secretary.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

## 3. OBJECTS OF THE CLUB

Port Kembla Junior Football Club is a community-based organisation and as such the Objects of the Club are to:

- a) Promote, foster, encourage and participate in the sport of football (soccer), and the enjoyment thereof;
  - b) Promote the economic and community service success, strength and stability of the Club, the Members and Football in New South Wales
  - c) Apply the property and capacity of the Club towards the fulfilment and achievement of these Objects;
  - d) Pursue such commercial arrangements, including sponsorship and marketing opportunities as are appropriate to further the interests of Football in the Club;
  - e) Adopt and implement such policies as may be developed by the Association or Governing Body, including (as relevant and applicable) Member protection, health and safety, junior sport, and such other matters as may arise as issues to be addressed in football;
  - f) Represent the interests of its Members and of football generally in any appropriate forum in Illawarra
  - g) Have regard to the public interest in its operations;
  - h) Use and protect the Intellectual Property of the Club;
  - i) Do all that is reasonably necessary to enable these Objects to be achieved and enable Members to receive the benefits which these Objects are intended to achieve;
  - j) Promote the health and safety of Members and all other participants in football in the Illawarra.
  - k) Seek and obtain improved facilities for the enjoyment of football in the Club;
  - l) Promote the development of coaching and individual player skills to enhance team play and the overall football experience.
  - m) Emphasise fun at all levels of play, good sportsmanship, physical fitness, healthy attitudes and teamwork.
- 
- n) As a community organisation the Club relies on the voluntary efforts of its players, parents and supporters. It follows that all who participate in and enjoy

## PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

the benefits of the Club have a responsibility to contribute to the running of the Club. This shall be done in many different ways, including:

- Working as Coaches and Team Managers
  - Being supportive to Coaches and Managers with the running of their teams
  - Helping out as Unofficial Referees, Marshals and Linesmen
  - Assisting with “nets up” and “nets down” work
  - Participating in Canteen and Barbecue duty rosters
  - Contributing to the Club’s fundraising efforts
  - Helping to arrange financial sponsorships and supporting the Club’s sponsors
  - Volunteering specialist services and participating in working bees
  - Attending the Club’s General Meetings and Annual General Meeting
  - Running for office and taking on Committee/Sub-Committee responsibilities
- o) To emphasise the fundamental importance of such support and participation, when seeking registration parents and players shall be asked to acknowledge and commit to this in whatever ways they can.



## PART 2 – MEMBERSHIP

### 4. MEMBERSHIP GENERALLY

The Members of the Club shall consist of:

- a) A **Parent Member** is a person who is not an ordinary Member and who has a child or is the guardian of a person under the age of 18 years who is a Player Member of the Club.
- b) A **Player Member** is a person under the age of 18 years who is registered to play and does play football (subject to any injury or disability) for a junior team sponsored by the Club and is admitted to membership under these Rules.
- c) An **Ordinary Members** shall consist of any person with an interest in football as may from time to time be admitted to membership under these Rules.
- d) A **Life Member** is a person elected under **clause 8**
- e) Every Member shall be bound to further, to the best of their ability, the Objects, interests and standing of the Club and shall observe the Constitution, Rules, Regulations, Codes of Conduct and Policies of the Club in force from time to time.

### 5. NOMINATIONS OF MEMBERS

- a) All nominations for Ordinary Members must be nominated by a Member of the Club in writing in the form set out in Appendix 1 of this constitution and be lodged with the Secretary of the Club.
- b) As soon as practicable after receiving a nomination for Ordinary Membership, the Secretary shall refer the nomination to the Committee that shall determine whether to approve or reject the nomination by means of a vote.
- c) Where the Committee determines to approve a nominee for Ordinary Membership, the Secretary shall, as soon as practicable after that determination, notify the nominee of that approval and request the nominee to pay within the period of twenty eight (28) days after issue of the notification by the Secretary, if applicable, the sum payable under these Rules by a Member as subscription.
- d) Upon submission of a nomination form and nomination fee, a nominee for Ordinary Member shall be deemed to have agreed to be bound by these Rules, and follow them if elected as an Ordinary Member.
- e) Each Player Member is accepted as a Member by completing a player registration form as required by the Club, Association or Governing Body at the beginning of every football season and paying the appropriate registration fee, which is set from time to time by the Club.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- f) To be accepted as a Player Member the Committee must approve a person. If the person is listed on an official Team Sheet of the Club they are deemed to be accepted by the Committee.
- g) On registration, one nominated guardian or Parent shall be referred to as the Parent member. Additional Parent / Guardian may apply to become an Ordinary Member.
- h) A Parent Member must have their name recorded in the Clubs records associated with the Player. Their listing in the Clubs records is deemed to be acceptance by the Committee.
- i) Any person elected to the Committee of the Club who is not a Parent Member or Player Member is automatically elected as an Ordinary Member.
- j) No restriction shall be imposed on any person by virtue of religion, political beliefs, sex, race or age, but the Committee shall have the right to refuse membership to any person without giving reason therefore.
- k) However, any such person shall have the right to appeal to the Committee. Such appeal shall be lodged in writing with the Secretary within seven (7) days of receiving notice of the Committee decision.
- l) Entitlement to vote is restricted to financial Members 18 years and over.

## 6. CESSATION OF MEMBERSHIP

A person ceases to be a Member of the Club if the person:

- a) Dies;
- b) Resigns that membership; or
- c) Is expelled or suspended from the Club; or
- d) Unless the Committee otherwise resolves, being a Parent Member, the child plays Football for another Club whilst a Member of the Club; or
- e) Unless the Committee otherwise resolves, being a Parent Member, has not paid his or her registration fees to the Club on or before the due date for payment of the same, set by the Club in each football season

### 6.1 Discontinuance for breach

The Committee may discontinue membership with the Club with a **(passed by a two third majority)** in accordance with **clause 15**

- a) Upon breach of any clause of this Constitution, Rules, Regulations, Codes of Conduct or Policies,
- b) Failure to pay any monies owed to the Club,
- c) Failure to comply with the Regulations or any resolutions or determinations made or passed by the Committee.
- d) Failure to follow directions of the Committee

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- e) The Committee under clause 6 shall not discontinue membership without the Committee first giving the accused Member the opportunity to explain the breach and/or remedy the breach.

## **6.2 Forfeiture of Rights**

A Member who or which ceases to be a Member, for whatever reason, shall forfeit all rights in and claims upon the Club and its property and shall not use any property of the Club including Intellectual Property. Any Club documents, records or other property in the possession, custody or control of that Member shall be returned to the Club immediately.

## **7. MEMBERSHIP NOT TRANSFERABLE**

A right, privilege or obligation that a person has by reason of being a Member of the association:

- a) Is not capable of being transferred or transmitted to another person, and
- b) Terminates on cessation of the person's membership.

## **8. LIFE MEMBERS**

Life Membership is an honour bestowed on individual Club Members whose exceptional and outstanding service and contribution has a provided measurable benefit to the Club over an extended period of time.

### **8.1 Criteria and Processes**

Nomination for Life Membership of a current or retired Member can be nominated by any current Member with the nomination seconded by at least one other Member. The Nominator must at the time of nomination identify the reasons for the nomination. These reasons should address some of the selection criteria below. The Nomination must be presented to the Committee in writing.

### **8.2 Assessment & Process**

The Committee in the first instance will determine the merit of the application and may dismiss the application or seek further information from the Nominator. If the nomination is dismissed the Committee must provide reasons to the Nominator.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

In the event that the nominee is serving on the Committee at the time of Nomination, that person must be

A simple majority of a quorum of the General Committee is sufficient for the nomination to be pursued. In the event that the Committee believes that nomination is worthy of Life Membership Seventy Five Percent (75%) majority of a quorum is required to formalise the nomination.

The General Committee will present the nomination to the June General Meeting for the final ratification of the nomination and awarding of Life Membership.

This award is to be awarded at the Clubs official presentation day.

## **8.3 Criteria**

To assist with the nomination, some or all of the following criteria should be considered

- a) For any of the relevant criteria the nominee should have demonstrated an exceptional contribution which has a measurable
- b) Benefit to the Club & membership.
- c) Minimum 10 years Club membership
- d) Minimum of 5 years in specific roles that contribute to the benefit of the Club, these roles may include but not be
- e) Restricted to - service on the Committee, co-ordinator roles, fund raising activities.
- f) Has the nominee represented the Club with distinction
- g) Has the nominee demonstrated attitude and demeanour that reflects dedication to the values of the Club including
  - i. Good sportsmanship.
  - ii. Has the nominee provided leadership around the Club and is considered a role model

## **8.4 Honorary Life Membership –Benefits**

- a) Full membership for life with no fees
- b) Club provided Jacket
- c) Recognition on the Club Honour Board.
- d) One Voting right at meetings
- e) Presented with calendar of events each season.

## 9. REGISTER OF MEMBERS

### 9.1 Club to keep Register

The Club shall keep and maintain a Register in which shall be entered (as a minimum):

- (a) The full name, address, category of membership and date of entry to membership of each Individual Member, Committee Member or Life Member; and
- (b) Where applicable, the date of termination of membership of any Individual Member, Committee Member or Life Member.
- (c) All Members are required to advise the Club correct and up to date details within one month of any such change.

### 9.2 Inspection of Register

- a) Having regard to the Act, confidentiality considerations and privacy laws, an extract of the Register, excluding the address or other direct contact details of any Individual Member, Life Member or Committee Member, shall be available for inspection (but not copying) by Members, upon reasonable request.
- b) A Member must not use information about a person obtained from the register to contact or send material to the person, other than for:
  - (i) The purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Club or other material relating to the Club, or
  - (ii) Any other purpose necessary to comply with a requirement of the Act or the Regulation.

## 10. EFFECT OF MEMBERSHIP

Members acknowledge and agree that:

- a) This Constitution constitutes a contract between each Member and the Club and that they are bound by this Constitution, the Rules, Regulations, Codes of Conduct and Policies of the Club, Association and the Governing Body constitution and regulations;
- b) They shall comply with and observe this Constitution and the Regulations and any determination, resolution or policy which may be made or passed by the Committee or other entity with delegated authority;
- c) By submitting to this Constitution, Rules, Regulations, Codes of Conduct and Policies they are subject to the jurisdiction of the Club, Association and Governing Body;
- d) They are entitled to all benefits, advantages, privileges and services of Club membership.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

## 11. SUBSCRIPTIONS AND FEES

- a) Members shall pay to the club an Annual Fee of \$2, which shall be payable on/after 1st of January each year.
- b) Parent & Player Members shall pay to the Club an Annual Fee that is inclusive of the above in Registration Fees as may be prescribed by the Committee each year.
- c) Membership and Registration fees shall be paid before the start of the regular season.

## 12. REFUND OF MEMBERSHIP FEES

At the discretion of the Committee,

- a) Membership fees or subscriptions paid by a Discontinued Member shall be refunded, excluding any unrecoverable fees, on a pro-rata basis to the Member upon discontinuance. This will be
  - (i) 50% of any fees and subscriptions before week 1 of an ordinary season
  - (ii) Nil after week 1 of an ordinary season
- b) Refunds shall be in the form of a cheque to the registered parent or guardian

## 13. MEMBERS' LIABILITIES

The liability of a Member and the Committee of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is \$0

## 14. RESOLUTION OF DISPUTES

The grievance procedure set out in this rule applies to disputes under these rules between a Member and:

- (i) Another Member; or
  - (ii) The Club.
- a) Complaints and disputes must be lodged in writing to the Secretary of the club,
- b) Both parties of the dispute must be notified within (7) days of the nature of the initial complaint.
- c) The parties of the dispute will be encouraged to meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all parties.

## PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- d) If the dispute cannot be resolved, the parties are to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- e) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- f) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

### 15. DISCIPLINING OF MEMBERS

- a) Where the Committee is advised or considers that a Member has allegedly:
  - (i) Breached, failed, refused or neglected to comply with a provision of this Constitution, the Regulations of the Club, Association or Governing Body or any resolution or determination of the Committee.
  - (ii) Acted in a manner unbecoming of a Member, or prejudicial to the purposes and interests of the Club, Association, Governing Body and/or football; or
  - (iii) Brought the Club, Association, Governing Body or any other Member or football into disrepute;
- b) The Committee may commence disciplinary proceedings against that Member, and that Member, will be subject to the procedures, penalties and the appeal mechanisms of the Club set out in the Regulations.
- c) An allegation must be:
  - (i) Made in writing and;
  - (ii) Signed by the person submitting the allegation.
- d) The Committee will deal with any disciplinary matter referred to it no later than 14 days after receiving the complaint. The Committee shall operate in accordance with the procedures expressed in the Regulations but subject always to the Act.
- e) The Committee must:
  - (i) Advise the respondent within 14 days with a set time and place to conduct a disciplinary hearing
  - (ii) Not be a person who:
    - Is involved in the events leading or related to the investigation.
    - Will give evidence in the disciplinary hearing
    - Has cause for conflict of interest being that related to the complainant, respondent or persons giving evidence
  - (iii) Allow the respondent to be supported and assisted by (1) other person.
  - (iv) Keep minutes of the hearing
- f) The Committee can:
  - (i) Dismiss the claim and notify both parties by writing with reason

## PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- (ii) Make a decision and notify parties by writing with reason
- (iii) Make a decision in the respondents absence
- g) The Committee must at the conclusion:
  - (i) Take no longer than 14 days to conclude and decide an outcome
  - (ii) If found guilty, set recommendations
  - (iii) The Committee may, by resolution (**passed by a two third majority**), expel or suspend the Member from the Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- h) If either party seeks legal representation, due notice of a minimum of (7) days will required by either party.

### 16. RIGHT OF APPEAL OF DISCIPLINED MEMBER

- a) A Member shall have a right of appeal against a resolution of the Committee if, but only if, he gives written notice of such appeal to the Secretary within seven (7) days of his receiving written notice of the resolution.
- b) As soon as practicable after receiving such notice of appeal, the Secretary shall convene an Extraordinary General Meeting to be conducted immediately before the next Committee Meeting.
- c) At such Extraordinary General Meeting,
  - (i) No business other than the appeal shall be considered,
  - (ii) The Committee and the appellant shall be given the opportunity to state their respective case orally and/or in writing, and any Member may speak for/against such appeal and/or ask questions to clarify matters.
  - (iii) The Members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked
- d) The appeal is to be determined by simple majority of votes cast by Members present.
- e) The resolution of the Extraordinary General Meeting is final and cannot be further appealed, and shall be advised accordingly and as soon as practicable by the Secretary to the appellant.



## **PART 3 – THE COMMITTEE**

### **17. POWERS OF THE COMMITTEE**

The Committee shall

- a) Control the affairs of the Club
- b) Exercise all such functions as may be exercised by the Club, other than those functions required by these Rules or Policy to be exercised by a General Meeting
- c) Have powers to do anything that may be deemed necessary and/or desirable and/ or expedient for the proper control and management of the affairs of the Club
- d) Resolve to establish and/or amend and/or rescind any Policy that it may deem necessary and/or desirable and/or expedient for the proper conduct and management of the affairs of the Club by a majority of Committee Members present.
- e) Subject to the Act and this Constitution, the business of the Club shall be managed, and the powers of the Club shall be exercised by the Committee.
- f) The Committee shall meet at such times and places as may be determined.
- g) The Committee shall be summoned:
  - (i) If in the opinion of the President a meeting of such Committee is necessary, or
  - (ii) By the Secretary at the request of two (2) Members of such Committee.
  - (iii) A quorum at any meeting of the Committee shall consist of four (4) Members thereof.

### **18. COMPOSITION OF THE COMMITTEE**

- a) The Committee shall consist of the following positions
  - The President
  - The Vice-President
  - The Secretary
  - The Treasurer
  - The Registrar
  - The Equipment Officer
  - The Grounds Officer
  - The Canteens Manager

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- Webmaster
  - The Referee Coordinator
  - The Member Protection Officer (Child Protection Officer)
  - The Coaching & Player Development Coordinator
  - The Social Coordinator
  - The Coach & Manager Liaison Coordinator
- b) The Committee shall be Members and shall, subject to these Rules, hold such offices until commencement of an election of Officers at the next Annual General Meeting after being elected to Office, but shall be eligible for re-election.
- c) All Committee Members positions shall be declared Vacant at each subsequent AGM, with new Committee Members appointed as per this Constitution.
- d) A given individual for a maximum of five (5) consecutive years can hold the Executive Positions (President, Vice President, Secretary, and Treasurer). The same individual can subsequently hold the position again, but only after a break of at least one (1) calendar year. Members may hold junior roles for an unlimited period if so elected.
- e) Any two (2) Committee Members and not the Treasurer shall sign all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments.
- f) The Committee shall comply with resolutions of General Meetings.

## **19. TITLES AND DUTIES OF COMMITTEE MEMBERS**

**PRESIDENT** - There shall be a President who shall:

- Be the Chairman at all Committee and/or General Meetings; and
- As such, sign adopted Minutes of the preceding Meeting; and
- Conduct all such Meetings in accordance with these Rules and Policy, and ensure that proper rules of debate apply; and
- Represent the Club to the community; and
- Be responsible for the proper performance of all duties by Committee Officers and Members; and
- Have the right to vote on any motion, and where the voting is equal, they shall have in addition to their deliberate vote, a casting vote, which they must exercise
- Present a President's Report to the Annual General Meeting.
- Liaise with the Senior Football Club.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

**VICE-PRESIDENT** - There shall be a Vice-President who shall:

- In the absence of the President, act as the President; and
- Carry out such other duties as directed by the President.

**SECRETARY** - There shall be a Secretary who shall:

- Attend to the day-to-day general business of the Club; and
- Receive and issue correspondence, including notices; and
- Monitor clubs email and answer or forward on to appropriate board Member
- Keep such records as are required under the Act, these Rules and Policy, and maintain as current the Register; and
- Keep a current copy of the Act, these Rules & Policy; and
- Supply a copy of these Rules & Policy to new Adult Members; and
- Present a Secretary's Report to the Annual General Meeting; and be the nominated Public Officer.
- Minutes to the meetings

**TREASURER** - There shall be a Treasurer who shall:

- Ensure that all moneys due to the Club are collected, banked and recorded, and that as soon as practicable after receiving an amount of money an appropriate receipt is issued; and
- Ensure that correct books and accounts are kept, showing the financial affairs of the Club, including full details of all receipts and expenditures on behalf of the Club; and
- Present financial Reports to Meetings, as required, and
- Present a Treasurer's Report to the Annual General Meeting, including an Audited Balance Sheet and Statement of Income & Expenditure.

**REGISTRAR**- There shall be a Registrar who shall:

- Be responsible for the registration of all Players of Soccer for the Club; and
- Keep adequate records of all such Player registrations; and
- Be responsible for the registering of such Players and their respective Teams with the Club and/or other bodies that may be accepted and approved by the Committee and/or the Club.

**EQUIPMENT OFFICER**- There shall be an Equipment Officer who shall:

## PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- Be responsible for the procurement and maintenance of all of the Club's Soccer playing equipment (shirts, balls, bibs, cones/domes, etc.); and
- Maintain a current equipment register of such equipment; and
- Issue such equipment to Team Managers at season start; and
- Receive such equipment from Team managers at season end; and
- Record such issues and receipts in the Equipment Register.

**GROUND'S OFFICER-** There shall be a Grounds Officer who shall:

- Be responsible for the preparation and maintenance of all of the playing fields and dressing-sheds, whilst they are under the control of the Club; and
- Be responsible for the maintenance of the Club's goal-nets, flags, barriers, signs and grounds-marking equipment; and
- Be responsible for the scheduling of Teams training times; and
- Be responsible for the scheduling of Teams ground duties; and

**CANTEENS MANAGER** - There shall be a Canteens Manager who shall:

- Be responsible for the preparation and maintenance of all of the Canteens, they are under control of the Club; and
- Be responsible for the procurement of all goods stocked and sold from all Canteens; and
- Be responsible for the scheduling of Teams canteens duties.

**WEBMASTER** - Maintain the website for the Club.

- Ensure that all posted materials follow PKJFC rules.
- Obtain and report club scores on time to appropriate league representative in format provided by PKJFC
- Post the scores to club website in accordance with PKJFC policy

**COACH and MANAGER LIASON COORDINATOR** -The Coach & Manager Liaison Coordinator is a liaison between the club committee, coaches and managers and is designed to encourage the development and improvement of the clubs standards of conduct and performance by coaches and managers to support player development.

The Junior Coach & Manager Liaison Coordinator is directly responsible to the Committee and will;

- Co-ordinate the recruitment and organisation of volunteer coaches and managers including seeking out potential coaches and managers to ensure there are enough coaches and managers for the club's requirements,

## PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- Encourage beginner coaches to undertake formal coach education and/or to become accredited coaches,
- Provide support, guidance and liaise with all coaches and managers regarding their responsibilities,
- Disseminate information to coaches and managers regarding courses and seminars,
- Meet regularly with coaches to discuss their requirements and provide feedback to ensure all coaches are recognised for their efforts,
- Encourage positive player development among all coaches and managers within their team, and club environment,
- To encourage co-operative and supporting relationships between and among the club's Committee, coaches and managers and where required or called upon facilitate and or arbitrate conflict resolution in a courteous and respectful manner in accordance with the clubs constitution and bylaws,
- Work with the Secretary to maintain club records of coaching service and accreditation.
- Work with the Coach and Player Development Coordinator as required.

### **COACH and PLAYER DEVELOPMENT COORDINATOR – Development of Player and Coaches**

- The Director of Coaching duties shall include, but not be limited to, implementing a Club wide curriculum for player development, providing technical training for coaches, acting as an educational resource manager and ensuring that coaching philosophies are, at all levels, consistent with the mission of the Club. He/she shall, with the approval of the Board of Directors, appoint such persons as are necessary to carry out the responsibilities of his/her office.
- Arrange the appointment of Team Coaches, to facilitate the training and development of Coaches, and to assist them with any coaching and team management issues. The Director of Coaching shall also have a responsibility to participate in the grading of players

### **SOCIAL CO-ORDINATOR – News Letter and Fundraisers**

- Produce monthly news letter

## 20.ELECTION OF COMMITTEE MEMBERS

### 20.1 Nominations

- a) Nominations from Members of the Club for elected positions on the Committee shall be called for twenty one (21) days prior to the Annual General Meeting
- b) Must be made in writing, signed by 2 Members of the club and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination),
- c) Must be delivered to the secretary of the club at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- d) Nominees for elected Committee positions must declare any position they hold which may conflict with the Committee Member position they are nominating for
- e) No further nominations shall be made at the A.G.M, except where there are insufficient nominations for the Committee positions. In this case, nominations will be accepted verbally at the A.G.M.

### 20.2 Elections

- a) If the number of nominations received for each Committee position is equal to the number of vacancies to be filled or if there are insufficient nominations received to fill all vacancies on the Committee, then those nominated shall be declared elected only if approved by the majority of Members entitled to vote.
- b) If there are insufficient nominations received to fill a vacancy on the Committee, or if a person is not approved by the majority of Members under the positions will be deemed casual vacancies under **clause 21**
- c) If the number of nominations for each Committee position exceeds the number of vacancies to be filled, the position shall be decided by a majority of votes by the Members present that are entitled to vote.
- d) In electing positions the President does not hold a deciding vote on a deadlock, voting will be decided by a second ballot. If a position is not declared the two (2) names will be drawn out of a hat.

## 21. CASUAL VACANCIES

1. In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a Member of the Club to fill the vacancy and the Member so appointed is to hold office, subject to this constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.
2. A casual vacancy in the office of a Member of the Committee shall exist if, but only if the Member
  - a) Is not elected at the Annual General Meeting

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- b) Dies
- c) Ceases to be a Member of the club
- d) Resigns his/her office in writing to the Secretary of the Club
- e) Is absent without the Committee's consent from three (3) consecutive Committee Meetings; or
- f) Becomes of unsound mind, or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health
- g) Is removed from office under clause 22

## 22. REMOVAL OF COMMITTEE MEMBERS

- a) A Committee Member may lose a position on the Committee if they:
  - (i) Become of unsound mind;
  - (ii) Resigns his/her office in writing to the Secretary of the Club;
  - (iii) Is directly or indirectly interested in any contract or proposed contract with the Club and fails to declare the nature of their interest; or
  - (iv) Holds an office of profit in the Club
  - (v) In the opinion of the Committee (but subject to this Constitution) has acted in a manner unbecoming or prejudicial to the Objects and interests of the Club
  - (vi) Has brought the club into disrepute
- a) In a General Meeting may by Special Resolution (**two third majority**) remove any Committee Member from Office before the expiration of his term of Office, and may by subsequent resolution appoint a Member or Life Member to fill that Office for the period remaining of that term.
- b) Should such Committee Member wish to make representation on his own behalf to the Members, he shall deliver such representation in writing (of reasonable brevity) to the Secretary at least 14 days before the date of the General Meeting at which the Special Resolution is to be determined, and the Secretary shall dispatch such representation to the Members within seven (7) days thereafter.
- c) Committee Members shall also be given an opportunity to state the case orally and/or in writing at the appropriate time during the General Meeting, and any Member may speak for/against the Special Resolution and/or ask questions.

## 23. COMMITTEE MEETINGS AND QUORUM

## PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- a) The Committee must meet at least 10 times in each period of 12 months at such place and time as the Committee may determine.
- b) Additional meetings of the Committee may be convened by the President or by any Member of the Committee as per **Clause 17**
- c) Oral or written notice of a meeting of the Committee must be given by the secretary to each Member of the Committee at least 48 hours (or such other period as may be unanimously agreed on by the Members of the Committee) before the time appointed for the holding of the meeting. Due notice of all meetings to be held by the Committee or the club will be deemed to have been adequately served by virtue of such notice being posted on the club's website.
- d) Any 4 Members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee. The quorum must include at least (1) off Office Bearer.
- e) No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week, or to such other time and venue as the Committee may direct.
- f) The President or, in the President's absence, one of the Vice-Presidents is to preside as the chairperson; or
- g) If the President and both the Vice-Presidents are absent or unwilling to act, such one of the remaining Members of the Committee as may be chosen by the Committee Members present at the meeting is to preside as the chairperson.

### 24. CONFLICT OF INTEREST

1. A Committee Member shall declare his interest in any:
  - a) Contractual matter;
  - b) Selection matter;
  - c) Disciplinary matter;
  - d) Financial matter; or
  - e) Conflict of employment

In which a conflict of interest arises or may arise, and shall, unless otherwise determined by the Committee, absent himself from discussions of such matter and shall not be entitled to vote in respect of such matter. If the Committee Member votes the vote shall not be counted. In the event of any uncertainty as to whether it is necessary for a Committee Member to absent himself from discussions and refrain



## PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

from voting, the issue should be immediately determined by vote of the Committee, or if this is not possible, the matter shall be adjourned or deferred.

### **25. DELEGATION BY COMMITTEE TO SUB-COMMITEE**

- a) Sub-Committees may be formed from time to time if and when desirable. The convener of a sub-Committee must be a Member of the Committee but sub-Committee Members may be co-opted as seen suitable, even if they are not Members of the Committee. The Committee must approve all sub-Committee Members.
- b) Sub-Committees will report back to Committee for all approvals

### **26. VOTING AND DECISIONS**

Subject to this Constitution, questions arising at any meeting of the Committee shall be decided by a majority of votes and a determination of a majority of Committee Members shall for all purposes be deemed a determination of the Committee. All Committee Members shall have one (1) vote on any question. Where voting is equal, the President or chairperson may exercise a casting vote. If the President or chairperson does not exercise a casting vote, the motion will be lost.

## **PART 4 – GENERAL MEETINGS**

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

## 27. ANNUAL GENERAL MEETING

- a) An Annual General Meeting of the Club shall be held in accordance with the Act and this Constitution and on a date and at a venue to be determined by the Committee within the calendar year.
- b) Notice of the AGM shall be given at least twenty one (21) days before the due date.
- c) The business to be transacted at the Annual General Meeting shall be.
  - i. Minutes of previous AGM
  - ii. Presentation of Committee Reports & Audited Financial Statements (minimum- Presidents Report & Treasurers Report)
  - iii. Declaration of all Committee positions as vacant
  - iv. Election and acceptance of Committee Members to vacant positions
  - v. General Business
- d) All General Meetings other than the Annual General Meeting shall be considered as Special General Meetings and shall be held in accordance with this Constitution.

## 28. SPECIAL GENERAL MEETINGS

- a) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club
- b) The Committee shall on the requisition in writing of not less than ten percent (10%) of voting Members convene a Special General Meeting.
- c) The requisition for a Special General Meeting shall state the object(s) of the meeting, shall be signed by the Members making the requisition and be sent to the Club and may consist of several documents in a like form, each signed by one or more of the Members making the requisitions.
- d) If the Committee does not cause a Special General Meeting to be held within one (1) month after the date on which the requisition is sent to the Club, the Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three (3) months after that date.
- e) A Special General Meeting convened by Members under this Constitution shall be convened in the same manner, or as nearly as possible as that, in which meetings are convened by the Committee.

## 29. NOTICE

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

- a) The secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each Member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- b) No other business other than that specified in the notice convening a general meeting shall be discussed.

## **30. QUORUM FOR SPECIAL GENERAL MEETINGS**

- a) No item of business is to be transacted at a general meeting unless a quorum of Members entitled under this constitution to vote is present during the time the meeting is considering that item.
- b) Ten (10) Members present (being Members entitled under this constitution to vote at (a general meeting) constitute a quorum for the transaction of the business of a special general meeting.
- c) The President of the Committee shall, subject to this Constitution, preside as chair at every Special General Meeting except where a conflict of interest exists. If the President is not present, or is unwilling or unable to preside another Committee Member will preside as chairperson for that meeting only.
- d) If within half an hour from the time appointed for the meeting, a quorum is not present the meeting shall be adjourned until the same day in the next week at the same time and place or to such other day, time and place as the chairperson may determine and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting will lapse.
- e) At any meeting a resolution put to the vote of the meeting shall be decided on a show of hands or secret ballot, as deemed appropriate by the Chairperson.

## **31. VOTING**

- a) Each Financial Member of the Club shall be entitled to one (1) vote at General Meetings, which subject to this clause shall be exercised by the Member. Life Members shall have the right to vote at Annual General Meetings, Special Meeting and General Meetings.
- b) Where voting at General Meetings is equal the Chairperson may exercise a casting vote. If the Chairperson does not exercise a casting vote the motion will be lost.

## PART 5 – MISCELLANEOUS

### 32. FUNDS SOURCE AND MANAGEMENT

- a) It is the Club's intention that it shall be operated as a corporation that is non-profit. No part of the Club's income is to be distributed to its Members or officers and the Club shall not have or issue stock or dividends. All real and personal property acquired or transferred to the Club, unless sold, leased transferred or disposed of in a manner consistent with the purposes of the Club, shall be held in perpetuity for educational and charitable purposes.
- b) The Club shall operate and ensure it
  - (i) Be run as a non-profit organisation.
  - (ii) All profits and surpluses shall be used for the benefit of **the Members** and will not be distributed as income or dividends to individual Members.
  - (iii) Committee, Coaches and Managers positions may be entitled to an honorarium and or to repayment of expenses, as determined from time to time by the Committee.
- c) The Club's funding sources shall include registration fees, match fees, canteen sales, sale of Club players' equipment, raffles, gala days, inter club competitions, sponsorship, and other similar fundraising exercises

### 33. CUSTODY OF BOOKS

Except as otherwise provided by these Rules, the Public Officer shall keep in his custody or under his control all of the Club's books, records and other documents.

### 34. INSPECTION OF BOOKS

The Club's books, records and other documents shall be open to inspection only (no copying), free of charge, by a Member at any reasonable hour, but must be made by appointment and the club must be given 48 hours notice.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

## **35. AUDITOR**

- a) The Club at each Annual General Meeting shall appoint an Auditor who shall be a registered Chartered or Public Accountant.
- b) The Auditor shall vouch for the accuracy of the Balance Sheet, and the Statement of Income and Expenditure, as presented to an Annual General Meeting by the Treasurer.
- c) The Auditor may conduct any financial investigations required by the Committee and the Club.

## **36. DISPERSAL OF THE CLUBS INCOME AND PROPERTY**

- a) The income and property of the Club, when so ever derived, shall be applied solely towards the promotion of the stated Objects of the Club, and no portion thereof shall be paid and/or transferred, directly or indirectly by way of dividend and/or bonus and/or otherwise, howsoever by way of profit to any Member(s) of the Club, provided that nothing herein shall prevent payment in good faith of:
  - b) Remuneration to any Member or servant of the Club in return for any service(s) actually rendered to the Club; and/or
  - c) Reasonable and proper rent for premises let to the Club.
  - d) A Committee Member, Sub-Committee person, and/or Appointee, shall not be elected and/or appointed to any salaried Club Office, or to any Office of the Club paid by fees.

## **37. WINDING-UP OR DISSOLUTION OF THE CLUB**

- a) The Club shall not be wound up and/or dissolved except by means of an Extraordinary Special Resolution carried at a General Meeting specially convened for these purposes, and where such Extraordinary Special Resolution is carried by a two third's (or more) majority of the Members present and voting in person in respect of same.
- b) If upon the winding-up or dissolution of the Club there remains, after the satisfaction of all of its debts and/or liabilities, any property whatsoever, it shall not be paid and/or distributed among the Members, but shall be given and/or transferred to some other organisations/bodies having Objects similar (or in part similar) to the Objects of the Club, and which shall also so prohibit the distribution of its or their property among its Members.
- c) Such organisations/bodies shall be determined by the Members of the Club at or before the winding-up or dissolution of the Club by the Members, or in default thereof by the Chief Judge of a Court that has or acquires jurisdiction in the matter.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

## 38. AFFILIATED MEMBER

- a) The Club shall at all times be bound by the Constitution, Rules and Regulations of the Association.
- b) Where there is any inconsistency between any provision of the Constitution and or Rules and Regulations of the Club and those of the Association, then to the extent of such inconsistency the Constitution and or Rules and Regulations of the Association shall prevail.
- c) The Club shall be bound by the lawful decisions of the Executive Committee of Association and shall do all things reasonably necessary to implement and enforce such decisions.

## 39. MATTERS NOT COVERED BY THESE RULES

- a) Where any matter not specifically covered by these Rules is duly brought before the Club, the Club in a General Meeting shall have the power to determine that matter, provided that the Act or other Law does not cover such matter.
- b) Such determination shall be binding on the Club and the Members.
- c) Refer to “Model rules for incorporated associations” at the Office of Fair Trading

## 40. ALTERATION OF THE OBJECTS AND THE RULES

These may be altered at an Annual General Meeting or at a Special General Meeting called for that purpose. The resolution for the alteration shall be passed by **two-thirds majority** of financial Members present and voting. Notice of any proposed alterations to the constitution must be in hands of Secretary in writing at least one month prior to the meeting in which it is to be considered. The Secretary shall circulate a copy of the proposed alteration to all financial Members at least 14 days prior to the Annual General Meeting or Special Meeting called for that purpose.

# PORT KEMBLA JUNIOR FOOTBALL CLUB CONSTITUTION

---

## APPENDIX 1 – APPLICATION FOR MEMBERSHIP OF CLUB

### APPLICATION FOR MEMBERSHIP OF ASSOCIATION

.....  
[name of association]

Incorporated (incorporated under the *Associations Incorporation Act 2009*)

I, .....

[full name of applicant]

of .....

[address]

.....  
[occupation]

hereby apply to become a member of the abovenamed incorporated association. In the event of my admission as a member, I agree to be bound by the constitution of the association for the time being in force.

.....  
*Signature of applicant*

*Date*

I, .....

[full name]

a member of the association, nominate the applicant for membership of the association.

.....  
*Signature of proposer*

*Date*

I, .....

[full name]

a member of the association, second the nomination of the applicant for membership of the association.

.....  
*Signature of seconder*

*Date*

