



FOREST KILLARNEY FOOTBALL CLUB

Melwood Oval, Melwood Avenue,
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Forestville, NSW 2087

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ABN: 36 367 719 143

Our Mission: To provide contemporary, comprehensive and safe facilities and services for our members and the local community that support the growing demand for participation in football.

Forest Killarney Football Club Constitution - Registered Associations
Incorporation Act 2009 NSW Fair Trading Ref: N5175826

FOREST KILLARNEY FOOTBALL CLUB

Constitution

As amended and adopted as the new version of the constitution at the Annual General Meeting 26 November 2020.



Constitution

General Clauses

1. The Club shall be called "Forest Killarney Football Club" and members shall be bound by its Constitution.
2. The objectives of the Club shall be:
 - a. To provide an interest to keep children "off-the-streets".
 - b. To provide an organised avenue to develop physical and mental growth.
 - c. To teach sportsmanship.
 - d. To give love of the game of Football.
 - e. To foster the Football code.
3. The Club shall be affiliated with the Manly Warringah Football Association and Football New South Wales and shall abide by their rules.
4. The Club shall adopt the laws of the game as contained in the Referees Chart and Players Guide to the laws of the game, current edition, as published by the Fédération Internationale de Football Association (FIFA) and as modified by the local playing rules of the Manly Warringah Football Association.
5. The Club playing strip will be as follows:
 - a. The Club colours shall be green, white and black, with green to be the predominant colour. The players' dress shall be green, white and black with final strip to be determined by the Committee. No member shall use the Club name or emblem without first gaining approval from the Committee.
 - b. The emblem of the Club shall be a shield with a leprechaun bouncing a football with his left hand on the inside of the shield and the Club name surrounding the shield.
6. The football year shall commence on the 1st January and end on the 31st December each year.
7. Meetings:
 - a. The Annual General Meeting of the Club shall be held not later than the last week in November each year for the presentation of the Annual Report and Financial Statement, Election of Office Bearers and the transaction of any business brought forward in accordance with the rules of the Club.
 - b. The Annual General Meeting of the Club shall be open to all members and guests invited by the committee.
 - c. Not less than two weeks' notice shall be given of Annual General Meetings and any Extraordinary Meetings.
 - d. Questions arising at a general meeting, a meeting of the committee or of any subcommittee appointed by the committee are to be determined by a majority of the votes of members present at the meeting unless specifically stated otherwise in this constitution.
 - e. Each member present at a general meeting, a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
 - f. All votes must be given personally or by proxy but no member may hold more than three proxies.
 - g. Postal ballots are not accepted.
 - h. A member or proxy is not entitled to vote at any general meeting of the Club unless all money due and payable by the member or proxy to the Club has been paid.



- i. Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- j. The notice appointing the proxy is to be in the form set out in Appendix 1 to these rules.
- k. Subject to clause 7(l), the committee may act despite any vacancy on the committee.
- l. Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Office Bearers and Duties

8. The government of the Club shall be vested in a committee consisting of office bearers as defined in Clause 9.
9. Election of Office Bearers:
 - a. Office Bearers of the Club shall be elected at the Annual General Meeting.
 - b. Retiring Office Bearers shall be eligible for re-election.
 - c. Office Bearers shall consist of;
 - 1 President
 - 2 Senior Vice President
 - 3 Treasurer
 - 4 Secretary
 - 5 Registrar
 - 6 Vice President – Youth
 - 7 Vice President – Juniors
 - 8 Vice President – Ladies
 - 9 Vice President – Senior Men
 - 10 Facilities Manager
 - 11 Competition Manager
 - 12 Equipment Manager
 - 13 Sponsorship Manager
 - 14 Webmaster
 - d. The President, Senior Vice President, Treasurer, Secretary and Registrar shall be known Executive Office Bearers.
 - e. To be nominated as Executive Office Bearers such persons must have been members for the last three years and must have held Club committee roles for a minimum of two years. Should any persons not be nominated as Executive Office Bearers then this condition defaults to clause 9 j.
 - f. No more than one member of a family or de facto relationship may be an executive office bearer.
 - g. No one shall hold more than one of the offices specified in clause 9c at one time.
 - h. The Club may appoint a Patron who shall have the privileges of an Associate Member.
 - i. Nominations shall be in writing on the form attached in Appendix 2. by notice given to the Secretary, no later than 14 days before the AGM, or, in the absence of written nominations, from the floor of the meeting and all nominees shall be present or furnish consent in writing.



- j. Should the Annual General Meeting fail to fill all positions of Office Bearers those Office Bearers elected shall have the authority to appoint Club Members to such positions at properly constituted meetings.

10. Duties of Office Bearers:

- a. The duties of the **President** are to take the chair at all meetings; to monitor the progress of all Club activities, delegate duties and to preside over any matters of protest or dispute.
- b. The duties of the **Vice President** are to act as President in their absence and to provide guidance and support for the operational management of the Club.
- c. The duties of the **Treasurer** are to monitor and execute all financial matters; to maintain appropriate financial records; to provide fiscal reporting for annual audit and the annual report and to be responsible for preparation and oversight of the annual budget.
- d. The duties of the **Secretary** are to have oversight of and to provide guidance to the administrative and legal management of the Club. The Secretary will also be designated as Public Officer as required under NSW Fair Trading legislation.
- e. The duties of the **Registrar** are to have oversight of and to provide guidance and support to the membership management of the Club.
- f. The duties of the **Age Group Vice Presidents** are to assist the Registrar with membership management and to be the primary point of communication for, and management of, the teams within their age group portfolio.
- g. The duties of the **Facilities Manager** are to oversee all aspects of the operation, management and maintenance of the clubhouse, the canteen and the bar.
- h. The duties of the **Competitions Manager** are to oversee all aspects of the management of the trials, competitions, grounds and referee liaison; to be the primary point of communication in relation to the draw and results reporting.
- i. The duties of the **Equipment Manager** are to oversee all aspects of the procurement, maintenance and management of playing strip, equipment and merchandise.
- j. The duties of the **Sponsorship Manager** are to seek and canvas for Club sponsors and advertisers and assist the Secretary with the production and distribution of the Club Magazine.
- k. The duties of the **Webmaster** are to have oversight and management of all of the Club's electronic media activities and publicity.
- l. All office bearers are, subject to this constitution, to act in the best interests of the Club and to assist in the general administration of all Club activities.
- m. The Club delegates to the Manly Warringah Football Association are the President and Secretary and, as an alternate delegate in the absence of either one, the Senior VicePresident. The delegates shall attend all relevant Manly Warringah Football Association meetings and advise the committee of any pertinent matters raised thereat.

11. Funds

- a. The funds of the Club are to be derived from annual subscriptions of members, donations, grants and, subject to any resolution passed by the Club in general meeting, such other sources as the committee determines.
- b. All money received by the Club must be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
- c. The Club must, as soon as practicable after receiving any money, issue an appropriate receipt.



12. Payments

- a. All cheques issued by the Club shall bear the signatures of two of the Executive Office Bearers.
- b. All payments are to be approved in writing by at least two committee members.
- c. The treasurer may not approve payments.
- d. No more than one member of a family or de facto relationship may approve the same payment or sign the same cheque.
- f. No committee member may approve payments to or directly benefiting themselves or their own family or de facto relationship members.
- g. Subject to clauses 12.b through 12.e - Electronic payments may be executed by the treasurer.

13. The Club finances are controlled by the committee, who are empowered to borrow money if required to further the objectives of The Club and to invest from time to time the Club's funds in any Building Society or Bank Interest bearing deposit or other authorised Trustee Investments.

14. Club expenditure over \$1000.00 must be approved by the committee.

15. The Club's financial year shall begin on the first day of September and end on the last day of August in the subsequent year.

16. Common Seal:

- a. The Common Seal of the Forest Killarney Football Club must be kept in the custody of the Public Officer.
- b. The Common Seal must not be affixed to any instrument except by authority of the Committee and the affixing of the Common Seal must be attested by the signatures of two members of the Executive Committee.

17. Custody and inspection of books

- a. The Secretary must keep in his/her custody, the records of correspondence and Minutes of Proceedings relating to the Forest Killarney Football Club.
- b. The Treasurer must keep in his/her custody the records of accounts relating to the Forest Killarney Football Club.
- c. The Treasurer must ensure that the records of accounts are secured and protected in accordance with the legislation regarding information privacy.
- d. The Registrar must ensure that the records of club members are secured and protected in accordance with the legislation regarding information privacy.
- e. Subject to clause 17c and 17d, the records, books and other documents of the Forest Killarney Football Club must be open to inspection, free of charge, by a member of the Forest Killarney Football Club at any reasonable hour.

Life Members

18. Election of Life Members

- a. It shall be competent for the Annual General Meeting to elect as Life Members any person or persons who have rendered signal service for the Club. Life Members shall be entitled to vote at such meetings.
- b. Nominations for Life Membership shall be in writing from a current club Member, seconded by a Life Member of this club and lodged with the Honorary Secretary not later than six weeks prior to the Annual General Meeting.
- c. The Executive Committee shall form a sub-committee comprising of at least 2 executive committee members and three non-office bearing life members. This sub-committee shall investigate all nominations to ensure all eligibility criteria have been met.



- d. If approved by this selection sub-committee, the nomination(s) will be tabled at the Annual General Meeting. A secret ballot shall be held for each nomination and such ballot will require a 75% majority for the nomination to be successful. All nominees shall leave the meeting while discussion and voting takes place.
- e. Life members shall be presented their commemorative pin badge on successful election and also be presented to the membership at the subsequent Annual Dinner Dance. Life Members shall not be eligible as Patrons.
- f. Unsuccessful nominations shall be notified in writing to the nominator and seconder by the Honorary Secretary of the Club
- g. Selection Criteria
 - i. The nominee must have contributed 'significantly' as a member of The Club
 - ii. The nominee must be known personally by the nominator.
 - iii. The nominee must have provided a 'high level' of service to The Club, 'above and beyond' the accepted duties that they would be expected to undertake in their role as a Club Member.

Membership

19. Membership shall be subject to the approval of the committee who shall have the power to admit or reject. There shall be (3) three types of membership:
 - a. **“Playing members”** shall be those admitted to the Club and for whom the prescribed season membership fees have been paid. Such members shall be ineligible to vote at the Club General Meetings unless over the age of 18, and shall be ineligible for nomination to the committee unless over the age of 18, and shall be ineligible for nomination to an executive position unless over the age of 21.
 - b. **“Associate Members”** shall be the parents or guardians of Playing Members, under the age of 18, and are also subject to the admittance and rejection rules. Such members shall have full voting rights, and if over the age of 21 shall be fully eligible for nomination to the committee. No additional membership fees shall be charged to Associate Members.
 - c. A Life Member shall be entitled to all the privileges (including entitlement to vote and take part in the Management of the Club) as a member of the Club
 - d. Coaches and Managers of the Club's team, being aged 18 years or older
 - e. **“Other Members”** may be admitted by the committee after paying of the prescribed membership fee. Such Members, if over the age of 21, shall be eligible for nomination as committee Members, subject to the approval of the executive committee.
 - f. If any member falls into one or all of the three above categories of 'membership', the member will only be allowed one vote for each motion put forward.
20. Applications for membership must be submitted on forms provided by the committee and accompanied by the current year's membership fees, which shall be fixed from time to time by the committee. In the event of the application being refused, the membership fee shall be refunded. Any Member wishing to resign from membership shall intimate the same in writing to the Secretary of the Club. No resignation shall be accepted until all outstanding monies have been paid.
21. Closing date of application for membership shall be determined by the committee.
22. Register of members:



- a. The registrar of the Club must establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member.
- b. The register of members must be kept at the principal place of administration of the Club and must be open for inspection, free of charge, by any member of the Club at any reasonable hour.
- c. Subject to executive committee approval, a member of the Club may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

23. Member's Liability

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by clause 20.

24. Resolution of internal disputes

- a. Disputes between members (in their capacity as members) of the Club, and disputes between members and the Club, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.
- b. At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

25. Disciplining of members

- a. A complaint may be made to the committee by any person that a member of the Club:
 - i. has persistently refused or neglected to comply with a provision or provisions of these rules, or
 - ii. has persistently and wilfully acted in a manner prejudicial to the interests of the Club.
- b. On receiving such a complaint, the committee:
 - i. must cause notice of the complaint to be served on the member concerned, and
 - ii. must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - iii. must take into consideration any submissions made by the member in connection with the complaint.
- c. The committee may, by resolution, expel the member from the Club or suspend the member from membership of 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.
- d. If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 26.



- e. The expulsion or suspension does not take effect:
 - i. until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - ii. if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under clause 26(e), whichever is the latter.

26. Right of appeal of disciplined member

- a. A member may appeal to the Club in general meeting against a resolution of the committee under clause 25, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- b. The notice must be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- c. On receipt of a notice from a member under clause 26 (a), the Secretary must notify the committee which is to convene a general meeting of the Club to be held within 28 days after the date on which the Secretary received the notice.
- d. At a general meeting of the Club convened under clause 26(c):
 - i. no business other than the question of the appeal is to be transacted, and
 - ii. the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - iii. the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- e. If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

Committee Powers and Procedures

27. Committee Meetings:

- a. Committee Meetings shall be open to Members and held as required by the Committee. Due notice of each Meeting shall be forwarded by the Secretary to all Committee Members at least seven (7) days prior to such meetings. At all such meetings six (6) Committee Members shall form a quorum, two (2) of whom shall be executives.
- b. The Committee shall have the power to admit or exclude persons at their meetings.
- c. Any Member of the Committee absenting him/herself for three consecutive Ordinary Meetings of the Committee without reasonable excuse, shall cease to be a Member of such Committee and in the event of a vacancy so caused or by death or resignation of any Member of the Committee, another Member shall be elected by the Committee in his/her stead.

28. The Committee shall meet not later than thirty days after the closing date for membership applications. At all meetings the President shall take the chair and in his absence the Senior Vice President. In both their absences a chairman shall be appointed from the Committee.

29. On all matters of urgency, the Executive shall act as they befitting in the best interest of the Club, and report to the next Committee Meeting.



30. The Committee shall have the power to call any member to appear before them to answer question or produce any books or documents that may be relevant to the Club Member.
31. No member of the Committee shall leave the room whilst evidence is being taken on any protest, appeal or charge, except with the permission of the Chairman.
32. Sub-Committees and Assistants:
 - a. The Committee shall have the power to appoint Sub-Committees and Assistants to deal with any matter coming within its jurisdiction and to appoint any Member to such Sub-Committee or assisting role.
 - b. The President or his/her nominee shall be an Ex-officio Member of all such Sub-Committees.
33. Grading and selection:
 - a. The Committee or the Executive shall have the power to appoint persons to a selection Panel or Panels to grade Players.
 - b. The Committee shall have the power to grade any Team or Member at any time.
 - c. The Selection Panel(s) will be responsible to the Senior Vice President and Age-Group Vice Presidents.
34. The Committee shall have the power to appoint suitable coaches to each graded team, and the coaches shall be responsible for the fair and equitable rotation of players in such teams during the season, with the object that all players selected for their teams shall receive, as far as practicable, and having regard to injury, ill-health and attendance at training by their players, an equal number of games.
35. The Committee shall have the power to deal with all relevant matters not provided for in these rules.
36. Players under suspension or disqualification by this or any other body controlling sport shall not take part in the Club's affairs without first receiving permission from the Committee.
37. Any Member, who has not paid the prescribed membership fee by the commencement of competition, will be suspended by the Committee from all Club activities, until such membership fees have been paid. Subject to Committee direction on a case-by-case basis.
38. It shall be the duty of the Committee at the end of each season to review the Constitution in the light of the preceding season. Any suggested amendments by the Committee, together with any suggestions received, shall be made available to all Members at least fourteen (14) days before the Annual General Meeting.
39. The Constitution shall not be amended or added to without such being passed at the Annual General Meeting, or an Extraordinary General Meeting called for that purpose.
40. Extraordinary General Meetings
 - a. The Secretary, on being presented with a petition by at least one third of Members eligible to vote under Clause 19, shall issue notices to all Members in term of Clause 7c) of Extraordinary General Meeting demanded by the petition.
 - b. The Committee shall have the authority to call Extraordinary Meetings.
41. Rules of Meeting procedure shall be applies as per the rules of Parliamentary Debate.



42. Injuries

- a. The Club accepts no responsibility for injuries sustained by players, officials, spectators or referees.
- b. Members including playing members accept the dangers inherent in the sport.
- c. The Committee at its discretion may make such ex-gratia payments to injured players or their relatives as it sees fit.

43. The Club shall apply its profits, if any, and other income to the promotion of its objectives or to any other purposes permissible by law and shall be prohibited from paying dividends or distributing profits or income to its members.

44. In the event the Club is wound up by resolution of an Extraordinary General Meeting as distinct from amalgamation with another Club then upon the resolution being passed to wind up the Club and subject to any contrary or overriding resolution by the Members the following provision shall apply.

45. The Committee shall have the discretion to:

- a. Donate the whole or any part of the Club's monies and assets including equipment to the Manly-Warringah Football Association or other non-profit sporting groups or schools in the local community.
- b. To give absolutely to any player members a Club jersey or shirt.
- c. To give or sell on such terms as it thinks fit the Club's equipment to any other football club or clubs.
- d. To do things necessary to see to the effective winding up of the Club.

46. The Committee shall be empowered to reprint the Constitution of the Club, as amended at Annual General Meetings or Extraordinary General Meeting from time to time, and, without changing in any way the context of those rules, to determine the order of the clauses and renumber same in the manner deemed to be the most suitable.

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Appendix 1

Forest Killarney Football Club Inc.

FORM OF APPOINTMENT OF PROXY

I,

(full name)

of

(address)

being a member of Forest Killarney Football Club

hereby appoint.....

(name of proxy)

of

(address of proxy)

being a member of that incorporated association, as my proxy to vote for me on my behalf at the meeting to be held on the day of and at any

adjournment of that meeting.

My proxy is authorised to vote on.....
.....
.....
.....
.....
.....
.....

Signature of member appointing proxy:

Date:

NOTE: A proxy vote may not be given to a person who is not a member of the Club.



Appendix 2

Forest Killarney Football Club Inc.

Committee Nomination Form

I, _____

wish to nominate: _____

for the position of: _____ for the year 20xx.

Signed _____ Dated ____/____/20xx.

I, _____

wish to second the nomination of: _____

for the position of: _____ for the year 20xx.

Signed _____ Dated ____/____/20xx

I, _____ do accept the nomination and wish to stand for

the position of _____ for the year 20xx.

Signed _____ Dated ____/____/20xx.

NOTES:

1. Nominations shall be in writing, on the form as attached in Appendix 2, or, in the absence of written nominations, from the floor of the Annual General Meeting and all nominees shall be present or furnish consent in writing.
2. Self-nominations for a Committee position are acceptable.
3. Nominations must be lodged with the Secretary not less than seven (7) days before the A.G.M. at which the election is to take place.