

Merewether United Football Club



CONSTITUTION

December 2013

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1. Definition of Terms

In this constitution:

AGM shall mean Annual General Meeting.

Committee Meeting shall mean the monthly meetings held throughout the year with the elected committee members in attendance.

FFA shall mean the Football Federation Australia Limited.

Football shall mean the game of soccer football, under the regulations and guidelines of the FFA.

SSF shall mean the Optus Small Sided Football Competition endorsed by the FFA.

Subscriptions shall refer to the registration fees set by the club, including components to Newcastle Football, Northern NSW Football and the FFA, as set by those bodies.

The Club shall mean the members of the Merewether United Football Club.

The Committee shall refer to those people elected into the committee positions, both Executive and General committee, for the current year, who act and make decisions on behalf of The Club.

The Season shall refer to the current period between the beginning of the football competition year and the closing of that year, in accordance with the dates nominated by The Club.

Operations Manager shall mean the current person in paid employment by The Club to act as the operations manager role within The Club.

O35s shall refer to the Over 35-year-olds football competition, run under the guidelines of Northern NSW Football.

Player shall refer to those members that have registered with the Club and paid their annual subscriptions with the intent of competing within at least one (1) of the Club's football teams.

2. Name, Colours and Emblem

2.1. The name of The Club shall be "Merewether United Football Club" and this name can be abbreviated to "MUFC".

2.2. The Club colours shall be red and white.

2.3. The Club emblem shall be a sea eagle in flight carrying a football in its feet, encircled by The Club name.

2.3.1. The emblem of The Club shall be as shown below:



3. Objectives

3.1. The objectives of The Club shall be as follows:

3.1.1. To promote the game of soccer football, especially in Merewether and the surrounding areas.

3.2. The Club shall achieve these objectives by running enjoyable and quality football competitions for their members, in a safe, organised and timely manner, under the guidelines of FFA.

4. Membership

4.1. Membership shall be open to any person that completes registration and pays registration fees in full by the nominated registration date within the current season, unless otherwise restricted by The Committee.

4.2. Members shall include:

4.2.1. Paid players;

4.2.2. Team coaches and managers, as assigned by The Club

4.2.3. Life Members;

4.2.4. Elected committee members; and

4.2.5. Parents or guardians acting on behalf of a paid player under 15 years of age.

- 4.3. Membership shall be confirmed upon the correct registration with Newcastle Football. The system of registration maintained by Newcastle Football is the Club's register of members.
- 4.4. Upon becoming a member players shall be bound by this constitution and any requirements of Newcastle Football and their governing bodies.
- 4.5. A member's liability to the Club will be limited to any unpaid registration fees.
- 4.6. Membership may be ceased if the member requests in writing that their membership be ceased.
- 4.6.1. The Committee may terminate the membership of an individual on the following grounds:
- a) False statements made in the application for membership;
 - b) Failure to comply with The Club's constitution;
 - c) Failure to comply with the rules and regulations of their competition stipulated by Newcastle Football;
 - d) Demonstration of behaviour that, in the opinion of The Committee is unbecoming of a member of The Club or is detrimental to The Club or is in direct opposition of the constitution;
 - e) Demonstration of foul misconduct within the game of football, as either a player or spectator, whilst representing The Club at home ground or away ground competitions.
 - f) At the request of Newcastle Football or the FFA.
- 4.6.2. Membership shall only be terminated by the unanimous vote of The Committee.
- 4.6.3. The individual shall be notified of the termination of their membership in writing within seven (7) days of the decision being made.
- 4.6.4. Any persons may appeal, in writing, the decision to have their membership terminated. Appeals shall only be accepted within twenty-one (21) days of the decision being made.
- 4.6.5. The appeal shall be heard at any Committee meeting of The Club. The decision of The Committee meeting shall be final.

4.7. Life membership may be bestowed on any member for outstanding service to the Club. This honor will be elected at the AGM.

4.7.1. Any member of The Club is entitled to nominate another member for life membership, provided it is received in writing by the secretary at least seven (7) days prior to the AGM.

4.7.2. Admission to life membership for any nomination will be decided by a vote at the AGM by the members present, and limited to two (2) persons in any one year.

5. Fees and Subscriptions

5.1. Subscriptions will be set by the Committee.

5.1.1. Subscriptions may include:

- a) Registration fees for players set by The Committee
- b) Financial components required by Newcastle Football, Northern NSW Football and the FFA, as set by them
- c) Any fee determined by the Committee as a requirement for membership.

6. Disciplining of Members

6.1. A complaint may be made to the Committee by any person that a member of the Club:

6.1.1. Has refused or neglected to comply with a provision or provisions of this constitution; or

6.1.2. Has willfully acted in a manner prejudicial to the interests of the Club.

6.2. The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

6.3. If the Committee decides to deal with the complaint, the committee:

6.3.1. Must cause notice of the complaint to be served on the member concerned, and

6.3.2. Must give the member at least seven (7) days from the time of the notice is served within which to make submissions to the committee in connection with the complaint, and

- 6.3.3. Must take into consideration and submissions made by the member in connection with the complaint.
- 6.4. 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 and the expulsion or suspension is warranted in the circumstances
- 6.5. If the committee expels or suspends a member, the secretary must, within seven (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 7.
- 6.6. The expulsion or suspension does not take effect:
 - 6.6.1. Until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - 6.6.2. If within that period the member exercises the right to appeal, unless and until the Club confirms resolution under clause 7, whichever is later.

7. Appeals

- 7.1. Any Club member is eligible to make an appeal to the Committee.
- 7.2. Appeals are to be made in writing to the Club Committee at least seven (7) days prior to the next Committee meeting.
- 7.3. If an appeal is made against a resolution of the Committee under clause 6, then it must be submitted within seven (7) days after the notice of the resolution is served on the member, by lodging with the secretary a written notice to that effect.
- 7.4. All appeals shall be dealt with by the entire Executive Committee plus any General Committee member present.
 - 7.4.1. The Committee and the member must be given the opportunity to state their respective cases orally or in writing, or both.
 - 7.4.2. The members present are to vote by a secret ballot on the question of whether the resolution should be confirmed or revoked.

7.5. The appeal is to be determined by a simple majority of votes cast by the members of the Club.

8. Committee Officials

8.1. Subject to the *Associations Incorporation Act 2009*, the *Associations Incorporation Regulation 2010* and this constitution and any resolution passed by the Club in general meetings, the Club Committee:

8.1.1. Is to control and manage the affairs of the Club, and

8.1.2. May exercise all such functions as may be exercised by the Club, other than those functions that are required by this constitution to be exercised by a general meeting of members of the Club, and

8.1.3. Has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.

8.2. The Committee shall consist of The Executive and The General Council.

8.3. The Executive shall consist of:

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

8.4. Roles and responsibilities of each of these Executive positions are attached as Appendix B.

8.5. The General Council shall be flexible and reflect the current needs of the Club, and shall consist of, but not be limited to:

- a) Registrars:
 - I. SSF Registrar
 - II. Girls' Registrar
 - III. Women's Registrar
 - IV. Male Registrar
 - V. O35s Registrar
- b) Fixtures Officer;
- c) Duty Officers;

- d) Operations Manager;
- e) Child Protection Officer;
- f) Patrons;
- g) Publicity Officer;
- h) Gear Steward;
- i) Oval Board Representatives

8.6. Roles and responsibilities of each of these positions are available within the Club's Policies and Procedures manual.

8.7. Committee Officials may be elected to their positions at the AGM, or at the unanimous discretion of the current Committee, as in accordance with clause 10 of this constitution.

8.8. Each member may hold only one (1) position at a time unless unanimously accepted at the AGM by all members in attendance.

8.9. All members of The Committee are required to familiarise themselves with this Constitution and fulfill their roles as outlined in Appendix B.

8.10. Failure to fulfill their role as required, is grounds for an individual to be removed from their Committee position by means of a majority vote of the other members of the Committee, or a majority vote at the AGM by the members in attendance.

8.11. Any member absenting himself without reasonable excuse from three (3) consecutive Committee Meetings shall be liable to disqualification from that position.

8.12. In matters of urgency, a quorum of at least three (3) Executive members plus at least one (1) General Council members shall have the responsibility to act on behalf of the Club and report any action taken at the next general meeting.

8.13. Each member of the Committee is, subject to this constitution, to hold office until the conclusion of the AGM of the following season, but is eligible for re-election.

8.14. In the event of a Committee Official vacating or being removed from their position, a member of The Club may be elected by a majority vote at the next general meeting to fill that role.

9. Sub-Committees

- 9.1. Sub committees and auxiliaries may be formed under the direction of The Committee.
- 9.2. Any sub-committee or auxiliaries may carry out work as directed by The Executive.

10. Elections

- 10.1. At least prior twenty-one (21) days prior to the AGM, the Secretary or any other member of the Executive Committee shall advertise the upcoming elections to all Club members.
- 10.2. Any member of The Club shall be eligible to nominate him or herself for a Committee position.
- 10.3. Nominations and voting for Club Committee positions will take place at the AGM.
- 10.4. At the election, if a person is absent and wishes to take office, they must signify their intention in writing to the Secretary no later than seven (7) days prior to the AGM.
- 10.5. If the number of nominations received exceeds the number of vacancies to be filled, than a ballot will be held at the AGM.
- 10.6. Any registered member over the age of 15 years will be entitled vote with The Club.
- 10.7. Parents and guardians of registered members under the age of 15 years will be entitled to vote with The Club.
- 10.8. All club members present at the AGM shall have one (1) vote each.
- 10.9. Those members that wish to cast a proxy vote of absence in the elections must lodge it in writing to the Secretary no later than seven (7) days prior to the AGM.
- 10.10. The quorum for an election shall be eight (8) Club members.
- 10.11. If insufficient votes are received the election shall be extended and re-advertised to members.

11. Meetings (Committee, General, Special, AGM)

11.1. The Club Committee shall meet at least six (6) times a year, preferably at regular monthly intervals, and maintain regular contact by phone and/or email in-between meetings.

11.1.1. Committee meetings are open to those that hold a position on The Club Committee, or to those under invitation to attend by The Club Committee. There is a standing invitation to all Club members to attend a Committee meeting, except where the Secretary has deemed the meeting to be limited to Committee members only.

11.1.2. The secretary shall establish the meeting agenda, with the input from The Club Committee members. Club members may have issues added to the agenda by contacting a Club Committee member.

11.1.3. The quorum for a committee meeting shall be at least four (4) Committee members, one (1) of which must be an Executive member.

11.1.4. Should any committee meeting lapse for want of a quorum, an emergency meeting shall be called, and if not enough members are present to form a quorum, at least two (2) Executive members plus any other members present shall transact the business and report to the next committee meeting.

11.1.5. Each Club Committee member shall have one (1) vote. In the event of a tie, the President shall have to casting vote.

11.1.6. At the conclusion of each committee meeting, the date, place and time shall be determined.

11.2. A General Meeting may be called by a majority vote of the Club Committee at any time.

11.2.1. A general meeting may also be called by at least twelve (12) club members with the support of at least one (1) member of The Executive.

11.2.2. A general meeting may be called for the purpose of amending this constitution or for any other urgent purpose.

11.2.3. The quorum for a general meeting shall be at least eight (8) members, one (1) of which must be an Executive member, and one (1) a Committee member.

11.2.4. The business of the general meeting will be restricted to the purpose called.

11.3. A Special General Meeting of The Club shall be called for any purpose by the Secretary as, and when, directed by the Executive, or within one (1) month, but no less than seven (7) days, of receiving a written request signed by at least ten (10) Club members.

11.3.1. The request by Club members for a special general meeting:

- a) Must state the purpose or purposes of the meeting, and
- b) Must be signed by the members making the request, and
- c) Must be lodged with the secretary, and
- d) May consist of several documents in a similar form, each signed by one or more of the members making the request.

11.3.2. The business of the special general meeting will be restricted to the purpose called.

11.3.3. The quorum for a special general meeting is as for a general meeting.

11.4. One (1) Annual General Meeting (AGM) shall be held each year, preferably November.

11.4.1. The date of the AGM shall be determined by the Club Committee, and all Club members shall receive an invitation by email at least fourteen (14) days prior to the meeting.

11.4.2. The purpose of the AGM shall be to:

- a) Elect a new Club Committee for the ensuing year;
- b) Amend this constitution;
- c) Conduct any other relevant business.

11.4.3. The agenda for the AGM shall include:

- a) Welcome
- b) Apologies and Attendance
- c) Presentation of the annual report
- d) Financial update for The Club
- e) Election of the new Club Committee
- f) Thanks to the outgoing Club Committee members
- g) Presentation of life memberships

- h) Late business
- i) Events calendar for ensuing year
- j) Budget for following year
- k) Close of meeting

11.4.4. The quorum for a general meeting shall be at least eight (8) members, one (1) of which must be an Executive member, and one (1) a Committee member.

11.5. The president or, in the president's absence, the vice-president or secretary, are to preside as chairperson at each meeting of the Club.

11.5.1. If the president, vice-president or secretary are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

11.5.2. No resolutions may be voted on by a postal vote or by appointing a proxy to attend the meeting.

12. Finances

12.1. All Club funds and financial accounts shall be given, and under the care of, the Club Treasurer.

12.2. The sources of the Club's income are primarily registration fees, sales proceeds for canteen and clothing, donations and sponsorships.

12.3. Any monies collected on behalf of The Club to be deposited in the Bank or Building Society that The Committee deems convenient

12.4. Any money, funds or cheques received by a Committee member on behalf of The Club, shall be passed onto the Treasurer as soon as possible for transaction.

12.5. The Treasurer shall have all financial records of The Club available to be audited as required.

12.6. The financial year of the Club is 1 November to 31 October.

12.7. The books are available for inspection by any member following written application to the Committee. The treasurer is to make the records available 7 days after the next Committee meeting at a location set by the Committee.

- 12.8. Financial signatories will include both the Treasurer and one (1) other Club Executive member, preferably the Secretary.
- 12.9. Official receipts of all monies are to be issued by the Treasurer and any donations are to be confirmed immediately by acknowledgement, together with the issue of an official receipt.
- 12.10. All cheques drawn or electronic transfers on the above account are to be signed by two (2) of the four (4) following officers: the President, the Vice President, the Secretary, or the Treasurer.

13. Child Protection

- 13.1. The Club shall act at all times under the NSW Government's *Child Protection (Working With Children) Act 2013* or equivalent legislation.
- 13.2. In line with the above laws, the Club shall be registered as a *Child-related employer*.
- 13.3. The Club shall elect a Child Protection Officer as part of the Club Committee to ensure all regulations are met.

14. Minutes

- 14.1. Minutes are to be recorded at all Club meetings by the Secretary, or another nominated official.
- 14.2. Minutes must be published and available to all Committee members prior, or at, the next Committee meeting.
- 14.3. Minutes of previous meetings must be reviewed and approved in the agenda of the next available meeting.

15. Annual Report

- 15.1. The annual report shall be the responsibility and be prepared annually by the Executive.
- 15.2. The annual report will include a brief outline of the Club's year and include a section on the financial results for the year.
- 15.3. The annual report shall be available to all Club members at least fourteen (14) days prior to the AGM.

16. Policies and Procedures

- 16.1. All Club policies and procedures shall be documented within the Club's Policies and Procedures manual.
- 16.2. This manual shall contain all supporting documentation for this constitution, along with other relevant Club and governing bodies' guidelines.
- 16.3. This manual shall be reviewed and updated, as required, by a Club Committee member, and must be endorsed by a majority vote at a Committee meeting.

17. Alterations to the Constitution

- 17.1. Any Club member shall have the right to apply for a variation, alteration or amendment of this Constitution.
- 17.2. Any such applications shall be made in writing to the Committee, whereby the proposed changes shall be voted on at either a general or special meeting.
- 17.3. Any changes may only be amended by a two-third (2/3) majority vote of those present at the meeting.
- 17.4. Alterations to the Constitution may be determined at an AGM, provided the application is made in writing twenty-eight (28) days prior to the meeting.
- 17.5. If any dispute arises involving the interpretation of this Constitution or is outside the jurisdiction of this Constitution, the matter is to be referred to the Club Executive, whose decision shall be final.

18. Enactment

- 18.1. This Constitution was enacted on the 9th December 2013, following endorsement by The Club at a 2013 Annual General Meeting.

APPENDIX A: Certificate of Incorporation



**Certificate of Incorporation
On Change of Name**

Incorporation No. **Y1070503**

THIS IS TO CERTIFY that

MEREWETHER JUNIOR SOCCER CLUB INC

which was on the eighth day of August, 1990 incorporated under the Associations Incorporation Act, 1984 changed its name to

MEREWETHER UNITED FOOTBALL CLUB INCORPORATED

on the twenty seventh day of November, 2007.

Issued and given under my hand this twenty seventh day of November, 2007.


Lyn Baker
Commissioner for Fair Trading

APPENDIX B: Roles and Responsibilities of Committee Positions

President

- I. Shall be Chairman at all meetings and shall conduct such meetings in accordance with this Constitution.
- II. They shall have a casting vote at all meetings, with the exception of all matters pertaining to the election of officials, where they shall have a deliberate vote.
- III. They shall also, by virtue of their office sit on any committee, sub-committee or meeting of any type within the Club

Vice-President

- I. Shall act in the capacity of President as and when required.
- II. At all times, they shall have a deliberate vote, except when acting as President, where their vote shall be casting.
- III. In their role, they shall assist all other officials in their duties as required.
- IV. Their specific responsibilities shall include: coaching and skills development, social functions and canteens.
- V. Sub-committees (see Rule17), under their chairmanship, may be set up to enable the above activities to function.

Secretary

- I. Shall be the administrator of all affairs of the Club, as directed by the Committee, and as authorized by this Constitution.
- II. Shall hold the Club official stamp.
- III. Shall attend correspondence (both inwards and outwards) of the Club.
- IV. Shall coordinate and prepare the annual report.
- V. Shall execute other duties as may come within their province.
- VI. Shall records and publish all minutes at meetings in a timely manner.

Treasurer

- I. Shall receive all monies due to the Club and issue a receipt in return.
- II. All receipts must bear the Club official stamp.

- III. Shall bank all monies received into relevant Club accounts.
- IV. Shall retain custody of receipt books, cheque books and Club financial transactions.
- V. Shall prepare balance sheets and transaction papers for each Committee meeting, and annual report.
- VI. Shall prepare the annual financial report for tabling at the AGM.
- VII. Shall maintain a separate account for any canteen operations of the Club.