

# **CONSTITUTION OF THE ASSOCIATION OF KINGSLEY WESTSIDE FOOTBALL CLUB INCORPORATED**

## **1. NAME**

- a) The name of the Club shall be Kingsley Westside Football Club Incorporated, hereafter referred to as the Club or KWFC in this document.

## **2. OBJECTS**

The objects for which the Club is established will be:

- a) To enjoy, promote, foster, encourage and participate in the sport of Football in a competitive and sportsperson like manner.
- b) To abide by the Official Rules of the game of Football as issued by Football West Limited.
- c) To act for the benefit of or in the interests of its members in all matters pertaining to Football and control thereof.
- d) To grow community partnerships by providing a hub for well-being, interaction and engagement.
- e) To advocate for, promote and support ongoing development of the City of Joondalup and broader community through sport, recreation and leisure.

## **3. NON-PROFIT MAKING**

- a) The property and income of the Club shall be applied solely towards the promotion of the objects of KWFC and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.
- b) A payment may be made to a member out of the funds of the Club only if it is authorised under 3. c).
- c) A payment to a member out of the funds of the Club is authorised if it is —
  - 1. The payment of players, coaches or officials at market rate which has been passed by the Committee as per Section 22 and meets the Objects as per Section 2 of these Rules.
  - 2. The payment in good faith to the member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or
  - 3. The payment of interest, on money borrowed by the KWFC from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
  - 4. The payment of reasonable rent to the member for premises leased by the member to the KWFC; or
  - 5. The reimbursement of reasonable expenses properly incurred by the member on behalf of the KWFC.

#### **4. AFFILIATIONS**

- a) KWFC shall be affiliated with Football West Limited and will participate in the competitions conducted by that association.

#### **5. THE COMMITTEE**

- a) The management committee (Committee) of the Club shall consist of a President, Secretary, Treasurer, Vice President – Senior Men, Vice President - Junior Boys, Vice President - Females and Vice President – Operations.
- b) The Committee will be responsible for the management and administration of all teams within KWFC.
- c) Four (4) Committee members shall form a quorum.
- d) The election to fill the positions on the Committee each year shall be conducted at the KWFC Annual General Meeting (AGM) as per Section 11.
- e) The Committee shall meet monthly at a place nominated by the President.
- f) The procedure to be followed at a Committee Meeting must be determined from time to time by the committee.
- g) A casual vacancy occurs on the Committee as per Section 20. a).
  - i. In the case of a vacancy on the Committee, the Committee shall have the power to appoint a member to fill that vacancy until the next AGM.
  - ii. If any member seeks to nominate for a vacant Committee position after the AGM, the nomination must be made in writing to the Secretary and considered at the next available Committee meeting. A current Committee Member is required to second this nomination for it to be accepted.
  - iii. The Committee may fill a vacancy from a member of any Sub-Committee.
- h) Each Committee Member shall have a vote on all issues at the Committee meetings with the exception of the President who shall have a casting vote in the event of there being an equality of votes. In the case of the President being unavailable, the Chairperson of that meeting, as determined by members of the Committee, will have a casting vote only.
- i) Subject to the Act, these Rules, the By-Laws (if any) and any resolution passed at a general meeting, the Committee has power to do all things necessary or convenient to be done for the proper management of the affairs of KWFC.
- j) The Committee must take all reasonable steps to ensure that KWFC complies with the Act, these Rules and the By-Laws (if any).

#### **6. POWERS OF THE CLUB**

- a) The Club shall have the following powers:
  - 1. To borrow, raise or secure the payment of money for the purpose of the Club in such a manner as the members think fit including the issuing of debentures and to redeem or pay off any such securities.

2. For the purpose aforesaid to draw, make accept and endorse and issue negotiable securities or instruments of whatever kind or nature.
3. To purchase, take on a lease or otherwise acquire for such price and upon such terms and conditions as the Club thinks fit any freehold or leasehold lands or property which the Club considers is suitable for or may be used in carrying out any of the above purposes.
4. To do all other things incidental or conducive to the attainment of the objectives of the Club.

## **7. MEMBERSHIP OF THE CLUB**

### **a) Membership of the Club shall consist of the following:**

1. **Playing Member** – persons who have registered and paid a registration fee with Football West Limited to play Football for KWFC, as determined through their relevant sporting division
  - i. Each Playing Member shall also pay an annual membership subscription fee which shall be determined as per Section 26. a) of these Rules.
  - ii. Playing members shall have full voting rights.
2. **Junior Playing Member** – persons under the age of 18 years who are registered and paid a registration fee with Football West Limited to play Football for KWFC, as determined through the Junior sporting division.
  - i. Each Junior Playing Member shall also pay an annual membership subscription fee as per Section 26. a) of these Rules.
  - ii. Persons granted this category of membership will require a sporting affiliation, but shall have no voice in the management of the Club and shall not be entitled to hold any office.
  - iii. One nominated parent or guardian of each Junior Playing Member shall be given full voting rights, One parent can only vote at an AGM or SGM if they have only one playing member. Two or more playing members in one family will give a maximum of two parents/guardians a vote unless one parent/guardian is a current committee member. Parents have the voting power of the playing member until the Junior Playing Member reaches 18 years of age.
  - iv. Any Junior Playing Member on attaining the age of 18 years wishing to remain a member of the Club shall be granted the appropriate Club membership and shall pay the full membership subscription as set down from time to time.
3. **Coach Member** - Coaches and Team Managers aged 18 years or over who are registered with Football West Limited under KWFC automatically receive financial member status for that membership year as determined by the Committee under Section 26. a).
  - i. Coaches and Team Managers aged 18 years or over will be deemed as a “Coach Member” for membership purposes.
  - ii. A Coach or Team Manager applying for any such position at the Club may be required to provide a Police Clearance not greater than 3 months old.
4. **Social Member** - for non-playing persons at a cost to be determined by the Committee of KWFC each year as per Section 26.
  - i. Applications for Social membership shall be as per Rule 7. b).

- ii. A Social member is deemed to be a financial member and shall have voting rights excluding those rights concerned with the selection, election and holding of office with the Club.
- 5. Life Member
  - i. Members who have been afforded Life Membership status as per Section 28.
  - ii. Life Members shall have full voting rights.
- b) Application to Become a Social Member
  1. All applications shall be signed by the applicant.
  2. Subscriptions and any nomination fee shall be made at the time of application.
  3. Any person desiring to become a Social member of the Club shall apply in writing/electronically on the form provided for the purpose from time to time by the Club:
    - i. When the application form and all subscriptions have been received by the Secretary, the person shall be a provisional member of the Club and exercise all of the privileges of a member excluding voting rights until such time as the next Committee meeting.
    - ii. The applicant's name and Club history (if any) will be posted on the Members Only section of the Club website from the time of application until the next Committee meeting.
    - iii. At the next Committee meeting, the applicant will then be accepted or denied membership.
    - iv. If membership is denied, all subscriptions shall be refunded.
  4. No person shall be entitled to exercise any of the privileges of a member until they have paid all subscriptions due by them.
  5. The Committee shall have the right to refuse to admit any person to membership without assigning any reason for doing so.
    - i. The Committee may reject any application for membership from any person whom it considers to be undesirable and whose acceptance is not in the best interests of the KWFC.
    - ii. Applicants whose membership has been rejected shall not be eligible to reapply for membership for a period of one year (1) from the time of application.
    - iii. Applicants whose membership has been rejected shall not attend the Club as a guest of any member for a period of one year from application.
- c) Membership – General
  1. The admission of all members shall be at the discretion of the Committee at all times. This is determined on a year on year basis and may involve a grading assessment for Playing Members and Junior Playing Members.
  2. Club Members will be able to access the Club's Constitution, By-Laws and Standing Orders from the Members Only section of the Club website.
  3. Any Playing Member or Junior Playing Member leaving the Club prior to commencement of the season shall be refunded the Club membership subscription in full. No refunds will be allowed after the commencement of the season. However, should special circumstances prevail; the Committee may overturn this decision. Registration fees paid to Football West Limited or affiliated bodies is considered non-refundable.

d) Cessation of Membership

1. A person ceases to be a member when any of the following takes place:
  - i. For a member who is an individual, the individual dies.
  - ii. The person resigns from the Club.
  - iii. The person is expelled from the Club under Section 27.
  - iv. A Playing Member, Junior Member or Coach Member does not renew their registration with Football West Limited within six months of its expiry.
  - v. The person ceases to be a member under Section 7. c) 1. or Section 26. c).
2. The Secretary will keep a record on file of the date on which the person ceased to be a member and the reason why the person ceased to be a member.
3. A member may resign from membership of the Club by giving written notice of the resignation to the Secretary:
  - i. The resignation takes effect when the Secretary receives the notice; or if a later time is stated in the notice, at that later time.
  - ii. A person who has resigned from membership of the Club remains liable for any fees that are owed to the Club (the owed amount) at the time of resignation.
  - iii. The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the Club.

## **8. REGISTER OF MEMBERS**

- a) The Club shall keep an up-to-date register of members.
  1. Residential, postal or email address can be nominated for the members register.
- b) The Secretary shall on behalf of the Club keep and maintain the register of members.
- c) The Secretary shall delete from the register of members referred to in Section d)2 , the name of any person who ceases to be member.
- d) A member who wishes to inspect the register of members must contact the Secretary Registrar to make the necessary arrangements.
- e) If a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members, the Committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Club.

## **9. INSPECTION OF BOOKS OF THE CLUB**

- a) A member may at any reasonable time inspect without charge the Books of the Club, giving a minimum of 7 days' notice in writing to the Secretary.
  1. All Financial Records will be kept by the Treasurer.
  2. All Books of the Club shall be kept by the Secretary.

- b) All records regarding registrations will be kept by the Registrars of each Division and do not constitute any part of the Books of the Club.

## **10. EXECUTING DOCUMENTS**

- a) The Club will have no common seal.
- b) The Club may execute any document if the document is signed by any two of the following Committee members:
  - 1. President;
  - 2. Treasurer;
  - 3. Vice President – Operations.

## **11. ELECTION OF COMMITTEE MEMBERS**

- a) All Committee Members shall be elected at the AGM, to serve for a term of one year immediately following the AGM.
- b) The President shall call for Committee nominations from the floor at the AGM. Any financial member with voting rights of KWFC can nominate for a vacant position with their nomination required to be seconded by another financial member at the AGM.
- c) In the event that nominations for the required number of Committee members is not reached at the AGM, those declared elected shall have the power to fill the vacancies as a casual vacancy until the next AGM.
- d) No person will be eligible for election to the Committee if they are absent from the AGM, unless they have provided written notice of their nomination, signed by a seconder, to the Secretary at least 7 days prior to the AGM.
- e) Every candidate standing for election as part of the Committee shall be nominated by themselves at the AGM when called upon.
- f) If there are two or more nominations for any one position on the Committee, a secret ballot shall be conducted by a Returning Officer appointed by members at that AGM for this purpose. The candidate with the majority votes in the secret ballot will be elected to stand for that year.
- g) In the event of a tied second vote:
  - 1. The candidate who held this position the previous year shall be declared elected to the Committee.
  - 2. If none of the tied candidates did not serve the previous year, the person with the longest concurrent membership with the Club shall be awarded the position.
  - 3. If all tied candidates have held the same concurrent membership length, then the President or Chairperson shall have a casting vote only.
    - i. If the position relates to that of the President role, then the Vice President – Operations shall cast a deciding vote.

## 12. POWERS OF COMMITTEE

- a) The business of the Club shall be managed by the Committee who may exercise all powers of the Club, except those required to be exercised by the Club at a General Meeting.
- b) Without prejudice to the powers conferred by the last preceding rule, the Committee shall have power to do the following things:
  1. To purchase or otherwise acquire any books, newsletters or periodicals and dispose of them as it may see fit.
  2. To determine from time to time the conditions on which and time when, members may use the property of the Club or any part or parts thereof, and when and under what conditions the premises of the Club or any part or parts thereof, shall be used by members.
  3. To determine what person, if any, not being members of the Club shall be permitted to use the premises of the Club or any part or parts thereof and during what time and under what conditions and when and at what times and places and under what conditions such persons shall be supplied with refreshments and accommodation.
  4. To appoint any officials or servants of the Club and to remove them as occasions may require at their discretion and to define their respective duties.
  5. To delegate, subject to such conditions as it thinks fit any of its powers to sub committees consisting of such members of the Committee and other members of the Club co-opted for the purpose as it may determine and to make such regulations as to the proceedings of such sub committees as may be thought desirable.
  6. To regulate and control their own meeting and the transaction of business.
  7. To reimburse expenses of any servant of the Club for faithful and diligent service as deemed fit.
  8. In accordance with these rules, to discipline any member.
  9. To enter into or accept any lease or tenancy of the premises where on the Club shall conduct its affairs or of any furniture, goods and effects, which may be required for the use of the Club on such terms and on such conditions as the Club, may deem expedient.
  10. To take and defend all legal proceedings by or on behalf of the Club and to appoint all necessary Attorneys for any such purpose.
  11. To borrow, raise or secure the payment of money, and to sell and dispose of the assets of the Club up to \$50,000.
  12. To make, alter and repeal By-Laws as per Section 24, not inconsistent with these Rules regulating the use and management of the Club premises, the admission of members and the conduct of the Club and its affairs generally.
  13. To determine and vary Playing Rights but where particular Playing Rights are specifically stated in these Rules, those Playing Rights may only be varied as necessary to accommodate tournaments, competitions and matches, or adverse conditions or works on the sporting fields.
  14. To do and perform any other act, matters and things in connection with or relative to the management of the Club as shall not by these Rules require to be done by the Club in General Meetings.
  15. To appoint such number of delegates to sporting bodies and associations with which the Club may from time to time be affiliated as may be required by the Rules thereof and such delegates shall hold office in accordance with the Rules of such sporting bodies and associations respectively.

16. Every member of the Committee shall be indemnified against any loss, expenses or liability incurred by reason of any act or deed performed by them in good faith on behalf of the Committee and the Committee may use the funds of the Club for any such purpose required, together with any reasonable expenses incidental to Committee activities.

### **13. PRESIDENT**

- a) The President or other such person as authorised by these Rules will act as the Chairperson of KWFC Committee meetings and General Meetings and shall see that all business is conducted in a proper manner.
- b) The President or Chairperson will only vote in Committee meetings when there is a tied vote and will have a casting vote only.
- c) The President or Chairperson shall not vote in General Meetings unless in the case of a tied vote as per Sections 17 and 21.
- d) The President is responsible for the good order and discipline of the club.
- e) The President is to ensure that Members are made aware of the Club's Constitution and any Codes, By-Laws or Policies held by the Club.

### **14. ADMINISTRATION**

- a) The Secretary or other such person as authorised by the Committee must:
  1. Conduct all correspondence, keep full and correct minutes of all proceedings and distribute these to the Committee as per Section 16.
  2. Convene all General or Special General, for the Club.
  3. Be the main point of contact for Football West Limited and other clubs and teams.
  4. Maintain and ensure the safe custody of the Books of the Club.
  5. Keep and maintain in an up-to-date condition the Rules of the Club and any By-Laws of the Club.
  6. Maintain the register of the Members including their name and either their email, street or postal address.

### **15. FINANCES**

- a) The Club financial year shall commence on the first day of December each year.
- b) Signatories on the KWFC bank account are to be the President, Treasurer and Vice President – Operations.
- c) The Treasurer or other such person as authorised by the Committee must:
  1. Keep proper books of accounts for presentation to any Auditors as may be appointed as per the Act.



2. Ensure that the Club complies with the account keeping requirements in Part 5 of the Act.
  3. Ensure the safe custody of the Financial Records of the Club and any other relevant records and securities of the Club.
  4. Ensure that all Signatories are kept up-to-date.
  5. Receive all monies on behalf of the Club, issue receipts for same, be responsible for payments of all accounts on behalf of the Club and pay such monies into such bank accounts as the Committee decides.
    - i. All payments of the Club are to be signed by 2 Signatories as per Section 15.b).
  6. Deposit all funds in a Bank selected by the Committee.
    - i. All payments are to be made via bank transfer or Debit Visa
  7. Prepare and submit financial statements at each Committee meeting.
  8. Prepare financial statements or financial report , as imposed on the Club under Part 5 of the Act, for submission at the AGM
  9. Assist the reviewer or auditor (if any) in performing their functions.
- d) All finances will be reviewed or audited as required by the Act.

## **16. MINUTES OF THE COMMITTEE**

- a) The Secretary or other such person as authorised by the Committee must ensure that minutes are taken and kept of each Committee meeting.
- b) The minutes must record the following —
  1. The names of the Committee members present at the meeting;
  2. The name of any person attending the meeting as may be invited by the Committee;
  3. The business considered at the meeting;
  4. Any motion on which a vote is taken at the meeting and the result of the vote.
- c) The minutes of a Committee meeting must be sent to the Committee Members within 48 hours of the conclusion of the meeting.
- d) The President must ensure that the minutes of a Committee meeting are reviewed and correct and distributed as per the By-Laws.
  1. Where minutes are distributed to a member, all private and confidential information pertaining to another member shall be redacted.
  2. Minutes of disciplinary hearings as held under Section 27 shall not be distributed to any member.
- e) When the minutes of a Committee meeting have been endorsed they are, until the contrary is proved, evidence that —
  1. The meeting to which the minutes relate was duly convened and held; and
  2. The matters recorded as having taken place at the meeting took place as recorded; and
  3. Any appointment purportedly made at the meeting was validly made.

## **17. ANNUAL GENERAL MEETING (AGM)**

- a) The AGM of the Club shall be held in the Club or a venue determined by the Committee within three months of the end of the Club financial year.
- b) Only financial members of the Club with voting rights shall be entitled to vote at the AGM.
- c) The existing President will act as the Chairperson of the AGM.
- d) The President will not vote on any motion at the AGM unless there is a tied vote in which case the President shall cast a deciding vote.
- e) Eleven financial members with voting rights present at the AGM shall form a quorum.
- f) All Notices of Motion for consideration at the AGM must be handed to the Secretary in writing by 5pm no less than twenty one days prior to the date set for said meeting.
- g) Fourteen days' notice of such meeting will be available to all members via the Members Only section of the Club website. The notice will include the date, time, location and agenda, including any wording of any Notices of Motion or Special Resolution.
- h) The order of business shall be:
  1. Minutes of previous AGM
  2. President's Report
  3. Treasurer's Report on KWFC finances
  4. Notices of Motions
  5. Election of Committee members in the following order, to take effect immediately after the AGM
    - i. President
    - ii. Secretary
    - iii. Treasurer
    - iv. Vice President – Senior Men
    - v. Vice President – Females
    - vi. Vice President – Junior Boys
    - vii. Vice President - Operations
  6. General Business
  7. Close of Meeting

## **18. ORDER OF BUSINESS**

- a) At all General meetings except the AGM and Special General Meetings, the order of business will be:
  1. Apologies
  2. President's address
  3. Confirmation of previous meeting
  4. Correspondence - Inward, Outward

5. Business arising from previous minutes
6. Reports (including Treasurer's Report)
7. General business
8. Close of meeting

## **19. VOTING**

- a) The Chairperson of all General and Committee meetings shall be the President or if not available a person nominated and elected by the members present.
  1. The Chairperson of the meeting will be entitled to a casting vote only, in the event of there being an equality of votes.
- b) Committee members other than the Chairperson, shall be entitled to a deliberate vote at KWFC Committee meetings.
- c) All votes shall be cast by financial voting members present in person at the meeting.
- d) At no time or at any meeting will proxy votes be allowed.
- e) Only financial members with voting rights are eligible to vote at the Club AGM
- f) Voting rights for members are as detailed in Section 7.

## **20. TERMINATION OF MEMBERSHIP OF COMMITTEE**

- a) The Committee may terminate the membership of Committee member who:
  1. Ceases to be a member of KWFC.
  2. Dies or becomes permanently incapacitated by mental or physical ill-health.
  3. Resigns from office in writing and this resignation has been accepted by the Committee.
  4. Fails to attend (3) consecutive meetings of the Committee without a leave of absence.
  5. Becomes disqualifying from holding a position under the Associations Incorporation Act (2015) and its amendments.
  6. Is removed from office under by resolution of at least 75% of voting members at a General Meeting of the KWFC if a majority of the Members present and with voting rights at the meeting vote in favour of the removal.
    - i. The Committee Member who faces removal from the Committee must be given a full and fair opportunity at the General Meeting to decide the proposed resolution, to state their case as to why the Member should not be removed from their position on the Committee.
    - ii. If all Committee Members are removed by resolution at a General Meeting, the Members must, at the same General Meeting, elect an interim Committee.
    - iii. The interim Committee must, within two months, convene a General Meeting of the Club for the purpose of electing a new Committee.
- b) Provided that where a Committee member's service is terminated, such member will be notified in writing within seven (7) days of such decision. Failure to notify however does not render such decision invalid.

## **21. SPECIAL GENERAL MEETING (SGM)**

- a) The Committee may at any time call a SGM.
  - 1. Eleven (11) financial voting members shall form a quorum.
  - 2. In the case of insufficient members to form a quorum being present after thirty (30) minutes following the advertised start time, the meeting shall automatically adjourn to reconvene at the same time seven days later and shall proceed with or without a quorum.
- b) A SGM shall also be called by the Committee on a requisition signed by no less than twenty percent (20%) of financial members with voting rights, stating in detail the purpose of the meeting. The SGM will then be called by the Committee, and the matter so petitioned shall be the only topic of discussion that can be voted at the SGM.
- c) All KWFC members are to be provided with a minimum of 7 days' notice via notification on the Member's Only section of the Club website for a SGM. The notice will include the date, time, location and agenda, including any wording of any Notices of Motion or Special Resolution.
- d) All resolutions passed at an SGM shall be binding on the Committee.
- e) The President will not vote on any motion at the SGM unless there is a tied vote in which case the President shall cast a deciding vote.

## **22. REMUNERATION OF OFFICIALS**

- a) Where, and if, it is necessary to pay a fee, any other type of remuneration for a playing member, the rate of such fee, for the financial year shall be at such rate as is decided by the KWFC Committee:
  - 1. Any fee or remuneration shall be based on market rates.
  - 2. The fee or remuneration shall be passed with simple majority at a Committee meeting.
- b) Where and if it is necessary to pay a fee or any other type of remuneration for the services of a coach or official, the KWFC committee at the time of appointment shall negotiate and agree on the remuneration payable:
  - 1. Any fee or remuneration shall be based on market rates.
  - 2. The fee or remuneration shall be passed with simple majority at a Committee meeting.

## **23. ALTERATIONS TO THE CONSTITUTION**

- a) No alteration, repeal or addition shall be made to the Constitution except at the AGM, or a SGM called for that purpose. Notice of all motions to alter, repeal or add to the Constitution must be made in writing and signed by both proposer and seconder, both being financial voting members of the Club and lodged with the Secretary at least two weeks prior to the AGM or SGM.
- b) The Secretary shall circulate the details of proposed alteration(s) to all Committee Members and will include proposed alteration(s) in the Notice of meeting to all members via the Members Only section of the Club website at least seven (7) days before such meeting.
- c) Such motion(s) require to be passed by a 75% majority of financial members with voting rights present.

## 24. CLUB BY-LAWS AMENDMENTS

- a) Club By-Laws may be adopted, repealed or amended at a Committee meeting.
  - 1. By-Laws shall be passed by simple majority of Committee members in attendance at a Committee Meeting voting in favour of any alterations.
- b) A notice period of seven days is required to Committee Members for such proposed amendments.

## 25. PROTESTS AND DISPUTES

- a) Section 25 applies to:
  - 1. Disputes between Members; and
  - 2. Disputes between the Club and one or more Members that arise under the Rules or relate to the Rules of the Club. This does not include disciplinary matters undertaken with Club members, which are covered only under Section 27 of these rules.
- b) Should any member at any time have a complaint or protest on any matter concerning the Club or other Club Members, they must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of the other party.
- c) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
- d) The complaint or protest will be raised at the next Committee meeting.
- e) A Protests and Disputes Sub-Committee of three (3) Committee Members who are not involved in the matter may then be appointed by the Committee to hear the dispute.
  - i. The Committee have the right to decline a Sub-Committee appointment to review the matter, if they deem a Sub-Committee isn't warranted due to a vexatious or frivolous complaint.
- f) The Protests and Disputes will then provide a recommendation to the Committee, for their determination.
- g) The Committee will make a determination based on the recommendation of the Protests and Disputes Sub-committee and will either accept the decision of the Sub-Committee or substitute a decision of its own.
- h) Either party, if dissatisfied with the determination of the Committee, shall have the right to provide written notice to the Committee to request or agree to mediation.
- c) The party, or parties requesting the mediation must pay the costs of the mediation
  - 1. The mediator must be:
    - i. A person chosen by agreement between the parties; or
    - ii. In the absence of agreement:
    - iii. If the dispute is between a Member and another Member – a person appointed by the Committee; or

- iv. If the dispute is between a Member or more than one Member and the Club, the Committee or a Committee Member then an independent person who acts as a mediator for another not-for-profit body.
2. A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
3. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
4. The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least five (5) days before the mediation session.
5. The mediator, in conducting the mediation, must:
  - i. Give the parties to the mediation process every opportunity to be heard;
  - ii. Allow all parties to consider any written statement submitted by any party; and
  - iii. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
6. The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.
7. Inability to Resolve Disputes
  - i. If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

## **26. SUBSCRIPTION OF MEMBERS**

- a) The rate of the next yearly membership subscriptions and any levies payable by Members of categories of Members, will be decided by the Committee set by majority vote, prior to the commencement of each financial year.
  1. The Committee may determine discounted rates for Social membership from time to time.
  2. Notice of the subscriptions and any nomination fee shall be notified to the members via the Members Only section of the Club website.
  3. All membership subscriptions are due from the first day of January and are payable in advance on or before 1<sup>st</sup> January in the current financial year provided that:
    - i. The Committee shall not declare a member un-financial if at least half of the membership subscription is paid by 1<sup>st</sup> January in the current financial year; and
    - ii. The balance of the subscription is paid by the 1<sup>st</sup> March in the current financial year.
    - iii. Any member who, through absence; illness; financial difficulties; unemployment; physical disability or other distressful circumstances is unable to pay their full subscription but desires to retain participation with the Club may apply in writing to the Committee to relieve them of part of their liability, but not so as to make their total liability less than one third of the applicable subscription. The Committee will have discretion as to whether to accept the application and if accepted, any amount payable.

4. Playing member, Junior Playing Member and Coach Member registration fees will be determined before the commencement of each playing season or as required by the Committee and Football West Limited.
  - i. All playing registration fees are separate and are in addition to any membership subscription fees or levies.
- b) In the event of a playing member joining KWFC after the season has commenced, their membership subscriptions and registration fees will be decided pro-rata to how many games remain to be played and at the discretion of the Committee dependant on what team they are participating in.
- c) Any member whose membership subscription is in arrears at the 30th March of the financial year shall cease to be a member.

## **27. DISCIPLINE OR TERMINATION OF MEMBERSHIP**

- a) The Committee shall have the power to reprimand, suspend or expel a member of the Club.
- b) The Committee, in receiving a complaint of a member's behaviour which is considered a serious breach of acceptable member behaviour or where police involvement is required, may suspend a member for a period of time until disciplinary action can be taken.
  1. Any complaints relating to a member must be in writing and must be lodged with the Committee within three (3) months of the date of the incident.
- c) The Committee is required to exempt any member of that Committee from hearing a charge in which they have an interest.
- d) The Committee shall apply the power to reprimand, suspend or expel any member of their respective membership who:
  1. fail in the observance or commit any breach of - any rule of the Club, members Code of Conduct or any By-Law of KWFC or of any order or direction of the Committee or of any General Meeting; and/or
  2. In the sole judgement of the Committee have been guilty in or out of The respective Club's premises of any act, conducted matter or thing calculated to bring discredit on the respective Club or its members, or to impair or affect the enjoyment of the Club by other members.
- e) Any member charged with misconduct as above shall be furnished with a written copy of the charge and summoned before the Committee with no less than seven (7) days' notice.
  1. The Committee shall after hearing the accuser and accused and taking such evidence as they may consider proper, if they find the charge proved, inflict a penalty of suspension from all or any of the privileges of membership.
  2. If the Committee consider that on a charge of gross misconduct suspension as above is insufficient, they may call on the member to resign, and if he or she neglects to resign within ten (10) days they may declare him or her to be expelled.
  3. If a Member is suspended or expelled the person may appeal the Committee's decision through a SGM by giving written notice to the Secretary within fourteen (14) days of receiving notice of the Committee's decision.
- f) At the hearing, all parties to the disciplinary proceeding must be given a full and fair opportunity to state their respective cases orally, in writing or both.

1. Any member under the age of 18 must have a parent or legal guardian present during the entire disciplinary process.
2. If a parent or legal guardian does not attend the hearing, the member under the age of 18 will not be able to attend the hearing and the Committee will continue as per Section 27. g)
- g) If a responding member or a representative of the responding member does not attend within 30 minutes of the time stated on the hearing notice, the hearing may start without that member or his or her representative and determination will be made at the hearing.
- h) Members are not permitted to have legal representation attend any disciplinary matters but may bring another member to act in a support capacity only.
- i) If a Member's membership is suspended the Secretary must record in the Register:
  1. the name of the Member that has been suspended from membership;
  2. the date on which the suspension takes effect; and
  3. the length of the suspension as determined by the Committee.
- j) During the period a member's membership is suspended, the member —
  1. loses any rights (including voting rights) arising as a result of membership; and
  2. is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to The Club.
- k) Upon the expiry of the period of a Member's suspension, the Secretary must record in the Register that the Member is no longer suspended.
- l) If the Committee decision to suspend or expel a Member is revoked under these Rules, any act performed by the Committee or Members in a General Meeting during the period that the Member was suspended or expelled from Membership is deemed to be valid, notwithstanding the Member's inability to exercise their rights or privileges of Membership, including voting rights, during that period.

## **28. LIFE MEMBERS**

- a) Eligibility
  1. Any person will require 10 years non-continuous service to be granted life membership to the Club.
  2. Life membership years of service begin when a member turns eighteen years of age.
- b) Procedure
  1. All life membership proposals are to be prepared by the respective Sub-Committees and presented at the final Management Committee meeting before the end of season presentation night for determination.
  2. The Committee will then make a determination based on criteria detailed in the By-Laws.
  3. Any person who in the opinion of the presiding Committee has rendered outstanding service to the Club or the sport in general and have met the criteria detailed in the By-Laws may be elected a Life Member.
  4. The Committee's determination is final and in the event that a Life Membership application is rejected the Committee, the Committee does not have to provide a reason for this determination.
  5. The Secretary shall keep a register of all persons afforded this honour.



## **29. DISSOLUTION**

- a) The Club may be dissolved or wound up in accordance with Parts 9 and 10 of the Act, if the Club so resolves by special resolution at the AGM or a SGM called for such purpose.
- b) If upon dissolution or winding-up of the Club there remains, after the satisfaction of all debts and liabilities, any property whatsoever this shall not be paid to or distributed among the members but shall given or transferred –as per Section 24(1) of the Act.

## **30. LIQUOR LICENCE**

- a) KWFC will maintain a club licence under the current Liquor Control Act and its amendments.
- b) KWFC shall ensure an Approved Manager is on the licensed premises for the purposes of observing liquor licensing requirements and regulations, as required under the Liquor Control Act.
- c) KWFC shall be open for sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the Liquor Control Act.
- d) A register of member names and class of membership will be continually available for inspection at the Club premises by authorised officers as defined under the Liquor Control Act.
- e) No liquor shall be sold or supplied to any juvenile.
- f) KWFC may allow visitors onto the premises, as per the requirements of the Liquor Act.
  - 1. Visitors shall not be entitled to be present at any meeting of the members of KWFC, nor have any right, title or interest in or to any of the property of KWFC.
  - 2. Visitors will be subject to withdrawal by any KWFC official, including bar persons, acting on the best interests of KWFC.
  - 3. an up-to-date register of visitors must be continually available for inspection at KWFC premises by authorised officers.

## **31. DEFINITIONS**

- a) “Act” means the Associations Incorporation Act 2015, its amendments and any other legislation that may come into force to replace or supplement this Act, and shall form part of these Rules.
- b) “AGM” means an Annual General Meeting called in accordance with Section 17 hereunder.
- c) “Books of the Club” means: the Members Register; the Record of Office Holders; and the Club Constitution.
- d) “By-Laws” means the codes of rules made and adopted by the Club in accordance with Section 24 of these Rules.
- e) “Club” means Kingsley Westside Football Club Incorporated or KWFC

- f) "Club Premises" means all land, building and structures thereon of which the Club is the bona fide occupier.
- g) "Commissioner" means: the person for the time being designated as the Commissioner under of the Act.
- h) "Committee" means the Management Committee for the Club, duly elected for the time being in accordance with these Rules.
- i) "Division" means the different sporting affiliations within the Club.
- j) "Financial records" Includes: invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; documents of prime entry; securities; working papers and other documents needed to explain the methods by which financial statements are prepared; and adjustments to be made in preparing financial statements;
- k) "Financial report" has the meaning given in Part 5 of the Act;
- l) "Financial statements" means the financial statements in relation to the Club required under Part 5 of the Act;
- m) "General Meeting" means a General meeting of the Club whether Annual or Special, that all members are entitled to receive notice of and to attend.
- n) "KWFC" means Kingsley Westside Football Club Incorporated
- o) "Month" means a calendar month.
- p) "Playing Rights" mean the rights of any category of the membership or guest or visitor to use the sporting facilities as provided in these Rules, in the By-Laws or as determined by the Committee, as the case requires.
- q) "Rules" means this constitution of the Club, as in force for the time being.
- r) "Special General Meeting" or "SGM" means a General Meeting as defined below, called in accordance with Section 21 hereunder, at which only business that has been described in the notice may be transacted.
- s) "Special Resolution" means a resolution passed by the members at a general meeting in accordance with Section 51 of the Act.
- t) "Voting rights" means the ability for a financial member to move or second a motion or special motion; speak at all general meetings; nominate for a position on the Committee; cast a single vote at all general meetings and elections; and petition for a special general meeting.