



Kahibah Football Club Inc.
Constitution
incorporating
**Objects and Rules of
Association**

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Part 1: Preliminary

Kahibah FC is known as a local community icon synonymous with the enrichment of local people, regardless of background, gender, ability, or identity, through our football endeavors. Our vision is whilst providing a community club, also providing a Premier football stream to enable our players to reach the highest level of football at our club.

1. Object

The objects of Kahibah Football Club are to:

- ✚ foster and develop the game of football in the Kahibah and neighbouring districts by organising and managing teams under the control of the governing body;
- ✚ provide for its members regardless of ability, age or gender, opportunities to:
 - I. succeed personally and as team members through active participation in sport;
 - II. learn and improve their playing skills;
 - III. embrace and exhibit the spirit or true sportsmanship; and
 - IV. enjoy and thereby promote the game of football.
- ✚ facilitate promotion of players and teams into the highest level of competition commensurate with the ability of its members;
- ✚ prevent racial, religious, gender or political discrimination or distinction among members of Kahibah Football Club and the governing body; and
- ✚ any other object which, in the opinion of the committee, is in the best interests of football and Kahibah Football Club.

2. Definitions

.1 In this constitution:

committee refers to the group of persons elected by the members to control and manage the affairs of Kahibah Football Club.

Director-General means the Director-General of the Department of Services, Technology and Administration.

Governing body refers to the association/s to which Kahibah Football Club is a member as defined from time to time by Football Federation of Australia or Northern NSW Football. This extends to any other body or entity, or body recognised as a member of FIFA or the Northern NSW member of Football Federation of Australia.

KFC refers to Kahibah Football Club Inc.

life member includes any person admitted as a life member of the Kahibah Senior Football Club or the Kahibah Junior Football Club prior to those clubs amalgamating and forming Kahibah Football Club Inc.

ordinary committee member means a member of the committee who is not an office-bearer of the association.

secretary means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no such person holds that office - the public officer of the association.

special general meeting means a general meeting of the association other than an annual general meeting.

team official refers to coaches and managers of KFC teams registered to play in approved competitions.

the Act means the [Associations Incorporation Act 2009](#).

the Regulation refers to the [Associations Incorporation Regulation 2010](#).

treasurer means the person holding office under these rules as Commercial Manager of KFC.

.2 In this constitution:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

.3 The provisions of the Interpretation Act 1987 apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

Part 2 - Membership

3. Membership Generally

- .1 A person is eligible to be a member of the association if:
 - (a) the person is a natural person; and
 - (b) the person is:
 - (i) an individual registered as a player of KFC with the governing body; or
 - (ii) an individual registered as a team official of KFC with the governing body; or
 - (iii) a parent or guardian of an individual under the age of 18 and who is approved for membership of KFC by the committee; or
 - (iv) an individual elected as a member of any committee or sub-committee of KFC.

4. Nomination for Membership

- .1 A nomination of a person for membership of the association is made by:
 - (a) an individual registering as a player or team official of KFC in the manner and form as approved and notified by the committee from time to time, or
 - (b) a parent or guardian referred to in clause 3.1(b)(iii) above consenting to the registration of a person under 18 years of age as a player or team official of KFC.
- .2 A nomination of a person for membership of the association is accepted when all applicable fees and other charges as determined by KFC or the governing body from time to time are paid in full.
- .3 Only one (1) parent or guardian of an individual registered as a player or team official of KFC will be accepted as a member at any time.

5. Cessation of Membership

- .1 A person ceases to be a member of the association if the person:
 - (a) dies, or
 - (b) resigns membership, or
 - (c) is expelled from the association, or
 - (d) ceases to be a player of team official registered with KFC, or
 - (e) does not renew their registration, or
 - (f) fails to pay annual membership fee under clause 9.2 by the date such payment is due and payable, or such other time as determined by the committee, or
 - (g) is a parent or guardian member in accordance with clause 3.1(b)(iii) and the player or team official of whom they are the parent or guardian would

have ceased to be a member of the association pursuant to (a) to (f) above.

6. Membership Entitlements Not Transferable

- .1 A right, privilege, or obligation which a person has by reason of being a member of the association:
 - (a) is not capable of being transferred or transmitted to another person, and
 - (b) terminates on cessation of the person's membership.

7. Resignation of Membership

- .1 A member of the association may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- .2 If a member of the association ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

8. Register of Members

- .1 The public officer of the association must establish and maintain a register of members of the association specifying the name and postal or residential address of each person who is a member of the association together with the date on which the person became a member.
- .2 The register of members must be kept in New South Wales:
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- .3 The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- .4 A member of the association may obtain a copy of any part of the register on payment of a fee of \$1 for each page copied.
- .5 If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- .6 A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or

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- (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

9. Fees and Subscriptions

- .1 A member of the association must, on admission to membership, pay to the association a fee of \$1 or, if some other amount is determined by the committee, that other amount.
- .2 In addition to any amount payable by the member under subclause (1), a member of the association must pay to the association an annual membership fee of \$2 or, if some other amount is determined by the committee, that other amount by the date determined by the committee.

10. Members' Liabilities

- .1 The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges, and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by Clause 9.

11. Resolution of Disputes

- .1 A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association are to be referred to an independent panel (such as a community justice centre under the *Community Justice Centres Act 1983*) appointed by the association or the governing body for mediation.

12. Disciplining of Members

- .1 KFC is a voluntary organisation committed to assisting people of all abilities enjoy football. It is expected the behaviour of all parties involved in the club (including, but not limited to players, team officials, committee members, volunteers, parents, guardians, and spectators) will be commensurate with community standards and not be offensive to any other individual or group. In pursuit of this standard all parties involved with the club (including, but not limited to players, team officials, committee members, volunteers, parents, guardians, and spectators) will, as a condition of attending at any ground controlled by KFC or the governing body abide by the KFC "Codes of Behaviour" in force as determined by KFC or the governing body from time to time.
- .2 The KFC "Codes of Behaviour" will be provided to all members and available to them at any time upon request. It will also be displayed and available at all times when matches are played at a ground under the control of KFC.
- .3 A complaint regarding a member may be made to the committee by any person. The complaint:

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- (a) must be in writing, and
 - (b) must contain sufficient detail to allow the committee to properly consider the complaint.
 - (c) The committee may, at its ultimate discretion, request any additional information it considers it requires to consider the complaint.
 - .4 The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature or it is not provided with any further information it considers necessary to consider the complaint.
 - .5 If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned detailing:
 - (i) the details of the complaint, and
 - (ii) possible sanctions should the complaint be proved, and
 - (iii) the date, time, and place of any disciplinary hearing.
 - (b) 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
 - (c) must take into consideration any submissions made by the members in connection with the complaint.
 - .6 Where the complaint is made against a member under 18 years of age all correspondence regarding the complaint must be sent to the member's parent/s or primary caregiver/s.
 - .7 The committee may, by resolution, expel the member from the association or suspend the member from membership of the association 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.
 - .8 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 13.
 - .9 The expulsion or suspension is effective immediately upon notice being given to the member.
 - .10 Legal representation at any disciplinary hearing of the committee pursuant to this clause is not permitted, although a member under 18 years of age may be represented at any hearing by their parent or primary caregiver. Any hearing will be held on camera.

13. Right of appeal of disciplined member

- .1 A member may appeal to the committee against a resolution of the committee under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a written notice to that effect.
- .2 The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- .3 On receipt of a notice from a member under sub-clause .1, the secretary must notify the committee which is to convene a committee meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- .4 At a committee meeting of the association convened under subclause .3:
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the committee members present are to vote on the question of whether the resolution should be confirmed or revoked.
- .5 The appeal is to be determined by a simple majority of votes cast by committee members of the association.

14. Patrons and Life Members

- .1 The committee may appoint and remove patrons and life members of KFC.
- .2 Patrons are:
 - (a) entitled to notice of all general meetings.
 - (b) entitled to attend and speak at general meetings; and
 - (c) not entitled to vote at any general meeting.
- .3 Any member may nominate an individual for admission as a life member.
- .4 A nomination under clause 14.3 must:
 - (a) be in writing in the form determined by the committee from time to time; and
 - (b) set out the reasons why, in the opinion of the nominator, the nominee should be considered for life membership.
- .5 Nominations for admission to life membership are to be considered by the committee at its next meeting after the nomination is received.
- .6 In its absolute discretion, and without the need to give reasons for doing so, the committee may recommend the nomination, or decide not to recommend or submit the nomination, to the next annual general meeting for approval.

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- .7 A nominee is admitted to life membership if:
- (a) the committee recommends the nominee be admitted to life membership; and
 - (b) the recommendation is approved by a majority of two-thirds of members present at the annual general meeting at which the recommendation is considered.
- .8 A life member:
- (a) is not counted in a quorum under clause 29;
 - (b) has the right to remain a life member until he/she dies or resigns his/her life membership;
 - (c) subject to any separate agreement with the association to the contract, has no obligation, and may not be required, to pay any subscription or other amount;
 - (d) is entitled to receive notice of general meetings;
 - (e) is entitled to attend and speak at general meetings;
 - (f) is not entitled to vote at any general meeting.

Part 3 – The Committee

15. Powers of the Committee

Subject to the Act, the Regulation, and this constitution and to any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association of the incorporated association in accordance with the incorporated association's constitution and the requirements of the *Associations Incorporation Act 2009* (the Act), and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association,
- (c) 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 association, and
- (d) may make such by-laws or implement such policies not inconsistent with this constitution as in the opinion of the committee are necessary or desirable for the proper control, administration and management of KFC's finances, affairs, interests, effects and property and for the convenience, comfort and wellbeing of the members and to amend or rescind such by-laws or policies from time to time.

16. Composition and Membership of Committee

- .1 The committee is to consist of:
 - (a) the office-bearers of the association.
- .2 The minimum number of committee members is to be 5.
- .3 The office-bearers of the association are as follows:
 - (a) the Executive Officer,
 - (b) the Administration Manager,
 - (c) the Commercial Manager,
 - (d) the Secretary,
 - (e) the Facilities Management Manager,
 - (f) the Football Manager,
 - (g) the Information, Communications and Marketing Manager,
 - (h) the Membership Manager.
- .4 Each member of the committee is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election but is eligible for re-election.
- .5 A member must be at least 18 years of age to be eligible to hold a position on the committee.

17. Election of committee members

- .1 Nominations of candidates for election as office-bearers of the association or as ordinary committee members:

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- (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
 - .2 If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
 - .3 If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
 - .4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
 - .5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
 - .6 The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
 - .7 A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.
 - .8 When a new committee member/s are elected or appointed, they are to be inducted to the committee that will assist them in understanding and meeting their obligations.
 - .9 The “Checklist for incoming committee” (appendix 3), is to be used to pass on important information to new committee members, and to assist in updating requirements of the Act. The checklist is particularly relevant when there is a completely new committee, and the checklist is to be kept in a safe place along with the minutes or the Register of committee members.

18. Secretary

- .1 The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- .2 It is the duty of the secretary to keep minutes of:
 - (a) all appointments of office-bearers and members of the committee, and
 - (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
- .3 Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

19. Treasurer

- .1 It is the duty of the treasurer of the association to ensure:

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- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
 - (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

20. Casual vacancies

- .1 In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- .2 A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the association, or
 - (c) becomes an insolvent under administration within the meaning of the [Corporations Act 2001](#), or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 21, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- .3 is prohibited from being a director of a company under Part 2 D.6 (Disqualification from managing corporations) of the [Corporations Act 2001](#).

21. Removal of Committee Members

- .1 The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

22. Committee Meetings and Quorum

- .1 The committee must meet at least 3 times in each period of 12 months at such place and time as the committee may determine.
- .2 Additional meetings of the committee may be convened by the executive officer or by any member of the committee.
- .3 Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.

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- .4 Notice of a meeting given under subclause .3 must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
 - .5 Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
 - .6 No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
 - .7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
 - .8 At a meeting of the committee:
 - (a) the executive officer or, in the executive officer's absence, the administration manager is to preside, or
 - (b) if the executive officer and the administration manager are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

23. Delegation by Committee to Sub-Committee

- .1 The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- .2 A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- .3 A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- .4 Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- .5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- .6 The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- .7 A sub-committee may meet and adjourn as it thinks proper.

24. Voting and Decisions

- .1 Questions arising at a meeting of the committee or of any sub-committee

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- appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- .2 Each member present at a meeting of the committee or of any sub-committee 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.
 - .3 Subject to clause 22 .5, the committee may act despite any vacancy on the committee.
 - .4 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.

Part 4 – General Meetings

25. Annual General Meetings – Holding of

- .1 The association must hold its first annual general meeting within 18 months after its registration under the Act.
- .2 The association must hold its annual general meetings:
 - (a) within 6 months after the close of the association's financial year, or
 - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.
- .3 Notice of the annual general meeting must be communicated to all members with a minimum of 4 weeks' notice. Communication must be through following mediums:
 - (a) Notice published on the Kahibah Football Club Website and/or
 - (b) email to all existing members
 - (c) Notification via social media, such as Facebook
- .4 Communication must detail the following,
 - (a) Date, time, and location
 - (b) Call for nominations of office bearers, as out in Section 17

26. Annual general meetings - calling of and business at

- .1 The annual general meeting of the association is, subject to the Act and to clause 25, to be convened on such date and at such place and time as the committee thinks fit.
- .2 In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary committee members,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- .3 An annual general meeting must be specified as such in the notice convening it.

27. Special general meetings - calling of

- .1 The committee may, whenever it thinks fit, convene a special general meeting of the association.
- .2 The committee must, on the requisition in writing of at least 5 per cent of the

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- total number of members, convene a special general meeting of the association.
- .3 A requisition of 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 requisition, 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 requisition.
 - .4 If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
 - .5 A special general meeting convened by a member or members as referred to in subclause .4 must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

28. Notice

- .1 Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- .2 If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- .3 No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 24 .2.
- .4 A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

29. Quorum for general meetings

- .1 No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- .2 Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- .3 If within half an hour after the appointed time for the commencement of a

general meeting a quorum is not present, the meeting:

- (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- .4 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

30. Presiding Member

- .1 The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- .2 If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

31. Adjournment

- .1 The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- .2 If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- .3 Except as provided in subclauses .1 and .2, notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

32. Making of Decisions

- .1 A question arising at a general meeting of the association is to be determined by either:
 - (a) a show of hands, or
 - (b) if on the motion of the Chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot.
- .2 If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

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- .3 If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

33. Special resolutions

A special resolution may only be passed by the association in accordance with Section 39 of the Act.

34. Voting

- .1 On any question arising at a general meeting of the association a member has one vote only.
- .2 In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- .3 A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- .4 A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.
- .5 A member is not entitled to vote at any general meeting of the association unless they have been a member of the association for at least 24 consecutive months prior to the date on which the general meeting is held.

35. Proxy votes not Permitted.

- .1 Proxy voting must not be undertaken at or in respect of a general meeting.
Note: *Schedule 1 of the Act provides that an association's constitution is to address whether members of the association are entitled to vote by proxy at general meetings.*

36. Postal ballots

- .1 The association may hold a postal ballot to determine any issue or proposal.
- .2 A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

Part 5 - Miscellaneous

37. Insurance

The association may affect and maintain insurance.

38. Funds - Source

- .1 The funds of the association are to be derived from entrance fees/registrations and annual subscriptions of members, donations, sponsorships and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- .2 All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- .3 The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

39. Funds - management

- .1 Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- .2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

40. Change of Name, Objects and Constitution

An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with Section 10 of the Act is to be made by the public officer or a committee member.

41. Custody of Records

Except as otherwise provided by this constitution, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

42. Inspection of Records

- .1 The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - (a) records, books and other financial documents of the association,
 - (b) this constitution,

-
- (c) minutes of all committee meetings and general meetings of the association.
 - .2 A member of the association may obtain a copy of any of the documents referred to in Subclause .1 on payment of a fee of not more than \$1 for each page copied.

43. Service of Notices

- .1 For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- .2 For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

44. Financial year

- .1 The financial year of the association is:
 - (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
 - (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 July and ending on the following 30 June.

Note: Schedule 1 of the Act provides that an Association's Constitution is to address the Association's Financial Year.

Appendix

Appendix 1

(Rule 34 .2)

FORM OF APPOINTMENT OF PROXY

I, _____
(Full Name)

of _____
(Address)

being a member of _____
(Name of Incorporated Association)

herby appoint _____
(Full 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 general meeting of the association (Annual General Meeting or Special General Meeting, as the case may be) to be held on the

_____ day of _____ and at any adjournment of that meeting.
(Day) (Month) (Year)

My proxy is authorised to vote in favor of/against *(delete as appropriate)* the resolution,

(Signature of Member Appointing Proxy)

(Dated)

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

Appendix 2

(Rule 3.1 (a) (ii))

APPLICATION FOR MEMBERSHIP OF ASSOCIATION

_____ Incorporated
(Name of incorporated association under the Associations Incorporation Act 1984)

I, _____
(Full Name)

of _____
(Address)

herby apply to become a member of the above-named incorporation association.
In the event of my admission as a member, I agree to be bound by the rules of the
association for the time being in force.

(Signature of Applicant)

(Dated)

I, _____
(Full Name of Proposer)

A member of the association, nominate the applicant, who is personally known to
me, for membership of the association.

(Signature of Proposer)

(Dated)

Appendix 3



CHECKLIST FOR INCOMING COMMITTEE

Please complete and keep in a safe place

(Suggestion - Attach to front of Minute Book or Register of Committee Members)

Fair Trading

INCORPORATED ASSOCIATION		Nov 2021
Name		
Registration number		
LOCATION OF		
Incorporation certificate		
Constitution		
Minutes of committee and general meetings		
Member register		
Committee members register		
Disclosure of interests register		
Authorised signatories register		
ANNUAL OBLIGATIONS		
End of financial year end date is	<input type="text"/> / <input type="text"/>	(same date each year)
	<small>DAY</small>	<small>MONTH</small>
Annual general meeting (within 6 months of the end of financial year)		Due by
Annual summary of financial affairs (form A12) (lodge within 1 month of the AGM each year)		Due by
PUBLIC OFFICER & OFFICIAL ADDRESS		
Public Officer name		
Official address		
<small>(Note: A change of public officer or change of official address must be notified to Registry Services within 28 days)</small>		
FORMS TO BE LODGED WITH REGISTRY AND ACCREDITATION		
Annual summary of financial affairs	(form A12-T1) (Large Associations) or (form A12-T2) (Small Associations)	
Change of public officer or official address	(form A9)	
Alteration of the constitution or objects	(form A6)	
Change the association's name	(form A7)	
Cancel registration as an association	(form A8)	
MORE INFORMATION		
Information to assist committees in running an association is available on NSW Fair Trading's website at www.fairtrading.nsw.gov.au/associations-and-co-operatives/associations		

Revision

Revision	Description	Date Implemented
0	Kahibah FC Constitution - Issue 0	January 2020
1	General revision and format update	October 2023

