

SUTHERLAND  
SHIRE FOOTBALL  
ASSOCIATION



# CONSTITUTION

2022

# **CONSTITUTION**

28.10.21

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**A. INTRODUCTION - OBJECTS**

1. The name of the Association shall be the Sutherland Shire Football Association Incorporated.
2. The objects of the Association shall be to:
  - (a) Foster and develop Football in the Sutherland Shire in its various formats at both a grassroots and representative level. Where, for the avoidance of doubt, the term “Sutherland Shire” is a reference to the geographic area of the State of New South Wales proclaimed under the applicable laws of New South Wales as constituting the Sutherland Shire local government area.
  - (b) Conduct competitions and non-competitive games as required for all registered players.
  - (c) Participate and compete in Football competitions conducted by or affiliated with the governing bodies of the code limited to those of an amateur status.
  - (d) Maintain good relationships with affiliated Clubs and their members and in so doing be vigilant in maintaining fairness, respect and responsiveness.
3. An Executive Committee (E.C) of nine (9) persons including a President, Vice President, Honorary Treasurer and six (6) other general committee roles shall administer the business and affairs of the Association.
4. The Association shall at all times be bound by the Constitution Rules, Regulations of Football Federation Australia and the immediate governing body controlling Football in New South Wales.
5. Where there is any inconsistency between any provision of the Constitution and or Rules and Regulations of the Association the rules of the immediate governing body will prevail.
6. The Association shall be bound by the lawful decisions of the governing bodies and it shall do all things reasonably necessary to implement and enforce such decisions.
7. The Association shall do all such things necessary to implement and enforce any decision of the governing bodies relating to any player, official, person or Club who is a member of or affiliated with the Association or seeks to be a member of or affiliated with the Association.
8. Source of funds shall include, but not limited to, subscription, affiliation fees, match fees, levies, fines and penalties or otherwise from affiliated Clubs or persons, Government grants and funding where attainable, corporate and other sponsorships to the Association as approved by the Executive Committee (E.C).
9. The Association's playing year shall be from the 1st January to the 31st December each year for winter competition and as otherwise determined for other competitions.
10. The Association's colours for representative teams and branding shall be a combination of blue, black and white.

11. Where the abbreviations appear herein, they shall have the meaning indicated:

A.G.M.	Annual General Meeting
A.C.	Judiciary Appeals Committee
D.P.	Disciplinary Panel
E.C.	Executive Committee
F.A.	Football Australia
F.N.S.W.	Football New South Wales
G.M.	General Meeting
J.C.	Judiciary Committee
S.G.M.	Special General Meeting
S.S.F.R.A.	Sutherland Shire Football Referees' Association
S.S.F.C.	Sutherland Sharks Football Club Inc.

## **B. AFFILIATION AND MEMBERSHIP AND VOTING RIGHTS**

### **1. AFFILIATION**

#### **(a) Association with Other Organisations**

- (i) Any new affiliation by or with any other organisation or association shall be proposed by the E.C to the affiliated Clubs at a G.M. Acceptance will be required by the majority of affiliated Clubs in attendance and eligible to vote.
- (ii) Any disaffiliation with any other organisation or association shall be proposed by the E.C. to the affiliated Clubs at a G.M. Acceptance will be required by the majority of affiliated Clubs in attendance and eligible to vote.

#### **(b) Of Clubs with the Association**

- (i) Acceptance of an application for a new Club affiliation shall be proposed by the E.C. to the affiliated Clubs at a G.M. Acceptance will be required by the majority of affiliated Clubs in attendance and eligible to vote even if conditions and requirements in sub section (b) (iii) and sub section (c) are complied with.
- (ii) A Club must be affiliated with the Association to be eligible to take part in Football matches, competition and non-competition, conducted by the Association or participate and compete in Football competitions conducted by or affiliated with the governing bodies of the code limited to those of an amateur status.
- (iii) To qualify for affiliation with the Association, a Club must have a minimum of five (5) teams, and must comply with the conditions and requirements stated in Sub-Section (c)

- (iv) Affiliation shall be on an annual basis from 1<sup>st</sup> January to 31<sup>st</sup> December for winter competition and as otherwise determined for other competitions.
  - (v) Annual renewal of affiliation will be granted subject to conditions B.1.(c) being met unless the E.C. proposes the Club be disaffiliated.
  - (vi) Any disaffiliation of Clubs shall be proposed by the E.C. to the affiliated Clubs at a G.M. Acceptance will be required by the majority of affiliated Clubs in attendance and eligible to vote. The Club subject to this disaffiliation process is eligible to vote.
- (c) Conditions of Affiliation by a Club

In addition to the requirements of Clause B. 1. (b), a Club must comply with the following conditions to be accepted for affiliation with the Association:

- (i) The Club must be incorporated under the Associations Incorporation Act or the Companies Act in its own right, if possible, or if affiliated with or formally linked with a parent body or similar, they must show in writing that they are fully covered by the incorporation of the parent organisation.
- (ii) Submit an Association “Application for Affiliation” form completed in all details by the due date and pay the prescribed fee.
- (iii) Submit an audited copy of the Club’s Financial Statement for the previous financial year or future business plan including financials where the Club is newly formed.
- (iv) Submit the names and contact details of the current Committee Members.
- (v) Comply with the Association’s requirements of all affiliated Clubs which may change from time to time which include but are not restricted to: -
  - (a) The Club’s Constitution to include appropriate clauses to ensure that the Club operates at all times as a non-profit organisation.
  - (b) Submission of the names of the Manager and Coach of all teams representing the Club by Round 4 of the competition.
  - (c) Remain financial as to amounts owed to the Association as per their payment terms.
  - (d) Providing a statement signed by the President or other executive member of the Club’s committee accompanied with the said documents confirming the introduction and acceptance by the member Club of all necessary Codes and Policies including but not restricted to Child/Member Protection and Code of Conduct for players, Club officials, Parents, Coaches and Managers.

- (d) Protection under affiliation

Affiliation with the Association provides no guarantee, endorsement or any protection under law and all affiliated Clubs must determine and satisfy their own requirements as to risk insurable or otherwise of any kind including financial, civil and criminal.

## 2. **MEMBERSHIP OF THE ASSOCIATION**

- (a) Membership Qualifications – A person is entitled to be a member of the Association under the following circumstances:

- (i) A current E.C. member will be deemed a member of the Association for the duration of their term subject to the payment of the agreed membership and annual fee.
- (ii) Is a Life member of the Association
- (iii) Is a member of an affiliated Club and has been nominated by that Club to represent that Club on an annual basis as an Association voting member. Acceptance of such membership will be at the discretion of the Association E.C. and this member shall consent to act in accordance with the Constitution and Rules and By-Laws of the Association

- (b) Application for Annual Membership

- (i) An application of a person for membership as a voting member of the Association pursuant to Rule B. 2 (a) (iii) shall be lodged with the office of the Association. As soon as practicable after receiving such application the E.C. shall determine whether to approve or to reject the nomination.
- (ii) Where the Committee determines to approve a nomination for voting membership, the Office shall, as soon as practicable after that determination, notify the nominee of that approval and invoice the nominee's Club to make payment within the period of twenty-eight (28) days after such approval.
- (iii) The Office shall, on payment by the nominee, enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a voting member of the Association for the applicable annual period.
- (iv) All current members of the E.C. are automatically deemed members of the Association for this purpose for the length of their elected term and not required to apply as a separate process

- (c) Cessation of Membership

A person ceases to be a member of the Association if the person:

- (i) Dies

- (ii) Resigns that membership; or
- (iii) Is expelled from either their Club or the Association
- (iv) Expiration of the annual membership period excepting life members

(d) Register of Members

- (i) The Association shall establish and maintain a register of voting members, life members and E.C. members of the Association specifying the name and contact details including postal address of each person with the date on which the person became a member.
- (ii) The register of members shall be kept at the principal place of administration of the Association and shall be open for inspection, free of charge, by any member of the Association within office hours.

(e) Fees, Subscriptions, etc.

All members of the Association pursuant to Rule B. 2 (a), excluding life members shall pay to the Association an amount as determined from time to time by the E.C. to satisfy the annual membership fee and annual subscription.

(f) Members' Liabilities

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 B. 2. (e).

(g) Disciplining of Members

- (i) Where the E.C. is of the opinion that a member of the Association as defined by B. 2. (a) has persistently and wilfully acted in a manner prejudicial to the interests of the Association, the E.C. may, by resolution:
  - (a) Expel the member from the Association; or
  - (b) Suspend the member from membership of the Association for a specified period.
- (ii) Where the E.C. passes a resolution under clause (i), the office shall, as soon as practicable, cause a notice in writing to be served on the member:
  - (a) Setting out the resolution of the E.C. and the grounds on which it is based;
  - (b) Stating that the member may address the E.C. at a meeting to be held not earlier than fourteen (14) days and not later than twenty-eight (28) days after the service of the notice;
  - (c) Stating the date, place and time of that meeting; and



- (d) Informing the member that the member may do either or both of the following:
    - (i) Attend and speak at that meeting
    - (ii) Submit to the E.C. at or prior to the date of the meeting written representations relating to the resolution.
  - (iii) At a meeting of the E.C. held as referred to in clause (ii), the E.C. shall:
    - (a) Give to the member an opportunity to make oral representations;
    - (b) Give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
    - (c) By resolution determine whether to confirm or to revoke the resolution.
  - (iv) Where the E.C. confirms a resolution under clause (iii), the office shall, within seven (7) days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal.
  - (v) A resolution confirmed by the E.C. under clause (iii) does not take effect until the expiration of the period within which the member is entitled to appeal against the resolution.
- (h) Right of Appeal of a Disciplined Member
- (i) A member may appeal to a S.G.M. convened for this purpose against a resolution of the E.C. within seven (7) days after notice of the resolution is served on the member, by lodging with the office a notice to that effect.
  - (ii) Upon receipt of a notice from a member under Clause (i), the E.C. shall convene a S.G.M. of the Association to be held within twenty-one (21) days after the date on which the office received the notice.
  - (iii) At a S.G.M. of the Association convened under clause (ii):
    - (a) No business other than the question of the appeal shall be transacted;
    - (b) The E.C. and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
    - (c) The members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
  - (iv) If at the S.G.M. the Association passes a special resolution in favour of the resolution, the resolution is confirmed. A special resolution being where not less than two thirds vote in favour of the resolution

### 3. **VOTING RIGHTS OF MEMBERS**

#### (a) Voting rights of members

##### (i) Voting rights for E.C. members

E.C. Members will not be entitled to vote at G.M.'s, S.G.M.'s and at A.G.M.'s and only have voting rights at an E.C. meeting in line with their roles.

##### (ii) Voting rights for Life Members

Life members will only be allowed to vote when representing a Club and will be entitled to vote at G.M.'s, S.G.M.'s and at A.G.M.'s in accordance with L. 4. Life members will have no additional voting entitlements.

##### (iii) Voting rights for members representing an affiliated Club

Members representing a Club will be entitled to vote at G.M.'s, S.G.M.'s and at A.G.M.'s noting that only one (1) member per Club can vote on any one motion.

## C. **EXECUTIVE COMMITTEE - STRUCTURE AND POWERS**

### 1. **STRUCTURE**

#### (a) The Executive Committee (E.C.) of nine (9) positions shall consist of:

One (1) President

One (1) Vice President

One (1) Honorary Treasurer

Six (6) Executive Committee General Members.

#### (b) Except as otherwise provided in clauses (c) and (d), members of the E.C. shall hold office during the year from the A.G.M. when elected until the next A.G.M.

#### (c) Any E.C. member thought to behave in a manner prejudicial to the interest of the Association might be removed from office at any S.G.M. by a vote of two thirds majority of those members present and entitled to vote.

#### (d) Any E.C. member wishing to resign may do so by giving written notice to the President or Vice President.

#### (e) Any E.C. vacancy occurring during the year may be filled by the E.C. without the need to advise the Clubs prior to such appointment

## 2. POWERS

- (a) The E.C. will have the power to manage all matters pertaining to the Association for the elected period including but not limited to:
- (i) Conduct of all competition & non-competition activities
  - (ii) Acceptance/rejection of registrations
  - (iii) The administration and interpretation of matters governing the rules of the competition hereinafter referred to as Competition Rules
  - (iv) All disciplinary matters
  - (v) The control and management of the finances of the Association with the exceptions of any honorariums that may be granted to the E.C. and any capital expenditure over \$100,000. Both these exceptions must be proposed to the member Clubs at either a G.M., S.G.M. or A.G.M with approval required by the majority of those members present and entitled to vote
  - (vi) Organising, arranging and developing sub-committees from time to time to provide strategic, tactical and operational support to the ongoing development of the Association and its activities
  - (vii) Management of staff employed by the Association in a range of functions whether full time, part time, casual or contracted
  - (viii) Delegation of authority
  - (ix) Compilation and publishing of statistics
  - (x) The control and management of the Association's premises
  - (xi) The allocation of Council grounds to Association Clubs on an annual basis
  - (xii) The determination of any matter not considered adequately defined in the Constitution, By-Laws, Competition Rules regulations
- (b) The E.C. will have the power to from time to time make, alter and repeal all such By-Laws as it may deem necessary or expedient for the proper conduct and management of the Association or in any way in regulation thereto in particular but not exclusively it may by By-Law regulate:
- (i) The general management, control and trading activities of the Association
  - (ii) Such matters as they are specifically by this Constitution empowered to do
  - (iii) The control and management of all competitions
  - (iv) The conduct of members

- (v) Cups, trophies, awards and equipment
  - (vi) Any matter that arises relating to the management or control of the affairs of the Association, which is not provided by the Constitution
- (c) The E.C. shall be permitted to seconder to the committee, for the purpose of providing expertise, person(s) from outside of the membership, without the requirement to have that appointment voted on by the affiliated Clubs.
- (i) These person(s) are so engaged to provide knowledge and skills not present within member elected delegates or for any other purpose that the E.C. requires to conduct its role(s) under the Constitution.
  - (ii) Such persons engaged will be selected at the discretion of the E.C. and will have no voting rights in any decision process.
  - (iii) Should any member of the E.C. object to the appointment of a particular person(s) to the position of "expert", then a majority vote by the E.C. on the validity of the appointment of the nominated "expert" will be taken, with normal quorum and voting procedures to apply.
- (d) Any decision of the E.C., with the exception of those specified in the Competition Rules and By-Laws, shall be subject to appeal by:

Notice in writing, subject to an appropriate fee as set from time to time, by an affiliated Club within twenty-eight (28) days of the decision. Such notice shall be dealt with as a Notice of Motion at the G.M. immediately following the lodgement of such notice. Variation of an E.C. decision shall require a two thirds majority of those present and entitled to vote.

### 3. **ROLES AND RESPONSIBILITIES**

(a) **All Executive**

All E.C. members shall carry out duties in the best interest of the Association in the following areas:

- (i) Operational and administration management
- (ii) Legal affairs
- (iii) Technical competencies
- (iv) Risk management

(b) **President**

The President shall be Chairman, when available, at all meetings and shall conduct such meetings in accordance with the rules of the Association. The President shall have a deliberate vote at E.C. meetings. The President, in the capacity of chairman, shall also have a casting vote at E.C. meetings, however will have no voting rights at G.M, A.G.M or S.G.M. The President shall be an ex-officio member of all committees.

The President will be responsible for :

- (i) Providing leadership to the E.C.
- (ii) Providing strategic and tactical direction, operational instruction to the E.C. and the employees of the Association whether permanent, casual or contracted
- (iii) Ensuring effective communication of E.C. decisions to the member Clubs, players and other stakeholders.
- (iv) Performance of Association employees whether permanent, casual or contracted

(c) **Vice President**

The Vice President in the absence of the President at any meeting shall act as Chairman and adopt voting rights as such. In line with all E.C. members voting rights the Vice President has no voting rights at a G.M., A.G.M. or S.G.M.

At E.C. meetings the Vice President shall have a deliberate vote.

In the absence of the President and Vice President, a Chairman shall be elected from the meeting and shall adopt voting rights as such.

(d) **Honorary Treasurer**

The Honorary Treasurer shall:

- (i) Oversee the day-to-day financial operations of the Association including but not limited to, receipt all income and payment of all expenditure whether directly or as delegated to Association operational and administrative staff and ensuring all income is banked within five (5) working days.
- (ii) Ensure all payments are to be made within the Association's normal terms unless specifically agreed otherwise by the E.C. All payments will only be made after authorised in accordance with the Constitution regulations.
- (iii) Determine the annual registration and membership fees
- (iv) Determine the annual player and Club fines and other financial fees where required
- (v) Prepare financial annual budgets and regular forecasts as the Association's expected financial position
- (vi) Produce and submit financial statements at least monthly disclosing income and expenditure and details as necessary at each E.C. and G.M. for approval reflecting a true and accurate position of the Association's actual financial position. Bank account balances are also to be reconciled and presented at each such meeting.

- (vii) Provide a full, detailed and reconciled audited financial statement and submit to the AG.M.
- (viii) Act as the Association's Public Officer where and when required.

In line with all E.C. members voting rights the Honorary Treasurer has no voting rights at a G.M., A.G.M. or S.G.M.

At E.C. meetings the Honorary Treasurer shall have a deliberate vote.

**(e) Executive Committee General Member**

- (i) The E.C. roles may vary from time to time dependant on Association needs and priorities but will act either directly in role or indirectly as the E.C. chair on sub-committees responsible for:
  - (a) Member welfare
  - (b) Player and coaching development
  - (c) Player registrations
  - (d) Competition management
  - (e) Rules, regulations and governance
  - (f) Disciplinary management and Chairperson of such Disciplinary bodies empanelled from time to time
  - (g) Delegate to F.N.S.W, S.S.F.R.A. and S.S.F.C. and other bodies as may be required from time to time
  - (h) Representative team coordinator(s)
- (ii) E.C. general roles may be allocated to President, Vice President or Honorary Treasurer as the E.C. agrees from time to time
- (iii) In line with all E.C. members voting rights, the E.C. General Members shall have no voting rights at a G.M., A.G.M. or S.G.M.
- (iv) At E.C. meetings the E.C. General Member shall have a deliberate vote.

**(f) Management, Technical and Office staff (Salaried positions)**

The salaried roles may vary from time to time dependant on Association needs and priorities but to include:

- (i) Management of day to day activities of the Association
- (ii) Support of E.C. decisions and direction
- (iii) To ensure smooth running of all competitions
- (iv) Council liaison for ground management and development.
- (v) Regulatory compliance to both government and code policies to ensure a safe and harmonious environment is maintained.
- (vi) Attendance and representation of Association with governing bodies and other affiliated code bodies as required.
- (vii) Provide an open interface between Association, Council and affiliated Clubs.

- (viii) Provide high level of service, professionalism and expertise to all Clubs and other operational partners, clients, sponsors, Referees Association and other stakeholders

#### 4. **MEETINGS**

- (a) The E.C. will meet as required at least monthly and shall act at all times in the interests of the Association. The required number to form a quorum is five (5) E.C. members
- (b) The President may call additional or Special E.C. Meetings at any time. Unless called on the night of a G.M. all available E.C. members shall be notified verbally at least twenty four (24) hours in advance on such meetings.
- (c) All decisions of the E.C. requiring a vote will be by simple majority. Where the voting is even the Chairman shall have a casting vote.
- (d) At the sole discretion of the Chairman any person(s) who in the opinion of the Chairman could be challenged on the point of conflict of interest with regard a specific agenda item will be excused from the E.C. meeting for that particular matter. No decisions can be made if the quorum conditions are not met as a result of E.C. members being excused.
- (e) In the event of a conflict of interest resulting in a number of E.C. members being excused that reduces voting rights to lower than required by (a) with regards to a quorum then the decision will be referred to a G.M. of Clubs with normal voting rules of simple majority to apply.

#### 5. **NOMINATION AND ELECTION**

The ballot for the election of the members of the E.C. shall be conducted at the A.G.M.

##### **Nomination Process**

- (a) Nominations for all positions on the E.C. will be invited at least twenty eight (28) days prior to the date of the A.G.M. by circulation of the Association's official Nomination Form to all Association Clubs and to the members of the incumbent E.C.
- (b) The members of the E.C. may stand for election for any position on the E.C. for the following year.
- (c) Nominations must be submitted on the Association's official Nomination Form and be signed by the nominee and by:
  - (i) The President or other E.C. member of an affiliated Club, or
  - (ii) For nominations from present E.C. members only, by either the Association President or Vice President and any one other of the E.C.

- (d) Nominations must be received by the Association Office at least twenty one (21) days prior to the date of the A.G.M. who will immediately advise all affiliated Clubs of the nominations received within two (2) working days of the close date.
- (e) Nominations may be accepted at the A.G.M. for any position where a nomination had not been received by the advertised closing date for nominations. For nominations to be accepted at the A.G.M. they must be moved and seconded by two Club Delegates and accepted verbally at the Meeting or in writing by the nominee.

## **Election Process**

### **General**

- (a) The current President will appoint scrutineers being independent persons. Persons nominated for office bearer positions at the A.G.M. are not entitled to be scrutineers. Persons who held office bearer positions in the immediately preceding period prior to the A.G.M are not entitled to be scrutineers
- (b) The scrutineers will after such voting finalised and positions accepted and election declared will destroy the ballot papers.

- (i) Office of President, Vice President and Honorary Treasurer

The positions of President, Vice-President and Honorary Treasurer will be nominated and elected individually.

- (a) If only one nomination is received for a position that person will be declared elected.
- (b) If nominations received for a position, or positions, exceed the number of positions available, then a secret ballot shall be held and election shall be by simple majority.
- (c) If the ballot results in a tied vote for the President, Vice President or Honorary Treasurer then a recount shall be conducted. If after such recount the votes remain tied the incumbent on the Committee shall remain in the position. If the nominated persons do not include the incumbent then one (1) additional new vote allowing members to change their vote shall be conducted. If the ballot is again tied the position shall be decided by a “draw from a hat”.

- (ii) Office of Executive Committee General Member

- (a) The six (6) positions of General E.C. members will be considered together however persons must be nominated and elected individually. Where the nominations are equal to or less than six (6) then candidates will be declared elected subject to satisfaction of all nomination requirements being met. Where the nominations exceed six (6) then elections will be as per clauses (e) to (f) in this section.



- (b) All Clubs represented by their one (1) voting member will have six (6) separate votes in electing the E.C. General Members and must choose six (6) different persons. All votes will be considered together.
- (c) No Club voting member can be a potential office bearer in the coming year.
- (d) If the secret ballot results in six (6) nominated candidates receiving clear majority of votes then they shall be declared elected subject to satisfaction of all nomination requirements being met.
- (e) If the ballot results in a tied vote for the final position(s) of E.C. General Member then the candidates receiving a clear majority of votes by secret ballot shall be declared elected and the candidates involved in a tied vote for the final position(s) shall be subject to another round of voting.
- (f) The tied candidates for the final position(s) only will participate in other round of voting by all eligible members. As a result of this other round of voting the candidate(s) with a majority will be declared elected. If after such count, voting for the final position(s) remains tied any incumbent on the E.C. shall remain in the position where such a decision does not exceed six (6) persons being elected. If the nominated persons are new or there are more incumbent E.C. members involved in the round of voting then positions available then one (1) additional new count allowing members to change their vote shall be conducted. If the new count remains tied the position will be decided by a “draw from a hat”.
- (g) If a nomination is not received for a position then a casual vacancy shall be declared for the position.
- (h) Persons may be appointed by the E.C. to fill any casual vacancies declared at the A.G.M. or any vacancies occurring prior to the next scheduled A.G.M.

## **D. SUB-COMMITTEES OF THE ASSOCIATION**

### **1. GENERAL**

The E.C. shall at any time in their elected period for the current season call for the formation of sub-committees and appoint and delegate authority where required to manage the business of the Association including but not limited to:

1. Disciplinary Panel
2. Judiciary Committees
3. Appeals Committees
4. Coaching & Development Committee
5. Other Committees

- 1.1 Disciplinary Panel – The E.C. will empower two (2) persons to review the player send off reports from the S.S.F.R.A. and recommend suspensions in line with the rule book suspension guidelines.
- 2.1 Judiciary Committees - From nominations received, the E.C. shall be empowered to elect persons to form two (2) or more J.C.s, who shall meet as required (normally weekly) during the competition. The Chairman of which will normally be a member of the E.C.
- 2.2 Prior to the commencement of the competition, all persons elected will attend a special meeting with members of the E.C. to ensure expectations of both parties are clear and aligned.
- 3.1 Appeal Committee - From nominations received the E.C. shall elect an Appeals Committee. This committee can be formed from members of the J.C., the Chairman of which will normally be a member of the E.C.
- 4.1 Coaching and Development Committee – The E.C. will invite suitably qualified persons to apply to join this committee to focus on the education of grassroots coaching and the development of junior players.
- 5.1 Other committees as determined from time to time will be formed by the E.C. and persons will be invited to join as deemed appropriate dependant on the objectives of such committee.

## **DISCIPLINARY PANEL, JUDICIARY COMMITTEE AND JUDICIARY APPEALS COMMITTEE**

### **2. DISCIPLINARY PANEL**

- (a) The Disciplinary Panel (D.P.) will consist of two (2) persons, it may consist of E.C. members or other appropriate persons selected by the E.C.
- (b) The D.P. will determine from referee reports the proposed player suspension in line with the disciplinary suspension guidelines published in the Association's current rule book. In addition, the D.P. will impose penalties for breaches of the rules as per the guidelines published in the Association's current rule book.
- (c) These determinations will be communicated to all Clubs within one (1) working day of the D.P. meeting.
- (d) Unless challenged, the suspensions as determined by the D.P. will stand and in certain circumstances will be reduced when not challenged as per the disciplinary suspension guidelines published in the Association's current By-Laws.
- (e) Any challenges will be referred to the J.C.
- (f) The D.P. may at its sole discretion refer players direct to the J.C. without proposing a sentence.

### 3. JUDICIARY COMMITTEES

The J.C.'s shall be sub-committees of the E.C. and shall comprise the following:

- (a)
  - (i) A member of the E.C. or an appropriate person selected by the E.C. shall preside at each of the J.C. Meetings in the role of Chairman. The Chairman shall have a casting vote only.
  - (ii) A number of persons agreed from time to time will be appointed by the E.C. prior to the commencement of each season. A selection of members from this pool shall be empanelled for each J.C. hearing.
  - (iii) A quorum will consist of three (3) persons not including the Chairperson, one of whom will act as the J.C. Secretary.
  - (iv) An Executive member of the S.S.F.R.A. shall be permitted to attend meetings to advise the J.C., when requested to do so, on matters relating to the Laws of Football, this member shall not be permitted to vote.
  - (v) No member of a Club involved in the J.C. hearing will be permitted to sit on the J.C. and will be excused.
  - (vi) At the sole discretion of the J.C. Chairman any person(s) who in the opinion of the Chairman could be challenged on the point of conflict of interest will be excused from the J.C. for the particular hearing
  - (vii) J.C. members are encouraged from all areas of the game including current players to ensure diversity of opinion however each J.C. will be limited to two (2) registered players and no more than one (1) person from any Club will be empanelled on the same committee for each J.C. hearing.
- (b) The J.C. shall hear and make determination relating to:
  - (i) Matters referred to it by the D.P. based on referee's reports dealing with the sending off of players and other incidents
  - (ii) Suspensions proposed by the D.P. but challenged by the player
  - (iii) Players receiving a total of nine (9) yellow card cautions during a season and for each yellow card caution received after nine (9).
  - (iv) Complaints/Protests/Reports received by the Association that the E.C. determine as best handled by the J.C. process.
  - (v) Any other matter referred to it by the E.C.
- (c) The J.C. shall have power to fine, suspend or otherwise discipline an official, Club, team, player or any person affiliated with the SSFA for misconduct and/or breach of the rules of this Association. A Club or team if found guilty of a breach of the rules may be deprived of match points or fined or both.

- (d) The J.C. shall have power to request any person to appear before the J.C. in connection with any matter with which it is dealing. Any such person shall be requested to appear before the J.C. Should such a person fail to appear, the J.C. shall be empowered to either determine in absentia or suspend the person to such time as they appear before the J.C.
- (e) The J.C. shall meet in the week following the game and where possible prior to the following week's game. All other matters will be dealt with as promptly as possible.
- (f) The normal time, day and place for all meetings of the J.C. shall be advised prior to each season commencement.
- (g) The J.C. minutes will be a matter of record and sent via usual means to all Clubs within twenty-four (24) hours of the determinations. These minutes will be presented to the Association President at the E.C. meeting for adoption.

#### **4. JUDICIARY APPEALS COMMITTEE (A.C.)**

The Appeals Committee shall be a sub-committee of the E.C. and shall comprise the following:

- (a) A member of the E.C. or an appropriate person selected by the E.C. shall preside at each of the A.C. Meetings in the role of Chairman. The Chairman shall have a casting vote only.
- (b) A number of persons agreed from time to time will be appointed by the E.C. prior to the commencement of each season. A selection of members from this pool shall be empanelled for each A.C. hearing.
- (c) A quorum will consist of three (3) persons not including the Chairperson, one of whom will act as the A.C. Secretary.
- (d) No member of a Club involved in the J.C. hearing or subsequent appeal hearing will be permitted to sit on the A.C. and will be excused.
- (e) At the sole discretion of the Appeals Chairman any person(s) who in the opinion of the Chairman could be challenged on the point of conflict of interest will be excused from the A.C. for the particular hearing.

### **E. APPEALS AGAINST J.C. DECISIONS**

#### **1. APPEALS AGAINST J.C. DECISIONS**

- (a) All appeals against Judiciary Committee decisions will be dealt with by the Association Appeals Committee.
- (b) Appeals against a decision of the Appeals Committee will be heard by the immediate governing body controlling Football in New South Wales – see Clause E. 3

## 2. PROCEDURES FOR APPEALS

All appeals against decisions of a J.C. shall be dealt with in accordance with E. 1.

- (a) In the event of an appeal all parties will be notified.
- (b) All new evidence relevant to that appeal will be made available during office hours to all the parties concerned.
- (c) Appeals shall be in writing and lodged with the Association within two (2) working days of the date of the decision of the J.C. Appeals shall be heard at the next scheduled meeting of the A.C. unless the Association President determines an earlier date is required. A fee, determined by the E.C. from time to time, will be invoiced to the Club upon lodgement of such appeal. The appeal fee may be forfeited in part or in full as ruled by the A.C.

## 3. FURTHER APPEALS TO GOVERNING BODY IN NEW SOUTH WALES

Appeals against decisions of the Appeals Committee must be lodged with the immediate governing body controlling Football in New South Wales. The appeal must be in writing in accordance with the guidelines set by that body. The appeal fee as advised must be received prior to the appeal hearing and may be forfeited.

A copy of the appeal must be forwarded to the Association prior to the hearing to permit the Association's Appeals Committee to be represented.

## 4. GROUNDS FOR APPEALS

Appeals to the A.C. will only be heard on one or more of the following grounds:

- (a) Severity of sentence
- (b) New evidence not presented at the J.C. hearing
- (c) Evidence improperly dealt with by the J.C.
- (d) Unfair treatment of the player, Club or officials by the J.C.

The grounds for the appeal must be stated in the letter requesting the appeal.

## 5. CONDUCT OF APPEALS HEARINGS

- (a) Appeals on behalf of suspended players will be heard prior to the next game drawn for the player's team where possible.
- (b) Every effort will be made to have all parties including referee, complainant and defendant attend whilst the appeal is being heard to provide, confirm or refute evidence presented to the hearing as requested by the Chairperson.
- (c) The J.C. shall be notified of all appeals and have one (1) member attend A.C. meetings. The member shall not have voting rights at appeals meetings, the member will be available only to give the reason for the sentence imposed by the J.C.

The J.C. representative must leave the Appeals Hearing at the conclusion of the formal hearing and before the Committee considers its decision on the appeal.

- (d) The A.C. has the right to accept or reject persons permitted to be in the room when the matter is being heard.
- (e) Players, officials or other persons guilty of abuse or violence to members of the J.C. and/or A.C. shall be dealt with as the E.C. determines.

## 6. **VARIATIONS TO J.C. DECISIONS**

- (a) Decisions of the J.C. may only be changed by an appeal to the Association's Appeal Committee in accordance with Clause E. 1 and E. 2 or by appeal to the immediate governing body controlling Football in New South Wales in accordance with Clause E. 3
- (b) The E.C. does not have the power to amend or overrule a decision of the J.C.
- (c) The E.C. reserves the right to appeal to the immediate governing body controlling Football in NSW any decision made by that body in response to an appeal lodged by an Association Club, Club official or player.

## F. **PROTESTS, COMPLAINTS AND REPORTS**

### 1. **DEFINITIONS**

- a) For the purposes of this Constitution the following interpretations will apply:

"Protests" means a written statement, signed by the Club President or Executive member, indicating a breach of a specific rule or rules.

"Complaint" means a written statement, signed by the Club President or Executive member, alleging misconduct or other matter of concern by another Club, be that a team, individual player or official or other person(s) associated with that Club.

"Report" means a statement by a member of the Association's E.C., a member of the S.S.F.R.A. or from a Ground controller or other person as requested by the E.C.

- (b) If the Association President or other member of the E.C. of the Association requests a person to provide a written report, the report received shall not be made available for perusal by any Club before being tabled for consideration by the appropriate Association Committee.

## 2. **PROTESTS**

- (a) The protest shall be lodged with the Office of this Association within forty-eight (48) hours of the match or incident in which the protest arose. For all matches the forty-eight (48) hours will be considered to count from 7.00 p.m. on the day of the match or incident. A fee determined by the E.C. from time to time, which may be forfeited, will be invoiced to the Club on lodgement of such protest.
- (b) The onus of proof shall be on the Club making such protest.
- (c) The evidence will be made available during office hours to the parties concerned in the protest and are available via email to each Club via the Club's official email address.
- (d) The protest will be heard by the Judiciary Committee (J.C.)
- (e) A Club may lodge an appeal against the decision of the J.C. to the A.C. Such an appeal must be in writing and signed by the Club Secretary and delivered to the Association office within seven (7) days of the J.C. decision. A fee determined by the E.C. from time to time, which may be forfeited, will be invoiced to the Club on lodgement of such appeal.
- (f) The appeal shall be heard at the next scheduled A.C. meeting unless the Association President determines an earlier date is required.

## 3. **COMPLAINTS**

- (a) The complaint shall be lodged with the Office of the Association within seven (7) days of the alleged incident occurring. A fee determined by the E.C. from time to time, which may be forfeited, will be invoiced to the Club on lodgement of such complaint.
- (b) The onus of proof shall be on the Club making such complaint.
- (c) The evidence will be made available during office hours to the parties concerned in the complaint and are available via email to each Club via the Club's official email address.
- (d) The complaint will be heard by the Judiciary Committee (J.C.)
- (e) A Club may lodge an appeal against the decision of the J.C. Such an appeal must be in writing and signed by the Club President or Executive and delivered to the Association office within seven (7) days of the J.C. decision. A fee determined by the E.C. from time to time, which may be forfeited, will be invoiced to the Club on lodgement of such appeal.
- (f) The appeal shall be heard at the next scheduled A.C. meeting unless the President determines an earlier date is required.

#### 4. **REPORTS**

- (a) Reports shall be lodged with the Office of this Association within seven (7) days of the incident occurring. There shall be no fee required for the lodgement of a report.
- (b) Reports shall be dealt with by the J.C.
- (c) A Club may lodge an appeal against the decision of the J.C. Such an appeal must be in writing and signed by the Club Secretary and delivered to the Association office within seven (7) days of the J.C. decision. A fee determined by the E.C. from time to time, which may be forfeited, will be invoiced to the Club on lodgement of such appeal.
- (d) The appeal shall be heard at the next scheduled A.C. meeting unless the President determines an earlier date is required.

#### **G. ANNUAL GENERAL MEETING**

- 1. The A.G.M. of this Association shall not be held later than the 31<sup>st</sup> December of each year and twenty eight (28) days notice shall be given to all affiliated Clubs and Referees' Association.
- 2. At the A.G.M. the Clubs, which are affiliated, shall be entitled to be represented by the Club's President and any other three (3) Executive of the Club's committee. SSFRA are entitled to same representation being Club's President and any other three (3) Executive.
- 3. Life members are entitled to attend.
- 4. Voting on any A.G.M. motion and for the election of office bearers in line with membership entitlements each Club is entitled to one (1) vote only.
- 5. At the A.G.M. members of either the current E.C members or potential incoming E.C. members of the Association shall not have the right to vote and as such are not entitled to represent a member club at the AG.M.
- 6. At the A.G.M. any tied votes after one (1) recount is deemed lost excluding that of office bearers which is dealt with separately under C. 5. Executive Committee – Nomination and Election.
- 7. At the A.G.M. the order of business shall be:
  - (a) Apologies
  - (b) Acknowledgement of any special guests and life members
  - (c) Finalisation of voting entitlements
  - (d) Reading of the Minutes of the last A.G.M. (if requested)
  - (e) Presentation of the Annual Report
  - (f) Adoption of the Annual Report
  - (g) Presentation of Annual Balance Sheet
  - (h) Declaration of all positions vacant



- (i) Election of President
  - (j) Election of Vice President
  - (k) Election of Honorary Treasurer
  - (l) Election of Executive Committee General (6 positions)
8. Alterations to the Constitution of which notice has been given twenty-eight (28) days prior to the meeting.
  9. Motions of which notice has been given twenty-eight (28) days prior to the meeting.
  10. The rules of debate shall apply to the A.G.M.
  11. No decision of the A.G.M. shall be altered unless by a subsequent A.G.M. or S.G.M.

## **H. GENERAL MEETING**

1. General Meetings (G.M.) of the Association being meetings of the Association E.C. and affiliated Clubs shall be held at least monthly unless otherwise agreed
2. Quorum
  - (a) A quorum will consist of 50% persons eligible to vote on behalf of Clubs
  - (b) No item of business shall be transacted at a G.M. unless a quorum is present during the time the meeting is considering that item.
  - (c) If within half an hour after the appointed time for the commencement of a G.M. a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and at the same place unless otherwise agreed by both E.C. and the majority of affiliated Clubs.
3. At the first G.M. following the completion of the A.G.M., the minutes of the A.G.M. shall be submitted for adoption.
4. Each affiliated Club shall be entitled to be represented by two (2) official delegates only being current committee members of that affiliated Club. The S.S.F.R.A. shall also be entitled to two (2) delegates.
5. At G.M.'s each Club is entitled to one vote. No other person(s) have voting rights. Excluding appeals on E.C. decisions, which require a two thirds majority, all other voting will require simple majority.
6. When requiring simple majority a tied vote is deemed lost.
7. No member shall attend or vote at any meeting as a proxy of another person.

8. The order of business at a G.M. shall be:
- (a) Apologies
  - (b) Acknowledgement of any special guests and Life Members
  - (c) Finalisation of voting entitlements when required
  - (d) Confirmation and adoption of Minutes of the previous G.M.
  - (e) Business arising out of previous Minutes
  - (f) Adoption/Business arising of last G.M. financial report.
  - (g) Relevant business of which notice is given
  - (h) Notice of Motion (if any)
  - (i) Current Financial Statement and reports
  - (j) Reports by E.C. members
  - (k) Reports by sub-committee members
  - (l) General business
9. A resolution at a G.M. shall be final, subject only by appeal to the immediate governing body for Football in New South Wales unless otherwise stated in the Competition Rules and By-Laws.
10. Absence from G.M.'s will leave affiliated Clubs liable to a fine, an amount to be determined by the E.C. from time to time.

#### **I. SPECIAL GENERAL MEETINGS**

A S.G.M. may be called by the President or alternatively upon the receipt of a written requisition to do so, signed by five (5) members of the E.C. or alternatively a majority of affiliated Clubs. Such requisition must set out the general nature of the business to be discussed and at such meeting no business will be discussed except that on the notice paper. Upon the receipt of such requisition the Office shall within twenty-eight (28) days convene the meeting and give seven (7) days notice to all affiliated Clubs, as to the business to be discussed.

#### **J. AUDITOR**

A qualified Auditor shall examine all books appertaining to the financial position and dealings of the Association each year. Prior to the A.G.M. the auditor shall certify that the required audit has been carried out and issue a certificate as to the correctness or otherwise of the Association accounts. The Auditor shall be appointed each year.

#### **K. BANK AUTHORITY**

Any two (2) authorised persons shall sign all cheques issued by the Association. Authorised persons limited to four (4) persons being the Association's Operations Manager and the current E.C. office bearers of President, Vice President and Honorary Treasurer.

Any electronic payments made regularly or otherwise will be in accordance with predetermined authorities. Authority will be as agreed between the office and the Honorary Treasurer from time to time and limited to \$2000 in any one transaction excluding salary payments which will be limited an amount equal to annual salaries divided by payment frequency.

**L. LIFE MEMBERS**

1. Life members may only be elected at the A.G.M. upon the recommendation of the E.C.
2. Life members of the unincorporated body known as the Sutherland Shire Football Association shall be regarded as life members of the Incorporated Association.
3. Life members as such, shall be entitled to attend any Association meetings and may speak on any matters under discussion. Life members of this Association and affiliated Associations shall be eligible for election to any committee or sub-committee formed under this Constitution.
4. Life members have no voting rights unless voting on behalf of a Club at General Meetings, Special General Meetings and Annual General Meetings.

**M. COMPETITION RULES**

1. For the efficient administration and control of a competition conducted by this Association, rules shall be formulated and shall be known as Competition Rules
2. A special G.M. to determine amendments to the Competition Rules shall be designated Rules and Revision:
  - (a) Such meetings shall be held in accordance with the provisions of the Competition Rules
  - (b) Any E.C. recommendations shall be included in the agenda to be dealt with at the next ensuing Rules and Revision meeting.

**N. PAYMENT OF ACCOUNTS BY CLUBS**

1. Each affiliated Club shall pay to the Association each and every account rendered by or on behalf of the Association to such club within twenty-eight (28) days from the date shown on the account.
2. Should any Club default in payment of any account by the due date, interest shall be levied and shall be payable by the Club to the Association at the rate of 1% per month on the overdue portion of account for each month or any part thereof that such account remains unpaid.

3. Such interest shall be payable without prejudice to any other rights the Association may otherwise have in relation to such Club, this Constitution, or the Competition rules.

**O. ALTERATIONS TO CONSTITUTION**

1. Each affiliated Club and the E.C. shall have the right to apply for variation or amendment of the Constitution at the A.G.M. or adjourned A.G.M.
2. Any such application shall be made in writing and be in the hands of the office at least twenty-eight (28) days prior to the meeting
3. The office shall circulate copy of such application to each affiliated Club at least twenty-one (21) days prior to the meeting being held.
4. A S.G.M. may be called by the E.C. or by any five (5) of the Clubs affiliated with the Association to alter or amend the Constitution and by giving twenty-one (21) days clear notice of the meeting to be held.
5. The Constitution shall only be varied by the vote of two thirds majority of the persons present and entitled to vote.
6. The E.C. will have no voting rights at this meeting and all Clubs will be entitled to one (1) vote only.

**P. MISCELLANEOUS**

**1. Custody of Books – Electronic or otherwise.**

Except as otherwise agreed, the Treasurer shall keep all records, books and other documents relating to the Association at the Association office either as electronic or non electronic documents as required to satisfy compliance and operational requirements.

**2. Inspection of Books – Electronic or otherwise**

The records, books and other documents of the Association shall be open to inspection, free of charge, by any member of the Association within business hours with forty eight (48) hours notice. These books will be reviewed at the Association office and not permitted to be taken off site. Information stored electronically may be forwarded in various mediums to an enquirer on approval from the President, Vice President or Treasurer.

**3. Non Profit Clause**

The assets and income of the Association shall be applied solely in furtherance of the Association's objects as outlined in Clause A.2. and no portion shall be distributed directly or indirectly to the members of the Association or to other persons, organisations or companies, except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

#### 4. **Dissolution Clause**

If upon the winding up or dissolution of the Association there remains, after the satisfaction of all its debts and liabilities, any property or amount whatsoever, then subject to the approval by a special resolution of the Association the same shall not be paid to or distributed amongst the members (or any of the members) or affiliated Clubs (or any of the affiliated Clubs) of the Association. Instead, that property and that amount shall be transferred to a trustee, for the purpose of the trustee holding that property and that amount on trust for the affiliated Clubs of the Association who were so affiliated at the time of the dissolution or winding up, provided that each affiliated Club is so constituted that its property is prohibited from being distributed to its members. The trustee shall hold the property and the amount solely and exclusively for the purpose of fostering, furthering and advancing the sport of football within the Sutherland Shire (as the term "Sutherland Shire" is defined in Part A clause 2 (a) of this constitution). The terms of the trust must prohibit the distribution of the trust property and trust amounts and trust income (a) to any member of the former Association; (b) directly to any affiliated Club of the former Association; (c) to Football Australia Limited ACN 106 478 068 (**Football Australia**) and any of its related bodies corporate; (d) to Football NSW Limited ACN 003 215 923 (**Football NSW**) and any of its related bodies corporate; (e) to any successor or assign of Football Australia or Football NSW (and any successor or assign of any related body corporate of each); and (f) to any national and any state or territory football governing body, which assumes the objects or any of the objects of Football Australia and/or Football NSW.