



CONSTITUTION AND RULES OF :

KERIKERI ASSOCIATION FOOTBALL CLUB INCORPORATED

1. NAME

The name of the club shall be "KERIKERI AFC INCORPORATED" which shall be known and referred to as "the club".

2. OBJECTIVES

The objectives of the Club are to:

Encourage, promote, organise and develop the game of football across all age groups in Kerikeri and surrounding areas.

Provide the pathway for players of abilities to achieve their full potential.

Provide a solid and stable football club both on and off the field and an environment that all members can be proud of.

Provide and maintain clubrooms, training facilities and playing fields together with any other necessary conveniences for the use of club members and invited visitors.

Provide and co-ordinate training and coaching for players and coaches.

3. REGISTERED OFFICE

The Registered Office of the Club shall be at Baysport Waipapa , 402C Harmony Lane , Waipapa .

4. ANNUAL SUBSCRIPTION

The Club year shall begin on 1st January and conclude on 31st December each year.

The annual subscription shall be the sum as fixed by the Annual General Meeting for the forthcoming year.

The annual subscription and terms of payment shall be reviewed and approved at each

forthcoming Annual General Meeting. The annual subscription shall be due and payable when player signs up for the forthcoming season. Any players who financially, are unable to pay at this point, should contact the current committee and discuss options to pay the fees. All fees shall be due before the first game of the season occurs.

5.2 Application for Membership

Application for membership shall be made by going through the online registration process . The process also allows for direct payment of appropriate subscription fees and levies .

Applicants details will then be kept on a National Club database and will be used for future correspondence with members.

5.3 Resignation.

5.3.1

A member may resign from membership of the Club by writing to the Secretary either by mail or email . Resigning will not release the resigning member from liability for any outstanding fees , fines or other charges that might have been accrued .

A member may also request a transfer to another Club which will be actioned via the online registration system . The Club reserves the right to decline any transfer request until such time that any outstanding fees , fines and levies are paid in full by the member .

5.4 Unpaid subscriptions

A member shall be barred from playing for KKFC if subs have not been paid by 21st July of that year and no agreement with KKFC committee is in place. The following constitutional change shall only happen if funding for new reversible kit has been procured before the season start of 2024.

5.5 Rights and liabilities of members

5.5.1

Any person who was a member in the financial year immediately preceding the Annual General Meeting shall be entitled to speak and vote at said meeting.

Membership of the Club shall not confer on any member any estate or proprietary right, interest or share in the clubs funds nor shall any members be personally liable for any liabilities of the club .

5.5.3

No member shall receive any pecuniary gain from membership of the club save as is permitted by Section 5 Incorporated Societies Act 1908.

5.5.4

All kit and training equipment handed to coaches prior to the start of each season becomes the responsibility of the coach until such time it is handed back to the club at the conclusion of the

season . All kit and equipment remains the property of the club . (Unless reversible kit is acquired then constitutional change is) 5.5.4 – All junior kit shall be the responsibility of the whanau/caregivers of the child concerned. The tops shall be given at start of the season and returned at end of season. Tops that are not returned or are damaged beyond use shall then have a replacement paid for by the whanau/caregiver of that player.

5. MEETINGS

6.1 Annual general Meeting

6.1.1

The Annual General Meeting of members shall be held no later than the last day of November in each year at the registered address of the club .

6.1.2

In addition to any other business , the business of the Annual General Meeting shall be :

- a) To confirm the minutes of the last Annual General Meeting
- b) To receive reports on the years activities of the club from the President , the Treasurer and any other reports as determined by the club
- c) To elect for the following year and in the following order ;

Club President

Club Secretary

Club Treasurer

Up to a maximum of 7 committee members one of which will be the Club Captain.

- d) To consider any general business
- e) To elect any Life Members

6.1.3

Notice of time and place of the meeting shall be distributed on relevant Internet platforms and shall be advertised on at least two occasions in a newspaper distributed in Kerikeri with the first notice to appear not less than 14 days prior to the meeting .

6.1.4

All resolutions passed at any meetings of the club shall be conclusive and binding on all members whether they be present at the meeting or not .

6.2 Special general Meeting

6.2.1

The committee may whenever it thinks fit convene a special general meeting of the club

6.2.2

Upon requisition of not less than 25 members , the club may convene a special general meeting of the club if received by the club secretary either by mail or email bearing the signatures of members making the requisition.

The correspondence should state the purpose or purposes of the meeting.

6.2.3

A minimum of 28 days notice shall be given by the club to all members entitled to vote stating the nature of the business and time and place of the meeting .

6.2.4

At any convened special or general meeting the club president shall be the chairperson . In his/her absence the members present may choose a chairperson from those present . Once having taken the chair the appointed chairperson shall have the normal powers of the chairperson until the conclusion of the meeting .

6. Quorum

7.1

A quorum at all general meetings shall consist of at least 10 members present and eligible to vote . If no quorum is present half an hour after the scheduled commencement of the meeting , then the meeting will stand adjourned until the same time and place the following week . If no quorum is present at the meeting following then those members attending will be deemed to constitute a quorum and the meeting may proceed with business.

7.2

A quorum is present at club committee meetings if a minimum of 5 committee members are in attendance and eligible to vote. If no quorum is present fifteen minutes after the scheduled commencement of the meeting then the meeting may be adjourned to the following week . If a quorum is not present at the meeting following then the meeting shall lapse .

7.3

From time-to-time committee members may conduct business via electronic communication ensuring that all committee members can vote. Majority vote will rule and decision binding.

7. Voting

Each senior and life member shall be entitled to one vote at all general meetings . Motions shall be passed by a show of hands unless a ballot is asked for by at least 2 committee members . Where any vote is tied , the President shall have the casting vote .

Rulings by the chairperson of the meeting on any point of order shall be final and shall not be the subject of any debate or review .

8.1 Amendments

The chairperson of any general meeting of members whether annual or special ,may receive from the floor and put to the vote an amendment to any motion so long as said amendment has been duly proposed and seconded , does not create a negative impact on the substantive motion and does not have the effect of increasing ant financial obligations of members.

8. Committee

9.1

The committee shall be made up of members as specified in 6.1.2

9.2 Election and appointment

9.2.1

The President , Treasurer , Secretary and a maximum of seven other committee members to include the Club Captain shall be elected annually by the members at the Annual General Meeting .

9.2.2

Nominations , duly seconded and consented too by those present may be made verbally at the Annual General Meeting . A member may be nominated and seconded prior to the meeting if received in writing by the secretary at least 1 month preceding the meeting .

9.2.3

The Committee may co-opt members as they see fit in order to carry out their duties up to the maximum number of committee members

9.2.4

The outgoing president shall for the first year only after ceasing to hold office , be an additional ex officio member of the committee and shall be entitled to attend and vote at meetings .

9.2.5 Powers of the committee

The committee , subject to the Act , the regulations and these rules:

- a) Shall control and manage the club
- b) May exercise all such functions as may be exercised by the club other than those functions that are required by these rules to be determined by a general meeting of members of the club.
- c) Has power to confirm all such acts and do all such things as appear to be necessary for the proper management of the club .

10 Meetings

10.1 The committee may meet , adjourn and otherwise regulate their meetings as the committee sees fit

10.2 The Treasurer shall present an update of financial affairs at each meeting .

10.3 Meetings may be called at any time by the Club President .

10.4 – Motions arising at any meeting shall be decided by a majority vote. The first vote shall be verbal, if contested or unclear a show of hands will be asked for. If this vote is equal, then the Chairperson shall have the casting vote.

10.5 General committee business may also be conducted throughout the year via email communication .

10.6 The Chairperson at all committee meetings shall be the Club President . In the absence of the Club President , a chairperson will be appointed at the beginning of the meeting and will hold that position throughout the meeting with the Chairpersons usual voting rights .

11 Officers and Delegation

11.1

The “Officers” are made up of the president, treasurer , secretary and other committee members.

11.2

The Committee may appoint the following if required , but not limited to , Club manager , Senior Co-Ordinator , Youth Co-Ordinator , Junior Co-Ordinator ,WOF Co-Ordinator , Equipment Manager , Grounds Manager , Funding Co-Ordinator...and other positions that the committee might deem appropriate . These positions may be filled by members of the committee or other members of the Club . If filled by other members of the club that does not constitute a seat on the club committee .

11.3

The terms of these positions will be for 1 year and will be reviewed by the new committee each year . Powers of dismissal are solely in the hands of the committee.

11.4

The committee where it sees fit will have the power to form sub-committees and co-opt persons to deal with any part of the clubs activities and may invest such sub-committees full power to act in accordance with the rules and regulations as set out .

11.5

All Officers will retire annually but shall be eligible for re-election .

11.6

Any Officer may be removed from office by a vote carried out by not less than three quarters of members present and voting at a special general meeting of members called for that purpose and any other member may be elected to replace the officer removed by a vote of the majority of members present at such meeting .

11.7

Any committee member absenting themselves from 3 consecutive meetings of the committee without leave of absence or notice shall forfeit their seat on the committee and will not be eligible for re-election until the next Annual General Meeting .

11.8

Officers shall perform all services to the club gratuitously except under circumstances whereby the committee member concerned has incurred out of pocket expenses whilst performing their duties and services to the club .

12. The Common Seal .

The common seal of the club shall be kept in the custody of the secretary and shall not be affixed to any document except by resolution of the committee . The seal shall be attested by the signatures of any one member of the committee and the secretary jointly .

13 Funds

The funds of the club shall be derived from membership fees , sponsorship and funding applications and , subject to any resolution passed by the committee in meetings , such other sources as the committee determines .

13.1

All funds received by the Club shall be paid into the Clubs Bank Accounts

13.2

All financial transactions and bills payable shall be authorized via Internet banking or by other means , by two authorised signatories , one of which shall be either the Club president or Club treasurer and one other person .

13.3

The financial year shall be from 1st September to 31st August each year .

13.4

Audited financial records including statements of income and expenditure shall be submitted each year to the Annual General Meeting and should then be submitted to Incorporated societies.

14 Acquisition, disposal and control of real and personal property

The Club shall have the following powers

14.1

To purchase , lease , exchange, hire or otherwise acquire any real or personal property as well as to hold , improve ,manage , develop, let or lease, sell exchange or otherwise dispose of any such property.

14.2

To consult Baysport INC from whom land and buildings are leased by the club on any alterations , improvement and construction that might from time to time be required .

14.3

To operate , manage and maintain for the use benefit and enjoyment of members and guests a clubhouse , all ancillary amenities and consistent with any laws applicable thereto to provide meals , snacks , liquor , drinks , entertainment and facilities for the relaxation enjoyment and benefit of members .

15 Notices

15.1

Any written notice required to be given by the club under these rules may be given personally ,by posting at the clubrooms or via email to those members for which an email address has been provided .The non-receipt of notice of a meeting by any member shall not invalidate the proceedings at any meeting .

15.2

Except in the cases of notices of motion by the committee , any member who intends to present any motion to move at a general meeting must lodge their intention to do so with the secretary at least one month prior to the meeting along with details of the motion and an explanation of the reason for and the affect of the motion . All notices of motion shall be forwarded by the secretary to each member of the club at the same time as notice is given of the meeting .

16 Alteration to the rules

16.1

These rules may be updated and amended by a resolution of members at the Annual General Meeting following committee approval of said alterations .

16.2

Any amendments to the rules shall be submitted to the Registrar of Incorporated Societies for approval and shall only come into affect once approval has been given .

16.3

These rules shall not be amended or altered without the approval of the commissioner of inland revenue .

17 Winding up or disposal of assets

If upon the winding up or dissolution of the club by the registrar there remains any property whatsoever after satisfaction of all the clubs liabilities , that property shall not be paid to or distributed amongst the members of the club but shall be transferred to other organisations or clubs having similar objects to the club or to some funds in order to further the development for which the clubs are constituted . The recipients shall be determined by a majority of members present at a general meeting to be held in accordance with the rules of the club at or before the winding up of the club by the registrar and in default of such a meeting being held prior to the winding up or dissolution to such organisations as determined by a judge of the High Court of New Zealand .

18 Expulsion of Members

18.1

If any member shall wilfully infringe these rules or be guilty of serious unsportsmanlike conduct or any act detrimental to the interests of the club , the committee may, provided the majority are in favour :

- a) Suspend said member for any period not exceeding 12 months during which time the member shall not be entitled to any privileges of club membership.
- b) Require said member to resign their club membership and if any such member refuses to resign or neglects to provide their written resignation within seven days of receiving notice of the requirement , the committee shall have the power to expel said member from the club who shall henceforth cease to be a member of the club

Prior to that of

18.1.b , the committee shall give the member details of the reasons for their decision and give the member a reasonable opportunity to respond .

18.1 d) – Any matters that may be detrimental to the interests of the club shall be investigated by the Disciplinary committee. (This would be a committee comprising of three of the standing committee members.)

18.1 e) A disciplinary committee will comprise of 3 elected committee members and will be appointed at the first committee meeting of the newly comprised committee after the AGM.

18.2 - Complaints procedure

Complaints procedure

- c) (1) A member or an officer may make a complaint by giving to the committee (or a complaints subcommittee) a notice in writing that—
 - d) (a) states that the member or officer is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - e) (b) sets out the allegation to which the dispute relates and whom the allegation is against; and
 - f) (c) sets out any other information reasonably required by the society.
- g) (2) The society may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that—
 - h) (a) states that the society is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - i) (b) sets out the allegation to which the dispute relates.
- j) (3) The information given under subclause (1)(b) or (2)(b) must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- k) (4) A complaint may be made in any other reasonable manner permitted by the society's constitution.
- l) - Person who makes complaint has right to be heard
- m) (1) A member or an officer who makes a complaint has a right to be heard before the

complaint is resolved or any outcome is determined.

- n) (2) If the society makes a complaint, —
- o) (a) the society has a right to be heard before the complaint is resolved or any outcome is determined; and
- p) (b) an officer may exercise that right on behalf of the society.
- q) (3) Without limiting the way, the member, officer, or society may be given the right to be heard, they must be taken to have been given the right if—
- r) (a) they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
- s) (b) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
- t) (c) an oral hearing (if any) is held before the decision maker; and
- u) (d) the member's, officer's, or society's written statement or submissions (if any) are considered by the decision maker.
- v) - Person who is subject of complaint has right to be heard
- w) (1) This clause applies if a complaint involves an allegation that a member, an officer, or the society (the respondent)—
- x) (a) has engaged in misconduct; or
- y) (b) has breached, or is likely to breach, a duty under the society's constitution or bylaws or this Act; or
- z) (c) has damaged the rights or interests of a member or the rights or interests of members generally.
- aa) (2) The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- bb) (3) If the respondent is the society, an officer may exercise the right on behalf of the society.
- cc) (4) Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if—
- dd) (a) the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
- ee) (b) the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
- ff) (c) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
- gg) (d) an oral hearing (if any) is held before the decision maker; and
- hh) (e) the respondent's written statement or submissions (if any) are considered by the decision maker.
- ii) - Investigating and determining dispute
- jj) (1) A society must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.
- kk) (2) Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.
- ll) - Society may decide not to proceed further with complaint
- mm) Despite clause above, a society may decide not to proceed further with a complaint if—
- nn) (a) the complaint is trivial; or
- oo) (b) the complaint does not appear to disclose or involve any allegation of the following kind:

- pp) (i) that a member or an officer has engaged in material misconduct:
- qq) (ii) that a member, an officer, or the society has materially breached, or is likely to materially breach, a duty under the society's constitution or bylaws or this Act:
- rr) (iii) that a member's rights or interests or members' rights or interests generally have been materially damaged:
- ss) (c) the complaint appears to be without foundation or there is no apparent evidence to support it; or
- tt) (d) the person who makes the complaint has an insignificant interest in the matter; or
- uu) (e) the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- vv) (f) there has been an undue delay in making the complaint.
- ww) - Society may refer complaint
 - (1) A society may refer a complaint to—
 - (a) a subcommittee or an external person to investigate and report; or
 - (b) a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
 - (2) A society may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).
- Decision makers
 - A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be—
- xx) (a) impartial; or
- yy) (b) able to consider the matter without a predetermined view.

19. Protection of existing trophies.

- a) All existing trophies shall remain at KKFC clubrooms.
- b) New trophies shall remain in the clubrooms even after prizegiving no trophies shall be removed from venue and will then be returned to the KKFC clubroom.