

Manly Warringah Football Association Ltd

BY-LAWS



MANLY WARRINGAH
FOOTBALL ASSOCIATION

2020 Edition

Can be downloaded from
www.mwfa.com.au

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PART 1 PRELIMINARY

1.1 INTERPRETATIONS

- (1) In these rules, except in so far as the context or subject matter otherwise indicates or requires,

PERSON includes a natural person, body corporate, firm or body of persons.

THE ASSOCIATION means the Manly Warringah Football Association Ltd

PLAYER during a Match includes a substitute and a substituted player.

TEAM OFFICIAL means any personnel involved with the management, preparation or participation of a Team including the coaches, managers, medical staff (including team or match doctor), physiotherapists, gear persons and other support staff and any other person permitted in the Technical Area.

PARTICIPANT means a player or team official.

Where applicable and appropriate in these By Laws and Playing Rules the term Player can be extended to include any Participant.

COUNCIL OF CLUBS FORUM Forum of members of the Association meet to discuss matters relating to football

JUNIOR means any competition, or any registered player, 11 years and below

YOUTH means any competition, or any registered player, within the age group from under 12 up to under 18, both age groups included.

SENIOR means any competition, or any registered player, not a junior or youth.

FIXTURE means a meeting of Clubs to play a Match as scheduled in all grades applicable.

MATCH means any match played under the auspices of FFA, FNSW or the MWFA direction or control.

DATE OF CLOSURE OF ENTRIES TO THE COMPETITION is the date on which Member Clubs must have submitted their teams to the MWFA for allocation into divisions. Unless otherwise specified by the MWFA the date is taken to be the first meeting of the Registration & Grading Committee to allocate teams into divisions.

COLOURS includes alternative colours.

- (2) In these rules:
Words importing the singular include the plural and vice versa and the words importing the masculine include the feminine and vice versa.
- (3) In these rules:
Where the following abbreviations appear throughout these Rules they shall have the same meaning set out hereunder:-

AGM.	Annual General Meeting
AC	Appeals Committee
FAC	Finance & Audit Committee
DC	Disciplinary Committee
RGC	Registration & Grading Committee
CC	Competitions Committee
CCF	Council of Clubs Forum
MWFA	Manly Warringah Football Association Ltd.
MWFRA	Manly Warringah Football Referees Association Inc
FNSW	Football NSW Limited
FFA	Football Federation Australia
GM	General Meeting

1.2 FOOTBALL YEAR

For the purposes of these rules the Football Year shall be the period from 1st January in one year to 31st December in the same year, both dates inclusive.

1.3 FINANCIAL YEAR

The financial year of the Association shall be from 1st October in one year to 30th September in the ensuing year, both dates inclusive.

1.4 LAWS OF THE GAME

The Association adopts the most recent Laws of the Game as published by FIFA on www.fifa.com and as modified by the Playing Rules accompanying these rules.

1.5 COLOURS AND EMBLEMS

- (1) The colours of the Association shall be blue, red and white.
- (2) The emblem of the Association shall be an Osprey holding a football in its claws, and may only be used with the express permission of MWFA Board such permission having been granted may be withdrawn at any time.

1.6 SCOPE OF JURISDICTION

- (1) The Association shall affiliate with the Football NSW Ltd.
- (2) The jurisdiction of the Association shall cover all Association Officials, Clubs, Club Officials, Teams, Players, Grounds, Spectators at Matches and matches within its boundaries.
- (3) The jurisdiction of the Association may be extended beyond its boundaries by arrangement with other Football Associations and with the approval, if necessary, of Football NSW Ltd.
- (4) The jurisdiction of the Association shall cover players representing it, and club teams playing competitions approved by the Football NSW Ltd, although they are playing in areas beyond the Association's boundaries.
- (5) Even if the law of the State or Commonwealth allows Clubs and Club members to contest at a civil court any decisions pronounced by any football body, any person or member or affiliated Club shall, except in the case of a temporary injunction, refrain from doing so in any way until all the possibilities of jurisdiction within the code have been exhausted. Any breach of this regulation shall entail disaffiliation or expulsion from the code.

- (6) Any affiliated Club, member or person threatening to take legal action as part of any attempt to resolve any matter of discipline or protest before or likely to come before the Association, may be cited to appear before the MWFA to show cause why they should not be dealt with for improper conduct.

1.7 FAILURE TO OBSERVE THESE RULES

Failure of any affiliated Club, team, official, player or spectator to observe these Rules, the Association By-Laws and/or Playing Rules in their entirety, may render such club, team, official, players or spectator liable to a fine or other such penalty as the MWFA Board deems fit to impose.

PART 2 DISCIPLINING OF MEMBERS

2.1 DISCIPLINING OF MEMBERS

- (1) Where the Board is of the opinion that a member of the Association:-
 - (a) has persistently refused or neglected to comply with the provision or provisions of these rules
 - (b) has persistently and/or wilfully acted in a manner prejudicial to the interests of the Association

It may, by resolution, expel the member from the Association or, suspend the members from membership for a specified period.

- (2) A resolution under clause 2.1 (1) is of no effect unless the Board, at a meeting held no later than 28 days after the service on the member of a notice under clause 2.1. hereunder, confirms the resolution in accordance with this rule.
- (3) Where the Board passes a resolution under clause 2.1 (1), the MWFA shall, as soon as practicable, cause a notice to be served on the member, such notice to:-
 - (a) set out the resolution and the grounds on which it was based;
 - (b) inform the member that the member may address the Board at a meeting to be held not earlier than 14 days and not later than 28 days after the service of the notice;
 - (c) state the date, time and place of that meeting;
 - (d) inform the member that the member may at any time prior to the meeting, submit written representations relating to the resolution;
- (4) At a meeting of the Board held as referred to in clause 2.1 (3) above, the Board shall:-
 - (a) give the member an opportunity to make oral submissions to the meeting;
 - (b) give due consideration to any written representation submitted by the member prior or at the meeting;
 - (c) by resolution determine whether to confirm or to revoke the resolution passed under clause 2.1 (1).
- (5) Where the Board confirms a resolution passed under clause 2.1 (1), the MWFA shall, within 7 days after that confirmation, by notice in writing inform the member of the fact, and of the members right of appeal under clause 2.8.
- (6) A resolution confirmed by the Board under clause 2.1 (4) (c) does not take effect:-
 - (a) until the expiration of the period in which the member is entitled to appeal against the resolution where the member does not exercise his right of appeal.
 - (b) where the member exercises his right of appeal until the matter is resolved to Football NSW.

2.2 RIGHT OF APPEAL BY DISCIPLINED MEMBER

- (1) A member may appeal to the Association at a General Meeting against a resolution of the Board which has been confirmed in accordance with clause 2.1 (4) within 7 days after the notice of the resolution is served on the member by lodging with the MWFA a written notice to that effect.
- (2) Upon receipt of such notice as prescribed in clause 2.1 (1), the MWFA shall notify the Board, which shall convene a General Meeting of the Association to be held within 21 days after the date on which the MWFA CEO received the notice.
- (3) At a general meeting of the Association convened under clause 2.1 (2): -
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the Board and the member shall be given the opportunity to state their respective cases orally or in writing or both;
 - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.



APPLICATION FOR MEMBERSHIP BY A CLUB
(Rule 7.2 of the MWFA Ltd Constitution)

To the Manly Warringah Football Association Ltd

.....
(Full name of Club)

of.....
(Postal Address)

hereby applies to become a Member of the Manly Warringah Football Association Ltd.
In the event of the Club's admission as a member, the Club Member agrees to be bound by

- (a) MWFA Ltd Constitution
- (b) MWFA Ltd By-Laws
- (c) MWFA Ltd Playing Rules;
- (d) Policies, directions of the MWFA Ltd;
- (e) The Laws of the Game;
- (f) The Constitution, By-Laws, Regulations and Policies of FNSW;
- (g) The Constitution, By-Laws and Policies of FFA;
- (h) Any alteration, revocation or addition to any of the above made from time to time;
- (i) Where there is any inconsistency between the Constitution of the Club Member and the Constitution of the MWFA Ltd, then to the extent of such inconsistency, the Constitution and By-Laws of the MWFA Ltd shall apply.

The Club Member colours are subject to the Approval of the MWFA Ltd. If the Club is re-applying for Membership and the Club Colours are changing the new Club Colours must be submitted for Approval.

The Club Member will provide a list of Committee Members by the commencement of the next Football Year and will notify of any changes within 30 days.

The Club Member is an Incorporated Body.

Club Incorporated Name:

Club Incorporation Number:

Any other material relevant to the Application should be provided with this Application Form:-

* Signature of Club Authorised Signatories:

Authorised Signatory 1

Position of Authorised Signatory 1

Authorised Signatory 2

Position of Authorised Signatory 2



NOMINATION FORM FOR BOARD OF DIRECTORS
(Rule 15.2 of MWFA Ltd Constitution)

To the Manly Warringah Football Association Ltd

I..... a member of the Association
(Name of Proposer)

Nominate.....for the Board of Directors.
(Name of Candidate)

The nominee is personally known to me.

.....
(Signature of Proposer) (Date)

I.....hereby accept the nomination
(Name of Nominee)

.....
(Signature of Nominee) (Date)

The Nominee must provide, with this Nomination, a resume (maximum 2 A4 pages) outlining their experience in football management and the value they can provide to the Board.



EXPRESSION OF INTEREST FOR AN MWFA Ltd COMMITTEE

I,..... hereby submit an Expression of Interest for a position on the following Committee(s) (please indicate below), of the Manly Warringah Football Association Ltd, for the ensuing twelve months.

Please tick

- Disciplinary Committee
- Appeals Committee
- Registration & Grading Committee
- Competitions Committee

Please provide a brief resume outlining your experience in football management and the value you can provide to the Committee

.....
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.....

.....
Signature

.....
Date

Expressions of Interest forms must be received by the MWFA Ltd 28 days prior to the MWFA Annual General Meeting.

PART 3 GOVERNMENT

- (1) **Director**
Representative on Manly United Football Board
Representative on Manly Warringah District Soccer Football Club
Key Relationship with Council
Relationship with Development of Club/Office Facility
- (2) **Director - Finance/Audit**
Finance
Budget
Chair of Audit Committee
- (3) **Director - Governance**
Constitution changes
Rule Change Integration
Business Administration of Association
FNSW Standing Committee Representative
- (4) **Director - Assets and Facilities**
Cromer Park Lease/Facility
Development Fund
Liaise with Clubs – Grants & Developments
- (5) **Director - Disciplinary**
Disciplinary Committee (incorporating former Appeals; General Purposes & Judiciary Functions)
- (6) **Director – Competitions Strategy**
Playing Rules
Forums – Strategic Focus
- (7) **Director – Registration & Grading**
Registration
Team Grading
Player Grading
Assist with Forums
- (8) **Director Coach/Player Pathways**
Coach Education
Association Representative Football

PART 4 COMMITTEES

4.1 Confidentiality

- (a) All Committee Members must complete an MWFA Confidentiality Agreement. Failure to sign this document will make the member ineligible to take a place on an MWFA Committee.
- (b) The Referee's Representative and the Club Representative, who are taking a place on the Disciplinary Committee, must complete an MWFA Confidentiality Agreement before the Committee's responsibilities commence.

4.2 Disciplinary Committee (DC)

- (a) A Disciplinary Committee consists of five (5) members (not including the appointed Director) and two (2) alternate Members. These members will be appointed by the MWFA Board of Directors

- (b) Guest Representative. The MWFA at the beginning of each season will develop and distribute a roster for one only representative from a Member Club to attend a Disciplinary Committee meeting on an appointed date. This representative will participate in the questioning and discussion of the case but will not have any voting rights or input into the decision.
- (c) A member of the MWFRA is permitted to be a member of the Disciplinary Committee (excluding Appeals) only in an advisory capacity on the Laws of the Game and is not permitted to take part in any questioning or voting on any case.
- (d) The Chairperson of the Committee shall be the Director appointed to this role by the Board.
- (e) The duties of the Disciplinary Committee shall be:-
 - (i) Act on official reports received by the Association relating to players and team officials (formerly Judiciary)
 - (ii) Investigate and resolve all protests and disputes relating to the qualification of competitors, interpretations of the MWFA Playing Rules or any protests whatsoever other than matters pertaining to Board decisions (formerly Protests & Disputes).
 - (iii) Act on reports from a Match Official or MWFA Official, received by the Association relating to non participants (formerly General Purposes Tribunal)
- (f) The role of the Committee Secretary will be undertaken by MWFA Staff.

4.3 Appeals Committee (AC)

- (a) An Appeals Committee consisting of five (5) members (not including the appointed Director) and three (3) alternate members. These members will be appointed by the MWFA Board of Directors.
- (b) The duties of the Appeals Committee shall be to hear all Appeals relating to decisions of the Disciplinary Committee, Registration & Grading Committee or any protest decision whatsoever, other than matters pertaining to the Board,
- (c) The committee shall elect its own Chairperson and a quorum shall be three (3).
- (d) A true record and permanent register of attendances, appeals and decisions shall be maintained by the committee.
- (e) The Committee Secretary shall be appointed by the Committee members.

4.4 Registration & Grading Committee (RGC)

- (a) The Registration & Grading Committee consists of 7 members. Three of these members must carry out the role of MWFA Registrars. These members will be appointed by the MWFA Board of Directors.
- (b) The duties of the Committee shall be:-
 - i) The grading of players as per the MWFA Playing Rules
 - ii) The grading of teams into competitions
 - iii) Assist at forums .
- (c) The Chairperson of this Committee shall be the Director appointed to this role by the MWFA Board.

4.5 Competitions Committee (CC)

- (a) A Competitions Committee consisting of seven (7) members (not including the appointed Director). These members will be appointed by the MWFA Board of Directors.
- (b) The Chairperson of the Committee shall be the Director appointed to this role by the Board.
- (c) The duties of the Committee shall be:-
 - i) Review of MWFA Playing Rule Amendments.
 - ii) Provide feedback to MWFA staff Members & Board in regard to review of Playing Rule changes.
 - iii) Assist staff to arrange forums with Members to provide a strategic focus for competitions.
 - iv) Attend forums as required.

PART 5 FEES

5.1 ANNUAL FEES

- (a) The Portion of Player Registration Fees payable by Clubs shall be determined at the A.G.M. each year.
- (b) All member clubs shall pay 50% of the previous year's fees in advance by the 31st March. An invoice will be posted to all clubs.
- (c) Based on final registration numbers on the 30th of June invoices will be generated for payment by the 31st of July or any later date as specified by the MWFA.

5.2 FINES

- (a) The MWFA shall impose fines, appeal fees and bonds on behalf of the Association within the scope of the Constitution, By-Laws and Playing Rules.
- (b) Fines for non-fulfilment of requirements explicitly stated in the Constitution, By-Laws and Playing Rules will be published each year by the MWFA in a Schedule of Fees.
- (c) All fines levied under the Schedule of Fees must clearly reference the item in the Schedule which has been breached for which the fine was imposed. Any other fines imposed by the MWFA must state the reason for the fine.
- (d) All fines levied shall be served as per Section 9.7 on the alleged offending Club within fourteen (14) days of the alleged offence coming to the attention of the MWFA or of the MWFA imposing the fine.
- (e) A Club may appeal against the imposition of a fine from the Schedule of Fees within twenty eight (28) days after being served for the alleged offence. These appeals shall be heard by the Appeals Committee
- (f) As part of a disciplinary matter a good behaviour bond may be placed on a Club or Team. The maximum amount of this bond will be \$1500.

PART 6 INJURIES TO PLAYERS

- (a) The Association accepts no responsibility for injuries sustained by players, officials, spectators or referees, unless such responsibility is covered by an insurance policy or policies that may from time to time be organised or taken out by the Association, or the Football NSW Ltd
- (b) All players registered with the Association and competing at any level of football shall be liable to pay insurance premiums levied by the Association or the Football NSW Ltd

PART 7 FUNCTIONS AND ENTERTAINMENT

- (a) It shall be competent for the Association to hold functions and/or entertainments wherever deemed desirable.
- (b) Affiliated clubs may not hold or organise conflicting functions on Association grounds without first obtaining permission from the Association.
- (c) All clubs planning functions (tournaments, gala days, presentations, etc.) during the season are to plan these before the season commences, wherever possible, and must advise the Association in writing of such functions. In the case of tournaments, clubs must obtain prior permission from the Association, in the case of intra-Association tournaments or from Football NSW Ltd. for all others.

PART 8 AMENDMENTS TO PLAYING RULES

- (a) Playing Rule Changes will be considered by the Competitions committee on an ongoing basis.
- (b) Following the completion of each season the competitions committee with assistance from the MWFA office will compile a document for discussion at the October Council of Club forum.
- (c) Results of the discussion, relating to the playing rule changes, from the October CCF shall proceed to the MWFA Board for discussion and ratification
- (d) Playing Rule changes for the following season will be passed as a special resolution at the AGM.
- (e) Playing Rule changes between the AGM and the commencement of the season may be determined by the MWFA Board
- (f) Playing rule changes after Part 8 (e) shall be submitted to the MWFA Board and be subject to a resolution at a S.G.M

PART 9 MISCELLANEOUS

9.1 ISSUE OF BY-LAWS AND PLAYING RULES.

(a) **Special Considerations**

The Board will have the power to consider special circumstances outside the prescribed limits of the MWFA By-Laws and Playing Rules should it be clear those special considerations are in the interests of the Game

(b) Each club, on affiliation, shall be issued an electronic copy of the By-Laws and Playing Rules. Such delivery shall be sufficient proof that all clubs are aware of all incurred liabilities and responsibilities.

(c) Copies of the By-Laws and Playing Rules shall be available for inspection at the office of Association on arrangement with the MWFA and will be available for download on the MWFA website.

9.2 INSURANCE

(a) The Association shall effect and maintain the FNSW insurance

(b) In addition to the insurance required under clause (1), the Association may effect and maintain other insurances.

9.3 MWFA Ltd COMPANY REGISTER

The MWFA shall keep and maintain a company register as per the Corporations Act 2001.

9.4 MERITORIOUS SERVICE AWARD

This award shall be made from time to time as the MWFA Board recommends, and is awarded to persons who have, over a long period of time supported football, but may not have actually served on the MWFA Board or Committees of the MWFA.

9.5 LIFE MEMBERSHIP CRITERIA

(a) To have held a position on the MWFA Board or a Member of the Executive & Management Committee under the previous MWFA structure for a minimum of 5 years and had a significant input into the enrichment of the Association.

(b) A member of an MWFA Committee for a minimum of 10 years and had a significant input into the enrichment of the Association.

9.6 CORRESPONDENCE

(1) As a general principal the MWFA will only accept and act on direct communications from members of Committees of MWFA Member Organisations including Clubs and the MWFRA. The following will apply:

(i) In specific operational areas such as registrations, draw changes, coaching and Judiciary notices direct communications to the appropriate MWFA contact point can only be made by the appropriate Committee member.

(ii) All other general communications must be received from the Primary Contacts.

(iii) Communications from other members of MWFA Member Organisations should be directed through the Member Organisation for forwarding to the MWFA accompanied by a covering email.

This includes all electronic and written means of communication. All communications to the MWFA shall be in writing to be effective. These approved communications are termed official communications.

- (2) The MWFA Board has the discretion to determine if a direct communication from any member of an MWFA Member Organisation, including players and team officials or any other party is official. Only official communications are guaranteed to receive a response.
- (3) Each MWFA Member Organisation will nominate two persons to act as Primary Contact Points which the MWFA will recognise as the source of official communications. As a default these will be the Secretary and President of the MWFA Member Organisation.
- (4) The MWFA uses email as its primary means of receiving and sending official written communications. Each MWFA Member Organisations must provide contact email addresses for all the contact points as specified in the MWFA Handbook.
- (5) The MWFA will accept communication by email in all cases subject to the following criteria being adhered to:
 - (i) Specific operational written communication is received from an appropriate email address in the MWFA Handbook.
 - (ii) All other general written correspondence is received from the email address of one of the Primary Contact Points.
 - (iii) Where an attachment to an e-mail is on Organisation letterhead and includes a scanned copy of a Primary Contact's Signature.
 - (iv) Correspondence or other communication from any player and/or official will only be accepted by the MWFA if accompanied by a letter signed by an officer of the club in which the player is a member.
 - (v) The MWFA shall have the sole and unfettered discretion to accept or reject any other correspondence.
- (6) The MWFA may expressly request communication under Organisations letterhead and signature of a Primary Contact Point.
- (7) All MWFA Member Organisations must have two active email addresses for the receipt of MWFA communications.
- (8) All MWFA Member Organisations must maintain a postal address for the receipt of MWFA communications.
- (9) All official written communications by the MWFA to MWFA Member Organisations shall be deemed to have been received by the Organisation:
 - (i) in the case of email or fax communication immediately;
 - (ii) in the case of communication sent by mail two working days after such communication was posted.
 - (iii) MWFA Member Organisations must ensure that postal mailboxes and specified email accounts are checked regularly and that any information received is forwarded to the relevant person.
- (10) Any legal fees incurred by the Association in advising on or responding to any written official communications received from a MWFA Member Organisation or from the legal or other representative of such a MWFA Member Organisations shall be borne by such the Organisation. The MWFA may pay any such fees in which event the MWFA Member Organisations in question shall immediately reimburse the MWFA.
 - (i) Any legal fees incurred by the Association in advising on or responding to any correspondence received from an affiliated club or from the legal or other representative of such a club shall be borne by such affiliated club. The

Association may pay any such fees in which event the affiliated club in question shall immediately reimburse the Association.

9.7 SERVICE OF NOTICES

- (1) For the purposes of these rules, a notice may be served by or on behalf of the Association on any member or other person either:
 - (i) by sending it by email the member to the members' email address shown in the register of members, or
 - (ii) by delivering it to the person personally, or
 - (iii) by sending it by pre-paid post to the address of the person, or
 - (iv) by sending it by facsimile transmission

- (2) For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
 - (i) in the case of a notice sent by email the date and time it was sent in the transmitting email account or:
 - (ii) in the case of a notice given or served personally, on the date on which it is received by the addressee, or
 - (iii) 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, or
 - (iv) in the case of a notice sent by facsimile transmission on the date it was sent.

9.8 FOOTBALL NSW LTD.

- (1) The Association shall, at all times, be bound by the Constitution Rules, Regulations of Football NSW Ltd;

- (2) Where there is any inconsistency between any provision of the Constitution and or Rules and Regulations of the Association and those of Football NSW Ltd. , then to the extent of such inconsistency the Constitution or Rules and Regulations of Football NSW Ltd shall prevail;

- (3) The Association shall be bound by the lawful decisions of the Board of Football NSW Ltd and it shall do all things reasonably necessary to implement and enforce for such decisions.