



Constitution

Canberra Netball Association Inc



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PART 1 - PRELIMINARY

1.1 Objectives

The objectives of Canberra Netball Association are to:

- a. promote the playing of netball,
- b. organise and control netball competitions,
- c. select and manage teams that represent the association, and
- d. maintain affiliation as a District association to the Australian Capital Territory Netball Association Incorporated.

1.2 Definitions

The following definitions apply:

"Council" means a general meeting of the association;

"executive" means the committee of the association;

"financial year" means the year ending on 30 June;

"member" means a member, however described, of the association and includes holders of executive positions;

"public officer" means the person holding office as public officer of the association;

"secretary" means the person holding office under these rules as secretary of the association or, where no such person holds that office, the public officer of the association;

"special resolution" means a resolution that:

- is passed at a council meeting or annual general meeting the notice for which:
 - was given at least 21 day before the meeting;
 - included notice of the intention to propose the resolution as a special resolution;
 - is passed by at least three quarters of those members who, being entitled to vote, vote at that meeting

"the Act" means the Associations Incorporation Act 1991;

"the Regulations" means the Associations Incorporation Regulations.

2. PART 2 - MEMBERSHIP

2.1 Membership Categories

Membership of the association is divided into the following classes:

- affiliated clubs;
- individual members;
- life members.

2.1.1 *Affiliated Clubs*

2.1.1.1 *Application Process*

An association of persons, whether or not incorporated, may apply to be an affiliated club. An application for affiliated club must be in writing and lodged with the Secretary.

Once the application is submitted the executive must:

- a. consider the application at the earliest practicable time,
- b. advise the applicant as to the outcome of the application, and
- c. notify all other Affiliated Clubs.



2.1.1.2 *Cessation of Membership*

An affiliated club ceases to be a member if the club:

- a. by written notice, resigns from the association;
- b. fails to pay the prescribed annual affiliation fee by the due date;
- c. the club is expelled from the association;
- d. the club is wound up.

2.1.1.3 *List of members*

Each affiliated club must provide the association with a list of members by 30 April in each year.

An affiliated club may provide the association with amendments to the list of members at any time throughout the season.

2.1.2 *Individual Membership*

A person who is included on an affiliated club's list of members becomes an individual member of the association at the time the list is lodged with the secretary.

A person who becomes an individual member ceases to be a member if that person:

- a. is removed from the list of members of an affiliated club,
- b. is not included in the list of members of any affiliated club,
- c. is expelled from the association.

2.1.3 *Individual Membership - Other*

Any person may apply to become an individual member of the association. An application for membership must be lodged in writing to the Secretary.

On receipt of the application the executive must:

- a. consider the application at the earliest practicable time; and
- b. advise the applicant as to the outcome of the application.

A person who becomes a member under these rules ceases to be a member if that person:

- a. resigns from the association.
- b. fails to pay the prescribed annual membership fee by the due date.
- c. is expelled from the association.

2.1.4 *Life members*

A person may be nominated for life membership of the association if the person has provided the association with at least 10 years of outstanding service.

A nomination of a person for life membership must be:

- a. nominated in writing by two members,
- b. lodged with the Secretary not less than 1 month before the annual general meeting at which it is to be considered.
- c. formally accepted by the nominee or a designated guarantor.

A nomination for life membership must be approved by a special resolution of an annual general meeting.

A life member is entitled to:

- a. attend Council and annual general meetings;
- b. vote at annual general meetings.

A life member ceases to be a member if that member:

- a. resigns from the association.
- b. acts in a manner that brings the association into disrepute and a special resolution is passed to rescind the privilege of life membership.



2.1.5 Transfer

Membership entitlements are not transferable and terminate upon cessation of the person's membership

2.2 Register of members

The secretary must maintain a register of members that includes:

- a. the name and address of each member; and
- b. the date on which each member became a member; and
- c. the date, if any, on which each member ceased to be a member.

2.3 Fees

Members are required to pay the membership fee (if any). The fees shall be declared by the Executive and notified to Members at the Annual General Meeting.

Members with outstanding fees will be deemed non financial and therefore ineligible to vote at any Meeting or participate in association activities.

2.4 Members' liabilities

The liability of a member to contribute towards the payments 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.

2.5 Disciplining of members

Where the executive is of the opinion that a member has:

- a. refused or neglected to comply with a provision of these rules,
- b. acted in a manner prejudicial to the interests or reputation of the association; the executive may, by resolution:
 - i. expel the member from the association,
 - ii. suspend the member from such rights and privileges of membership of the association as the executive may determine for a specified period,
 - iii. impose a fine not exceeding \$100.

Where the executive decides to impose a punishment on a member the secretary shall advise the member in writing outlining the following:

- a. describe the outcome of the executive's resolution and the grounds on which it is based,
- b. advise that the member may address or provide written representation for consideration by the executive at the next executive meeting.

The executive shall:

- a. Give due consideration to any written or oral representations submitted to the executive by that member at or prior to the meeting.
- b. By resolution determine whether to confirm or revoke the resolution of the executive.
- c. The decision of the executive at this meeting is final and is not subject to appeal.



3. PART 3 - The Executive

3.1 Powers of the Executive

The executive is empowered to control and manage the affairs of the association on behalf of its members to aspire to achieve the objectives stated in Part 1 in accordance with the rules of the association and in consultation with its members through the communication channels afforded by the stipulated executive, council and annual general meetings.

3.2 Constitution and Membership

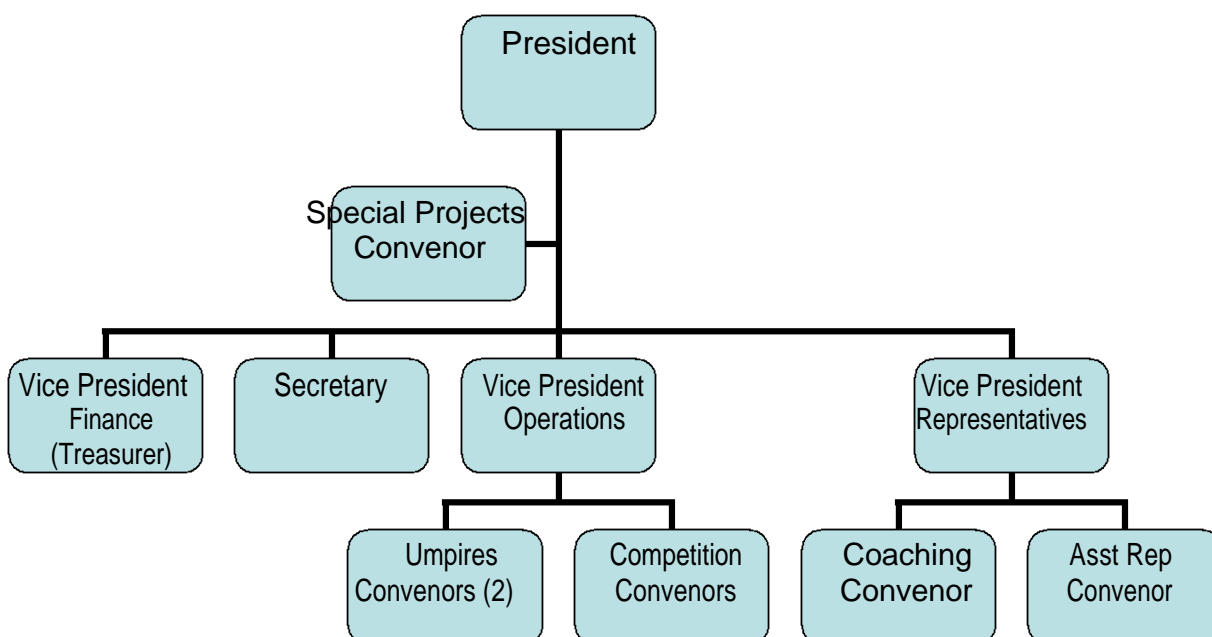
The Executive consists of no more than 20 members and includes Office Bearers, conveners and general members. Office Bearers represent the key positions that are necessary to effectively administer and operate the association. The positions of Office Bearers also represent the minimum number of positions that must be filled to run the association. The association’s Office Bearers are:

- a. President.
- b. Vice President Operations – overseeing the operation of the Saturday competition.
- c. Vice President Representatives– overseeing the operations of the representative program.
- d. Secretary – overseeing the constitutional and administrative conduct of the association.
- e. Treasurer – ensuring the effective financial management of the association.

The conveners form an important role in offsetting the workload of the office bearers and assuming responsibilities for specific functions associated with the administration and operation of the Association as follows:

- a. Coaches' convenor
- b. Assistant Representative Convenor
- c. Two umpires' convenors (junior/intermediate and senior);
- d. Five competition convenors (NetSetGo, Modified, Junior, Intermediate and Senior);
- e. Special projects convenor.

The structure of the Executive will operate as depicted below:





General members may carry out duties as agreed by the Executive.

Each position shall be elected pursuant to rule 3.3.

Each member of the executive shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the members' elections, but is eligible for re-election.

In the event of a vacancy in the membership of the executive, the executive may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

The executive may decide to employ an administrative assistant on a part time basis. The administrative assistant cannot be an office bearer.

3.3 Election of executive members

The ballot for the election of executive members shall be conducted at the annual general meeting (AGM) in such a manner as the executive may direct.

Nominations for the executive are to be submitted prior to the AGM and the process of election is as follows:

1. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
2. If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
3. If insufficient further nominations are received, any vacant positions remaining on the executive shall be deemed to be vacancies.

3.4 District Liaison Officer

The executive may appoint a member of the executive to be the District Liaison Officer to the Australian Capital Territory Netball Association Incorporated. The executive may, by resolution, remove the District Liaison Officer from that office.

3.5 Secretary

The secretary shall keep minutes of:

- a. all elections and appointments of ordinary executive members.
- b. the names of members of the executive present at an executive meeting or a Council meeting.
- c. all proceedings at executive meetings and council meetings.

Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

3.6 Treasurer

The Treasurer shall:

- a. Collect and receive all moneys due to the association and make all payments authorised by the association.
- b. Keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association.
- c. Ensure that the annual Financial Statements are independently audited by a person agreed to by the executive, before presentation to the Annual General Meeting.
- d. Present a written statement of affairs at every executive, council and annual general meeting



3.7 Vacancies

For the purposes of these rules, a vacancy in the office of a member of the executive occurs if the member:

- a. Ceases to be a member of the association.
- b. Resigns the office.
- c. Is removed from office pursuant to rule 3.8.
- d. Becomes an insolvent under administration within the meaning of the Corporations Law.
- e. Is absent without the consent of the executive from all meetings of the executive held during a period of 6 months.

3.8 Removal of executive members

The Council may by special resolution, subject to section 50 of the Act, remove any member of the executive from the office of member of the executive before the expiration of the member's term of office.

3.9 Executive meetings and quorum

The executive shall meet at least 5 times in each calendar year. Additional meetings of the executive may be convened by any Office Bearer.

Oral or written notice of a meeting of the executive shall be given by the secretary to each member of the executive at least 48 hours (or such other period as may be unanimously agreed upon by the members of the executive) before the time appointed for the holding of the meeting.

Any five (5) members of the executive, including one Office Bearer constitutes a quorum for the transaction of the business of a meeting of the executive. No business shall be transacted by the executive unless a quorum is present.

At meetings of the executive:

- a. The president shall preside, or in the absence of the president one of the Office Bearers shall preside.
- b. If the Office Bearers are absent, 1 of the remaining members of the executive may be chosen by the members present to preside.

3.10 Delegation by Executive to sub-committee

The executive may form a specific sub-committee to investigate, report or determine a course of action on a particular issue or strategy that requires manpower, expertise or consultation beyond the capacity of the committee.

The sub committee outcomes are to be determined by a formal instrument of appointment and terms of reference (TOR) drafted and endorsed by the President on behalf of the executive. The sub committee's actions will be governed by the TOR and at all times accountable to the executive.

As an appointment of the Executive, the sub committee is empowered to act on behalf of the committee in accordance with the TOR. The Executive may, by written notice, revoke wholly or in part any delegation under this rule.

3.11 Voting and decisions

Decisions arising at a meeting of the executive or of any sub-committee appointed by the executive shall be determined by a majority of the votes of members of the executive or sub-committee present at the meeting.

Each member present at a meeting of the executive or of any sub-committee appointed by the executive (including the person presiding at the meeting) is entitled to 1 vote but, in the event of a tied vote the President or authorised person presiding may exercise a second or casting vote.



4. PART 4 - Meetings

4.1 Annual General Meeting (AGM)

The association shall convene an annual general meeting of its members as directed by the Executive.

The agenda of the AGM shall include but not be restricted to:

- a. confirmation of the minutes of the previous AGM
- b. a report on the activities of the association in the previous year
- c. submission of a balanced financial statement of affairs
- d. election of executive members
- e. general business as submitted by members prior to the AGM

4.2 Council Meetings (CM)

The executive must convene a CM at least 3 times annually.

The agenda of the CM shall include but not be restricted to:

- a. confirmation of the minutes of the previous CM
- b. a report on the activities of the association
- c. submission of a balanced financial statement of affairs
- d. general business as submitted by members prior to the CM

Business that requires a special resolution may not be dealt with at a Council meeting unless notice of that business has been included in notice of the meeting.

A Council Meeting can also be convened on receipt of written request from not less than five (5) affiliated clubs. A requisition of affiliated clubs for a Council meeting must:

- a. state the purpose of the meeting.
- b. be signed on behalf of the clubs making the requisition.
- c. be lodged with the secretary.

If the executive fails to convene a Council meeting within 1 month of lodgement of the requisition with the secretary, any 1 or more of the members of the affiliated clubs who made the requisition may convene a Council meeting to be held not later than 3 months after that date.

A Council meeting convened by an affiliated club shall be convened as nearly as is practicable in the same manner as Council meetings are convened by the executive and any member who thereby incurs expense is entitled to be reimbursed by the association for any reasonable expense so incurred.

4.3 Notice

21 days notice of each annual general meeting and each Council meeting must be given to each affiliated club and each member of the executive and posted in a prominent place at the Southwell Park netball courts.

The notice must specify the:

- a. place, date and time of the meeting.
- b. agenda.

A member desiring to bring any business before the AGM or CM may give notice in writing of that business to the secretary who shall include that business in the next notice calling a meeting.

4.4 Procedure and quorum

No item of business shall be transacted at a Council meeting or an annual general meeting unless a quorum of members is present during the time the meeting is considering that item.



Members representing one quarter of affiliated clubs present in person constitute a quorum for the transaction of the business of such a meeting.

If within half an hour after the appointed time for the commencement of a Council meeting or an annual general meeting 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 (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

4.5 Presiding member

The president, or in the absence of the president, the vice-president, shall preside at each Council meeting and annual general meeting. If the president and the vice-president are absent from a Council meeting or an annual general meeting, the members present shall elect a member to preside at the meeting.

4.6 Making of decisions

A question arising at a Council meeting or an annual general meeting shall be determined by a vote based on a show of hands or a ballot. The decision on the question is determined by the majority vote or if in the event of a tied vote the presiding member has the casting vote. The outcome is recorded in the minutes and deemed to be the resolution of the meeting on that matter.

At a Council meeting or an annual general meeting, a ballot may be demanded by the person presiding or by not less than 3 members present.

Where the ballot is demanded at a Council meeting or an annual general meeting, the ballot shall be taken:

- a. immediately in the case of a ballot which relates to the election of the person to preside at the meeting or to the question of an adjournment; or
- b. in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the ballot of the matter shall be deemed to be the resolution of the meeting on that matter.

4.7 Voting

At an annual general meeting of the association:

- a. each affiliated club is entitled to 2 votes; and
- b. each life member is entitled to 1 vote.

At a Council meeting:

- a. each affiliated club is entitled to 2 votes; and
- b. each life member is entitled to 1 vote; and
- c. each executive member is entitled to 1 vote.

The vote of an affiliated club may only be exercised by a person who is an individual member of the association by virtue of being a member of the affiliated club and being included in the list provided by that club under rule 2.2. No member is entitled to vote by proxy at any meeting.

Subject to sub-rule 2.2, an individual may only exercise one vote upon any question arising at a meeting. In the case of a tied vote, the person presiding is entitled to exercise a second or casting vote.



5. PART 5 - MISCELLANEOUS

5.1 Public Officer

The association must appoint a public officer. A person is not eligible to be the public officer unless the person resides in the Australian Capital Territory and is at least 18 years of age.

The Council may, by resolution, remove the public officer from that office. The office of the public officer is taken to be vacant if the public officer:

- a. is removed under Council resolution.
- b. resigns from office.
- c. becomes an insolvent under administration within the meaning of the Corporations Law.
- d. suffers from mental or physical incapacity.
- e. was convicted or released from imprisonment in respect of an offence referred to in subsection 63 (1) of the Act within the period of 5 years immediately preceding his or her appointment as public officer, or is convicted of such an offence after taking office; or
- f. ceases to reside in the Australian Capital Territory.

Where a vacancy occurs in the office of the public officer, the committee must appoint a person to fill the vacancy within 14 days.

5.2 Funds

The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in Council meeting and subject to section 114 of the Act, such other sources as the executive determines.

All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.

The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

5.3 Financial Management

Subject to any resolution passed by Council, the funds of the association shall be used in pursuance of the objects of the association in such manner as the executive determines.

Payments shall be as petty cash or by cheque. In no case shall expenditure greater than \$400 be paid by way of petty cash, and any major or unusual expenditures shall be authorised in advance by the Committee or a General Meeting.

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of the executive or employees of the association, being members of the executive or employees authorised to do so by the executive.

5.4 Alteration of objects and rules

These rules shall not be altered except by special resolution passed at a Council meeting or an annual general meeting.

5.5 Common seal

The common seal of the association shall be kept in the custody of the public officer.



The common seal shall not be affixed to any instrument except by the authority of the executive and the affixing of the common seal shall be attested by the signatures of 2 members of the executive.

5.6 Custody of books

Subject to the Act, the Regulations and these rules, the secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

5.7 Inspection of books

The records, books and other documents of the association shall be open to inspection at a place in the Territory, free of charge, by a member of the association at any reasonable hour.

5.8 Service of notice

For the purpose of these rules, a notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.

For the purpose of these rules, a notice may be served upon the association or the secretary by:

- a. serving it upon the secretary personally; or
- b. by sending it by post to the postal address of the association.

Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

5.9 Surplus property

In the event of the dissolution or winding up of the association, the surplus property of the association must:

- a. not be paid to or distributed amongst the members of the association; and
- b. be given or transferred to another fund, association or institution:
 - i. having objects similar to those of the association.
 - ii. that is approved by the Commissioner of Taxation or a Deputy Commissioner of Taxation for the purposes of paragraph 23(g) of the Income Tax Assessment Act 1936 or any amendment or re-enactment of that paragraph.

An Association nominated above must fulfill the requirement specified in subsection 92 (2) of the Act.

5.10 Association to be non-profit

The income and property of the association must be applied solely towards the promotion of the objects of the association and no portion thereof may be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to the members of the association.

This provision does not prevent the payment in good faith:

- a. of remuneration to any officers or servants of the association.
- b. to any member of the association in return for goods or services provided to the association.
- c. of interest at a reasonable and proper rate on money borrowed from a member of the association.
- d. of out-of-pocket expenses incurred by a member in an about the affairs of the association.



5.11 By-laws

The association may, by resolution at a Council meeting, make amend or repeal by-laws prescribing all matters which are:

- a. required or permitted by these rules to be prescribed; or
- b. necessary or convenient for carrying out or giving effect to these rules.

The by-laws may make provision for any or all of the following:

- a. the conduct of competitions by the association, including the resolution of disputes arising during or from such competitions;
- b. the selection, management and control of teams that represent the association;
- c. requiring the attendance by members, or specified classes of members, at Council meetings and annual general meetings;
- d. duties to be performed by executive members in addition to those specified in these rules;
- e. the imposition of fines, not exceeding \$100, for breaches of the by-laws