

**GERALDTON NETBALL ASSOCIATION  
(INC)**

**CONSTITUTION**

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## CONSTITUTION

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# **GERALDTON NETBALL ASSOCIATION (INC.) CONSTITUTION**

## **1.0 NAME**

- 1.1 THE NAME OF THE ASSOCIATION SHALL BE THE GERALDTON NETBALL ASSOCIATION (INC.) hereinafter referred to as "THE ASSOCIATION".
- 1.2 THE ASSOCIATION SHALL BE INCORPORATED UNDER THE PROVISIONS OF "THE ASSOCIATIONS INCORPORATION ACT 2015 WA" (The Act).

## **2.0 HEADQUARTERS**

- 2.1 The Headquarters of the Association shall be at the Judy Millward Netball centre, Eighth St Wonthella.

## **3.0 OBJECTS**

- 3.1 THE OBJECTS OF THE ASSOCIATION SHALL BE:
- 3.1.1 To foster, promote, develop and manage the game of netball in Geraldton.
- 3.1.2 To affiliate with Netball WA (Inc.).
- 3.1.3 To abide by the Official Rules and the interpretation thereof as determined by "Netball Australia Ltd".
- 3.1.4 To promote and conduct Netball competitions and events at all levels; manage the representation of 'The Association' in inter-association events.
- 3.1.5 To promote and protect the interests of all 'The Association' members and other participants of Netball.
- 3.1.6 To do all such other things as are conducive or incidental to the attainment of the above objects.

## **4.0 ACTIVITIES OF 'THE ASSOCIATION'**

- 4.1 The Association shall have sole jurisdiction throughout Geraldton in all matters pertaining to Netball WA affiliated netball

## **5.0 POWERS**

- 5.1 THE ASSOCIATION SHALL HAVE THE FOLLOWING POWERS:
- 5.1.1 To derive funds from annual membership, subscriptions, fees and levies payable by Members; donations, grants, sponsorships and such other sources as 'The Association' determines.
- 5.1.2 To acquire, hold, deal with and dispose of any real or personal property.
- 5.1.3 To open and operate bank accounts and invest any money of the Association not immediately required, in any security authorised by law for the investment of trust money.
- 5.1.4 To borrow or raise upon loan any sums of money as may be deemed necessary and pay off such loans.
- 5.1.5 To appoint, employ and dismiss any staff of 'The Association' as required and on such terms and conditions as 'The Association' sees fit.
- 5.1.6 To build, alter and/or maintain the premises belonging to, leased by or occupied by 'The Association', including playing courts and all buildings and improvements. 'The

Association' is required to furnish, fit up and maintain the same for the use of its members and if thought fit, provide all the necessary equipment, appliances and conveniences.

5.1.7 To become affiliated with or subscribe to any other Associations or bodies whose objects are similar to the objects of 'The Association' and if thought fit to withdraw or retire from any such association or body.

5.1.8 to obtain raffle permits and such other licences as may be considered of benefit to the Association.

5.2 It is the intention that each and all the powers specified in the preceding sub clauses shall be in no way limited or restricted by reference to or inference from the terms of any other sub-clauses, or of the main objects as first mentioned.

## **6.0 FINANCIAL YEAR**

6.1 The Financial Year of The Association shall commence on the 1st day of January and end on the 31<sup>st</sup> day of December each year.

## **7.0 FINANCE**

7.1 The property and income of the Association must be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects.

7.2 Payment to a member, out of the funds of the Association, is authorised if it is:

- (a) a payment in good faith to the member as reasonable remuneration for any services or goods provided to the Association, in the ordinary course of business; or
- (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
- (c) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

7.3 All funds of the Association shall be deposited in the accounts of the Association.

7.4 All accounts due by the Association, shall be paid by cheque or electronically and the action endorsed at the Next Executive Meeting.

7.5 The Administrator shall not spend more than \$250.00 petty cash without the consent of the Executive, and, shall keep a record of expenditure in a Petty Cash Book.

7.6 The Executive shall ensure accurate accounts are kept of all monies received and expended and a record kept of all property, assets and liabilities.

7.7 A statement showing the financial position of the Association shall be tabled at each Executive meeting.

7.8 The Executive shall submit to the Annual General Meeting, a statement of Income and Expenditure and a Balance sheet of Assets and Liabilities. The auditor's report shall be attached to such financial report.

## **8.0 AUDIT**

8.1 The accounts, books and all financial records of the Association shall be audited each year.

## **9.0 COMMON SEAL**

9.1 The Associations' Common Seal will be kept by the Administrator at the headquarters of the Association. The Common Seal is to be used by the President of the Association only when authorised by the Executive. Every deed, instrument or document on which the Seal is used shall be signed by the President and counter-signed by the Vice President or the Administrator. The Administrator shall keep a record of all documents to which the Seal has been affixed.

## **10.0 COLOURS**

10.1 The Colours of the Association shall be royal blue and gold.

10.2 A Club/school shall request registration of uniform colours/design and/or change of colours/design from The Association prior to adopting.

## **11.0 MEMBERSHIP**

### **11.1 MEMBERSHIP OF THE ASSOCIATION SHALL BE OPEN TO:**

- 11.1.1 (1) Clubs and Schools
- (2) Committees of the Association
- (3) Life Members
- (4) Umpires
- (5) Any interested persons**

11.2 All members of clubs, schools and individuals admitted to membership of the Association shall be amateurs according to the Rules of the International Netball Federation.

11.3 A Club/School is as designated by the Executive and wishes to play in the inter-club/school competition conducted by the Association. A minimum of seven (7) Players shall constitute a team and shall be entitled to all the rights and privileges of membership.

11.4 Committees shall consist of one or more persons elected at the Annual General Meeting or appointed by the Executive.

11.5 The criteria for Life membership, as determined by the Executive, shall be set out in the Life Membership Policy in the Policies and Duties.

11.5.1 The Executive shall appoint a Life Member in accordance with the criteria and procedure set out in the Life Membership Policy

11.5.2 Conditions, obligations and privileges of life membership shall be as prescribed in the Life Membership Policy.

11.6 Umpires (4) are those non-players who assist with umpiring as required.

## **12.0 ADMISSION TO MEMBERSHIP**

### **12.1 EACH MEMBER ADMITTED TO MEMBERSHIP WITH THE ASSOCIATION SHALL:**

12.1.1 Be bound by the Constitution and Policies and Duties of the Association.

12.1.2 Become liable for such fees, subscriptions and levies as fixed by the Executive.

## **13.0 REGISTER**

### **13.1 REGISTER OF MEMBERS OF THE ASSOCIATION**

13.1.1 The Administrator (or Person nominated by Executive) shall, on behalf of the Association, keep and maintain a Register of Members, in which information is entered as required under the Act. The register shall be so kept in the Offices of the Association.

13.1.2 The Register of Members must include each Members name and:  
(i) residential, postal or email address  
(ii) date on which each becomes a member

13.1.3 Registrations shall be for a period of 12 months and must be renewed annually.

### **13.2 INSPECTION OF REGISTER**

- 13.2.1 a member who wishes to inspect the Register, must put their request in writing to the Record Keeper.
- 13.2.2 If the member wishes to be provided with a copy of the register or an extract, the Association may require them to provide a statutory declaration setting out the purpose for which the copy is required. Copy or extract need only be supplied for a purpose connected with the affairs of the Association.



## **14.0 DISCONTINUATION OF MEMBERSHIP**

### **14.1 MEMBERSHIP CAN BE DISCONTINUED BY ANY ONE OF THE FOLLOWING EVENTS:**

14.1.1 Resignation - A member may resign by giving written notice.

14.1.2 Death

14.1.3 Disbandment of a club

(1) At the time of lodging an application to withdraw, any club may, at the discretion of the Executive, remain liable for all fees, subscriptions and/or levies incurred up to the time of lodging the application to withdraw.

(2) In the event of a club withdrawing during a season, its members shall be at liberty to play with any other club, with the consent of the Executive Committee. No club shall be considered disbanded unless notice of such disbandment be in the hands of the Administrator by the Friday following the mid-match of the season.

(3) The "Record Keeper" must keep a record for at least one year after a person ceases to be a member of

- (a) the date on which the person ceases to be a member
- (b) the reason why the person ceased to be a member

14.2 Membership rights may be suspended or revoked by the Association at any time, with due cause as decided by an absolute majority of the Executive Committee. (i.e. 4 Executive Committee Members)

## **15.0 APPOINTMENTS**

15.1 The appointment of Patron, Solicitor, Auditor and Protest and Disputes Committee shall be confirmed at the Annual General Meeting.

## **16.0 MANAGEMENT**

16.1 Management of the Association shall be vested in the Executive, elected or appointed and consist of:

16.1.1 President,

16.1.2 Six (6) Members

### **16.2 EXECUTIVE - NOMINATIONS AND APPOINTMENTS**

16.2.1 Nominations for the position of President shall be received by the Administrator prior to the Annual General Meeting.

16.2.2 Nominations for other Executive members may be received by the Administrator prior to or at the Annual General Meeting.

16.2.3 The Executive shall be elected at the Annual General Meeting. Members so elected shall assume office at the conclusion of that meeting and shall hold office until the conclusion of the Annual General Meeting in the following year or until the appointment is terminated by the Executive or by resignation.

16.2.4 At no time shall more than one-third of the executive be members of any one club.

### **16.3 AN EXECUTIVE MEMBER MAY:**

16.3.1 Play for one club and coach or be associated with another but shall be deemed to be a member of the club with which they are registered for the purpose of the Executive.

16.3.2 Coach or be associated with one or more clubs but shall state where their obligations lie, for the purpose of the Executive.

16.3.3 Be an independent member without an alliance to any Club.

16.3.4 **NOT** be a member of the Committee under Section 39 of the act without leave of the Commissioner if:

- (a) According to the *Interpretation Act 1984 section 13D*, are bankrupt or a person whose affairs are under insolvency laws
- (b) You have been convicted, within or outside the State, of-
  - An indictable offence in relation to the promotion, formation or management of a body corporate; or
  - An offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
  - An offence under Part 4 Division 3 or section 127 of the Act

16.4 DUTIES OF THE EXECUTIVE – REFER POLICIES AND DUTIES

## **17.0 POWERS OF THE EXECUTIVE**

17.1 The Executive may exercise all powers and objects of the Association except those required to be approved at a general meeting. Without limiting the generality of the preceding words and in addition to the powers specifically conferred upon it, the Executive shall have power to:

- 17.1.1 Appoint the bankers of the Association and open bank accounts for specific purposes as required. Nominate the members who signatures shall be the authority for withdrawal of funds from each account. Transfer funds to accounts where needed and close accounts when not necessary.
- 17.1.2 Fix fees and subscriptions payable by clubs and decide such levies, rates of fines and charges as it deems necessary and advisable, and to enforce payment thereof.
- 17.1.3 Adjudicate on all matters brought before it which in any way affects the Association or the game of netball.
- 17.1.4 Cause minutes to be made of all proceedings at meetings of the Executive and General Meetings of members.
- 17.1.5 Determine from time to time, the conditions on which and times when members or others may use the grounds or premises of the Associations or any part thereof.
- 17.1.6 Fix and collect charges for admission to the grounds where necessary.
- 17.1.7 Make, amend and rescind rulings not consistent with this Constitution and/or Policies & Duties
- 17.1.8 The Executive shall have the power to govern and deal with as is deemed necessary, all protests, disbandments, grading and regrading, player transfers and any other matters pertaining to the control of Netball in the Association.

## **18.0 ADMINISTRATOR**

18.1 The Executive shall appoint an Administrator/Record Keeper (hereinafter called "The Administrator") at remuneration approved by the Executive.

- 18.2 The Administrator shall conduct the business of the Association as directed by the Executive and carry out duties listed in The Policies and Duties Book or Operations Manual.
- 18.3 The Administrator shall operate from the headquarters of the Association.
- 18.4 The Administrator shall be contracted yearly (from 1<sup>st</sup> January to 31<sup>st</sup> December) and hold office until her appointment is terminated by the Executive or by her resignation.

## **19.0 MEETINGS**

### **19.1 CHAIRPERSON**

The President shall preside at all meetings of the Association and the Executive. In the absence of the President, the Vice-President shall preside. In the absence of both, the meeting shall be opened by the Administrator, who shall call for nominations for a Chairperson. Upon election, the Chairperson shall take the chair and continue with the meeting.

### **19.2 ANNUAL GENERAL MEETINGS.**

19.2.1 The Annual General Meeting of the Association shall be held no later than the third week in March.

19.2.2 The Administrator shall give at least fourteen (14) days' notice of the date of the Annual General Meeting to each Executive Member, Club, School and Life Member.

- (1) Notice of the Annual General Meeting shall be accompanied by copies of minutes of previous Annual General Meeting, Annual reports, nomination forms for office bearers and committees of the Association, and any proposed alterations or additions to the Constitution.

19.2.3 All members may attend the Annual General Meeting.

19.2.4 The quorum at the Annual General Meeting shall be delegates from one-third of clubs, schools, and Executive or 30 people entitled to vote, whichever is smaller. If within half an hour from the time appointed for the Annual General Meeting/General Meeting a quorum is not present, the meeting shall be adjourned to such other day, time and place as the chair may determine.

19.2.5 THE BUSINESS OF THE ANNUAL GENERAL MEETING SHALL BE:

- (1) Roll Call and Apologies
- (2) Presidents Address and Report
- (3) Confirmation of minutes of previous Annual General Meeting
- (4) Adoption of Administrator's Annual Report
- (5) Adoption of Audited Balance Sheet and Statement of Income and Expenditure
- (6) Notice of motion for alterations, repeal or addition to Constitution
- (7) Recommendations from the Executive
- (8) Election of Office Bearers and Committees:  
Office Bearer: President  
Executive Committee: Six (6) Members
- (9) Confirmation of Appointments of:  
Patron Solicitor  
Auditor Protests and Disputes Committee
- (10) General Business
- (11) Closure

### **19.3 SPECIAL MEETINGS.**

19.3.1 Special Meetings may be called:

- (1) At the request of the Administrator and with the approval of the President or
- (2) At the written request of three (3) clubs, schools or three (3) Executive members.

19.3.2 The Administrator shall give at least fourteen (14) days notice of Special Meetings to each Executive Member, club and school except in unforeseen circumstances when it is impossible to give time stated.

- (1) Notice of a Special Meeting shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that Special Meeting.

19.3.3 All members may attend Special Meetings.

19.3.4 The quorum at Special Meetings shall be delegates from one-third of clubs, schools and Executive, or 30 people entitled to vote, whichever ever is smaller. If within half an hour from the time appointed for the Special Meeting a quorum is not present, the meeting shall be adjourned to such other day, time and place as the chair may determine

#### 19.4 EXECUTIVE MEETINGS.

19.4.1 The Executive shall meet at such times as may be deemed advisable for the efficient working of the Association.

19.4.2 A meeting of the Executive shall be called:

- (1) At the direction of the President, or in their absence the Vice President
- (2) On the written request of three (3) members of the Executive.

19.4.3 The Administrator shall give each Executive member at least seven (7) days notice of the date of any Executive meeting except in unforeseen circumstances when it is impossible to give the time stated. The notice shall specify the general nature of the business to be dealt with.

19.4.4 The quorum at Executive meetings shall be a simple majority of members. (Minimum 4)

19.4.5 Any member absent from two (2) consecutive meetings without reasonable cause shall be replaced, the replacement to be decided by the Executive.

19.4.6 THE BUSINESS OF EXECUTIVE MEETINGS SHALL BE:

- (1) Opening of Meeting
- (2) Apologies
- (3) Confirmation of minutes of previous meeting
- (4) Business arising from those minutes
- (5) Correspondence
- (6) Adoption of Financial Statement
- (7) Accounts for payment
- (8) Reports from Committees
- (9) General Business
- (10) Date of next meeting
- (11) Closure

## 20.0 VOTING

### 20.1 VOTING POWERS AT THE ANNUAL GENERAL MEETING AND GENERAL MEETINGS.

20.1.1 The President shall be entitled to a deliberative as well as a casting vote.

20.1.2 The Administrator shall not be entitled to vote.

20.1.3 Each club and school shall be entitled to one (1) vote.

20.1.4 Each executive member shall be entitled to one (1) vote.

20.1.5 Each Life Member shall be entitled to one (1) vote at an Annual General Meeting or General Meeting

**20.2 VOTING POWERS AT EXECUTIVE MEETINGS.**

20.2.1 The President shall be entitled to a deliberative as well as a casting vote.

20.2.2 The Administrator shall not be entitled to vote.

20.2.3 Each Executive member present shall have one (1) vote.

**20.3 VOTING POWERS AT COMMITTEE MEETINGS**

20.3.1 Each member present shall have one (1) vote.

20.3.2 The President shall be an Ex-officio member of all committees, but shall not, unless specifically elected or appointed as a member of a committee, be entitled to a vote.

**20.4 METHOD OF VOTING**

20.4.1 Voting shall be by voice or show of hands, unless a ballot be requested by any person present.

16.4.2 When more nominations than are required are received, a ballot shall be taken if requested by a nominee.

**21.0 COMMITTEES**

21.1 The Executive shall have power to appoint special standing committees as required and delegate powers, as it may deem necessary. Members so elected shall assume office at the conclusion of that meeting and hold office until the conclusion of the Annual General Meeting in the following year.

21.2 The Convenor of each committee shall be appointed by the Executive, except for those Convenors elected to the Executive at the Annual General Meeting.

**22.0 RESIGNATIONS**

22.1 Resignations shall be submitted to the Administrator. Should any elected or appointed members resign before the expiry of their term of office, the Executive may appoint a substitute who shall hold office until the term of office expires.

22.2 When a person ceases to be a member of the association's Executive, section 41 of the act requires that person, as soon as practicable after their membership ceases, deliver to the Administrator, all the relevant documents and records they hold pertaining to the management of the associations' affairs.

## **23.0 TOURNAMENTS**

### **23.1 IT SHALL BE THE POLICY OF THE ASSOCIATION TO:**

- 23.1.1 Participate in the annual Member Association Championships in accordance with the Policies and Duties.

## **24.0 ENFORCEMENT OF CONSTITUTION**

- 24.1 The authority of the Association shall extend to and be recognised by all members.
- 24.2 The Executive shall have the power to:
  - 24.2.1 enquire into and adjudicate upon all questions and disputes regarding the interpretation of the Constitution, Policies and Duties and any ruling made hereunder.
  - 24.2.2 investigate any breach or alleged breach of the Constitution or Policies and Duties, its rulings, and any complaint made of misconduct detrimental to the policy, interests or welfare of the Association by any person or member.
- 24.3 The Executive may caution, suspend, fine or otherwise deal with any person or member contravening any of the rules or the member acts detrimentally to the interests of the Association.
- 24.4 All enquiries into any Association matter shall be conducted in a fair and impartial manner having regard to the principles of natural justice. All concerned parties shall be entitled to be heard. The Executives decision shall be binding on all parties concerned.

## **25.0 ALTERATIONS TO CONSTITUTION**

- 25.1 No alteration, repeal or addition shall be made to the Constitution except at an Annual General Meeting or Special General Meeting (if required) and notice in writing of all motions to alter, repeal or add to the Constitution shall be signed by the proposer and seconder and sent to the Administrator at least six (6) weeks before the Meeting.
- 25.2 The Administrator shall forward such notices of motion to each Executive member, club, school and Life Member at least fourteen (14) days prior to the Annual General Meeting/Special General Meeting.
- 25.3 Such motions or any part thereof shall be of no effect unless passed by a three-quarter majority of those present and entitled to vote at the Annual General Meeting/Special General Meeting.

## **26.0 DISPUTES AND DISCIPLINE**

- 26.1 All members of the Association shall be subject to the Association's Constitution, policies and Netball Australia Code of Conduct.
- 26.2 If a member breaches any provision of the Constitution, or any endorsed policy of the Association, Code of Conduct, or where a charge of bringing the Association into disrepute has been made against a member, the Executive may convene the Protests and Disputes Committee to examine the circumstances of the breach or charge.



- 26.3 The panel will be chaired by one of the three members of the Protest and Disputes Committee.
- 26.4 Under no circumstances will an advocate or legal counsel be allowed to represent or accompany a person appearing before the Committee.
- 26.5 The Committee will provide a report and recommendation for consideration by the Executive. Any or all of the following penalties can be imposed on a member if found by the panel to be guilty.
- (a) Official reprimand
  - (b) Suspension of the member from playing or attending any or all games and/or training;
  - (c) Disqualification or expulsion from membership of the Association without refund of any fees paid by the member.
- 26.7 The Executives decision based on the report and/or recommendation of the Protest and Disputes Committee shall be final.

## **27.0 APPEALS**

- 27.1 The Protest and Disputes Committee shall hear and determine all appeals arising from decisions taken by the Association.
- 27.2 Appeals to the Protest and Disputes Committee must be in writing, fully setting out the circumstances of the matter or decision under dispute and be received within 48 hours.
- 27.3 The Protest and Disputes Committee may require any member to appear before it or request any documentation which it deems pertinent to its deliberations.

## **28.0 DISBANDMENT**

- 28.1 The Association shall not disband unless with the consent of three quarters of people present and eligible to vote at a Special General Meeting. Motion to disband the Association, signed by the proposer and seconder, and accompanied by a petition signed by one third of members, shall be submitted in writing to the Administrator who shall give at least fourteen (14) days notice of such motion to all members. Such notice shall be dealt with at a Special Meeting called by the Association.
- 28.2 If carried by the necessary three quarters majority of eligible votes, notice to disband the Association shall be forwarded to Netball WA to decide the disbursement of the association's property, records and money.

## **29.0 NON-PROFIT**

- 29.1 The income and property of the Association when so ever derived shall be applied solely towards the promotion of it objects as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever to it members provided that nothing herein shall

prevent the payment in good faith or remuneration to any officer or servant of the Association for services rendered to the Association

### **30.0 INSPECTION OF RECORDS**

30.1 A member may at any reasonable time inspect without charge the books, documents records and securities of the Association

### **31.0 INDEMNITY**

31.1 This constitution shall repeal all previous regulations, but except as specifically provided shall not affect any right, duty, liability or any matter or thing done or commenced, acquired or imposed under the previous constitution.