

PRESTONS NETBALL CLUB



PRESTONS NETBALL CLUB INC.
CONSTITUTION

FINAL VERSION

17th FEBRUARY 2020

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1. TITLE

1.1 The name of the Club shall be Prestons Netball Club Inc.

2. DEFINITIONS

'Association' means the Liverpool City Netball Association Inc.

'Committee' means the Members of the Executive and the elected non-executive Committee Members of Prestons Netball Club Inc.

'Club Meeting' means a meeting convened by the Executive open to all Members of the Club.

'Executive' means the Members of the Committee comprising The President, Vice President, Secretary, Registrar and Treasurer.

'New South Wales Netball Association Limited' (NSWNA Ltd) means the controlling body for Netball in NSW.

'Registered Member' means any financial Member, Life Member or honorary Member of the Club.

'The Act' refers to the Associations' Incorporated Act 2009 and all further amendments to it.

'The Club' refers to Prestons Netball Club Inc.

3. INTERPRETATION

3.1 Where this Constitution conflicts with any other Instrument of the Club, this Constitution shall prevail.

3.2 The Executive shall hold the power to deal with and adjudicate upon all questions and disputes as to the interpretation of the Constitution and associated Policies, Procedures and By-Laws.

3.3 Where the Constitution conflicts with the Act, the Act shall apply.

4. HEADQUARTERS

4.1 The Headquarters of Prestons Netball Club Inc. shall be Jardine Park, corner of Reserve and Old Kurrajong Roads, Casula NSW.

5. COLOURS

5.1 The colours of the Club shall be Maroon, Gold and White and used by all teams in competition.

6. OBJECTIVES

6.1 The objectives of the Club are:-

6.1.1 To be affiliated with and support the current Association

6.1.2 To further interests of its Members

6.1.3 Promote the game of netball under affiliation with the current Association

6.1.4 To co-operate with other affiliated organisations to further the game of netball.

7. MEMBERSHIP

- 7.1 Members of the Club shall consist of –
- 7.1.1 Senior Players (18 years and older);
 - 7.1.2 Junior Players as prescribed by the criteria set by the current Association; and
 - 7.1.3 Non-players, including but not limited to, coaches, managers, Club delegates, umpires and Life Members.
- 7.2 A person is a Member of the Club after submission of the completed registration form and after full payment of registration fee is processed.
- 7.3 A person ceases to be a Member of the Club if the person:
- 7.3.1 Dies;
 - 7.3.2 Resigns from the Club;
 - 7.3.3 Ceases to be financial;
 - 7.3.4 Is expelled from the Club by the Executive;
 - 7.3.5 Does not renew membership the following year.
- 7.4 Life Membership
- 7.4.1 A Member of the Club may be elected as a Life Member in recognition of significant service to the Club having not less than 15 years financial membership at the time of nomination.
 - 7.4.2 A candidate for Life Membership shall be nominated by two (2) Club Members.
 - 7.4.3 Any nomination for Life Membership must be submitted to the President or Vice President before 31st July.
 - 7.4.4 Nominations shall be checked for eligibility by the Executive Committee and must be approved by a vote of at least three quarters of the Members eligible to vote.
 - 7.4.5 Voting for Life Membership shall be by secret ballot.
 - 7.4.6 Life Membership will be awarded at the Presentation Day ceremony the same year.
 - 7.4.7 Life Members shall be exempt from the payment of annual membership to the Club. Such membership shall be paid by the Club.
 - 7.4.8 A Life Member shall be entitled to attend all Club meetings and have full voting rights.
 - 7.4.9 The Committee may fix the maximum number of persons who may at any time hold Life Membership (excluding deceased Life Members).
 - 7.4.10 A person ceases to be a Life Member of the Club if the person's membership has been revoked by the Club under the authority of the Executive.

8. REGISTER OF MEMBERS

- 8.1 The Registrar of the Club shall establish and maintain a Register of Members of the Club.
- 8.2 For each person who is a Member, the register shall specify the name and address and the age of the Member, the date on which the person became a Member and any other information determined by the Club as applicable, including but not withstanding, the cessation date of membership if applicable.

8.3 The Register of Members shall be kept at the principal place of administration of the Club and shall be open for inspection by any Member of the Club, at a reasonable hour, having regard to privacy and confidentially considerations.

8.3.1 Such inspection shall be limited to viewing of the names of registered Members only or to such information as may be able to be provided in accordance with any State or Federal legislation governing privacy.

8.3.2 The Public Officer must at all times have access to the Register of Members in its entirety, in accordance with Fair Trade (or other relevant) legislation.

8.3.3 Should a registered Member require any further information from the Registrar, they may request permission from the Public Officer in writing to access such information. Such request must indicate the reasons for the registered Member requiring additional information, and as such, permission is subject to the Public Officer's approval.

9. FEES

9.1 All fees to be paid by Members shall be adopted by resolution of a Club meeting.

10. DISCONTINUANCE OF MEMBERSHIP

10.1 A Member who has paid all fees to the Club may resign or withdraw from membership of the Club by giving notice in writing to the Club of such withdrawal or resignation. It will be at the discretion of the Executive if any refunds are to occur.

10.2 When the Club receives a notice given under clause 10.1, it must make an entry in the Register that records the date on which the Member ceased to be a Member.

11. MEMBERS LIABILITY

11.1 A registered Member of the Club is liable to the Club towards payment of any unpaid fees in respect of membership of the Club.

12. DISCIPLINE

12.1 A dispute between Members, or a Member and the Club, is to be referred to the Club Executive in the first instance, or in the case of real or perceived conflict, another Committee Member, for resolution. If the dispute is not satisfactorily resolved within reasonable time frames and/or, all avenues with the Club have been exhausted, the dispute may be referred to an external body as a grievance.

12.2 Disciplinary proceedings

12.2.1 A complaint may be made to the Executive in writing by any person that a Member of the club has:

- a) refused or neglected to comply with a provision or provisions of this constitution, or
- b) wilfully acted in a manner prejudicial to the interests of the Club.

12.2.2 The Executive will act on a complaint within 24 hours of receiving said complaint and acknowledge receipt of said complaint to the sender of the complaint.

12.2.3 The Executive may refuse to deal with a complaint if it considers the complaint to be trivial or vicious in nature.

- 12.2.4 The Executive may deal with the complaint outside of a Disciplinary Panel by meeting within seven (7) days to formalise and address the complaint and respond to the complaint.
- 12.2.5 On receipt of the complaint the Executive shall decide, within 24 hours to initiate formal action, and form a Disciplinary Panel to address the complaint. The Disciplinary Panel will consist of two (2) Executive Members, one (1) Committee Member, one (1) Life Member and one (1) external person.
- 12.2.6 The Disciplinary Panel must:
 - a) give notice of the complaint to be served on the Member concerned within twenty four (24) hours of the panel being formed;
 - b) give, at least, seventy two (72) hours from the time the notice is served on the Member, in which to hear submissions by the Member in connection with the complaint made to the panel; and
 - c) take into consideration any said submissions in connection with the complaint.
- 12.2.7 The member/s involved in the dispute shall be informed of the time, date, place and purpose of the Disciplinary Panel and invited to be present at the meeting.
- 12.2.8 The member is entitled to bring a silent support person.
- 12.2.9 The member/s shall at such meeting and before any resolution is passed, have an opportunity of giving in person, or in writing any explanation or defence the member may think fit.
- 12.2.10 The Disciplinary Panel shall examine all allegations of misconduct referred to it by a member and is empowered to impose a penalty, provided that procedures set out in Clause 12.2.5 are followed. Any decision to impose the penalty must be passed by a majority of the Disciplinary Panel. The penalty may consist of a caution, a fine, suspension or expulsion from membership.
- 12.2.11 The member/s concerned shall be notified by the Secretary within seven (7) days of any disciplinary action.
- 12.2.12 The member/s shall have the right of appeal in writing to the Secretary, within forty eight (48) hours of notification of the disciplinary action to be taken.
- 12.2.13 On receipt of an appeal notice from a member under subclause 12.2.11, the Secretary must establish the appeals process as outlined in the By Laws.

13. POWERS OF THE CLUB

- 13.1 The Club shall have control of all financial matters relating to the Club and shall have the right to charge levies to teams to ensure the Club is on a sound financial footing.
- 13.2 The Club shall appoint two (2) delegates to attend meetings of the Association as required.
- 13.3 The Club shall appoint other Committee members and delegates as required.

14. COMMITTEE

- 14.1 The Committee shall consist of The Executive and other elected non-executive office bearers.
- 14.2 The Executive shall consist of -
 - 14.2.1 President
 - 14.2.2 Vice President
 - 14.2.3 Secretary
 - 14.2.4 Treasurer

- 14.2.5 Registrar.
- 14.2.6 The Executive shall convene not less than three (3) times each year on dates to be fixed by the Executive.
- 14.2.7 Should it be necessary to call additional meetings, all Executive members shall be notified at least forty eight (48) hours prior to the meeting being held.
- 14.2.8 No person shall be elected to more than one Executive position.
- 14.2.9 A casual vacancy on the Executive Committee shall be deemed to have occurred if the member
 - a) dies;
 - b) ceases to be a member of the Club
 - c) resigns by notice in writing given to the Secretary
 - d) fails to attend three (3) meetings of the executive committee without leave of absence.
- 14.2.10 Any casual vacancy on the Executive Committee shall be filled by an Executive member, usually the Vice President, until the vacancy is filled by election at the next Club meeting or at a Special General Meeting.
- 14.2.11 The Executive shall be responsible for the execution of the objects of the Club and without in any way limiting this responsibility shall have power:
 - 14.2.11.1 to control and manage the affairs of the Club
 - 14.2.11.2 to fix fees, subscriptions etc. payable by members and enforce payment
 - 14.2.11.3 to appoint any delegates to represent the Club for any purpose with such powers as may be thought fit
 - 14.2.11.4 to control the funds of the Club; and for that purpose,
 - 14.2.11.5 to open and operate banking accounts
 - 14.2.11.6 to acquire related sporting property of all descriptions and sell or otherwise dispose of it
 - 14.2.11.7 generally carry out and attend to all such matters as shall be necessary for the proper management and control of the Club
- 14.2.12 The Executive committee shall act on behalf of the members between meetings and its decisions shall be subject to ratification by the Club at the next meeting.
- 14.2.13 Carry out their responsibilities as set by the By-Laws
- 14.2.14 Conduct their meetings in accordance with the Constitution and By-Laws
- 14.2.15 Be answerable to the members.

14.3 Unless otherwise determined at an Annual General Meeting, the Secretary shall also be the Public Officer.

14.4 Election of the Committee

- 14.4.1 To be eligible for a nomination, a nominee must be a member of the Club.
- 14.4.2 The Secretary will publish the nomination form not less than twenty-one (21) days prior to the meeting.
- 14.4.3 Nominations for elections of Committee members shall be submitted by form, seven (7) days prior to the meeting at which the elections are to be held.
- 14.4.4 A member must be nominated and seconded for election as a Committee member and shall be elected by majority vote.
- 14.4.5 They will be asked to accept the nomination and if there are no other candidates nominated, this person is elected.

- 14.4.6 In the case of two (2) or more members being nominated and both accepting the nomination, each nominee will present their case for the position and then a secret ballot will be conducted and the member with the majority vote will be appointed.
- 14.4.7 If a nomination is not received for a position by the closing date, late nominations will be accepted prior to the Annual General Meeting.
- 14.4.8 A nomination of a candidate for election for an Executive is not valid if that candidate has been previously elected to another Executive position at the same election.

14.5 Members of the Executive Committee and Non-Executive office bearers shall hold office for one year and until the conclusion of the Annual General Meeting but will be eligible for re-election.

14.6 A member of the committee is deemed to have vacated their position if:

- 14.6.1 They notify the executive in writing
- 14.6.2 They are no longer a member of the club
- 14.6.3 An event or incident has occurred which, under the Fair Trading NSW laws, makes them unsatisfactory to hold that position.

15. PRESIDING MEMBER

15.1 The President, or in the President's absence, the Vice President, is to preside as chairperson at each meeting of the Club.

15.2 If the President and the Vice President are absent or unwilling to act, the members present must elect one of their number to preside as Chairperson at the meeting.

16. ANNUAL GENERAL MEETINGS – holding of

16.1 The Club must hold its first Annual General Meeting within eighteen (18) months after its registration under the Act.

16.2 The Club must hold its Annual General Meetings:

- 16.2.1 within six (6) months after the close of the Club's financial year, or
- 16.2.2 within any later time that may be allowed or prescribed under the Act.

17. ANNUAL GENERAL MEETINGS – calling of and business at

17.1 The Annual General Meeting of the Club is to be convened on the first Monday of November at the place and time the Executive thinks fit, and is subject to the Act.

17.2 In addition to any other business which may be transacted at an Annual General Meeting, the business at an Annual General Meeting is to include the following:

- 17.2.1 apologies
- 17.2.2 to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting
- 17.2.3 to receive and consider any financial statement or report required to be submitted to members under the Act

- 17.2.4 to receive from the Executive, reports on the activities of the Club during the last preceding financial year
- 17.2.5 to elect the Executive of the Club.

17.3 The Returning officer as elected by the Executive shall chair the elections.

17.4 An Annual General Meeting must be specified as that type of Meeting in the notice convening it.

18. SPECIAL GENERAL MEETINGS – calling of

18.1 The Executive may, whenever it thinks fit, convene a Special General Meeting of the Club.

18.2 The Executive must, on the requisition of at least 5% of the total number of members, convene a Special General Meeting of the Club.

18.3 A requisition of members for a Special General Meeting form, each signed by one or more of the members making the requisition:

- 18.3.1 must be in writing
- 18.3.2 must state the purpose or purposes of the Meeting
- 18.3.3 must be signed by the members making the requisition
- 18.3.4 must be lodged with the Secretary
- 18.3.5 may consist of several documents in similar

18.4 If the Executive fails to convene a Special General Meeting to be held within one (1) month after the date on which a request of members for the Meeting is lodged with the Secretary, any one or more of the members who made the request may convene a Special General Meeting to be held not later than three (3) months after that date.

18.5 A Special General Meeting convened by a member or members as referred to in Subclause 18.4 must be convened in the same manner, or close as possible as Club Meetings are convened by the Executive.

19. CLUB MEETINGS

19.1 The Club shall convene at least five (5) times per year on dates to be fixed by the Executive.

19.2 All those in attendance shall be recorded within the minutes of that meeting.

19.3 The business shall include, but not limited to:

- 19.3.1 Apologies
- 19.3.2 Confirmation of the minutes of the previous Club Meeting
- 19.3.3 Outstanding business arising from the previous Club Meeting minutes
- 19.3.4 Motions for which due notice has been given
- 19.3.5 Elections
- 19.3.6 Correspondence – inwards and outwards

- 19.3.7 Treasurer's report – current bank statements shall be tabled at each Club Meeting together with a written financial report
- 19.3.8 Executive and Committee reports
- 19.3.9 General Business

20. NOTICE

- 20.1 The calling of an Annual General Meeting by the Secretary must give members at least fourteen (14) days' notice of the Annual General Meeting or twenty-one (21) days' notice if a special resolution is to be proposed, specifying the place, date and time of the Annual General Meeting and the nature of the business proposed at said meeting.
- 20.2 The calling of a Special General Meeting by the Secretary must give members at least fourteen (14) days' notice of the Special General Meeting or twenty-one (21) days' notice if a special resolution is to be proposed, specifying the place, date and time of the Special General Meeting and the nature of the business proposed at said meeting.
- 20.3 The calling of Club Meetings by the Secretary must give members at least fourteen (14) days' notice of the Club Meeting or twenty-one (21) days if a special resolution is to be proposed as required under subclause 20.2.

Note: a Special resolution must be passed in Accordance with Section 39 of the Act.

- 20.4 A member desiring to bring any business before an Annual General Meeting and/or a Club Meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a Meeting given after receipt of the notice from the member.

21. QUORUM FOR MEETINGS

- 21.1 No item of business is to be transacted at a meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.
- 21.2 For a General Meeting – five (5) members plus two (2) Executive present constitute a quorum for the conducting the business of a General Meeting.
- 21.3 For an Executive Meeting - three (3) Executive members present constitute a quorum for the conducting the business of an Executive Meeting.
- 21.4 If within fifteen (15) minutes after the appointed time for the commencement of a meeting, a quorum is not present, the meeting
 - 21.4.1 is to be dissolved if convened on the request of members, and
 - 21.4.2 in any other case – the meeting is to stand adjourned to the same day and time in the following week and at the same place. This may be varied if another place is specified at the time of the adjournment by the person presiding at the meeting, or communicated by written notice to members, before the date to which the meeting is adjourned. If at the adjourned meeting a quorum is not present with half an hour of the time appointed, the members present (being at least three (3) will constitute a quorum.

VOTING

- 22.1 On any question or motion arising at a meeting of the Club a member has one vote only.
- 22.2 In the case of a deadlock on a question or motion at a meeting, the Chairperson of the meeting is entitled to exercise a casting vote.
- 22.3 A member is not entitled to vote at any meeting of the Club unless all money due and payable by the member to the Club has been paid.
- 22.4 A member is not entitled to vote at any meeting of the Club if the member is under 18 years of age.
- 22.5 At the Annual General Meeting voting shall be restricted to those members who are eligible to attend and vote at General Meetings and who have attended fifty per cent (50%) of Club Meetings held since the previous Annual General Meeting. Should this be an odd number of meetings, then the number of meetings shall be the lesser number e.g. 4 out of 9 meetings not 5 out of 9.

23. PROXY VOTES

- 23.1 Proxy voting is not permitted at or in respect of a meeting.

24. POSTAL OR ELECTRONIC BALLOTS

- 24.1 The Club may hold a postal or electronic ballot (as the Executive determines) to determine any issue or proposal (except a disciplinary appeal). A postal or electronic ballot may not be used to vote at any meeting of the Club.
- 24.2 A postal or electronic ballot is to be conducted in accordance with the Act.

25. USE OF TECHNOLOGY AT MEETINGS

- 25.1 The use of technology is considered an acceptable form of attendance at a meeting giving members a reasonable opportunity to participate.

26. MANAGEMENT & SOURCE OF FUNDS

- 26.1 The financial year of the Club shall commence on 1st November and conclude on the 31st October.
- 26.2 The funds of the Club shall be derived from annual membership fees, other fees and donations. Subject to any resolution passed by the Club in a Club, Special or Annual General Meeting, such other sources as the Executive determines.
- 26.3 The banking accounts of the Club shall be kept at a bank or building society approved by the Executive and all payables operating on the accounts shall require the signatures of any two (2) of the President, Vice President, Secretary or Treasurer.

- 26.4 All money received by the Club shall be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
- 26.5 The Treasurer will hold all financial records and books in relation to the current year.
- 26.6 The books of the club may be audited each year by qualified persons who is not a Member of the Club or has an affiliation with the Club.
- 26.7 All Club and New South Wales Netball Association Limited fees shall be paid by the due date.
- 26.8 No office bearer shall be entitled to receive remuneration for performing the functions of the role.

27. BOOKS AND RECORDS

- 27.1 Except as otherwise provided in this Constitution, all records, books and other documents relating to the Club shall be kept under the custody or control of the Public Officer.
- 27.2 Any registered Member may request, in writing, permission to inspect the books of account and record of minutes of the Club. The Executive shall determine the time, date and place of such inspection. No inspection will take place without a member of the Executive present.

28. ALTERATIONS TO THE CONSTITUTION

- 28.1 The Constitution of the Club may be altered by special resolution passed by a least three quarters (3/4) of the members present and voting at an Annual General Meeting or Special Meeting of the Club, of which no less than twenty-one (21) days' notice has been given specifying the resolution/s to be proposed.

29. DISSOLUTION AND WINDING UP

- 29.1 The Club shall not be dissolved except by special resolution passed by a majority of a least three quarters (3/4) of members present and voting at a Special Meeting of the Club, of which no less than twenty-one (21) days' written notice has been given specifying the resolution to be proposed.
- 29.2 On dissolution of the Club, any property whatsoever remaining after determination and settlement of all debits and liabilities will be distributed as determined at a Special General Meeting in accordance with the objectives of the Club.