



**Sunshine Coast Netball Association  
Incorporated**

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**CONSTITUTION**

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September 2009



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**1. Name**

The name of the Association shall be “The Sunshine Coast Netball Association Incorporated”.

The Headquarters of the Association shall be located in the Maroochy Shire

**2. Interpretation**

The following terms shall wherever used in this constitution bear the meaning respectively referred to in this paragraph unless the same be inconsistent with the context in which they are used

**(a) AANA**

All Australia Netball Association

**(b) QNA or NQ**

Queensland Netball Association Incorporated

**(c) The Association**

The Sunshine Coast Netball Association Incorporated

**(d) Team**

A netball team comprising not fewer than seven (7) players

**(e) Affiliated Clubs**

- (1) An Affiliated Club shall be a club entering teams in SCNA competitions
- (2) An Affiliated Club shall not compromise fewer than (3) netball teams
- (3) An Affiliated Club may include a School or educational institution
- (4) Affiliated Clubs shall register with the Association for the current membership period
- (5) There is no fee or levy for registering a Club as an Affiliated Club
- (6) All members of Affiliated Clubs must be members of the Association to be able to participate in any competition, activity or event held or organized by the Association
- (7) Affiliated Clubs shall be represented by one (1) delegate, who is a member of the Association, and that delegate shall have full voting rights, at any General Meeting, Special General Meeting or Annual General Meeting of the Association
- (8) The number of Affiliated Clubs shall be unlimited



**(f) Invitees**

Any person attending at the grounds of the Association or at any netball carnival or game at which members of the Association are playing or attending on behalf of the Association not otherwise a member

**(g) Gender**

Words importing the feminine gender include the masculine gender and vice versa

**(h) Players**

Players shall be female or male who are full members and properly registered with an Affiliated club

**3. Objects**

The objects for which the Association is established are:

- (a) To encourage, promote, control and manage the game of netball in the Maroochy Shire
- (b) To promote competition matches amongst affiliated clubs
- (c) To select and manage representative teams
- (d) To promote competitive sportsmanship, fair play and team spirit between players
- (e) To act for all of its members in all matters pertaining to netball insofar as this Constitution and By-laws permit
- (f) Generally to do all such acts and things as may be conducive to the furtherance of these objects or any of them

**4. Powers**

The powers of the Association are:

- (a) To take over the funds and other assets and the liabilities of the present unincorporated association known as The Association
- (b) To subscribe to, become a member of and cooperate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided the Association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of rule 19 (i)
- (c) In furtherance of the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions both liquid and solid, for the members of the Association or persons frequenting the Association's premises



- (d) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any other objects of the Association: Provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts
- (e) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions
- (f) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association
- (g) To remunerate any person or body corporate for services rendered, and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated association, or in or about the incorporated association or promotion of the incorporated association or in the furtherance of its objects
- (h) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences, which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof
- (i) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit
- (j) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate
- (k) In furtherance of the objects of the Association to lend and advance money or to give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any other person or body corporate, and otherwise to assist any person or body corporate
- (l) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any monies and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated association's property or assets present or future and to purchase, redeem or pay-off any such securities



- (m) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments
- (n) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association
- (o) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others
- (p) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association but subject always to the proviso in sub-rule 4(d)
- (q) To take such steps by personal or written appeals, public meetings, or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise
- (r) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects
- (s) In furtherance of the objects of the Association to amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association under or by virtue of rule 19 (i)
- (t) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised to amalgamate
- (u) To make donations for patriotic, charitable or community purposes
- (v) To transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged. To transact any lawful business to assist and promote organisations within the Maroochy Shire in the furtherance of duties and objects
- (w) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association
- (x) To regulate or ban invitees

## **5. Membership**

All persons involved in any capacity with the Association as a player, Executive Member, Management Committee, Coaches, Managers, Conveners, Umpires whether Representative or club level, individual Club Executive Members and Officials (from the affiliated clubs) and any person involved with the Association and its operations in any official capacity, shall be required to be a member of the Association.



**A. (1) Classes of Members**

Applicants may be admitted to membership of the Association within one (1) of the following categories:

- (1) **Full Membership**
- (2) **Non Playing Volunteer Membership**
- (3) **Non Playing Paid Employee Membership**
- (4) **Life Membership**
- (5) **Honorary Membership**
- (6) **Social Membership**

**A (2) Eligibility**

Eligibility for acceptance into the categories of membership shall be as follows:

- (1) **Full Membership** of the Association shall be open to individual netball players and who have not been convicted of an indictable offence
- (2) **Non Playing Volunteer Membership** shall be open to persons who are serving the Association in a voluntary capacity (eg: Coach, Umpire, Manager) and who have not been convicted of an indictable offence
- (3) **Non Playing Paid Employee Membership** shall be open to persons who are serving the Association in a paid capacity and who have not been convicted of an indictable offence
- (4) **Life Membership** shall be open to persons who have given voluntary meritorious service to the Association for a period of not less than ten (10) years and who have been elected to this category in accordance with the provisions of Clause and who have not been convicted of an indictable offence
- (5) **Honorary Membership** shall be open to persons invited to membership by the Executive in the interests of netball for such periods up to twelve (12) months provided they are nominated by two members of the Executive and approved by at least two thirds of the Executive and who have not been convicted of an indictable offence
- (6) **Social Membership** shall be open to all members of the public with an interest in netball and who have not been convicted of an indictable offence

The numbers of members in each of the above categories shall be unlimited



**A (3) Application for Membership**

**(1) Full Membership**

- (i) All applications for Full Membership shall be on the appropriate form, if prescribed, accompanied by the appropriate fee, and shall be in the hands of the Secretary by 31st March each year and shall be accepted/rejected by the Executive
- (ii) The period of membership of the Association shall be until 31<sup>st</sup> March in the following year unless sooner terminated by cancellation, withdrawal or expulsion
- (iii) Applications for Full Membership received after 31<sup>st</sup> March shall be accepted/rejected by the Executive at the next Executive Meeting held after the application is received. The period of membership shall be until 31<sup>st</sup> March in the following year
- (iv) Application for Full Membership shall be made in writing, if required, to the Secretary of the Association
- (v) The Secretary shall notify the applicant of the acceptance or rejection of its application and, if the application is rejected, shall refund the affiliation fees tendered with the application. There shall be no right of appeal against such rejection

**(2) Non Playing Volunteer and Non Playing Paid Employee Membership**

- (i) All applications for Non Playing Volunteer and Non Playing Paid Employee Membership should be on the prescribed form, if required, and forwarded to the Secretary for approval or rejection at the next Executive meeting. There shall be no right of appeal against such rejection. The period of membership shall be until 31<sup>st</sup> March in the following year
- (ii) Non Playing Volunteer and Non Playing Paid Employee Membership numbers shall be unlimited

**(3) Life Membership**

- (i) The Executive may consider the nomination from any two members of the Association for any person who has given meritorious service to the Association for a period of not less than ten (10) years to be proposed for election as a Life Member in recognition of outstanding services rendered to the Association.
- (ii) Any such nomination shall be in writing to the Executive, submitted to the Secretary not less than two (2) months prior to the Annual General Meeting. The Executive shall, upon accepting such nomination, propose such nominee for election as a Life Member at the Annual General Meeting by a two-thirds majority of those present and entitled to vote
- (iii) Life Members shall be exempt from payment of dues and levies
- (iv) Life Membership numbers shall be unlimited





**(5) Honorary Membership**

- (i) Honorary Membership shall be open to persons invited to membership by the Executive in the interests of netball for periods of up to twelve (12) months provided they are nominated by two members of the Executive and approved by at least two thirds of the Executive
- (ii) Honorary Members shall be exempt from payment of dues and levies
- (iii) Honorary Membership numbers shall be unlimited

**(6) Social Membership**

- (i) Social Membership shall be open to all members of the public with an interest in netball
- (ii) All applications for Social Membership shall be on the appropriate form prescribed, accompanied by the appropriate fee, and shall be in the hands of the Secretary by March 31<sup>st</sup> each year and shall be accepted/rejected by the Executive
- (iii) The period of membership of the Association shall be until March 31<sup>st</sup> in the following year unless sooner terminated by cancellation, withdrawal or expulsion
- (iv) Applications for Social Membership received after March 31<sup>st</sup> shall be accepted/rejected by the Executive at the next Executive Meeting held after the application is received. The period of membership shall be until March 31<sup>st</sup> in the following year
- (v) The Secretary shall notify the applicant of the acceptance or rejection of its application and, if the application is rejected, shall refund the affiliation fees tendered with the application. There shall be no right of appeal against such rejection
- (vi) Social Membership numbers shall be unlimited

**A (4) Rights and Responsibilities of Membership**

**(1) Full members shall:**

- (i) Be liable for subscriptions, fees and levies as may be fixed in accordance with the By-Laws from time to time
- (ii) Have the right to obtain information pertaining to netball from and refer questions pertaining to netball to the Association for decision
- (iii) Have the right to nominate at their own expense, to attend seminars and the like, as may be offered by the Association
- (iv) Be eligible to attend any General Meetings, Special General Meetings and Annual General Meetings of the Association, but shall not have voting rights unless a nominated and appointed delegate of an Affiliated Club



- (v) Agree to be bound by the Constitution and By-Laws of the Association and to adopt rules of netball as determined by the AANA
- (vi) Not conduct himself/herself in a manner considered to be injurious or prejudicial to the character or interests of the Association
- (vii) Comply with, adhere to and agree to be bound by and not breach any policy introduced by the Association or the Executive Committee.

**(2 & 3) Non Playing Volunteer and Non Playing Paid Employee Members shall:**

- (i) Be liable to pay such fees as may be fixed in accordance with the By-Laws from time to time
- (ii) Have the right to obtain information pertaining to netball from and refer questions pertaining to Netball to the Association for decision
- (iii) Have the right to nominate at their own expense, to attend seminars and the like, as may be offered by the Association
- (iv) Be eligible to attend any General Meeting, Special General Meeting or Annual General Meeting of the Association without voting rights
- (v) Agree to be bound by the Constitution and By-Laws of the Association and to adopt the rules of netball as determined by the AANA
- (vi) Not conduct himself/herself in a manner considered to be injurious or prejudicial to the character or interests of the Association
- (viii) Comply with, adhere to and agree to be bound by and not breach any policy introduced by the Association or the Executive Committee

**(4) Life members shall:**

- (i) Have the same privileges as full members of the Association except that they shall have full voting rights
- (ii) Be exempt from payment of Membership Fees
- (iii) Not conduct himself/herself in a manner to be considered to be injurious or prejudicial to the character or interest of the Association

**(5) Honorary Members shall:**

- (i) Have the right to attend and address General Meetings, Special General Meetings and Annual General Meetings of the Association without voting rights
- (ii) Be exempt from payment of Membership fees
- (iii) Not conduct himself/herself in a manner to be considered to be injurious or prejudicial to the character or interest of the Association



**(6) Social members shall:**

- (i) Have the same privileges as Non Playing Volunteer and Non Playing Paid Employee Members
- (ii) Not conduct himself/herself in a manner to be considered to be injurious or prejudicial to the character or interest of the Association

**B. Membership, Registration, Affiliation Fee, Subscriptions & Levies**

- (1) The membership fees for each class of membership shall be such sum as the Executive Committee shall from time to time at any Executive Committee meeting so determine and shall include separate fees for each season of fixtures played

The membership fees for each class of membership shall be payable at such time and in such manner as the Executive Committee shall from time to time determine

- (2) In the event of membership fees not being paid by affiliates, by the due date, then teams forming part of the affiliate are not eligible for semi finals or finals
- (3) Any member who withdraws from SCNA during a playing season shall forfeit all fees paid. Written application may be made to the Executive Committee for part refund of fees for extenuating circumstance
- (4) The Executive Committee shall from time to time determine such subscriptions, fees and levies to be fixed in accordance with the By-laws from time to time and such Registration and Affiliation, Subscription Fees and/or Levies shall be payable at such time and at such manner as the Executive Committee shall from time to time determine

**C. Admission, Rejection and Suspension of Members and Invitees**

- (1) At the next meeting of the Executive Committee after the receipt of any application and the fee applicable for any class of membership, such applications shall be considered by the Executive Committee, who shall thereupon determine upon the admission or rejection of the applicant
- (2) Any applicant who receives a majority of the votes of the members of the Executive Committee present at the meeting at which such application is being considered shall be accepted as a member to the class of membership applied for. Upon the rejection of an application for any class of membership the Secretary shall forthwith give the applicant notice in writing of such rejection.
- (3) A member may resign from the Association at any time by giving notice in writing to the Secretary. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.



- (4) Upon the rejection of an application for any class of membership, that individual and/or entity shall be forbidden from:-
- (i) Attending at the grounds of the Association.
  - (ii) Representing themselves as being associated with and/or being a member of the Association.
  - (iii) Liasing and/or associating with members of the Association at any carnival and/or event not otherwise held at the grounds of the Association.

**D (1) *Misconduct/Breach of Constitution or By-Laws, all policies or Codes of Conduct.***

- (1) The Executive shall have the power to enquire into any matter of an allegation of misconduct and/or breach of this Constitution or the Association's By-Laws, or any policy introduced and adopted by the Executive Committee or Association, by any member(s) or invitee(s), as defined herein.
- (2) The Executive shall make such enquiry as it thinks fit to determine whether the said member or invitee ought to be charged with a breach of the Constitution or the Association's By-Laws. All policies or Codes of Conduct of the Association.
- (3) Upon charging the said member or invitee the Association shall call a special meeting of the Executive giving at least fourteen clear days written notice which shall specify the time, place of the meeting and notify the member(s) or invitee(s) charged and (where applicable) the complainant or complainants of the charge including the provisions alleged breached and requiring the charged member(s) or invitee(s) to appear the said meeting. The Executive may also require the attendance of any other person or persons whose testimony may be or appear to be relevant
- (4) Each member(s) or invitee(s) charged shall be sent a separate written notification of the meeting by registered letter, certified mail, or express post to his or her last known or most usual place of address with a return receipt requested. Personal service of the said notification on the member(s) or invitee(s) charged shall also be good and sufficient compliance with this requirement upon proof thereof. In any event, the said notification shall be served personally upon or posted as aforesaid to the member(s) or invitee(s) charged not less than fourteen clear days prior to the date of the said meeting. The member(s) or invitee(s) charged shall in all cases be informed in the said notification of the specific charges against him, her or them and of the right to the member(s) or invitee(s) to be represented by an advocate
- (5) Both the member(s) or invitee(s) charged and where applicable the complainant(s) shall have the right to be represented by an advocate thereat but any such advocate shall obey the directions of the Chairperson of the meeting as to the manner in which he or she may participate in the proceedings
- (6) In the event that the member(s) or invitee(s) charged fails or fail to attend the said meeting, the meeting may nevertheless proceed



- (7) The special meeting of the Executive shall be conducted by the hearing of the evidence from any person whom the Executive considers appropriate including any number of witnesses allowed by the Executive on behalf of initially the complainant and finally the member(s) or invitee(s) charged. The member(s) or invitee(s) are/is not required to give or call evidence
- (8) The Executive shall determine the guilt or otherwise of the member(s) or invitee(s) of the alleged breach
- (9) Upon such finding of guilt the Executive shall have the power to suspend or exclude the person(s) from membership of the Association or suspend or ban attendance at or in relation to the events or grounds of the Association, or suspend or exclude the person(s) from a position to which they were appointed by the Executive, for such period(s) as the Executive see fit.
- (10) The Chairperson of the meeting shall have the power to adjourn the meeting from time to time for any purpose, including the production of additional evidence
- (11) At the completion of the meeting the following shall forthwith be made known in writing to all parties:-
  - (i) the decision of the Executive, unless this is withheld pending production of additional evidence or for any other purpose; and
  - (ii) that the member(s) or invitee(s) charged has or have a right of appeal against the decision of the Executive exercisable by the filing of a brief containing his, her or their grounds of appeal with the Association not later than (14) days after the notification of the Executive's decision. For the purpose hereof, notification of the above matters to the member(s) or invitee(s) charged shall be effected in the same manner as related to notification in Clause C (1) (3)

**D (2) Appeals .**

- (1) Any member(s) or invitee(s) dealt with by the Executive pursuant to the paragraph "C(1)" of this Constitution shall have the right of appeal to the Disciplinary Appeals Tribunal, which shall be notified by the Secretary upon receipt of a Notice of Appeal in Writing under the hand of the appellant which shall be delivered to the Secretary not later than fourteen (14) days after receipt by the appellant of the written decision of the Executive
- (2) The decision of the Executive in accordance with the "C(1)" hereof shall be binding upon all parties and the operation of the same shall not be stayed notwithstanding any appeal pursuant to this section
- (3) On hearing of any such appeal the appellant and the Executive may be represented by Barrister, Solicitor or Agent



- (4) The appeal shall be by way of re-hearing of the disciplinary hearing by the Executive. The hearing shall be conducted by the evidence from any person whom the Disciplinary Appeal Tribunal considers appropriate including any number of witnesses allowed by the Disciplinary Appeals Tribunal on behalf of initially the Executive and finally the member(s) or invitee(s) found guilty at first instance. The member(s) or invitee(s) is not required to give or call evidence.
- (5) The Disciplinary Appeals Tribunal shall affirm, set aside or suspend the finding of the Executive under appeal and accordingly may affirm, vary, set aside or suspend the penalty imposed at first instance
- (6) The decision of the majority of the Disciplinary Appeals Tribunal shall be final and binding upon the parties herein and shall be notified to all parties in writing

**D (3) Disciplinary Appeals Tribunal.**

- (1) The Executive shall at its first meeting following the Annual General Meeting in each year appoint the Disciplinary Tribunal consisting of three (3) persons, not being members of the Executive and being individuals from separate Affiliated Clubs, who have indicated their agreement to the Secretary to become members of the Disciplinary Appeals Tribunal
- (2) The members of the Disciplinary Appeals Tribunal shall:-
  - (i) convene as required to hear and determine appeals duly brought under Clause 13.1;
  - (ii) conduct the appeal in accordance with the requirements of paragraph 'C(2)' of this Constitution
  - (iii) appoint one (1) of their number as Chairperson in respect of the hearing of each such appeal;
  - (iv) proceed promptly to hear and determine each such appeal;
  - (v) cause the Secretary to give notice in writing to the appellant and to the Executive at least five (5) clear days prior to the date appointed for the hearing of the appeal, of the date, place and time appointed and that the appeal shall be by way of rehearing;
  - (vi) deliver its decision on the matter of each appeal in writing to the Secretary within five (5) clear days following the hearing of the appeal;
- (3) The Secretary shall in writing notify the appellant or appellants and the Executive of the decision of the Disciplinary Appeal Tribunal
- (4) Any casual vacancy on the Disciplinary Appeals Tribunal shall be filled by the appointment of a new member in accordance with the provisions of Clause (1) of this section



**E Register Of Members**

- (1) The Executive Committee shall cause a Register to be kept in which shall be entered the names and residential addresses of all persons admitted to membership of the Association and the date of their admission.
- (2) Particulars shall also be entered into the Register of deaths, resignations, terminations, and reinstatements of membership and any further particulars as the Executive Committee or the members at any General meeting may require from time to time
- (3) The Register shall be open for inspection at all reasonable times by any member who previously applies to the Secretary for such inspection and in accordance with the Privacy Act

**F Register of Affiliated Clubs.**

- (1) The Executive Committee shall cause a Register to be kept in which shall be entered the names and addresses of all Affiliated Clubs
- (2) The Register shall be open for inspection at all reasonable times by any member or Affiliated Club who or which previously applies to the Secretary for such inspection in accordance with the Privacy Act

**6. Membership of the Executive Committee**

**A The Administration of the Association shall be vested in an Executive Committee.**

- (1) Subject to [5(C) admission and Rejection of members, 5 (D) (1) Misconduct and/or breach of Constitution or By-Laws, 5 (D) (2) Appeals, 5 (D) (3) Disciplinary Appeals Tribunal] hereof, the decisions of the Executive shall be conclusive and binding upon all members and invitees
- (2) No person shall fill more than (1) one position on the Executive at any one time.
- (3) No Affiliated Club shall be represented by more than (2) two representatives on the Executive at any one time

**B The Executive Committee of the Association shall consist of a :**

- (i) President
- (ii) Vice President
- (iii) Secretary
- (iv) Treasurer
- (v) Registrar

All of whom shall be members of the Association



**C At the Annual General Meeting of the Association.**

- (a) In odd numbered years the President, Treasurer and in even numbered years the Vice-President, Secretary and Registrar shall retire from office, but shall be eligible upon nomination for re-election. At a meeting prior to the Annual General Meeting the Executive shall nominate a Chairperson for the Annual General Meeting.
- (aa) In odd years the election of offices of the Executive Committee shall include election of the President, Treasurer and in even numbered years the Vice-President, Secretary and Registrar, shall retire from office.
- (b) The election of the officers of the Executive Committee shall take place in the following manner
- (1) Any two (2) members of the Association shall be at liberty to nominate any other member to serve as a member of the Executive Committee
  - (2) The nomination, which shall be in writing and signed by the member and his proposer and seconder, shall be lodged with the Secretary at least fourteen (14) days before the Annual General Meeting at which the election is to take place
  - (3) A list of candidates names in alphabetical order, with the proposer's name and seconder's name, shall be posted in a conspicuous place in the office or usual place of meeting of the Association for a least (7) days immediately preceding the Annual General Meeting
  - (4) Balloting lists shall be prepared (if necessary) containing the names of the candidates in alphabetical order, and each member present and entitled to vote, shall be eligible to vote for any number of candidates not exceeding the number of vacancies
  - (5) Should, at the commencement of such meeting, there be an insufficient number of candidates nominated, nominations may be taken from the floor of the meeting
  - (6) When only (1) one nomination for a position is received, such nominee shall be declared duly elected

**7. Resignation From the Executive Committee**

Any member of the Executive Committee may resign from membership of the Executive Committee at any time by giving notice in writing to the Secretary but such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date

**8. Vacancies On Executive Committee**

- (a) The Executive Committee shall have power at any time to appoint any member of the Association or any member of an affiliated club, to fill any vacancy on the Executive Committee until the next Annual General Meeting. Such appointments to be ratified at the next General Meeting





- (b) The continuing members of the Executive Committee may continue to act, providing the necessary quorum is present at all Executive meetings
- (c) Any position not filled by election at the Annual General Meeting may be filled at an Executive Meeting. (Irrespective of a club already having (2) two elected representatives on the Executive, if any position is still vacant, they may appoint another member from that club)

## **9. Functions Of The Executive Committee**

- (a) Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at any General Meeting of the Association, The Executive Committee :-
  - (1) May form a Management Committee - The membership of the Management Committee shall be as set out in the By-Laws. The Management Committee shall have the duties and powers as set out in the By-Laws
  - (2) Shall have the general control and management of the administration of the affairs, property and funds of the Association
  - (3) Shall have authority to interpret the meaning of these Rules and any other matter relating to the Association on which these Rules are silent.
  - (4) Shall have the power to appoint sub-committees when necessary.
  - (5) Duties of the Executive as set out in the By-laws (Page 1/Section 3)
- (b) The Executive Committee may exercise all the powers of the Association including, but not limited to:
  - (1) To borrow or raise or secure the payment of money in such a manner as the members of the Association may think fit and secure the same or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures, perpetual or otherwise, charged upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities; and
  - (2) To borrow money from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association, and to provide and pay off any such securities; and
  - (3) To invest in such manner as the members of the Association may from time to time determine



## 10. Meetings of Executive Committee

- (a) The Executive Committee shall meet as required to exercise its functions, but not less than four (4) meetings within the financial year
- (b) Subject as previously provided in this rule, the Executive Committee may meet together and regulate its proceedings as it thinks fit: Provided that questions arising at any meeting of the Executive Committee shall be decided by a majority of votes and, in the case of equality of votes, the question shall be deemed to be decided in the negative. Each member of the Executive Committee shall have (1) one vote only

A member of the Executive Committee shall not vote in respect of any contract or proposed contract with the Association in which she is interested, or any matter arising thereout, and if she does so vote, her vote shall not be counted

- (c) Not less than seven (7) days notice shall be given by the Secretary to members of the Executive Committee of any Special Meeting of the Executive Committee. Such notice shall clearly state the nature of the business to be discussed thereat
- (d) The President shall preside as chairman at every meeting of the Executive Committee, or if there is no President, or if at any meeting she is not present within ten (10) minutes after the time appointed for the holding of the meeting, the Vice-President shall be chairman, or if the Vice-President is not present at the meeting then the members may choose one of their number to be chairman of the meeting
- (e) If within half an hour from the time appointed for the commencement of an Executive Committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Executive Committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Executive Committee may determine, and if at the adjourned meeting a quorum is not present (the quorum for an Executive Committee Meeting shall be half the number of members presently on the Executive Committee) within half an hour from the time appointed for the meeting, the meeting shall lapse
- (f) The order of business of the meetings of the Executive Committee shall be:

Recording of attendance and apologies

Minutes of previous meeting

Discussion of business arising therefrom

Correspondence

General Business

- (g) All acts done by any meeting of the Executive Committee or by any person acting as a member of the Executive Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Executive Committee or person acting as aforesaid, or that the members of the Executive Committee or any of them were disqualified, be as valid as if every person had been duly appointed and was qualified to be a member of the Executive Committee



- (h) A resolution in writing signed by a quorum of the members of the Executive Committee, shall be as valid and effectual as if it had been passed at a meeting of the Executive Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more members of the Executive Committee
- (i) When an Executive Committee member fails to attend any (3) three consecutive meetings of the Association, without just cause, or leave of absence granted by the Executive, such Executive member shall cease to be a member and a casual vacancy shall be deemed to have occurred

### **11. Annual General Meeting**

- (a) The Annual General Meeting shall be held within six (6) months of the close of the financial year. (refer 22)
- (aa) At the Annual General Meeting the number of members required to constitute a quorum shall be two-thirds of the delegates from the Affiliated Clubs.
- (b) The Chairman shall maintain order and conduct the meeting in a proper and orderly manner. (refer 6a)
- (c) While the meeting is in progress, no delegate shall leave the room without the permission of the Chairman
- (d) The business to be transacted at every Annual General Meeting shall be:
  - (1) Record attendance and apologies
  - (2) President's address and welcome
  - (3) Minutes from previous Annual General Meeting
  - (4) President's report
  - (5) Treasurer's report
  - (6) The receiving of the auditor's report upon the books and accounts for the preceding financial year
  - (7) Receive and adopt amendments and additions to the Constitution
  - (8) Election of Life Members
  - (9) Election of Honorary Members
  - (10) All positions of Executive Committee/ Management Committee and Sub-Committees declared vacant
  - (11) Election of members of the Executive Committee



- (12) The following positions may be elected at the Annual General Meeting:-
  - Management Committee
  - Sub-committees (with the exception of the Selection Committee)
- (13) The appointment of an Auditor and Patron
- (14) Closing of the Annual General Meeting

## **12. Special General Meetings**

- (a) The Secretary shall convene a Special General Meeting when directed to do so by the Executive Committee
  - (1) At Special General Meetings the number of members required to constitute a quorum shall be two-thirds of the delegates from the Affiliated Clubs
- (b) May be convened by application in writing stating the reasons for convening such meeting and signed by at least ten (10) members to the Secretary 21 days prior to any such meetings being held

## **13. General Meetings**

- (a) Will be held at the discretion of the Executive Committee but no less than 3 per year
  - (1) At General Meetings the number of members required to constitute a quorum shall be two-thirds of the delegates from the Affiliated Clubs
- (b) One delegate from each affiliated Club, Life Members and Committee members shall be eligible to vote. No proxy or postal votes shall be accepted at any Association meeting
- (c) No business shall be transacted at any General Meeting unless a quorum of members is present at the time when the meeting proceeds to business
- (d) If within (15) fifteen minutes from the time appointed for the commencement of a General Meeting a quorum is not present, the meeting shall lapse. Such meeting shall be postponed to a date to be fixed by the Executive
- (e) The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to be given any notice of an adjournment, or of the business to be transacted at any adjourned meeting



- (f) The Secretary shall convene all General Meetings by giving not less than fourteen (14) days notice of any such meeting to the members of the Association
- (g) The manner by which such notice shall be given shall be determined by the Executive Committee
- (h) Every question, matter or resolution shall be decided by a majority of votes of the members present and entitled to vote
- (i) Voting shall be by show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot. The Chairman shall appoint two (2) members to conduct the secret ballot in such manner as she shall determine and the result of the ballot as declared by the chairman shall be deemed to be the resolution of the meeting at which the ballot was demanded
- (j) The Secretary shall cause full and accurate minutes of all proceedings of every Meeting to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection. For the purposes of ensuring the accuracy of recording of such minutes, the minutes of any Meeting shall be signed by the chairman of that meeting or the Chairman of the next succeeding General Meeting or Annual General Meeting

#### **14. Constitution**

Subject to the provisions of the Associations Incorporation Act 1981 this Constitution may be amended, rescinded or added to from time to time by a special resolution carried at an Annual General Meeting or Special General Meeting. However, an amendment, rescission or addition is valid only if it is registered by the Chief Executive, Office of Consumer Affairs

- (a) Any proposed alteration, repeal or addition to this Constitution shall be accepted only if it is in writing, signed by the mover and seconder and in the hands of the Secretary 21 days prior to the relevant Annual General Meeting or Special General Meeting
- (b) Notice of a special resolution setting out in full the proposed amendment, rescission or addition to the Constitution shall be given to Executive/ Management Committee Members, Affiliated Clubs, Life Members and Honorary Members at least 14 days prior to the General Meeting, preceding the Annual General Meeting/Special General Meeting

#### **15. By-laws**

- (a) The By-Laws of the Association shall be made for the purpose of enlarging upon, extending and developing the provisions of the Constitution and the interpretation thereof, and shall be attached to the Constitution as an appendix thereto
- (b) The Executive Committee may from time to time make, amend or repeal By-laws, not inconsistent with these rules, for the internal management of the Association. All amendments to be ratified at the next General Meeting



**16. Common Seal**

The Executive Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Executive Committee and every instrument to which the seal is affixed shall be signed by a member of the Executive Committee and shall be countersigned by the Secretary or by a second member of the Executive Committee or by some other person appointed by the Executive Committee

**17. Colours and Uniform**

- (a) The official colours of the Association shall be yellow white and green
- (b) No person is to wear the Association Representative uniform without prior permission from the Executive Committee
- (c) The Association uniform is as per the By-laws (Page 23/24)

**18. Headquarters**

The Headquarters of the Association shall be based in the Maroochy Shire

**19. Funds and Accounts**

- (a) The funds of the Association shall be banked in the name of the Association in such bank as the Executive Committee may from time to time direct
- (b) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature
- (c) All monies shall be banked as soon as practicable after receipt thereof  
All amounts of twenty (20) dollars or over shall be paid by cheque signed by any two (2) of the President, Secretary, Treasurer or other Committee member authorised from time to time by the Executive Committee
- (d) Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recouplements which may be open
- (e) The Executive Committee shall determine the amount of petty cash of which records shall be kept
- (f) All expenditure shall be approved or ratified at a Management or Executive Committee Meeting
- (g) As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing particulars of:
  - (1) The income and expenditure for the financial year just ended; and
  - (2) The assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of the year
- (h) All such statements shall be examined by the auditor who shall present his report upon such audit to the Secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which such audit was made.



- (i) The income and property of the Association whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereto shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of monies advanced by her to the Association or otherwise owing by the Association to her of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for the premises demised or let to the Association

## **20. Documents**

The Executive Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association

## **21. Financial Year**

The Financial Year of the Association shall close on the 30<sup>th</sup> June each year.

## **22. Distribution of Surplus Assets**

If the Association shall be wound up in accordance with the provisions of the Association Incorporation Act 1981, and there remains, after satisfaction of all its debt and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association but shall be given or transferred to some other institution or institutions having objects similar to the objects of the income and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of rule 19 (i) such institution or institutions to be determined by the members of the Association, and which is an institution or institutions approved by the Commissioner of Taxation as an institution of institutions which are exempt under Section 213 of the Income Tax Assessment Act 36 as amended

## **23. Official Rule Book**

The Association shall play in accordance with the Official Rule Book as set down by the All Australian Netball Association

## **24. Indemnity**

- (a) No affiliated team, club, official, delegate or member of the Association shall have any claim, legal or otherwise against the Association, its Committee members or Appointed Officers, for any act done in good faith in the execution of their duties
- (b) This Constitution shall repeal all previous relations but, except as specifically provided, shall not affect any right, duty or liability or any matters or act done or commenced, acquired or imposed under the previous Constitution

The Association shall indemnify any Committee member and Appointed Officers of the Association acting in good faith and within the scope of her duties as prescribed by the By-laws against any claim, liability, loss or damage which she may incur in consequence of any act, omission or error on her part