



**Constitution
of
Coolum District Netball
Association**

1 INTERPRETATION

- (1) In these rules: **Act** means the *Associations Incorporation Act 1981*.
- (2) A word or expression that is not defined in these rules, but is defined in the Act has, if the context permits, the meaning given by the Act.
- (3) Definitions—

Act means the Associations Incorporation Act 1981 (Qld).

Netball Queensland means the state governing body for Netball.

Association means the name of the incorporated association.

Committee means the Management Committee.

Constitution means this document as the registered Constitution of the Association as adopted and amended from time to time.

General Meeting means a meeting of the Association's members, including a meeting of the Management Committee.

Rules means these rules and any amendment to these rules.

Special Resolution means the same as that detailed in Section 3 of the *Associations Incorporation Act 1981 (75% of members present and entitled to vote must vote in favour of the motion to be passed)*.

Term means the period from the conclusion of one Annual General Meeting to the conclusion of the next Annual General Meeting.

2 NAME

- (1) The name of the incorporated association is Coolum & District Netball Association Inc.

3 OBJECTS

- (1) The objects of the Association are:
 - (a) To encourage, promote, control, and manage the game of Netball in the Coolum District.
 - (b) To promote competition matches amongst affiliated teams.
 - (c) To select and manage representative teams.
 - (d) To promote competitive sportsmanship, fair play, and team spirit between players.
 - (e) To nurture and develop the growth of young participants, umpires, and coaches.
 - (f) To adopt the policies and implement the rules and regulations issued by Netball Queensland.
 - (g) To do all such things and acts conducive to the furtherance of the objects and interests of the Association, Netball Queensland, and others as related.

4 POWERS

- (1) The Association has the powers of an individual.
- (2) The Association may, for example—
 - (a) enter into contracts; and
 - (b) acquire, hold, deal with, and dispose of property; and
 - (c) make charges for services and facilities it supplies; and
 - (d) do other things necessary or convenient to be done in carrying out its affairs.
- (3) The Association may also issue secured and unsecured notes, debentures, and debenture stock for the Association.

5 CLASSES OF MEMBERS

The membership of the Association consists of Ordinary Members and Life Members.

- (1) **Ordinary Members:**
- (a) Player Member - Membership is restricted to persons over the age of 18 that are registered players of the Association and who have paid the prescribed membership fee for a Player Member. Player Members (persons over the age of 18) have full voting rights at Annual or Special General Meetings and may be elected to the Management Committee.
 - (b) Adult Members - Membership is restricted to a person over the age of 18 who is the primary nominated legal Parent/Guardian of a registered player under the age of 18. Adult Members have full voting rights, one per family, at Annual or Special General Meetings and may be elected to the Management Committee.
 - (c) Patron/Honorary Member – Person appointed by the Management Committee to represent the interests of the Association. Patron/Honorary Members have no voting rights.
 - (d) The number of Ordinary Members is unlimited.
- (2) **Life Members**
- (a) The Association at a General Meeting upon the recommendation of the Management Committee may grant life membership to any member for meritorious and/or outstanding services rendered to or on behalf of the Association. The granting of life membership shall be exercised with the utmost discretion after full consideration of the conditions outlined in this paragraph. There is no prescribed fee for a Life Member.
 - (b) Life Members have full voting rights at Annual or Special General Meetings and may be elected to the Management Committee.
 - (c) The number of Life Members is unlimited.

6 NEW MEMBERSHIP (INCLUDES RENEWAL OF MEMBERSHIP)

- (1) An application for Ordinary or Life Membership must be—
- (a) in the form decided by the Management Committee;
 - (b) in writing; and
 - (c) signed by the nominee's proposer and seconder both of whom must be financial members of the Association.

7 MEMBERSHIP FEES

- (1) The membership fee for each class of membership—
- (a) is the amount decided by the Management Committee at or before the second meeting following the Annual General Meeting; *and*
 - (b) is payable when, and in the way, the Management Committee decides.

8 ADMISSION AND REJECTION OF NEW MEMBERS

- (1) The Management Committee must consider an application for Ordinary Membership at the next committee meeting held after it receives—
- (a) the application for membership; and
 - (b) the appropriate membership fee in full, or in part if approved by the Management Committee, for the application.
- (2) The Management Committee must ensure that, as soon as possible after the person applies to become a member of the Association, and before the Management Committee considers the person's application, the person is advised—
- (a) whether or not the Association has public liability insurance; and
 - (b) if the Association has public liability insurance—the amount of the insurance.
- (3) The Management Committee must decide at the meeting whether to accept or reject the application.
- (4) If a majority of the members of the Management Committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the

class of membership applied for.

- (5) All Ordinary Memberships commence from the acceptance of the membership application by the Management Committee and expire at the conclusion of the calendar year.
- (6) All Life Memberships commence from the acceptance of the nomination by members at the Annual General Meeting and never expire. Life Membership may cease because of resignation or termination (rule 10).
- (7) The Secretary of the Association must, as soon as practicable after the Management Committee decides to accept or reject an application, give the applicant a written notice of the decision—
 - (a) for Player Members and Adult Members (Parent/Guardian of a registered player) written notice will only be provided if an application has been rejected;
 - (b) for Life Members, give the applicant a written notice of the decision including membership commencement date and notice that the membership does not expire unless the Life Member resigns, or their membership is terminated (rule 10).

9 WHEN MEMBERSHIP ENDS

- (1) A member may resign from the Association by giving a written notice of resignation to the Secretary.
- (2) The resignation takes effect at—
 - (a) the time the notice is received by the Secretary; or
 - (b) if a later time is stated in the notice—the later time.
- (3) The Management Committee may terminate a member's membership or suspend a member's membership for such time as the committee sees fit if the member—
 - (a) is convicted of an indictable offence; or
 - (b) does not comply with any of the provisions of these rules; or
 - (c) has membership fees in arrears for at least 2 months; or
 - (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Association; or
 - (e) conducts themselves in a manner that is considered by the Management Committee to be unbecoming of a member of the Association.
- (4) Before the Management Committee terminates or suspends a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated or suspended.
- (5) If, after considering all representations made by the member, the Management Committee decides to terminate or suspend the membership, the Secretary of the committee must give the member a written notice of the decision and if a suspension, the period of the suspension.

10 APPEALS AGAINST REJECTION, TERMINATION OR SUSPENSION OF MEMBERSHIP

- (1) A person whose application for membership has been rejected, or whose membership has been terminated or suspended, may give the Secretary written notice of the person's intention to appeal against the decision.
- (2) A notice of intention to appeal must be given to the Secretary within 1 month after the person receives written notice of the decision.
- (3) If the Secretary receives a notice of intention to appeal, the Secretary must, within 1 month after receiving the notice, call a General Meeting to decide the appeal.

11 GENERAL MEETING TO DECIDE APPEAL

- (1) The General Meeting to decide an appeal must be held within 3 months after the Secretary receives the notice of intention to appeal.
- (2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated or suspended.

- (3) Also, the Management Committee and the members of the committee who rejected the application, terminated, or suspended the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated or suspended.
- (4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.
- (5) If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the Secretary must, as soon as practicable, refund the membership fee paid by the person, less any costs outlaid to the Association.

12 REGISTER OF MEMBERS

- (1) The Management Committee must keep a register of members of the Association.
- (2) The register must include the following particulars for each member—
 - (a) the full name of the member;
 - (b) the postal or residential address of the member;
 - (c) the date of commencement as a member;
 - (d) the date of death or time of resignation of the member; and
 - (e) details about the termination, suspension, or reinstatement of membership.
- (3) On the reasonable written request of a member of the Association, the Secretary must allow a member to inspect the details kept on the register in relation to their membership only, or in the case of an Adult Member, the registered player's membership details.
- (4) A member must contact the Secretary to arrange an inspection of the register at a time mutually agreed between the member and the Secretary. The Secretary shall make every effort to comply with the written request.
- (5) However, the Management Committee may, on the application of a member of the Association, or by its own direction, withhold information about a member (other than the member's full name) from the register available for inspection if the Management Committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm or is unreasonable.

13 PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS

- (1) A member of the Association including those elected to positions on the Management Committee must not—
 - (a) use information obtained from the register of members of the Association to contact, or send material to, another member of the Association for the purpose of advertising for political, religious, charitable, or commercial purposes; or
 - (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the Association for the purpose of advertising for political, religious, charitable, or commercial purposes.
- (2) A member of the Association including those elected to positions on the Management Committee must not use information obtained from the register of members of the Association to contact, or send material to, another member of the Association for the purpose of politicking for, or against, any member.

14 APPOINTMENT OR ELECTION OF SECRETARY

- (1) The Secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is—
 - (a) a member of the Association elected by the Association as Secretary; or
 - (b) any of the following persons appointed by the Management Committee as Secretary—
 - (i) a member of the Association's Management Committee.
 - (ii) another member of the Association.

- (2) If the Association has not elected an interim officer as Secretary for the Association before its incorporation, the members of the Management Committee must ensure a Secretary is appointed or elected for the Association within 1 month after incorporation.
- (3) If a vacancy happens in the office of Secretary, the members of the Management Committee must ensure a Secretary is appointed or elected for the Association within 1 month after the vacancy happens.
- (4) If the Management Committee appoints a person mentioned in subrule (1)(b)(ii) as Secretary, other than to fill a casual vacancy on the Management Committee, the person does not become a member of the Management Committee.
- (5) However, if the Management Committee appoints a person mentioned in subrule (1)(b)(ii) as Secretary to fill a casual vacancy on the Management Committee, the person becomes a member of the Management Committee.
- (6) In this rule— **casual vacancy**, on a Management Committee, means a vacancy that happens when an elected member of the Management Committee resigns, dies, or otherwise stops holding office.

15 REMOVAL OF SECRETARY

- (1) The Management Committee of the Association may at any time remove a person appointed by the committee as the Secretary.
- (2) If the Management Committee removes a Secretary who is a person mentioned in rule 14(1)(b)(i), the person remains a member of the Management Committee.
- (3) If the Management Committee removes a Secretary who is a person mentioned in rule 14(1)(b)(ii) and who has been appointed to a casual vacancy on the Management Committee under rule 14(5), the person remains a member of the Management Committee.

16 FUNCTIONS OF SECRETARY

- (1) The Secretary's functions include, but are not limited to—
 - (a) calling meetings of the Association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the President of the Association; and
 - (b) keeping minutes of each meeting; and
 - (c) keeping copies of all correspondence and other documents relating to the Association; and
 - (d) maintaining the register of members of the Association.
- (2) At the direction of the Management Committee, some, or all, of the functions in subrule (1) may be delegated to another member of the Management Committee, excluding the President or Treasurer. Delegated duties remain under the direction of the Secretary.

17 MEMBERSHIP OF MANAGEMENT COMMITTEE

- (1) The Management Committee of the Association consists of a President, Vice President, Treasurer, Secretary and Representative Coordinator.
- (2) Election of officers will occur:
 - (a) in odd numbered years - President, Secretary and Representative Coordinator; and
 - (b) in even numbered years - Vice President and Treasurer.
- (3) The nominated officers must retire from office but shall be eligible upon nomination for re-election.
- (4) A member of the Association may be appointed to a casual vacancy on the Management Committee under rule 20.

18 ELECTING THE MANAGEMENT COMMITTEE

- (1) A member of the Management Committee may only be elected as follows—
 - (a) any 2 members of the Association or current Management Committee members may

nominate another member (the ***candidate***) to serve as a member of the Management Committee.

- (b) the nomination must be—
 - (i) in writing; and
 - (ii) signed by the candidate and the members who nominated him or her; and
 - (iii) given to the Secretary at least 14 days before the Annual General Meeting at which the election is to be held.
 - (c) each member of the Association present and eligible to vote at the Annual General Meeting may vote for 1 candidate for each vacant position on the Management Committee.
 - (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- (2) A person may be a candidate only if the person—
- (a) is an adult; and
 - (b) is not ineligible to be elected as a member under section 61A of the Act.
- (3) A list of the candidate's names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place, visible to all members for at least 7 days immediately preceding the Annual General Meeting.
- (4) If required by the Management Committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (5) The Management Committee must ensure that, before a candidate is elected as a member of the Management Committee, the candidate is advised—
- (a) whether or not the Association has public liability insurance; and
 - (b) if the Association has public liability insurance—the amount of the insurance.

19 RESIGNATION, REMOVAL OR VACATION OF OFFICE OF MANAGEMENT COMMITTEE MEMBER

- (1) A member of the Management Committee may resign from the committee by giving written notice of resignation to the Secretary.
- (2) The resignation takes effect at—
 - (a) the time the notice is received by the Secretary; or
 - (b) if a later time is stated in the notice—the later time.
- (3) A member may be removed from office at a General Meeting of the Association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the members removal from office under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

20 VACANCIES ON MANAGEMENT COMMITTEE

- (1) If a casual vacancy happens on the Management Committee, the continuing members of the committee may appoint another member of the Association to fill the vacancy until the next Annual General Meeting.
- (2) In this rule— ***casual vacancy***, on a Management Committee, means a vacancy that happens when an elected member of the Management Committee resigns, dies, or otherwise discontinues holding office.
- (3) The continuing members of the Management Committee may act despite a casual vacancy on the Management Committee.
- (4) However, if the number of committee members is less than the number fixed under rule 23(1) as a quorum of the Management Committee, the continuing members may act

only to—

- (a) increase the number of Management Committee members to the number required for a quorum; or
- (b) call a Special General Meeting of the Association.

21 FUNCTIONS OF MANAGEMENT COMMITTEE

- (1) Subject to these rules or a resolution of the members of the Association carried at a General Meeting, the Management Committee has the general control and management of the administration of the affairs, property, and funds of the Association.
- (2) The Management Committee has authority to interpret the meaning of these rules and any matter relating to the Association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.
- (3) The Management Committee may exercise the powers of the Association—
 - (a) to borrow, raise or secure the payment of amounts in a way the members of the Association decide; and
 - (b) to secure the amounts mentioned in paragraph (a) 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, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the Association's property, both present and future; and
 - (c) to purchase, redeem or pay off any securities issued; and
 - (d) to borrow amounts from members and pay interest on the amounts borrowed; and
 - (e) to mortgage or charge the whole or part of its property; and
 - (f) to issue debentures and other securities, whether outright or as security for any debt, liability, or obligation of the Association; and
 - (g) to provide and pay off any securities issued; and
 - (h) to invest in a way the members of the Association may from time to time decide.
- (4) For subrule (3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by—
 - (a) the financial institution for the Association; or
 - (b) if there is more than 1 financial institution for the Association—the financial institution nominated by the Management Committee.

22 MEETINGS OF MANAGEMENT COMMITTEE

- (1) Subject to this rule, the Management Committee may meet and conduct its proceedings as it considers appropriate.
- (2) The Management Committee must meet at least one time every 4 months to exercise its functions.
- (3) The Management Committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the Management Committee.
- (5) The Management Committee may hold meetings or permit a committee member to take part in its meetings, by using any technology that the Management Committee considers reasonably allows the member to hear and take part in discussions as they happen.
- (6) A Management Committee member who participates in the meeting as mentioned in subrule (5) is taken to be present at the meeting.
- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- (8) A member of the Management Committee must not vote on a question about a contract or proposed contract with the Association if the member has an interest in the contract or proposed contract and, if the member does vote, the member's vote must not be counted.
- (9) The President is to preside as chairperson at a Management Committee meeting.
- (10) If there is no President or if the President is not present within 10 minutes after the time

fixed for a Management Committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

23 QUORUM FOR, AND ADJOURNMENT OF, MANAGEMENT COMMITTEE MEETING

- (1) At a Management Committee meeting, more than 50% of the members elected to the Management Committee as at the close of the last Annual General Meeting of the members form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for a Management Committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a Management Committee meeting called other than on the request of the members of the committee—
 - (a) the meeting is to be adjourned for at least 1 day; and
 - (b) the members of the Management Committee who are present are to decide the day, time, and place of the adjourned meeting.
- (4) If, at an adjourned meeting mentioned in subrule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

24 SPECIAL MEETING OF MANAGEMENT COMMITTEE

- (1) If the Secretary receives a written request signed by at least 33% of the members of the Management Committee, the Secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the Secretary receives the request.
- (2) If the Secretary is unable or unwilling to call the special meeting, the President must call the meeting.
- (3) A request for a special meeting must state—
 - (a) why the special meeting is called; and
 - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state—
 - (a) the day, time, and place of the meeting; and
 - (b) the business to be conducted at the meeting.
- (5) A special meeting of the Management Committee must be held within 14 days after notice of the meeting is given to the members of the Management Committee.

25 MINUTES OF MANAGEMENT COMMITTEE MEETINGS

- (1) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions, and other proceedings of each Management Committee meeting are entered in a minute book or electronic folder.
- (2) To ensure the accuracy of the minutes, the minutes of each Management Committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next Management Committee meeting, verifying their accuracy.

26 APPOINTMENT OF SUBCOMMITTEES

- (1) The Management Committee may appoint a subcommittee consisting of members of the Association considered appropriate by the committee to help with the conduct of the Association's operations.
- (2) A member of the subcommittee who is not a member of the Management Committee is not entitled to vote at a Management Committee meeting.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate unless directed

otherwise by the Management Committee.

- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.
- (7) A question that is decided in the affirmative may only be a recommendation to the Management Committee which is then tabled, discussed, and put as a question to the Management Committee pursuant to Rule 22 (7).

27 ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- (1) An act performed by the Management Committee, a subcommittee or a person acting as a member of the Management Committee is taken to have been validly performed.
- (2) Subrule (1) applies even if the act was performed when—
 - (a) there was a defect in the appointment of a member of the Management Committee, subcommittee or person acting as a member of the Management Committee; or
 - (b) a Management Committee member, subcommittee member or person acting as a member of the Management Committee was disqualified from being a member.

28 RESOLUTIONS OF MANAGEMENT COMMITTEE WITHOUT MEETING

- (1) A written resolution signed by each member of the Management Committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subrule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

29 SUBSEQUENT ANNUAL GENERAL MEETINGS

- (1) Each subsequent Annual General Meeting must be held—
 - (a) at least once each year; and
 - (b) within 6 months after the end date of the Association's reportable financial year.
- (2) The association must elect the members of the Management Committee at each Annual General Meeting of the Association pursuant to rule 17(2).

30 BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING OF LEVEL 1 INCORPORATED ASSOCIATIONS

- (1) This rule applies only if the Association is—
 - (a) a level 1 incorporated Association; or
 - (b) a level 2 incorporated Association to which section 59 of the Act applies; or
 - (c) a level 3 incorporated Association to which section 59 of the Act applies.
- (2) The following business must be conducted at each Annual General Meeting of the Association—
 - (a) receiving the Association's financial statement, and audit report, for the last reportable financial year
 - (b) presenting the financial statement and audit report to the meeting for adoption
 - (c) electing members of the Management Committee
 - (d) for a level 1 incorporated association—appointing an auditor or an accountant for the present financial year
 - (e) for a level 2 incorporated association, or a level 3 incorporated association, to which section 59 of the Act applies—appointing an auditor, an accountant, or an approved person for the present financial year.

31 BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING OF OTHER LEVEL 2 INCORPORATED ASSOCIATIONS

- (1) This rule applies only if the association is a level 2 incorporated Association to which section 59A of the Act applies.
- (2) The following business must be conducted at each Annual General Meeting of the

Association—

- (a) receiving the Association's financial statement, and signed statement, for the last reportable financial year
- (b) presenting the financial statement and signed statement to the meeting for adoption
- (c) electing members of the Management Committee
- (d) appointing an auditor, an accountant, or an approved person for the present financial year.

32 BUSINESS TO BE CONDUCTED AT ANNUAL GENERAL MEETING OF OTHER LEVEL 3 INCORPORATED ASSOCIATIONS

- (1) This rule applies only if the Association is a level 3 incorporated Association to which section 59B of the Act applies.
- (2) The following business must be conducted at each Annual General Meeting of the Association—
 - (a) receiving the Association's financial statement, and signed statement, for the last reportable financial year
 - (b) presenting the financial statement and signed statement to the meeting for adoption
 - (c) electing members of the Management Committee.

33 NOTICE OF ANNUAL GENERAL MEETING AND/OR GENERAL MEETING

- (1) The Secretary may call an Annual General Meeting and/or General Meetings of the Association.
- (2) The Secretary must give at least 14 days notice of the meeting to each member of the Association.
- (3) If the Secretary is unable or unwilling to call the meeting, the President must call the meeting.
- (4) The Management Committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing—
 - (a) a meeting called to hear and decide the appeal of a person against the Management Committee's decision—
 - (i) to reject the person's application for membership of the Association; or
 - (ii) to terminate the person's membership of the Association.
 - (b) a meeting called to hear and decide a proposed special resolution of the Association.
- (6) A notice of an Annual and/or General Meeting must clearly state the business and the resolutions, including special resolutions, to be dealt with at the Annual and/or General Meeting.

34 QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING

- (1) The quorum for an Annual and/or General Meeting is at least the number of members elected or appointed to the Management Committee at the close of the Association's last Annual General Meeting plus 1.
- (2) However, if all members of the Association are members of the Management Committee, the quorum is the total number of members less 1.
- (3) No business may be conducted at an Annual and/or General Meeting unless there is a quorum of members when the meeting proceeds to business.
- (4) If there is no quorum within 30 minutes after the time fixed for an Annual and/or General Meeting called on the request of members of the Management Committee or the Association, the meeting lapses.
- (5) If there is no quorum within 30 minutes after the time fixed for an Annual and/or General Meeting called other than on the request of members of the Management Committee or the Association—
 - (a) the meeting is to be adjourned for at least 7 days; and
 - (b) the Management Committee is to decide the day, time, and place of the adjourned meeting.

- (6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (7) If a meeting is adjourned under subrule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (8) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.
- (10) If, at an adjourned Annual General Meeting mentioned in subrules (5) & (6-7), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting is further adjourned pursuant to subrule (5).
- (11) If, at an adjourned Special General or General Meeting mentioned in subrules (5) & (6-7), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

35 PROCEDURE AT ANNUAL AND/OR GENERAL MEETING

- (1) A member may take part and vote in an Annual and/or General Meetings in person or by using technology that is approved and agreed by the Management Committee.
- (2) At each Annual and/or General Meeting—
 - (a) the President is to preside as chairperson; and
 - (b) if there is no President or if the President is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect 1 of their number to be chairperson of the meeting; and
 - (c) the chairperson must conduct the meeting in a proper and orderly way.

36 VOTING AT ANNUAL AND /OR GENERAL MEETING

- (1) At an Annual and/or General Meeting, each question, matter, or resolution, other than a special resolution, must be decided by a majority of votes of the members present.
- (2) Each member present and eligible to vote (rule 5) is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- (3) A member is not entitled to vote at an Annual and/or General Meeting if the member's annual membership is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the Management Committee.
- (5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

37 SPECIAL GENERAL MEETING

- (1) The Secretary must call a Special General Meeting by giving each member of the Association notice of the meeting within 14 days after—
 - (a) being directed to call the meeting by the Management Committee; or
 - (b) being given a written request signed by—
 - (i) at least 33% of the number of members of the Management Committee when the request is signed; or
 - (ii) at least the number of ordinary members of the Association equal to double the number of members of the Association on the Management Committee when the request is signed plus 1; or
 - (c) being given a written notice of an intention to appeal against the decision of the Management Committee—

- (i) to reject an application for membership; or
 - (ii) to terminate a person's membership.
- (2) A request mentioned in subrule (1)(b) must state—
 - (a) why the Special General Meeting is being called; and
 - (b) the business to be conducted at the meeting.
- (3) A Special General Meeting must be held within 3 months after the Secretary—
 - (a) is directed to call the meeting by the Management Committee; or
 - (b) is given the written request mentioned in subrule (1)(b); or
 - (c) is given the written notice of an intention to appeal mentioned in subrule (1)(c).
- (4) If the Secretary is unable or unwilling to call the special meeting, the President must call the meeting.

38 PROXIES

The Association does not accept or permit vote by Proxy.

39 MINUTES OF ANNUAL AND/OR GENERAL MEETINGS

- (1) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions, and other proceedings of each Annual and/or General Meeting are entered in a minute book/electronic folder.
- (2) To ensure the accuracy of the minutes—
 - (a) the minutes of each Annual and/or General Meeting must be signed by the chairperson of the meeting, or the chairperson of the next General Meeting, verifying their accuracy; and
 - (b) the minutes of each Annual General Meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Association that is a General Meeting or Annual General Meeting, verifying their accuracy.
- (3) If asked by a member of the Association, the Secretary must, within 28 days after the request is made—
 - (a) make the minute book/electronic folder for a particular General Meeting available for inspection by the member at a mutually agreed time and place; and
 - (b) give the member copies of the minutes of the meeting.
- (4) The Association may require the member to pay the reasonable costs of providing copies of the minutes.

40 POLICIES AND PROCEDURES

- (1) The Management Committee may make and approve policies and procedures, not inconsistent with these rules.
- (2) A policy and procedure may be amended, repealed or approved by the Management Committee of the Association.
- (3) Before the Management Committee makes a decision on a draft policy or procedure, consultation with the members of the Association must be sought and considered.
- (4) Subject to approval by the Management Committee, all policies and procedures made under this clause shall be binding on the Association and Association members.
- (5) Transitional arrangements for all policies and procedures of the Association in force at the date of the approval of this constitution in so far as such clauses, rules, by-laws and regulations are not inconsistent with, or have been replaced by this constitution shall be deemed to be policies and procedures under this clause.

41 ALTERATION OF THESE RULES (CONSTITUTION)

- (1) Subject to the Act, these rules may be amended, repealed, or added to by a special resolution carried at a Special General Meeting.
- (2) However, an amendment, repeal or addition is valid only if it is registered by the chief

executive.

42 FUNDS AND ACCOUNTS

- (1) The funds of the Association must be kept in a bank account in the name of the Association in a financial institution decided by the Management Committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.
- (3) All moneys must be deposited in the financial institution bank account as soon as practicable after receipt and no later than seven (7) days after receipt.
- (4) A payment by the Association of \$100 or more must be made by electronic funds transfer.
- (5) Any payment made by electronic transfer must be approved by any 2 of the following—
 - (a) the President
 - (b) the Vice President
 - (c) the Secretary
 - (d) the Treasurer
 - (e) the Representative Co-ordinator
 - (f) any 1 of 3 other members of the Association who have been authorised by the Management Committee to approve electronic transfer payments on behalf of the Association.
- (6) However, 1 of the persons who approves an electronic transfer must be the President or the Treasurer.
- (7) A copy of payment receipts identifying authorising parties (where possible) must be kept.
- (8) All expenditure must be approved or ratified at a Management Committee meeting.

43 GENERAL FINANCIAL MATTERS

- (1) On behalf of the Management Committee, the Treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- (2) The income and property of the Association must be used solely in promoting the Association's objects and exercising the Association's powers.

44 DOCUMENTS

The Management Committee must ensure the safe custody of books, documents, instruments of title and securities of the Association.

45 FINANCIAL YEAR

The end date of the Association's financial year is 30 September in each year.

46 DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- (1) This rule applies if the Association—
 - (a) is wound-up under part 10 of the Act; and
 - (b) has surplus assets.
- (2) The surplus assets must not be distributed among the members of the Association.
- (3) The surplus assets must be given to another entity—
 - (a) having objects similar to the Association's objects; and
 - (b) the rules of which prohibit the distribution of the entity's income and assets to its members; and
 - (c) has been approved by the Management Committee
- (4) In this rule— **surplus assets** see section 92(3) of the Act.

47 PROHIBITION ON USE OF INFORMATION ON REGISTER OF MEMBERS

- (1) All members will be subject to, and submit unreservedly to, the jurisdiction, procedures, penalties, and appeal procedures of the Association whether under the Policies and

Procedures or under this Constitution.

- (2) The Management Committee may make a Policy or Procedure:
- a. for the investigation, hearing, and determination of:
 - i. grievances by any Member who feels aggrieved by a decision or action of the Association; and
 - ii. disputes between Members relating to the conduct or administration of Netball;
 - b. for the discipline of Members and participants, including bringing the Association or Netball into disrepute;
 - c. for the formation and administration of an Appeals Tribunal which must be independent of any party involved in the appeal in question and
 - d. for the suspension, termination or otherwise penalising of Members or participants.
- (3) The Management Committee, in their sole discretion, may refer an allegation (which in the opinion of the Management Committee is not minor, trifling, or frivolous) by a complainant that a Member has:
- a. breached, failed, refused, or neglected to comply with a provision of this Constitution, the policies, procedures or any other resolution or decision of the Management Committee or any duly authorised committee; or
 - b. acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Association or Netball, or both; or
 - c. prejudiced the Association or Netball or reasonably perceived to have brought the Association or Netball or themselves into disrepute

for investigation or determination either under the procedures set down in the Policies, or by another procedure and/or persons as the Management Committee consider appropriate.

- (4) During investigatory or disciplinary proceedings under this rule, an accused may not participate in Netball, until the outcome of a complaint (including any available appeal) is reached, unless the Management Committee decide continued participation is appropriate.
- (5) The Management Committee may include in any Policy or Procedure a final right of appeal to an independent body outside the control of Netball.