



TEA TREE GULLY | NETBALL CLUB INC

**Annexure “A”**

**CONSTITUTION**



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## **1. NAME**

- 1.1. The name of the Club shall be the Tea Tree Gully Netball Club Incorporated, here in after referred to as "the Club".

## **2. DEFINITIONS**

In this constitution, unless the contrary intention appears:

- 2.1. 'Act' means the Associations Incorporation Act 1985.
- 2.2. 'General Committee' means the body managing the Club and consisting of the Executive Committee members.
- 2.3. 'Constitution' means this constitution of the Club.
- 2.4. 'Financial year' means a period of 12 months commencing on 1st April and ending on 31st March each year.
- 2.5. "Senior Member" means a registered, financial member of the Club who is at least 18 years of age.
- 2.6. 'Junior Member' means a registered member of the Club who is younger than 18 years of age.
- 2.7. 'Life Member' means an individual appointed as a Life Member of the Club under clause 5.2.
- 2.8. 'Associated Member' means a non-playing membership and or Committee Member or Coach.

## **3. OBJECTS**

The objects of the Club are established to:

- 3.1. Conduct, encourage, promote, advance and administer netball throughout the local area.
- 3.2. Act, always, on behalf of and in the interest of the members and netball in the local area.
- 3.3. Affiliate and otherwise liaise with the regional and/or state organisations of which the Club is a member and adopt their rule and policy frameworks to further these objects.
- 3.4. Abide by, circulate, enforce and secure uniformity in the application of the rules of netball.
- 3.5. To promote good fellowship amongst those interested in netball.

## **4. POWERS**

- 4.1. The Club shall have all the powers conferred by section 25 of the Act.

## **5. BY-LAWS**

- 5.1. The By-Laws of the Club shall define the operational aspects applying to the arrangement and conduct of the Club.
- 5.2. The General Committee shall, as it deems necessary, make or alter any By-Law, including the date on which the amendment is to become effective.

## **6. UNIFORM**

- 6.1. Refer to By-Law 1 for uniform of the Club.

## **7. CONTROL**

- 7.1. The control of the Club shall be vested in its members in meeting and in conformity with this Constitution and the Act.

## **8. CONSTITUTION**

- 8.1. The Constitution of the Club shall define the existence and operations of the Club.
- 8.2. The authority of the Club provided in its Constitution, Policies and By-Laws shall extend to, and be recognised by, all members.
- 8.3. No alteration, addition or repeal shall be made to this Constitution except:
  - 8.3.1. At an Annual General Meeting, provided that the notice of the meetings sets out in full the proposed alteration, addition or repeal which shall have been signed by the proposer and the seconder.
  - 8.3.2. At a Special General Meeting called for that purpose, provided that the notice of the meeting sets out in full the proposed alteration, addition or repeal which shall have been signed by the proposer and the seconder.
  - 8.3.3. Such motions, or any part thereof, shall be of no effect unless agreed to by not less than fifty percent plus one of the members present and entitled to vote at the meeting.

## **9. MEMBERSHIP**

- 9.1. Membership of the Club shall comprise:
  - 9.1.1. Life Members of the Club. Refer to By-Law 4.
  - 9.1.2. Executive Committee of the Club. Refer to By-Law 5.
  - 9.1.3. Members of the General Committee. Refer By-Law 6.
  - 9.1.4. Sub-Committees of the Club. Refer to By-Law 7.
  - 9.1.5. Club Patron. Refer to By-Law 8
  - 9.1.6. Persons elected or appointed to act in a specified capacity for the Club. Refer to By-Laws 5,6 & 7.
  - 9.1.7. Senior Member, Junior Member, and Associated Member
  - 9.1.8. Other persons or bodies granted membership of the Club. Refer to By-Law 9.
  - 9.1.9. Any casual vacancy occurring within the elected Executive or General Committee, may be filled by the remaining General Committee members, from among appropriately qualified persons. Any casual vacancy may only be filled for the remainder of the term under this constitution. Refer to by-Law 12.
- 9.2. An application for membership must be:
  - 9.2.1. In writing on the form prescribed from time to time by the Executive Committee (if any), from the applicant or its nominated representative and lodged with the Club
  - 9.2.2. Accompanied by the appropriate fee, if any.
- 9.3. Discretion to Reject Application
  - 9.3.1. The Club may accept or reject an application whether the applicant has complied with the requirements in clause 9.2 or not. The Club shall not be required or compelled to provide any reason for such acceptance or rejection.
  - 9.3.2. Where the Club rejects an application, it shall refund any fees forwarded with the application and the application shall be deemed rejected by the Club.
- 9.4. Members (other than life members) must renew their membership seasonally in accordance with the procedures set down by the Club in regulations from time to time.
  - 9.4.1. The Club shall keep and maintain a register in which shall be entered (as a minimum):
  - 9.4.2. The full name, address, phone number and date of entry of each member.
  - 9.4.3. Where applicable, the date of termination of membership of any member.
  - 9.4.4. Any reasonable request for information contained in the membership register shall adhere to Confidentiality and Privacy Laws.



## **10. ADMISSION TO MEMBERSHIP**

10.1. Each Member of the Club shall be bound by the constitution, Policies and By-Laws of the Club.

## **11. MEMBERS AND VOTING RIGHTS**

11.1. The members of the Club shall consist of Life Members, Senior Members, Junior Members, Non-Paying Members, and Associated Members. Refer to By-Law 3.

## **12. TERMINATION OF MEMBERSHIP**

12.1. Membership of the Club shall be terminated and, where appropriate, cause a vacancy of office, by any of the following events:

12.1.1. Death or incapacitation in the case of individual membership.

12.1.2. Received written resignation.

12.1.3. Breach of the Club's Constitution, Policies or By-Laws.

12.1.4. Removal from office for failure to perform duties to the satisfaction of the Club.

12.2. Refer to By-Law 10.

## **13. MANAGEMENT**

13.1. The Management of the Club shall be vested in the General Committee and in conformity of the Constitution, Policies, and By-Laws.

13.2. The operational year of the Club shall commence on the first day following the Annual General Meeting and end on the day of the next Annual General Meeting.

## **14. GENERAL MEETING**

14.1. For notice and distribution of General Meeting including attendees refer to By-Law 11.

14.2. General Meetings also include Annual General Meetings and Special General Meetings.

14.3. The General Committee shall meet at regular intervals or as often as is deemed necessary in every calendar year for the dispatch of business (and shall be at least as often as is required under the Act). Subject to this constitution, it may adjourn and otherwise regulate its meetings as it thinks fit.

14.4. An elected member may at any time convene a meeting of the committee within reasonable time.

14.5. Subject to this constitution, questions arising at any meeting of the committee shall be decided by votes. Refer to clause 18 voting.

## **15. ANNUAL GENERAL MEETINGS**

15.1. The Annual General Meeting of the Club shall be held annually.

15.2. For notice and distribution of General Meeting including attendees refer to By-Law 11.

15.3. The business of the Annual General Meeting shall include and made available to members in attendance:

15.3.1. President's Annual Report

15.3.2. Treasurer's Annual Report which shall include the audited financial statements of the Club

15.3.3. Any other Committee's Annual Reports

15.3.4. Registration Officers Report

15.3.5. Election – Refer to By-Law 12

15.3.6. Honoraria



15.4. Members entitled to vote may submit notices of motion for inclusion as special business at an annual general meeting.

## **16. SPECIAL GENERAL MEETINGS**

16.1. The Secretary shall call a Special General Meeting upon the request of the Club President or other member of the Executive Committee.

16.2. The notice calling a Special General Meeting shall set out clearly the purpose for which the meeting has been called and no other business shall be dealt with.

16.3. For notice and distribution of Special General Meetings including attendees refer to By-Law 11.

## **17. QUORUM**

17.1. A Quorum of members shall be present for a meeting to commence or continue.

17.2. Quorums for Annual General Meetings shall be not less than fifty percent plus one of members present and entitled to vote at the meeting.

17.3. Quorums for General Meeting and Special General Meetings shall be not less than fifty percent plus one of the General Committee members.

17.4. If a quorum of members is not present within thirty minutes of the time called for a meeting, the Chairperson shall adjourn the meeting to a time, date and place to be fixed.

## **18. VOTING**

18.1. Refer to By-Law 3 for persons entitled to vote at meetings

18.2. The Chairperson of a meeting shall have a casting vote only and, in exercising the casting vote, shall vote in a manner which maintains the status quo.

18.3. No person shall have more than one vote on a motion.

18.4. Proxy Voting shall not be permitted at all meetings

18.5. Voting shall be by show of hands, unless a division or a ballot is requested and agreed to by the meeting.

18.6. Unless a ballot is demanded under clause 18.4, the chairperson's declaration shall be conclusive evidence of the result of a resolution decided by a show of hands. The declaration does not need to record the number of votes in favour of or against the resolution; the result of the resolution must be recorded in the Club's records management.

## **19. RECORD OF MEETINGS**

19.1. The Club shall establish and maintain proper records and minutes concerning all its transactions, business, meetings and dealings (including those of the management committee). It shall produce these as appropriate at each annual or general meeting.

## **20. GRIEVANCE PROCEDURE**

20.1. The grievance procedure is set out in By Law 13.

20.2. All grievances will be acknowledged in writing within 10 business days.

20.3. The Committee may prescribe additional grievance procedures in regulations consistent with this clause 20.

## **21. DISCIPLINE**

- 21.1. The Committee may commence or cause to be commenced disciplinary proceedings against a member who has allegedly
  - 21.1.1. Acted in a manner unbecoming of a member, misconduct toward other member, or prejudicial to the purposes and interests of the Club and/or the sport of Netball
  - 21.1.2. Brought the Club, any other member or the sport of Netball into disrepute.
- 21.2. Refer to By Law 14.
- 21.3. The Club may, if it sees fit later, suspend or repeal a penalty.
- 21.4. Refer to By Law 15.

## **22. FINANCE AND PROPERTY**

- 22.1. All funds and property of the Club shall be kept or secured in a manner approved by the General Committee and consistent with the objects of the Club.
- 22.2. The General Committee shall cause true accounts to be kept of all monies received and expended, and of matters in respect of all property, assets, contracts and liabilities.
- 22.3. All accounts due by the Club shall be passed for payment by the General Committee.
- 22.4. A statement of the financial position of the Club shall be made available to each meeting of the General Committee and Annual General Meeting.
- 22.5. An annual statement of Income and Expenditure and a Balance Sheet of Assets and Liabilities, together with the Auditor's report shall be presented and made available at each Annual General Meeting.

## **23. AUDITOR**

- 23.1. Prior to the Annual General Meeting, the General Committee shall appoint one or more auditors and their names shall be made available to the members of the Club.
- 23.2. An auditor shall not be a member of the General Committee.
- 23.3. An auditor may be paid an honorarium or a fee for service.

## **24. HONORARIUM**

- 24.1. An honorarium may be paid to:
  - 24.1.1. An officer of the Club.
  - 24.1.2. A Secretary and or General Committee or Sub-Committee of the Club.
  - 24.1.3. A person or official appointed by the Club to act in a specified capacity for or on behalf of the Club.
- 24.2. Refer to By-Law 16

## **25. DISSOLUTION OF THE CLUB**

- 25.1. The Club may be wound up in a manner provided for in the Act.

## **26. INDEMNITY**

- 26.1. This Constitution shall repeal all previous Constitutions but, except as specifically provided, shall not affect any right, duty, liability or matter or thing done or commenced, acquired or imposed under any previous Constitution of the Club.
- 26.2. The Club may, as it sees fit, indemnify any member against any losses which such member may incur by reason of any act done bona fide by such member in the discharge of any duty relating to



the member's authority except where such loss is brought about by the member's own dishonesty, criminal offence or negligence.

## **27. DISCLAIMER**

27.1. If any constitutional issues are not addressed within the terms of this Constitution, will be addressed in the Club Policies, Procedures and By-Laws.

27.2. If any constitutional issues are not addressed within the terms of this Constitution, the Club reserves the right to use or reference South Australian District Netball Association and Netball SA Constitution and the terms within.