
MANNING VALLEY NETBALL ASSOCIATION INC.
CONSTITUTION

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1 GENERAL

1.1 DEFINITIONS

For the purposes of this Constitution;

'Affiliated Club' means any club (comprising one or more teams) which has paid the prescribed annual affiliation fee to the Association.

'Annual Report' means the report provided annually by the Association at the Annual General Meeting.

'Association' means the Manning Valley Netball Association Inc. ('MVNA').

'Chairperson' means the elected President of the Association or as otherwise required by clause 4

'Club Delegate' means a duly appointed representative and member of an Affiliated Club of the Association.

'Council' means those members appointed in accordance with clause 4 of this Constitution.

'Committee' means those members elected in accordance with clause 4.2 of this Constitution.

'Executive' means members who have authority to make decisions and ensures that these decisions are carried out.

'Instrument' means any document pertaining to the governance of the Association, and includes, but is not limited to, this Constitution, and the associated policies of the Association.

'Life Member' means any member of the Association elected to such membership in accordance with this Constitution.

'Member Protection Policy' means the Netball NSW Member Protection Policy.

'Netball NSW' means the controlling body for Netball in NSW. New South Wales Netball Association Ltd trades as Netball NSW.

'Patron' means a person that is a non-member and agrees to lend their name as a means of supporting the Association.

'President' means the person elected to the position under clause 4.3 of this Constitution.

'Public Officer' means the person appointed to that role by the Association in accordance with any relevant policy.

'Registered Member' means any financial member or Life Member of the Association.

'Returning Officer' means the person appointed to the position as per clause 5.3 of this Constitution.

'Secretary' means the person elected to the position under clause 4.3 of this Constitution.

'Senior Member' means a Registered Member who has attained the age of 18 years.

'Office Bearers' mean the members of the Office Bearer.

'Vice President' means the person elected to the position under clause 4.3 of this Constitution.

1.2 INTERPRETATION

1.2.1 Where this Constitution conflicts with any other instrument of the Association, this Constitution shall prevail.

1.2.2 Where ambiguity exists between this Constitution and any other instrument of the Association, the natural interpretation of the Constitution shall prevail.

1.2.3 The Council shall hold the power to deal with and adjudicate upon all questions and disputes as to the interpretation of the Constitution, rules and associated policies.

1.3 TITLE

The name of the Association shall be the Manning Valley Netball Association Inc.

1.4 TYPE OF ORGANISATION

Association is a 'not-for-profit' organisation whose income and property is applied solely towards the promotion of the objects of the Association. No funds or property shall be paid or transferred directly or indirectly by way of dividend or bonus or by way of profit to or amongst the members.

1.5 COLOURS

The Association's colours will be red, gold, black and white.

1.6 ASSOCIATION LOCATION

The Association office and facilities are located at Bligh Street, Taree NSW 2430 and operates within Midcoast Council area.

1.7 ASSOCIATION POWERS

The Association shall have the following powers:

- 1.7.1** To raise money by affiliation fees, registration fees, subscriptions and levies and by such other methods as from time to time the Office Bearer shall see fit.
- 1.7.2** To purchase, take on lease, exchange, hire or otherwise acquire any real or personal property which may be deemed necessary or convenient for any of the objects of the Association.
- 1.7.3** To invest the moneys of the Association not immediately required in such manner as may be determined by the Management Committee.
- 1.7.4** To manage, develop, lease, sell, convey, assure or otherwise dispose of either absolutely or by way of mortgage any real or personal property for the time being vested in the Association and in case the Association shall take or hold any property which may be subject to any trust to deal with same in such manner as allowed by law having regard to such trust.
- 1.7.5** To borrow or raise upon loan any sum or sums of money and for the purpose of securing repayments thereof to execute or give any mortgages, charges, bonds, debentures, bills of exchange, promissory notes or other securities over all or any of the property of the Association as may be deemed necessary and to liquidate, redeem or pay off such obligations and securities or any of them.
- 1.7.6** To conduct appeals for funds and accept donations, whether or real or personal estate and devices and bequests.
- 1.7.7** To employ, pay and dismiss servants as may be deemed necessary for furthering the objects of the Association and to define the duties of such servants as it sees fit.
- 1.7.8** To lay out, construct, build, erect, alter or maintain upon premises occupied by the Association playing fields, grandstands, changing rooms and other buildings and improvements incidental thereto and to furnish, fit up and maintain the same for the use of the members of the Association or any of them and if thought fit to provide all the necessary equipment, appliances and convenience therefore.
- 1.7.9** To become affiliated with or subscribe to other Associations or bodies whose objects are like the objects of the Association and if thought fit, to withdraw or retire from any such Association or body.

1.8 OBJECTIVES

The objectives of the Association are:

- 1.8.1** to further the interests of its members and promote and control the game of Netball within the area of the Association;

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- 1.8.2** to promote, regulate and control competition matches between Affiliated Clubs and to control all premierships and carnivals of the Association;
 - 1.8.3** to select and manage the Association's representative teams;
 - 1.8.4** to affiliate with and support Netball NSW;
 - 1.8.5** to co-operate with other affiliated organisations in New South Wales for the furtherance of Netball; and;
 - 1.8.6** adopt and adhere to the Netball NSW Member Protection Policy.

1.9 PATRONS

The Association Office Bearer appoint one or more patrons at a Council Meeting and may also cancel any such appointment.

2 AFFILIATION WITH NETBALL NSW

The Association shall affiliate with Netball NSW annually as required under the Netball NSW Constitution and any relevant Netball NSW policies.

3 MEMBERSHIP

3.1 MEMBERSHIP

- 3.1.1** Membership of the Association shall be open to:
 - Club Members
 - Players
 - Non-Playing Officials
 - Life Members
- 3.1.2** The Association is the controlling body for netball within its boundaries and its authority shall be recognised by all Registered Members who shall adopt and obey this Constitution and the policies of the Association.
- 3.1.3** The Association may admit to membership, Registered Members as defined by the Constitution or any other relevant policy of Netball NSW.
- 3.1.4** All members are bound by the constitution and rules of the Association.
- 3.1.5** All members become liable for such fees, subscriptions and levies as may be fixed by the Association.
- 3.1.6** A person ceases to be a Registered Member of the Association if the person:
 - 3.1.6.1** dies;
 - 3.1.6.2** ceases to be financial under Clause 3.3; or
 - 3.1.6.3** is expelled from the Association in accordance with the Member Protection Policy and other governing policy.
- 3.1.7** The Office Bearer may reject any application for membership without assigning any reason therefore.

3.2 LIFE MEMBERSHIP

- 3.2.1** A person may be elected a Life Member of the Association in recognition of outstanding service to the Association for such minimum period of ten (10) years' service as deemed by the Council.
- 3.2.2** Candidates for election as Life Members shall be nominated by two (2) Senior Members of the Association and to be received at least two (2) months before the meeting at which such nominations will be considered.
- 3.2.3** Candidates' name(s) are to be circulated to members of the Office Bearer of the Association, Life Members and Affiliated Clubs. Voting will be in accordance with the Clause 5.1 .

3.3 MEMBERSHIP FEES AND MISCELLANEOUS FEES

- 3.3.1** All Registered Members of the Association will be financial members between 1 January and 31 December of the year in relation to which membership is paid.
- 3.3.2** A Registered Member ceases to be financial if they:
- 3.3.2.1** fail to renew their membership; or
 - 3.3.2.2** fail to pay to the Association money they owe to the Association within the required timeframe.

3.4 REGISTER OF MEMBERS

- 3.4.1** The Secretary of the Association may also hold the position of Public Officer for the Association.
- 3.4.2** The Association shall establish and maintain a register of members of the Association specifying the name and address of each person who is a Registered Member of the Association, together with the date on which the person became a Registered Member.
- 3.4.3** The register of members shall be kept at the principal place of administration of the Association and shall be open for inspection by any Registered Member of the Association at any reasonable hour; however, such inspection shall be limited to viewing the names of Registered Members only.

3.5 MEMBERS' LIABILITY

The liability of a Registered Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association.

3.6 AFFILIATION OF CLUBS

In order to become affiliated with the Association, clubs must:

- 3.6.1** Consist of one or more teams comprising Registered Members of Netball NSW.
- 3.6.2** Pay an annual affiliation fee as determined by the Council at the Annual General Meeting each year.

4 ORGANISATIONAL GOVERNANCE

4.1 COUNCIL STRUCTURE

The Council shall consist of the following Officers:

- Office Bearer
- Committee Members
- Life Members
- Two Senior Member Club Delegates from each Affiliated Club

4.2 OFFICERS

4.2.1 Office Bearer

The following positions are classed as Officer Bearers:

- President
- Vice President
- Secretary
- Treasurer

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- Umpire Convenor
 - Registrar

4.2.2 Committee Members (Non- Office Bearer)

- Coaching Convenor
- Publicity Officer
- Assistant Secretary
- Representative Convenor
- Assistant Representative Convenor
- Canteen Convenor
- Carnival Convenor
- Umpire Development Officer
- Walking Netball Coordinator
- Fast 5 Coordinator
- Grants and Infrastructure Coordinator

4.2.3 Club Delegates

4.2.3.1 Affiliated Clubs shall each have the right to nominate two (2) Club Delegates to the Council.

4.2.3.2 Club Delegates must be a member of the relevant Club.

4.2.3.3 A Club Delegate may represent one club only within a calendar year at any meeting.

4.2.3.4 A Club Delegate must be a Senior Member.

4.3 ELECTION AND APPOINTMENTS

4.3.3 Election and Appointment of Office Bearer

4.3.3.1 Nominations for election signed by two Registered Members and with the written consent of the nominee shall be lodged with the Returning Officer or Association Secretary at least twenty-eight (28) days prior to the meeting at which the elections are to be held.

4.3.3.2 To be eligible for nomination as an Office Bearer a nominee must be a Registered Member of both Netball NSW and the Association.

4.3.3.3 The President of the Association shall not hold the position of President of an Affiliated Club.

4.3.3.4 No person shall be elected to more than one position as an Office Bearer.

4.3.3.5 Office Bearer are elected at the Annual General Meeting shall assume office at the conclusion of the Annual General Meeting and shall hold office for the ensuing year, unless they are removed or resign in the interim.

4.3.3.6 An Office Bearer may resign their position by providing written notice of their intention to do so to the Association Secretary. The Council shall, at its next meeting, by resolution appoint a replacement to hold the position for the remainder of the resigned person's term of office.

4.3.3.7 No Office Bearer shall be entitled to receive re-numeration for any services.

4.3.3.8 Not more than one-third (1/3) of the members of the Office Bearer shall be members of any one Affiliated Club. The Association prefers a representative from each Club of the Office Bearer.

4.3.3.9 No Club is to fulfil more than three (3) of the Office Bearer positions in one year.

4.3.4 Appointment of Club Delegates

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- 4.3.4.1** The Secretary of each Affiliated Club shall notify the Association's Secretary of the names and addresses of Club Delegates at least seven (7) days prior to the first meeting of Council each year.
 - 4.3.4.2** An Affiliated Club has the right to withdraw a Club Delegate and appoint another Club Delegate in their place at any time.
 - 4.3.4.3** Any vacancy shall be filled by a nominee of the Affiliated Club whose Club Delegate has caused the vacancy.

4.4 VACANCIES

- 4.4.3** A vacancy shall be deemed to have occurred in respect of any member thereof who has, without leave of the Office Bearer, failed to attend three (3) consecutive meetings of the Committee.
- 4.4.4** If at the end of the AGM vacancies remain in Office Bearer roles, the role will be declared vacant. If multiple nominations are received for a vacant Office Bearer position post AGM, the position shall be fulfilled firstly by an independent individual, or a club who has not represented or the least amount of Office Bearer representatives and then secondly by any remaining nominees.

4.5 TERMS OF OFFICE

- 4.5.1** Office Bearing position may be held for a maximum of three (3) consecutive years. Current Office Bearers shall be eligible for re-election should no other nominations be received, for an additional term of twelve (12) months.
- 4.5.2** Persons appointed to the Council shall assume office at the commencement of the first meeting of Council and shall hold office for the ensuing year.

4.6 COUNCIL POWERS

The Council shall be responsible for the execution of the objects of the Association and without in any way limiting this responsibility shall have power:

- 4.6.1** to control and manage the affairs of the Association;
- 4.6.2** to fix fees payable by members and to enforce payment thereof;
- 4.6.3** to control the funds of the Association and for that purpose to open and operate banking accounts; to invest funds in any manner authorised by law for the investment of trust funds; to acquire real and personal property of all descriptions and to sell or otherwise dispose of it; to borrow money on behalf of the Association and to give security therefore; to enter into guarantees of indebtedness on behalf of any Affiliated Club; and, generally, to carry out and attend to all such matters as shall be necessary for the proper management and control of the property of the Association;
- 4.6.4** to empower the Office Bearer to take action in accordance with the Netball NSW Member Protection Policy or relevant Association policies against any Affiliated Club or Registered Member;
- 4.6.5** to appoint two delegates and two proxy delegates to represent the Association on the Council of Netball NSW;
- 4.6.6** to appoint any delegate or delegates to represent the Association for any purpose with such powers as may be thought fit;

4.7 GOVERNING RULES

4.7.1 Office Bearer

- 4.7.1.1** The Office Bearer shall exercise the functions and powers of the Council between meetings of the Council and its decisions shall be subject to ratification by the Council at the next meeting.

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- 4.7.1.2** Ensure the presentation of a financial report to all Council meetings and make recommendations to Council on matters of finance and policy.
 - 4.7.1.3** The Office Bearer is empowered by Council to take appropriate action under the Member Protection Policy pursuant to this Constitution against any Affiliated Club or Registered Member of the Association. Any decision taken under the Member Protection Policy is not subject to ratification by Council.
 - 4.7.1.4** Office Bearers elected at the Annual General Meeting shall assume office at the conclusion of the Annual General Meeting and shall hold office for the ensuing year, unless they are removed or resign in the interim.
 - 4.7.1.5** The first duty of a member of the Office Bearer shall be an Association function as opposed to a club function.
 - 4.7.1.6** To be eligible for nomination as an Office Bearer a nominee must be a Registered Member of both Netball NSW and the Association.

4.7.2 Council

The council shall be responsible for the execution of the objects of the Association and without any way limiting this responsibility shall have power:

- 4.7.2.1** to control and manage the affairs of the Association.
- 4.7.2.2** to fix fees payable by members and to enforce payment thereof.
- 4.7.2.3** to control the funds of the Association and for that purpose to open and operate banking accounts, to invest funds in any manner authorised by law for the investment of trust funds, to acquire real and personal property of all descriptions and to sell or dispose of it, to borrow money on behalf of the Association and to give security therefore, to enter into guarantees of indebtedness on behalf of any affiliated club and generally to carry out and attend to all such matters as shall be necessary for the proper management and control of the property of the Association.
- 4.7.2.4** to empower the Office Bearer to take action in accordance with the Netball NSW Member Protection Policy or relevant Association policies against any Affiliated Club or Registered Member.
- 4.7.2.5** to appoint two (2) delegates and two (2) proxy delegates to represent the Association on the Council of the Netball NSW, subject to approval by the Office Bearer.
- 4.7.2.6** to appoint any delegate or delegates to represent the Association for any purpose with such powers as may be thought fit.

5 MEETINGS

5.1 MEMBERS VOTES

- 5.1.1** Votes shall be taken in such manner as the Chairperson shall direct, except that a secret ballot may be taken if any member requests it.
- 5.1.2** There shall be no voting by proxy.
- 5.1.3** In the case of an equality vote, The President shall, in addition, have one (1) casting vote.
- 5.1.4** A delegate may represent one (1) nominated club only within a calendar year.
- 5.1.5** In a Council meeting, Life Members receive one (1) vote and each Club Delegate receive one (1) vote.
- 5.1.6** AGM voting shall be restricted to Office Bearers, Life Members and two (2) Club Delegates.
- 5.1.7** Special Council Meeting voting shall be restricted to Office Bearers, Life Members and two (2) Club Delegates.
- 5.1.8** When a Club Delegate or Office Bearer is a Life Member, they may only have one (1) vote.

5.1.9 Votes will be tallied, and majority votes will have the outcome.

5.2 COUNCIL MEETINGS

- 5.2.1** The Council shall meet at least three (3) times each year on dates to be fixed by the Council at the AGM.
- 5.2.2** Not less than seven days' written notice shall be given specifying the time and place of the meeting of Council, and any special business to be dealt with.
- 5.2.3** Not less than seven (7) days' written notice shall be given specifying the time and place of the meeting of Council, and any special business to be dealt with.
- 5.2.4** The President shall take the chair at all meetings of the Council and/or Office Bearer. In the President's absence the chair shall be taken by the Vice President.
- 5.2.5** If neither the President nor Vice President is present within thirty (30) minutes of the time fixed for the commencement of the meeting, the members present shall elect a Chairperson
- 5.2.6** Secretary shall give written notice thereof to each Office Bearer, Life Member, to the Secretary of each Affiliated Club and Committee Members
- 5.2.7** The accidental omission to give any member the required notice shall not invalidate a meeting or any of the business of the meeting.
- 5.2.8** At each meeting all present shall sign an attendance book and shall state the club/position that they represent at that meeting.
- 5.2.9** Questions arising at an ordinary meeting of the Council, Office Bearer or any sub-committee are to be determined in line with Clause 5.1
- 5.2.10** Order of business at Council meetings shall be:
- Apologies;
 - Confirmation of Minutes;
 - Business Arising from Minutes;
 - Notices of Motion;
 - Elections;
 - Correspondence and business arising;
 - Reports presented by Office Bearer, Treasurer, Umpires Convenor, Coaching Convenor, Representative Convenor, Other Officer Bearers Reports, Sub-Committees, Delegates to other organisations and any other reports;
 - General Business
- 5.2.11** Association delegates to other organisations are to submit a report to the Secretary of all meetings/functions attended on behalf of the Association within twenty-eight (28) days of such meeting/function.
- 5.2.12** Not less than seven (7) days written notice shall be given specifying the time and place of the meeting of Council, and any special business to be dealt with, other than that set in the By-Laws.

5.3 OFFICE BEARER MEETINGS

- 5.3.1** Office Bearer meetings shall be held on dates determined at the first meeting after the Annual General Meeting.
- 5.3.2** Should it be necessary to call additional meetings, all Office Bearers members shall be notified at least forty-eight (48) hours prior to the meeting being held.
- 5.3.3** Any member of the Office Bearer who, without leave of the Office Bearer, has failed to attend three (3) consecutive meetings shall be deemed to have resigned and shall be replaced in accordance with this Constitution.

5.4 ANNUAL GENERAL MEETING

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- 5.4.1** An Annual General Meeting of the Association shall be held on the second Tuesday in November of each year or changed at the discretion of Council if required.
- 5.4.2** All Registered Members may attend
- 5.4.3** Not less than twenty-one (21) days' written notice of the Annual General Meeting of the Association shall be given to each Office Bearer, Life Member (who are not affiliated with a Club) and the Secretary of each Affiliated Club via electronic mail.
- 5.4.4** A copy of the Association's Annual Report and the audited balance sheet shall be forwarded to each Office Bearer, Life Member (who are not affiliated with a Club) and the Secretary of each Affiliated Club via electronic mail prior to the AGM.
- 5.4.5** The business of the Annual General Meeting shall be:
- Confirmation of the minutes of the previous Annual General Meeting;
 - Consideration and adoption of the Annual Report and Audited Balance Sheet;
 - Appointment of an Auditor for the following year;
 - Appointment of a Returning Officer (where appropriate);
 - Such other business as the meeting thinks fit;
 - Election of Office Bearers

5.5 SPECIAL COUNCIL MEETING

- 5.5.1** Special Council Meetings shall be called by the Secretary:
- 5.5.1.1** at the direction of the President;
 - 5.5.1.2** upon receipt of a requisition signed by not less than one-third (1/3) of the members of Council.
- 5.5.2** All Registered Members may attend but voting shall be restricted to Registered Senior Members who are Office Bearers, Life Members and two nominated Club Delegates from each Affiliated Club.
- 5.5.3** Not less than twenty-one (21) days' written notice shall be given to Office Bearers, Life Members (not affiliated with a Club) members of Council and to the Secretary of each Affiliated Club, specifying the time and location of a Special Council meeting and the nature of the business to be considered.

6 QUORUM

- 6.1.1** A quorum for Council and Special Council meetings shall consist of half (1/2) the total number of the Association's Office Bearer members plus one (1), and Club Delegates representing at least three quarters (3/4) of the Affiliated Clubs.
- 6.1.2** A quorum for Office Bearer meetings shall consist of half (1/2) of the total number of the Office Bearer plus one.
- 6.1.3** Should a quorum of the Office Bearers be present, an emergency meeting may be convened at any time.
- 6.1.4** A quorum for an Annual General Meeting shall consist of half (1/2) the total number of the Association's Office Bearer members plus one (1), and at least three quarters' (3/4) of the Club Delegates
- 6.1.5** If no quorum is present thirty (30) minutes after the time fixed for the commencement of a meeting it shall be adjourned to such time and place as the Chairperson shall decide.

7 ADMINISTRATION

7.1 FINANCE

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- 7.1.1** The funds of the Association shall be derived from annual Membership fees, other fees and donations, levies and, subject to any resolution passed by the Association in a Council, Special Council or Annual General Meeting, such other sources as the Office Bearer determines.
- 7.1.2** The main banking accounts of the Association shall be kept at a financial institution approved by the Council and all cheques operating on the accounts shall be signed by any two (2) of the President, Secretary or Treasurer.
- 7.1.3** The Financial Year of the Association shall commence on 1 November and end on 31 October the ensuing year.
- 7.1.4** The current bank statements shall be tabled at each meeting of Council, together with a written financial report.
- 7.1.5** The books of the Association shall be audited each year by a qualified person who is not a member of the Association
- 7.1.6** An audited balance sheet shall be presented to each Annual General Meeting.
- 7.1.7** All Netball NSW fees shall be paid, in full, by the due date.

7.2 INCOME AND PROPERTY

7.2.1 Application

The Associations income and property must be applied solely towards promoting the Association's Objects and the Association's income and property must not be applied for the profit or gain of its individual members.

7.2.2 No Distribution

No part of the Association's income or property may be paid, transferred or distributed, directly or indirectly, by way of dividend, bonus, fee or otherwise, to any of the Members of the Association.

7.2.3 Exception

This clause does not prohibit making a payment approved by the Council of the Association for out-of-pocket expenses incurred by an Office Bearer in performing a duty as an Office Bearer of the Association.

7.3 EMPLOYEES

The Office Bearer may appoint and determine the terms of employment of employees to the Association. An employee shall not be a member of the Association's Office Bearer.

7.4 CUSTODY OF BOOKS

Except as otherwise provided by these rules, all records, books and other documents relating to the Association shall be kept under the custody or control of the Secretary.

7.5 INSPECTION OF RECORDS

Any Registered Member may inspect the books of account and minute book of the Association to the extent permitted by law at any reasonable time.

7.6 EFFECT OF, AND ALTERING, THIS CONSTITUTION

7.6.1 Effect of Constitution

This Constitution will have effect as a contract:

- 7.6.1.1** between the Association and each Affiliated Club of the Association;
- 7.6.1.2** between the Association and each Member;
- 7.6.1.3** between a Member and each other Member,

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- 7.6.1.4** pursuant to which each Member agrees to accept the provisions of this Constitution, and comply with those provisions, so far as they apply to that Member.

7.6.2 Altering the Constitution

- 7.6.2.1** This Constitution may be altered by special resolution passed by at least three quarters (3/4) of the votes cast at an Annual General Meeting or Special Council Meeting of the Association of which not less than twenty-one days' written notice specifying the resolution/s to be proposed has been given.
- 7.6.2.2** Any alteration made to the Constitution of the Association shall be forwarded to Netball NSW within twenty-eight days of the meeting at which such alteration was made.

7.7 DISSOLUTION OF THE ASSOCIATION

- 7.7.1** The Association shall not be dissolved except by special resolution passed by a majority of at least three quarters (3/4) of the votes cast at a Special Council meeting of the Association of which not less than twenty-one days' written notice specifying the resolution to be proposed had been given.
- 7.7.2** On dissolution of the Association, any property whatsoever remaining after the determination and settlement of all debts and liabilities shall be paid or transferred to Netball NSW to be used for the promotion of Netball.

7.8 ENFORCEMENT OF CONSTITUTION

- 7.8.1** The authority of the Association shall extend to and be recognised by all affiliated clubs and individual members.
- 7.8.2** All members are bound by the policies of the Association and Netball NSW including but not limited to any fines, caution, expel or suspend.

8 POLICIES OF THE ASSOCIATION

The Association may implement appropriate policies in relation to such matters as arise for the administration of netball in the Association.