

**FOREST NETBALL CLUB INC.
CONSTITUTION**

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1. GENERAL

1.1 DEFINITIONS

For the purposes of this Constitution,

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

‘Association’ means the Manly Warringah Netball Association Inc. (MWNA)

‘Chairperson’ means the elected President of the Club or as otherwise required by clause 4.1.

‘Club’ means Forest Netball Club Incorporated

‘Committee’ means those members appointed in accordance with clause 5.1 of this Constitution.

‘Executive Committee’ is those members elected in accordance with clause 4.2 of this Constitution.

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

‘Life Member’ means any member of the Club 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 New South Wales.

‘President’ means the person elected to the position under clause 4.2 of this Constitution.

‘Public Officer’ means the person appointed to that role by the Club in accordance with any relevant policy.

‘Registered Member’ means any financial member or Life Member of the Club.

‘Secretary’ means the person elected to the position under clause 4.2 of this Constitution.

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

‘The Office Bearers of the Club’ mean the members of the Executive Committee (President, Secretary, Treasurer), Coaching Convenor, Gear Steward, Grading Convenor, Liaison Officer, Minute Secretary, Registrar, Uniform Steward, Umpire’s Convenor, Vice President.

‘Vice President’ means the person elected to the position under clause 4.2 of this Constitution.

‘Voting Members’ means all senior registered members, including Life Members and Non-Playing Members

‘Written Notice’ means but not limited to written including by any electronic means

1.2 INTERPRETATION

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

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

1.2.3 The Committee 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 Club shall be the Forest Netball Club Incorporated.

1.4 TYPE OF ORGANISATION

The Club is a ‘not-for-profit’ organisation whose income and property is applied solely towards the promotion of the objects of the Club. 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 Club’s colours will be predominately Dark Green and White.

1.6 CLUB LOCATION

The Club facilities are located at Forestville War Memorial Playing Fields, Melwood Avenue, Forestville. The registered office will be that of the currently appointed Public Officer.

1.7 BOUNDARIES

The Club's boundaries are those as defined by the Club, namely Forestville, Killarney Heights and Frenchs Forest and as reviewed from time to time.

1.8 OBJECTS

The objects of the Club are:

1.8.1 to further the interests of its members and promote and control the game of Netball within the boundaries of the Club;

1.8.2 to select and manage the Club's competition teams;

1.8.3 to organise and manage the Club's Net Set Go programme

1.8.4 to support NSW Netball through affiliation with Manly Warringah Netball Association Inc (MWNA).

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 PATRON

The Club Committee may from time to time appoint one or more patrons and may also cancel any such appointment.

2. AFFILIATION WITH MWNA Inc

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

3. MEMBERSHIP

3.1 ORDINARY MEMBERSHIP

3.1.1 The Club 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 Club.

3.1.2 The Club may admit to membership, Registered Members as defined by the Constitution.

3.1.3 A person ceases to be a Registered Member of the Club if the person:

3.1.3.1 dies;

3.1.3.2 ceases to be financial under Clause 3.2.2 below; or

3.1.3.3 is expelled from the Club in accordance with the Member Protection Policy.

3.1.3.4 The Executive Committee may reject any application for membership without assigning any reason therefor.

3.2 LIFE MEMBERSHIP

3.2.1 Any person may be elected a Life Member of the Club in recognition of outstanding voluntary service to the Club, including but not limited to significant service as an Office Bearer. The nominee shall have had not less than twenty (20) years financial membership to the Club at the time of nomination.

3.2.2 Candidates for election as Life Members shall be nominated by two Senior Members or Life Members of the Club and to be received at least two 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 Executive Committee of Forest Netball Club, Life Members and Senior Members. Voting will be in accordance with the Club's voting policy. Voting is restricted to members of the Executive Committee, Life Members and Senior Members of the Forest Netball Club,

The vote must be carried by a two-third majority of those in attendance. Council may, by resolution from time to time, fix the maximum number of persons who may at any time hold life membership.

3.2.4 A Life Member shall be entitled to attend all Committee, Special Committee, Annual General and any other Committee meetings and shall have full voting rights.

3.2.5 A person ceases to be a Life Member of the Association if the person:

3.2.5.1 dies; or

3.2.5.2 is expelled from the Club in accordance with the Member Protection Policy.

3.3 MEMBERSHIP FEES AND MISCELLANEOUS FEES

3.3.1 All Registered Members of the Club 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 Club money they owe to the Club within the required timeframe

3.4 REGISTER OF MEMBERS

3.4.1 The Treasurer or other appointed Office Bearer of the Club may also hold the position of Public Officer for the Club.

3.4.2 The Club shall establish and maintain a register of members of the Club specifying the name, DOB and address of each person who is a Registered Member of the Club, 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 Club and shall be open for inspection by any Registered Member of the Club 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 Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club.

4. MEETINGS

4.1 MEETINGS – GENERAL PROCEDURE

4.1.1 The President shall take the chair at all meetings of the Committee and/or Executive Committee. In the President's absence the chair shall be taken by the Vice President.

4.1.2 If neither the President nor Vice President is present within fifteen (15) minutes of the time fixed for the commencement of the meeting or both officers have notified their absence prior to the meeting, the members present shall elect a Chairperson.

4.1.3 Seven (7) members present, inclusive of two (2) Executive members (being members entitled under this Constitution to vote at a meeting) constitute a quorum for the transaction of the business of a general meeting.

4.1.4 If within 15 minutes after the fixed time for the commencement of a meeting a quorum is not present, the meeting:

4.1.4.1 If convened on the requisition of members – is to be dissolved, and

4.1.4.2 In any other case – is to stand adjourned to a date within fourteen (14) days at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members before the day to which the meeting is adjourned) at the same place.

4.1.4.3 If at the adjourned Meeting a quorum is not present within 15 minutes of the fixed time for the commencement of the Meeting, the members present, being at least five (5), are to constitute a quorum.

4.1.5 The accidental omission to give any member the required notice shall not invalidate a meeting or any of the business of the meeting.

4.1.6 Questions arising at an ordinary meeting of the Committee, Executive Committee or any sub-committee are to be determined by a simple majority of votes cast by eligible members. Each eligible voting member shall have one vote to be taken in such a manner as the Chairperson shall direct, except that a secret ballot shall be taken if any member requests it.

4.1.7 In the case of an equality of votes, the President (or the person otherwise presiding) shall, in addition, have a casting vote.

4.1.8 There shall be no voting by proxy at any meeting of the Club.

4.2 ANNUAL GENERAL MEETING

4.2.1 An Annual General Meeting of the Club shall be held within three months of the end of the Club's current financial year.

4.2.2 All Registered Members may attend but voting shall be restricted to Voting Members.

4.2.3 Not less than twenty-one days' written notice of the Annual General Meeting of the Association shall be given.

4.2.4 A copy of the Club's Annual Report and the audited balance sheet shall be available at the AGM and on request of any registered Club Member.

4.2.5 A quorum for an Annual General Meeting shall consist two members the Club's Executive Committee members and at least ten (10) Club voting members.

4.2.6 The business of the Annual General Meeting shall be:

4.2.6.1 Confirmation of the minutes of the previous Annual General Meeting

4.2.6.2 Consideration and adoption of the Annual Report and audited balance sheet;

4.2.6.3 Appointment of an auditor for the following year

4.2.6.4 Appointment of a Returning Officer (where appropriate);

4.2.6.5 Such other business as the meeting thinks fit;

4.2.6.6 Election of Office Bearers.

4.2.6.7 The following Office Bearers shall be elected:

President;

Vice President;

Secretary;

Treasurer;

Coaching Convenor;

Gear Steward;

Grading Convenor;
Liaison Officer;
Minute Secretary;
Registrar;
Umpires Convenor;
Uniform Steward;

The following positions shall form the Executive Committee:

President
Secretary
Treasurer

From time to time as seen fit by the Executive, members may be voted to a general committee with the purpose to assist Office Bearers. The General committee will not be Office Bearers.

4.2.6.8 Nominations can be taken from the floor at the AGM or received in writing prior to the meeting. Nominations must be nominated by 2 registered club members.

4.2.6.9 Office Bearers must be or become a Registered Member of both Netball NSW and the Club

4.2.6.10 Current Office Bearers shall be eligible for re-election.

4.2.6.11 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.

4.2.6.12 An Office Bearer may resign their position by providing written notice of their intention to do so to the Club Secretary. The Committee 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 SPECIAL GENERAL MEETINGS

4.3.1 Special General Meetings shall be called by the Secretary;

4.3.1.1. at the direction of the President;

4.3.1.2. upon receipt of a requisition signed by not less than one – third of the members of the Club committee;

4.3.2 All registered members may attend but voting shall be restricted to Voting Members;

4.3.3 Not less than 21 days notice shall be given to Club members specifying the time and location of a Special General Meeting and the nature of the business to be considered;

4.3.4 A quorum for a Special General Meeting shall consist two members the Club's Executive Committee members and at least ten (10) Club voting members.

5. ORGANISATIONAL STRUCTURE

5.1 COMMITTEE

5.1.1 The Committee shall consist of:

5.1.1.1 the Office Bearers of the Club

5.1.1.2 Life Members;

5.1.1.3 Registered members;

5.1.2 The Club shall hold at least six (6) committee meetings each year on dates to be fixed by the Executive Committee.

5.1.3 Not less than seven days' notice shall be given specifying the time and place of the meeting, and any special business to be dealt with. Meeting dates will be advertised on the club website.

5.1.4 Order of business at Club Committee meetings shall be:

5.1.4.1 Apologies;

5.1.4.2 Confirmation of Minutes

5.1.4.3 Business Arising from Minutes;

5.1.4.4 Notices of Motion;

5.1.4.5 Elections;

5.1.4.6 Correspondence and business arising;

5.1.4.7 Reports:

Executive Committee;

Secretary;

Treasurer;

Coaching Convenor;

Gear Steward;

Grading Convenor;

Registrar;

Umpires Convenor;

Uniform Steward;

Sub-Committees;

Delegates to other organisations;

Any other reports;

General business.

5.1.4.8 Club delegates to other organisations are to submit a report to the Secretary of all meetings/functions attended on behalf of the Club within seven days of such meeting/function.

5.2 POWERS OF THE COMMITTEE

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

5.2.1.1 to control and manage the affairs of the Club;

5.2.1.2 to fix fees payable by members and to enforce payment thereof;

5.2.1.3 to control the funds of the Club 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 Club and to give security therefore; 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 Club;

5.2.1.4 to empower the Executive Committee to take action in accordance with the Netball NSW Member Protection Policy or relevant Club policies against any Registered Member.

5.2.1.5 to appoint any delegate or delegates to represent the Club for any purpose with such powers as may be thought fit;

5.2.1.6 to ensure that the Secretary of the Club forwards to MWNA, by the required date each year, the names and addresses of existing members together with the names and addresses of new applicants for MWNA membership, who have paid their annual membership fee specifying the class of those members;

5.2.1.7 to submit supplementary names and addresses of new members of MWNA, be forwarded in a timely manner specifying the class of those members;

5.2.1.8 upon receipt by MWNA of those names, grant to those persons listed in clause 5.2.1.6 and 5.2.1.7 membership for the relevant calendar year.

5.3 INCOME AND PROPERTY

5.3.1 Application

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

5.3.2 No distribution

No part of the Club'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 Club.

5.3.3 Exception

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

5.4 EXECUTIVE COMMITTEE

5.4.1 The Executive Committee shall consist of the following voting members:

President;
Secretary;
Treasurer;

5.5 DUTIES OF EXECUTIVE COMMITTEE

5.5.1 The Executive Committee shall exercise the functions and powers of the Club between meetings of the Club Committee and its decisions shall be subject to ratification by the Club Committee at the next meeting.

5.5.2 Ensure the presentation of a financial report to all Club meetings and make recommendations to members on matters of finance and policy.

5.5.3 The Executive Committee is empowered by the Club members to take appropriate action under the Member Protection Policy pursuant to this Constitution against any Registered Member of the Club. Any decision taken under the Member Protection Policy is not subject to ratification by Club Committee.

6. ADMINISTRATION

6.1 FINANCE

6.1.1 The funds of the Club shall be derived from annual Membership fees, other fees and donations, levies and, subject to any resolution passed by the Club in a Committee, Special Committee or Annual General Meeting, such other sources as the Executive Committee determines.

6.1.2 The main banking accounts of the Club shall be kept at a financial institution approved by the Committee and all payments operating on the accounts shall be authorised by any two of the President, Secretary or Treasurer.

6.1.3 All financial records shall be kept by the presiding Treasurer.

6.1.4 The Financial Year of the Club shall commence on July 1st and conclude June 30th each year.

6.1.5 The current bank statements shall be tabled at each meeting of Club, together with a written financial report.

6.1.6 The books of the Club shall be audited each year by a qualified person who is not a member of the Club.

6.1.6 An audited balance sheet shall be presented to each Annual General Meeting.

6.1.7 All MWNA fees shall be paid by the due date.

6.2 CUSTODY OF BOOKS

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

6.3 INSPECTION OF RECORDS

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

6.4 EFFECT OF, AND ALTERING, THIS CONSTITUTION

6.4.1 Effect of Constitution

This Constitution will have effect as a contract:

6.4.1.1 between the Club and each Member;

6.4.1.2 between a Member and each other Member, 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.

6.4.2 Altering the Constitution

This Constitution may be altered by special resolution passed by at least 75% of the votes cast at an Annual General Meeting or Special Club Meeting of which not less than twenty-one days' written notice specifying the resolution/s to be proposed has been given.

Any alteration made to the Constitution shall be forwarded to the Dept of Fair Trading within the guidelines specified by the Act.

6.5 DISSOLUTION OF THE CLUB

The Club shall not be dissolved except by special resolution passed by a majority of at least 75% of the votes cast at a Special Committee Meeting of the Club of which not less than twenty-one days' written notice specifying the resolution to be proposed had been given.

On dissolution of the Club, any property whatsoever remaining after the determination and settlement of all debts and liabilities shall be paid or transferred to MWNA to be used for the promotion of Netball within the boundaries of the area referred to in Clause 1.7 above.

7. POLICIES OF THE CLUB

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