

**ACT MEN'S & MIXED
NETBALL ASSOCIATION
INC
Constitution**

Adopted

Table of Contents

PRELIMINARY	4
1. Definitions	4
2. Applications of Legislation Act 20014	4
ASSOCIATION'S NAME AND NATURE	4
3. Name of the Association	4
4. Nature of the Association	4
5. Name Of Representative Teams	4
6. Associated Colours	4
7. Registration Office	4
8. Objects of the Association	6
INCOME AND PROPERTY	4-5
9. Application	5
10. No Distribution	5
11. Exception	5
12. Winding Up or Dissolution	5
MEMBERSHIP	6-7
13. Number of Members	6
1. Members	6
2. Application of Membership	6
3. Appointment of Life Members	6
4. Membership Entitlements Not Transferable	6
5. Cessation of Membership	6
6. Registration of Membership	6
7. No Claim Against the Association	6
8. Fee, Subscriptions, etc.	7
9. Members' Liabilities	7
10. Disciplining the Members	7
COMMITTEE	8-10
11. Powers of Committee	8
12. Constitution and Membership	8
13. Election of Committee Members	9
14. Secretary	9
15. Treasurer	9
16. Vacancies	

17. Removal of Committee Members	9
18. Committee Meetings and Quorum	9
19. Delegation by Committee to Subcommittee	10
20. Voting and Decisions	10
GENERAL MEETINGS	10-12
21. Annual General Meetings—holding of	10
22. Annual General Meetings—calling of and business at	10
23. General Meetings—calling of	11
24. Notice	11
25. General Meetings—procedure and quorum	11
26. Presiding Member	11
27. Adjournment	11
28. Making of Decisions	11
29. Voting	11
30. Appointment of Proxies	12
ACCOUNTS	12
31. Funds—source	12
32. Funds—management	12
33. Custody of Books	12
34. Inspection of Books	12
GENERAL	12
35. Alteration of Objects and Rules	12
36. Service of Notice	12
37. Common Seal	12

PRELIMINARY

1. **Definitions**
 - a. *Financial year* means the year ending on 31 May.
 - b. *Member* means a member, however described, of the association.
 - c. *General committee member* means a member of the committee who is not an office-bearer of the association as mentioned in clause 25.d.
 - d. *Special resolution* means a resolution passed at a general meeting of the association by at least three quarters of the members that are entitled to vote.
 - e. *The Act* means the *Associations Incorporation Act 1991*.
 - f. *The regulation* means the *Associations Incorporation Regulation 1991*.
2. **Application of Legislation Act 2001.** The *Legislation Act 2001* applies to these rules in the same way as it would if they were an instrument made under the Act.

ASSOCIATION'S NAME AND NATURE

3. **Name of the Association.** The name of the Association is ACT Men's and Mixed Netball Association
4. **Nature of the Association.** The Association is an incorporated Association under the Act. The Association is a not for profit organisation.
5. **Name of Representative Teams.** Teams selected to represent the Association shall be referred to as Australian Capital Territory or A.C.T Griffins.
6. **Association Colours.** The Association colours shall be royal blue and gold.
7. **Objects of the Association.** The objects for which the Association is established are:
 - a. To affiliate with and support Australian Men's and Mixed Netball Association (AMMNA) or such other organization as shall from time to time exist, for the promotion regulation and control of men's and mixed netball within Australia.
 - b. To affiliate with and support Netball ACT or such other organization as shall from time to time exist for the promotion regulation and control of netball within the Australian Capital Territory.
 - c. To promote, encourage and control the game of netball for men's and mixed competitions within the current boundaries and objectives as designated by AMMNA.
 - d. To promote, institute, regulate and control competition between affiliated men's and mixed teams.
 - e. To assist and support participation in the Association's teams
 - f. To select and manage men's and mixed netball teams to represent the Association in matches against teams representing other States and Territories of Australia.
 - g. To establish and conduct education and training programs for the development of the sport for men and male youth.
 - h. To promote the economic and sporting success, strength and stability of the Association.
 - i. To strive for and maintain governance, commercial and public recognition of the Association as the authority for men's and mixed netball within our designated

boundaries as currently set by AMMNA.

- j. To pursue, through itself or others, such commercial arrangements including sponsorship and marketing opportunities as are appropriate to further the objects of the Association.
- k. To act for its members on all matters pertaining to the conduct of netball within our designated boundaries as currently set by AMMNA, including all disciplinary, tribunal and appeal matters, in accordance with our Constitution, policies and the AMMNA and approved Member Protection Policy.
- l. To act for its Members in all matters pertaining to men's and mixed netball.
- m. To use and protect its intellectual property.
- n. To give, and where appropriate, seek recognition for players, officials and other individuals participating in netball in any capacity to obtain awards or public recognition.
- o. To do all such other things as are incidental or conducive to the attainment of the Objects of the *Association*.

INCOME AND PROPERTY

- 8. **Application.** The Association's 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.
- 9. **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 or Committee.
- 10. **Exception.** Clause 10 does not prohibit making a payment approved by the Executive:
 - a. For expenses incurred or goods supplied by a Committee member in performing a duty of the Association;
 - b. For a service rendered to the Association by a committee member in a professional or technical capacity where:
 - i. the provision of the service has the prior approval of the Executive; and
 - ii. the amount payable is not more than an amount which commercially would be reasonable payment for the service.
 - c. As agreed by the executive to further the objects of the Association.
- 11. **Winding Up or Dissolution.** If upon the winding up or dissolution of the Association there remains, after the satisfaction of all its debts and liabilities, any property whatsoever the same must not be paid to or distributed among the members but must be given or transferred to a fund, authority or institution:
 - a. having objects similar to the objects of the Association;
 - b. whose Constitution prohibits distributions or payments to its members and Directors (if any) to an extent at least as great as outlined in this document

MEMBERSHIP

- 12. **Number of Members**
 - i. The Association may not have less than five (5) members at any time.
 - ii. The maximum number of members is unlimited.
- 13. **Members**

- a. The members are persons who have agreed to be bound by the constitution, paid the prescribed membership fee if any and who:
 - i. :
 - (1) are the parent or legal guardian of an associate member
 - (2) are 18 years of age or older and who currently play, coach, umpire or manage a team on behalf of the association, or
 - (3) have applied in writing for membership and have been accepted as members by a majority of votes of the committee or of a general meeting who subject to this Constitution, have the right to attend and vote at General Meetings
 - ii. Life Members of the Association who will have the right to attend and vote at General Meetings in their own right.
 - iii. Committee Members, as elected, will have the right to attend and vote at General Meetings
 - iv. Associate members are under 18 years of age and who currently play, coach, umpire or manage a team on behalf of the association
14. **Appointment of Life Members**
- a. Any person may be elected as a Life Member in recognition of outstanding service to the Association.
 - b. A candidate for election as a Life Member must be nominated by 2 members at least 21 days before the meeting at which such nominations are to be considered.
 - c. Election as a Life Member shall require an affirmative vote of all committee members and 2/3 of the membership in attendance at the meeting at which the nomination is considered
15. **Membership entitlements not transferable.** A right, privilege or obligation that a person has because of being a member of the association—
- a. cannot be transferred or transmitted to another person; and
 - b. terminates on cessation of the person's membership.
16. **Cessation of membership.** A person ceases to be a member of the association if the person:
- a. dies; or
 - b. resigns from membership of the association; or
 - c. is expelled from the association; or
 - d. fails to renew membership of the association.
17. **Compliance with Requirements**
- a. Members will comply with applicable rules and policies of the association, Netball ACT, AMMNA and any competitions that the association participates in. Members will also comply with any applicable legislation.
18. **No claim against the Association.** A member whose membership ceases does not have any claim against the Association or the Committee for damages or otherwise.
19. **Fee, subscriptions etc.**
- a. Membership fees shall be fixed annually by the committee.
Any member or associate member who has not paid the appropriate fee may be ineligible to participate in the activities of the association unless prior arrangements have been made with the committee.
20. **Members' liabilities.** The liability of a member 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 relation to membership of

the association as required by clause 21.

21. Disciplining of members

- a. If the committee is of the opinion that a member—
 - i. has persistently refused or neglected to comply with a provision of this constitution or the policies of the association; or
 - ii. has persistently and wilfully acted in a manner prejudicial to the interests of the association;
- b. the committee may, by resolution—
 - i. expel the member from the association; or
 - ii. suspend the member from the rights and privileges of membership of the association that the committee may decide for a specified period.
- c. A resolution of the committee under clause 23.b is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause 23.d, confirms the resolution in accordance with this section.
- d. If the committee passes a resolution under clause 23.b, the secretary must, as soon as practicable, serve a written notice on the member—
 - i. setting out the resolution of the committee and the grounds on which it is based; and
 - ii. stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice: and
 - iii. stating the date, place and time of that meeting; and
 - iv. informing the member that the member may do either or both of the following:
 - (1) attend and speak at that meeting;
 - (2) submit to the committee at or before the date of that meeting written representations relating to the resolution.
- e. Subject to the Act, section 50, at a meeting of the committee mentioned in clause 23.c, the committee must—
 - i. give to the member mentioned in clause 23.a an opportunity to make oral representations; and
 - ii. give due consideration to any written representations submitted to the committee by that member at or before the meeting; and
 - iii. by resolution decide whether to confirm or to revoke the resolution of the committee made under clause 23.b.
- f. If the committee confirms a resolution under clause 23.e the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under clause 23.h.
- g. A resolution confirmed by the committee under clause 23.e does not take effect—
 - i. until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or
 - ii. if within that period the member exercises the right of appeal—unless and until the association confirms the resolution in accordance with clause 23.h.
- h. Right of appeal of disciplined member
 - i. A member may appeal to the association in general meeting against a resolution of the committee that is confirmed under clause 23.e within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
 - ii. On receipt of a notice under clause 23.h.i the secretary must notify the committee which must call a general meeting of the association to be held within 21 days after the date when the secretary received the notice or as soon as possible after

- that date.
- iii. Subject to the [Act](#), section 50, at a general meeting of the association called under clause 23.h.ii -
 - (1) no business other than the question of the appeal may be transacted; and
 - (2) the committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (3) the members present must vote by secret ballot on the question of whether the resolution made under section 9 (4) should be confirmed or revoked.
 - iv. If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 9 (4), that resolution is confirmed.

COMMITTEE

22. **Powers of committee.** The committee, subject to the Act, the regulation, this constitution, and to any resolution passed by the association in general meeting:
- a. controls and manages the affairs of the association; and
 - b. may exercise all functions that may be exercised by the association other than those functions that are required by these rules to be exercised by the association in general meeting; and
 - c. has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.
23. **Constitution and membership.**
- a. The committee consists of—
 - i. the office-bearers of the association; and
 - ii. the general committee members (of which there can be up to 15) .
 - b. Each of whom must be elected under clause 26 or appointed in accordance with clause 25.f.
 - c. The office-bearers of the association are:
 - i. the president
 - ii. the vice-president – Business and Policy
 - iii. Vice President – Game Development
 - iv. the secretary
 - v. The Treasurer
 - d. Committee members once elected become members in their own right. Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member’s election, but is eligible for re-election.
 - e. If there is a vacancy in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.
 - f. No office bearer shall hold the same office for more than three successive years unless at the expiry of the three year term, no other nomination has been received for the position.
 - g. The committee shall appoint a public officer who will manage the requirements of an incorporated association, including submitting annual returns.
24. **Election of committee members**
- a. Nominations of candidates for election as office-bearers of the association or as general committee members—
 - i. must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and

- ii. must be given to the secretary of the association prior to the conduct of the annual general meeting.
- iii. If only one nomination is received for officer bearer positions, they will be elected, and if more than one nomination is received, a ballot will be held.
- iv. If the number of nominations for the general committee positions equals or is less than the total number of positions, they will be elected. If more nominations are received, a ballot will be held.

25. **Secretary.**

- a. The secretary must keep minutes of—
 - i. all elections and appointments of office-bearers and general committee members; and
 - ii. the names of members of the committee present at a committee meeting or a general meeting; and
 - iii. all proceedings at committee meetings and general meetings, including decisions taken and action items.
- b. Evidence of any decisions taken out of session should be attached to or noted in the minutes of the following meeting

26. **Treasurer**

- a. The treasurer of the association must—
 - i. collect and receive all amounts owing to the association and make all payments authorised by the association; and
 - ii. keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association.
 - iii. Ensure that any expenditure of more than \$500 has been agreed by the Committee.
 - iv. prepare financial budgets and statements and report on the finances to each committee meeting.
 - v. Prepare annual financial statements and have them independently audited by an appropriately qualified person agreed to by the committee, before the annual general meeting

27. **Removal of committee members**

- a. The association in general meeting may by resolution, subject to the [Act](#), section 50, remove any member of the committee from the office of member of the committee before the end of the member's term of office.

28. **Committee meetings and quorum**

- a. The committee must meet at least 3 times in each calendar year at the place and time that the committee may decide.
- b. Matters requiring a decision (for action or for expenditure) at a committee meeting should be proposed and decided by committee members.
- c. The committee may conduct business and make decisions by email or other form of electronic communication that is distributed to all committee members, with sufficient time to review.
- d. Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- e. Five (5) members of the committee (with at least one being an office bearer) constitute a quorum for the transaction of the business of a meeting of the committee.
 - i. Meetings of the committee shall be chaired by the president or, in the absence of

the president, a vice-president or other office bearer.

29. **Delegation by committee to subcommittee**
- a. The committee may appoint sub-committees of members for special purposes who shall act in accordance with this constitution and shall report , in writing, delegate to 1 or more subcommittees (consisting of the member or members of the association that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than—
 - i. this power of delegation; and
 - ii. a function that is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the association in general meeting.

30. **Voting and decisions**
- a. Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by a majority of the votes of members of the committee or subcommittee present at the meeting.
 - b. Each member present at a meeting of the committee or of any subcommittee appointed by the committee (including the person chairing the meeting) is entitled to 1 vote but, if the votes on any question are equal, the chair may exercise a second or casting vote.
 - c. Voting shall be by show of hands except:
 - i. Any contested election at an Annual General Meeting shall be by secret ballot;
 - ii. A meeting may by show of hands require any other vote to be by secret ballot.
 - iii. Out of session decisions that are managed electronically.
 - d. Committee members should not vote in a decision in which they have a strong financial interest and must not use their position to obtain a financial advantage.

GENERAL MEETINGS

31. **Annual general meetings—holding of**
- a. The association must hold an annual general meeting of its members in July of each year.
32. **Annual general meetings—calling of and business at**
- a. The annual general meeting of the association must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
 - b. In addition to any other business that may be transacted at an annual general meeting, the business of an annual general meeting is—
 - i. to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
 - ii. to receive from the committee reports on the activities of the association during the last financial year; and
 - iii. to elect members of the committee, including office-bearers; and
 - iv. to receive and consider the statement of accounts and the reports that are required to be submitted to members under the [Act](#), section 73 (1).
 - c. An annual general meeting must be specified as such in the notice calling it in accordance with clause 37.
 - d. An annual general meeting must be conducted in accordance with the provisions of this part.
- 33.
34. **Presiding member**
- a. The president, or in the absence of the president, the vice-president – Business and Policy, presides at each general meeting of the association.

- b. If the president and the vice-president are absent from a general meeting, the members present must elect 1 of their number to preside at the meeting.

35. **Making of decisions**

- a. A question arising at a general meeting of the association is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

36. **Voting**

- a. Subject to clause 42.c, on any question arising at a general meeting of the association a member has 1 vote only.
- b. All votes must be given personally
- c. If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- d. A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- e.

37. **Appointment of proxies**

- a. There will be no appointment of a proxy.

ACCOUNTS

38. **Funds—source**

- a. The funds of the association must be derived from entrance fees and annual subscriptions of members, donations and, subject to the [Act](#), section 114, any other sources that the committee decides.
- b. All money received by the association must be deposited as soon as practicable and to the credit of the association's bank account.
- c. The association must if requested, as soon as practicable after receiving any money, issue an appropriate receipt.

39. **Funds—management**

- a. Subject to any resolution passed by the association in general meeting, the funds of the association must be used for the objects of the association in the way that the committee decides.
- b. Payments may be made as petty cash for amounts up to \$500. Other payments (including cheques and electronic payments) must be authorised or signed by any 2 members of the committee or employees of the association, being members of the committee or employees authorised to do so by the committee.

46. **Custody of books**

- a. Subject to the Act, the regulation and this constitution, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

47. **Inspection of books**

- a. The records, books and other documents of the association must be open to inspection at a place in the ACT, free of charge, by a member of the association at any reasonable hour.

GENERAL

48. **Alteration of objects and rules.**
- a. This constitution may be repealed or amended by a special resolution of three-fourths of the votes of those members who, being entitled to vote, vote and voting at a General Meeting of which not less than 21 days' written notice including notice of the proposed repeal or amendment has been distributed to all members.
 - b. Rules for the proper administration of meetings or business may be made, repealed or amended by a General Meeting or by a Committee Meeting subject to subsequent disallowance at a General Meeting, providing that not less than 21 days' written notice including notice of the proposed new rule, repeal or amendment has been distributed to all members.
 - c.
49. **Service of notice**
- a. For these rules, the association may serve a notice on a member by sending it by post, electronically delivery in person to the member at the member's address shown in the register of members.
50. **Common seal**
- a. The common seal of the association must be kept in the custody of the secretary.
 - b. The common seal must not be attached to any instrument except by the authority of the committee and the attaching of the common seal must be attested by the signatures 2 members of the executive