

“Constitution”

Rules of the Association Mount Eliza Netball Club

1. Name

The name of the incorporated association is the Mount Eliza Netball Club.

2. Definitions

a) In these Rules, unless the contrary intention appears-

"Act" means the **Associations Incorporation Act 1981**;

"Club" means the incorporated association **Mount Eliza Netball Club**;

"Constitution" means the **Rules of the Association Mount Eliza Netball Club**

"Committee" means the Executive Committee of the Club;

"Eligible Members" mean members who are from time to time eligible to vote, nominate or be nominated at General Meetings;

"financial year" means the year ending on 30 June;

"member" means a member of the Club;

"ordinary member of the committee" means a member of the committee who is not an Officer of the Club;

"Register" means the **Register of Members of the Club**

"Registrar" means the **Registrar of Incorporated Associations**

"Regulations" means **Associations Incorporation Regulations 1998**;

"Rules" mean the **Rules of the Association Mount Eliza Netball Club**.

3. Purpose

a) To promote, advance, cultivate and foster the game of Netball in the Mt Eliza area.

- b) To assist in the education and advancement of the community by encouraging fair play and a love of sport, in particular Netball.

4. Membership

- a) The members of the Club shall include -
 - i) Life Members;
 - ii) Playing Members;
 - iii) Parents and/or guardians of Playing Members aged less than 18 years;
 - iv) Any interested citizens who apply for, and are granted, membership by the Committee and who pay an annual subscription.
- b) An individual may hold membership under more than one of these categories simultaneously.
- c) Subject to this constitution, an application for membership as a Member must be –
 - i) in writing in the form prescribed by the committee from time to time;
 - ii) accompanied by the appropriate fee or fees, if any; and
 - iii) lodged with the Secretary.
- d) As soon as is practicable after the receipt of an application under Rule 4 (c), the Secretary shall refer the application to the Committee.
- e) Upon an application being referred to the Committee, the Committee shall, as soon as practicable, determine whether to approve or decline the application.
- f) If the Committee approves the application for membership, the Committee shall determine the appropriate class of membership. The Secretary shall enter the applicant's name in the Register, and upon the name of the applicant being so entered, the applicant becomes a Member.
- g) If the Board does not approve an application for membership, the Secretary shall, as soon as practicable, notify the applicant in writing that the applicant is not approved for membership. The Board is not required to give reasons for its decision.

5. Subscriptions

- a) Annual subscriptions for members of the Club shall be as determined by the Executive Committee.
- b) Playing Members shall become Financial Playing Members of the Club upon payment of subscriptions due for the current year and any amounts due from prior years.
- c) The annual subscription shall be deemed to apply from the first day of January in any year until the last day of December of that same year.
- d) The Committee may grant alternate arrangements for members in the case of genuine hardship.

6. Register of Members

- a) All members of the Club shall be recorded in a membership register kept and maintained by the Club.
- b) The register of members shall contain—
 - i) The name, address and contact details of each member; and
 - ii) The date on which each member's name was entered in the register.
- c) An extract of these details from the register is available for inspection free of charge by any member upon written request to the secretary.
- d) A member may copy these details but must not allow them to be revealed to non members or used for purposes other than those relating to the purpose of the Club.
- e) The club may also record additional personal information about members necessary for the safe and effective operation of the club, for example medical conditions. Such personal information -
 - i) Is confidential and not accessible to the general membership;
 - ii) Shall be revealed only to those club officials whose role requires it, and only for those members relevant to each official's role.

7. General Meetings

- a) An Annual General Meeting shall take place no later than the 31st day of October each year, after fourteen (14) days notice of such meeting has been given by the Secretary. The purpose of the meeting is -
 - i) To confirm the minutes of the previous General Meeting;
 - ii) To receive and adopt the Annual Report of the Committee and statements of accounts for the preceding financial year; and
 - iii) To elect the Officers and Ordinary Members of the Committee for the ensuing year.
- b) Extraordinary General Meetings may be called -
 - i) by the President; or
 - ii) at the request of at least twenty percent (20%) of the Eligible Members on the Membership Register, provided in writing to the Secretary.
- c) On receiving a valid request for an Extraordinary General Meeting, the Secretary shall –
 - i) Select a date for the meeting that falls within six (6) weeks of receipt of the request; and
 - ii) Provided a minimum of fourteen (14) days notice of such meeting to Eligible Members.
- d) All votes at General Meetings must be made in person: No votes are permitted by proxy.

8. Management

- a) The Club shall be managed by an Executive Committee.
- b) The Executive Committee -
 - i) Shall control and manage the business and affairs of the Club;
 - ii) May, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these Rules to be exercised by general meetings of the members of the Club; and
 - iii) Subject to these Rules, the Act and the Regulations, has the power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Club.
- c) The committee shall consist of a minimum of four (4) and maximum of eleven (11) members.
- d) The members of the committee shall be -
 - i) the four (4) Officers of the Club; and
 - ii) up to five (5) Ordinary Members; and
 - iii) up to two (2) members co-opted by the elected committee, as described in section 8 (f).
- e) The Officers of the Club shall be
 - i) a President;
 - ii) a Vice-President;
 - iii) a Treasurer; and a
 - iv) a Secretary.
- f) Members eligible for co-option to committee are the Coaching Coordinator and Umpiring Coordinator.
 - i) A Coaching Coordinator and Umpiring Coordinator shall be selected by, and at the discretion of, the elected committee.
 - ii) In the event either of the coordinators so selected is not otherwise a member of committee they shall be co-opted to the committee.
- g) The committee shall meet as required, such meetings to be called by the President and/or Secretary.
- h) The Secretary shall –
 - i) Advise all Executive Committee Members the time and location of each meeting at least seven (7) days prior;
 - ii) Send a copy of the agenda, and any specific resolutions to be proposed, to the Executive Committee members at least 3 days prior.
- i) At all Executive Committee meetings -
 - i) A quorum shall consist of a two thirds majority of Committee members; and

- ii) Decisions shall be passed by a simple majority of those present and voting on the matter.
- j) The President/Secretary may from time to time invite non committee members to attend a committee meeting.

9. President

- a) The President shall chair each committee meeting and any other meeting of the Club at which he/she is present.
- b) At any meeting chaired by the President, in addition to an ordinary vote, the President shall have a casting vote.
- c) The President shall be ex-officio member of all sub-committees.

10.Vice President

The Vice-President shall -

- a) assist the President as required;
- b) chair any meeting of the Club at which the President is not present.

11.Secretary

- a) The Secretary shall -
 - i) Keep accurate minutes of all meetings, deal with correspondence and motions as directed, and generally carry out the policy and instructions of the committee;
 - ii) Be an ex-officio member of all sub-committees;
 - iii) Maintain a register of members;
 - iv) Keep in their custody or control all books, documents and securities of the Club;
 - v) Ensure all records, including minutes, registers and financial returns, are retained for the holding periods required by the Act and Regulations and other applicable laws.
- b) The committee may delegate any of the above tasks to alternate members of the committee.
- c) The Secretary shall be the registered Club contact with the Registrar as described in the Regulations and shall fulfil all notification and reporting requirements of the Regulations and the Act assigned to the Secretary (and those that prior to 2009 were assigned to the Public Officer).

12.Funds and Treasurer

- a) The Treasurer shall -

- i) Receive all monies and bank the same in the name of the Mount Eliza Netball Club;
 - ii) Pay all accounts which have been passed for payment by the committee;
 - iii) Keep a proper record of all such receipts and payments;
 - iv) Submit a financial report at each committee meeting; and
 - v) Prepare year-end financial reports as required by the Regulations and Act.
- b) All accounts are to be paid by cheque.
 - c) All cheques must be signed by any two (2) of the following Officers: President, Vice President, Treasurer or Secretary.
 - d) The funds of the Club shall be derived from membership fees, annual subscriptions, donations, grants and such other sources as the committee determines.
 - e) The income and property of the Club shall be applied solely towards the promotion of the purposes of the Club as set out in this Constitution.
 - f) No portion of the income or property of the Club shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise to any Member, but this shall not preclude payment to a Member in good faith for expenses incurred or services rendered.

13.Sub Committees

- a) The committee may from time to time appoint sub-committees for special activities, matters of special interest or that may require investigation.
- b) The committee may form subcommittees by -
 - i) Appointing members of the committee;
 - ii) Inviting members of the Club who are not members of the committee;
 - iii) Co-opting other individuals able to provide specialised assistance not otherwise readily available within the committee or membership.
- c) All sub-committees shall:
 - i) Be chaired by a member of the committee;
 - ii) Report regularly on their activities and findings and present a financial statement where appropriate to the committee as and when required.
- d) Any monies raised by any social or fund raising subcommittee formed shall be paid into the Club's official bank account at regular intervals throughout the year.
- e) The committee may from time to time allot to any subcommittee such monies as it may deem necessary for the carrying on of work of the subcommittee.

14.Nominations for the Committee

- a) Nominations for Committee may be lodged with the Secretary in writing, or made from the floor at the Annual General Meeting of the Club.

- b) All candidates for Committee, together with the proposer and the seconder must be Eligible Members at the time of nomination.
- c) All written nominations must be signed by the proposer and the seconder and endorsed by the candidate as signifying approval for such nomination.

15. Terms of Office of the Committee

- a) The Officers of the Club shall be elected for a term of two (2) years.
- b) Ordinary members of committee shall be elected for a term of one (1) year.
- c) All committee positions where the incumbent was appointed due to a casual vacancy since the previous Annual General Meeting shall fall vacant at the next Annual General Meeting.

16. Committee Vacancy

- a) Any member of the committee shall be deemed to have vacated their office in the event they –
 - i) Absent themselves from three (3) consecutive Committee Meetings without forwarding a satisfactory explanation in writing;
 - ii) Take up residence outside Victoria;
 - iii) Cease to be an Eligible Member;
 - iv) Resign from the position;
 - v) Are declared bankrupt or ineligible to serve as a Company Director.
- b) The Executive Committee may grant leave of absence.
- c) The committee shall fill any vacancy that may occur during the year to serve until the next General Meeting.
 - i) A casual vacancy of an Officer of the Club may be filled by another member of the committee.
 - ii) A casual vacancy of an Ordinary Member of the Committee may be filled by a member of the Club.

17. Eligible Members

- a) Only Eligible Members may –
 - i) Vote at General Meetings;
 - ii) Propose, second or be nominated for a committee position;
- b) Eligible Members include all members on the membership register except those who are for the time being disqualified from voting at a General Meeting.

- c) Members are disqualified from voting at a General Meeting if they fall into one or more of the following categories -
 - i) Aged less than 18 years as of the midnight prior to the General Meeting;
 - ii) Playing members, or former playing members, with any outstanding subscriptions as of fourteen (14) days prior to the General Meeting;
 - iii) Parents or Guardians of current or former Playing Members for whom any subscriptions were outstanding as of fourteen (14) days prior to the General Meeting.

18. Membership Categories

- a) An individual who qualifies for more than one category of membership must meet the obligations of each category for which they qualify.
- b) Playing Members are those who represent, or intend to represent, the club in match play or representative teams in the current year:
 - i) All members wishing to play as a representative of the Club must pay all current and past due subscriptions for Playing Members before taking the court for the Club or representative teams.
 - ii) Players who have paid all due amounts are called Financial Playing Members. Those who have overdue amounts are called Non Financial Playing Members.
 - iii) Life Members wishing to play as a representative of the Club must pay all current and past subscriptions normally due from a Playing Member.
- c) Parents and Guardians:
 - i) At least one parent or guardian of each player under the age of 18 must become a member of the Club.
 - ii) A maximum of two parents and/or guardians per Playing Member or family unit of a Playing Member aged below 18 years may become Parent/Guardian members of the Club without incurring fees beyond those due by the Playing Member(s).
 - iii) Parent/Guardian members are considered to be Financial Members if all of the Playing Members below 18 years for whom they are a Parent/Guardian, are Financial Playing Members.
- d) Life Members:
 - i) The committee may at its discretion deem individuals, who have contributed more than 10 years of outstanding service in official Club positions, to be Life Members.
 - ii) Life members may remain on the membership register for life.
 - iii) Life Members who are neither Playing Members nor Parents/Guardians of Playing Members are exempt from paying current subscriptions.
 - iv) Life Members who continue to play must fulfil all the normal obligations of a Playing Member including payment of all subscriptions.
 - v) Life members who are the parent or guardian of a Playing Member must fulfil all the normal obligations of a Parent or Guardian Member including payment of all subscriptions of the junior Playing Members.

19. Termination of Membership

- a) Membership shall be terminated –
 - i) When a member aged eighteen (18) years or over requests in writing to the Secretary to cease membership;
 - ii) When the Parent or Guardian of a Playing Member aged below eighteen (18) years requests in writing to the Secretary to cease membership of the Playing Member;
 - iii) When all Playing Members, for whom the member is a Parent or Guardian, cease to be members;
 - iv) Eighteen (18) months after expiration of the last subscription paid by a Playing Member or Citizen Member; or
 - v) When a member has amounts due to the Club that have been outstanding for more than eighteen (18) months.
- b) On termination of membership, the date of termination shall be entered against the member's name in the membership register.

20. Alterations to the Rules of the Association

This constitution may be altered by a Special Resolution at a General Meeting of the club.

- a) Any proposed alteration to the Constitution shall be notified in writing to the Secretary at least twenty-one (21) days prior to a General Meeting.
- b) The proposed alteration is passed if seventy five percent (75%) of those Eligible Members, who vote on the resolution, vote in favour.
- c) The alterations take effect only after approval from the Registrar.

21. Records of the Club

- a) Except as otherwise provided in these rules, all books, documents, and securities of the Club, shall remain in the custody or control of the Secretary.
- b) On vacating any position as an Officer or Ordinary Member of the committee, the vacating Officer or Ordinary Member must hand all books, documents and securities of the Club to the Secretary within 28 days.
- c) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- d) A copy of the Club Constitution and By Laws must be available to all members on request.

22. Transitional Arrangements

The following shall apply to enable transition from the previous constitution of the Club to this new version of the Constitution in the event it is adopted at the 2009 Annual General Meeting:

- a) Members, who were Financial Members until 30 October 2009 under the Constitution of the Club as it stood prior to the Annual General Meeting of 2009, shall be deemed to be Financial Members until 28 February 2010.

23.Winding Up

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.

24.Disputes and Mediation

- a) The grievance procedure set out in this rule applies to disputes under these Rules between-
 - i) a member and another member; or
 - ii) a member and the Club.
- b) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- c) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- d) The mediator must be-
 - i) a person chosen by agreement between the parties; or
 - ii) in the absence of agreement-
 - (1) in the case of a dispute between a member and another member, a person appointed by the committee of the Club; or
 - (2) In the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- e) A member of the Club can be a mediator.
- f) The mediator cannot be a member who is a party to the dispute.
- g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- h) The mediator, in conducting the mediation, must--
 - i) give the parties to the mediation process every opportunity to be heard; and
 - ii) allow due consideration by all parties of any written statement submitted by any party; and
 - iii) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- i) The mediator must not determine the dispute.

- j) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.