

Constitution of
Mount Barker United Netball Club Incorporated



Drafted in 2010.

*Submitted & accepted by the Office of Consumer & Business
Affairs in 2011.*

1. Name

The name of the Association shall be the "Mt Barker United Netball Club Incorporated" and it shall be referred to as the club.

2. Mission Statement

The mission of the Mt Barker United Netball Club Incorporated is to contribute to the education and personal development of young people based on good sporting values, developing skills, team play, mutual respect and healthy participation in netball.

3. Vision Statement

The Mt Barker United Netball Club Incorporated is to be held in the highest regard, offering opportunities to players, coaches, umpires and committee members to participate in a club atmosphere and compete at the highest level of netball.

4. Objectives

The objectives of the Mount Barker United Netball Club Incorporated are to work towards effectively pursuing its Vision and Mission Statement including:

- a. Contributing to the education, personal development and well-being of young people through their involvement in netball;
- b. Exercise good sporting values in the operation of the club, in particular providing a fair opportunity to all players to develop and play within the limits of sportsmanship and their ability;
- c. To promote and develop netball excellence, with a focus in the Mt Barker District;
- d. To promote and arrange social activities for the raising of funds for the above mentioned purposes by the Mount Barker United Netball Club Incorporated; and
- e. To pursue activities which are conducive to the furtherance of the objectives and interests of the Mount Barker United Netball Club Incorporated.

5. Powers of Association

5.1 Property and Assets

The property, assets and income of the Mount Barker United Netball Club Incorporated wherever derived, shall be applied towards the promotion of the objectives of the Club, and no portion thereof shall be paid or transferred either directly or indirectly by way of dividend, bonus or otherwise by way of profit to members generally of the Club, provided that nothing herein contained shall prevent payment in good faith of remuneration to any officers or servants of the Club or any member in return for services actually rendered, nor prevent the payment of interest on money borrowed from any member of the Club.

5.2 Financials

In furtherance to the objectives of the Mount Barker United Netball Club Incorporated to borrow or raise or secure the payment of money in such a manner as the Club may think fit to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Club in any way and in particular the issue of

debentures, perpetual or otherwise charged upon all or any of the Club's property (both present and future) and to redeem or pay off any such securities.

6 Membership

6.1 Membership General

Any person who is interested in netball and agrees with the Objectives of the Mount Barker United Netball Club Incorporated shall be eligible for membership, subject to the Committee of Management having power to;

- a. Accept or decline an application of membership;
- b. Limit the numbers of members;

6.2 Restrictions on Membership

The Mount Barker United Netball Club Incorporated would ask that any Member who plays, is a member of, or acts as an official for any other netball club that competes against Mt Barker United Netball Club Incorporated in any netball competition that the Club competes in notifies the committee of such membership. It is at the committee's discretion to consider any perceived conflicts of interest and make a decision on membership.

6.3 Membership List

- a. All members must be listed in a confidential register kept for this purpose. As a minimum the details kept on this register will include the members named and contact details. Information kept on this register will not be divulged to any commercial organisation, without the permission of the member.
- b. The register, or parts thereof, will be made available to appropriate organisations where the Mount Barker United Netball Club Incorporated is required to under Law.

6.4 Membership Fee

- a. The Committee may set a membership fee to be paid by members, upon such terms and conditions as it deems fit. The fee may be different for different categories of members as deemed appropriate by the Committee.
- b. For Players, their membership fee will be incorporated as part of their registration fee.

6.5 Membership Term

- a. The Membership Term shall be from the date of initial registration or application until the 31st of December of the year that the playing season ends, or alternate end date as determined by the Committee.
- b. The Membership Term for elected officials shall automatically be extended until the 31st of December of the year that their official role ends.

6.6 Membership Un-financial

- a. A member who has not paid any due Registration Fees, Membership Fees, Other Fees, or Fines as set by the Committee may have their membership suspended until such fees are

paid. A member suspended under this clause may not play for the Mount Barker United Netball Club Incorporated until such fees are paid.

- b. For Junior Players members this suspension will apply where their co-member has not paid any such fees for the Junior Player.

6.7 Membership Categories

6.7.1 Adult Player

An Adult Player is a registered member over 18 years of age who plays netball in any grade in for the Mount Barker United Netball Club Incorporated. Adult Players have full voting rights at the AGM and other general meetings and may stand for any elected position in the Club.

6.7.2 Junior Player

- a. A Junior Player is a registered member under 18 years of age who plays netball in any grade for the Mount Barker United Netball Club Incorporated. Junior Players have NO voting rights at the AGM and other general meetings and may not stand for any elected position in the Club.
- b. All Junior Players must have one Adult registered as a co-member; this co-member registration must be made at the time of the Junior Player registration and the co-member will assume financial responsibility for the Junior Player.

6.7.3 Adult Member

a. Non-playing

An Adult who is a registered member over 18 years who does not play netball for the Mount Barker United Netball Club Incorporated.

b. Co-Member

An Adult that is registered as the Co-member of a Junior Player.

These members have full voting rights at the AGM and other general meetings and may stand for any elected position in the Mount Barker United Netball Club Incorporated.

6.7.4 Honorary Member

The Committee may admit Honorary Members of the Mount Barker United Netball Club Incorporated. This may include sponsors, or public figures beneficial to the Club. Honorary members have NO voting rights at the AGM and other general meetings and may NOT stand for any elected position in the Club.

6.7.5 Life Member

- a. The Committee of Management may confer Life Membership on any Member of the Mount Barker United Netball Club Incorporated for outstanding services to the Club.
- b. Nomination for Life Membership may be made by any member of the Committee, according to the guidelines and criteria as stated in the Mount Barker United Netball Club Incorporated policies.

- c. The Committee shall decide whether or not to confer Life Membership by a simple majority of the Committee at the meeting that considers the nomination.
- d. Life Members have full voting rights at the AGM and other general meetings and may stand for any elected position in the Mount Barker United Netball Club Incorporated.
- e. Life Members are not required to pay any membership fees, but may be required to pay other fees as determined by the Committee.
- f. An honour roll of Life Members will be kept and made public on the Mount Barker United Netball Club Incorporated website.
- g. Life Membership may be rescinded by a two-thirds majority of the Committee only where the Life Member has been found to be acting in a manner detrimental to the Mount Barker United Netball Club Incorporated or convicted of a criminal offence. Where Life Membership is rescinded that individuals name will be removed from the honour roll.

6.8 Member Resignation

Any category of member may at anytime resign from the Mount Barker United Netball Club Incorporated.

6.8.1 Resignation in Writing

Resignation must be in writing and forwarded to the Secretary of the Mount Barker United Netball Club Incorporated. The Secretary must then present the resignation to the Committee for acceptance within four weeks. If a Committee meeting is not scheduled within that four week period the Secretary may forward a copy of the resignation to each Committee member and seek to have the Committee to accept the resignation by written agreement.

6.8.2 Resignation date of effect

The resignation will only be considered as effective from the date of acceptance by the Committee.

6.8.3 Resignation non-acceptance

The Committee will not accept a resignation where it is in the process of, or is likely to commence action to expel a member.

6.8.4 Resignation fee reimbursement

Where a member upon resigning seeks a reimbursement of fees, the Committee may at its discretion return an amount no greater than the pro-rata annual less any club expenses, outstanding fees and fines.

In determining any pro-rata amount the Committee shall take into account:

- a. The reason for the resignation;
- b. The member's contribution to the Mount Barker United Netball Club Incorporated;
- c. The amount of the season remaining;
- d. Penalty fees the Mount Barker United Club Incorporated may incur where it is required to nominate replacement players

- e. Any other costs incurred, or that may be incurred by the Mount Barker United Netball Club Incorporated as a result of the resignation.

6.8.5 Player Resignation

- a. Where a Player resigns from the Mount Barker United Netball Club Incorporated to play for another club that competes against Mt Barker United Netball Club Incorporated in any competition, they will not be eligible to the refund of any registration fees.

6.9 Membership Termination and Penalties

6.9.1 Right to Expel Members

The Committee may expel from the Mount Barker United Netball Club Incorporated or otherwise penalise any member whose conduct, in the opinion of the Committee is discreditable or injurious to the character or interests of the Mount Barker United Netball Club Incorporated.

7 Management

7.1 Committee of Management

7.1.1 Interests of the club

The interests of the Mt Barker United Netball Club Incorporated are paramount. Each member of the committee should represent these interests in matters raised in relation to the Mount Barker United Netball Club Incorporated.

7.1.2 Committee Discussions

Committee meetings will encourage the appropriate exchange and discussion of information between members. This means that these discussions will remain within the Committee and not disclosed without the express permission of the Club Committee.

7.1.3 Respect for Other Members

Committee members are expected to respect other members of the Committee; ensuring they are supported wherever they are performing activities on behalf of the Mount Barker United Netball Club Incorporated.

7.1.4 Personal Commitment

Committee members are required to make a personal commitment to keep themselves informed on Club issues, so that they can make appropriate decisions within the deliberations of the Committee.

7.1.5 Promotion of the Club

Committee members are central to promoting the Mt Barker United Netball Club Incorporated and to ensure it is observed as a fair, equitable, and well administered Netball Club for the benefit of our players, members, supporters and sponsors.

7.1.6 Appropriate Behaviour

Committee members are required to demonstrate appropriate social behaviour including not using unacceptable language, harassing others, being under the influence of alcohol or drugs whilst representing the Mount Barker United Netball Club Incorporated.

7.2 Duty of Care from Players, Officials, Adult Members and Supporters

The conduct expressed within this Duty of Care statement is expected of all Players, Officials, Adult Members and Supporters of the Club, recognising that at all times they are expected to act responsibly and exercise a Duty of Care to all members of the Mount Barker United Netball Club Incorporated.

7.2.1 Acknowledgement of Officials

Mt Barker United Netball Club Incorporated acknowledges that all officials from all Clubs give their time and effort to support player involvement and enjoyment and expects all Players, Officials, Adult Members and Supporters to show their respect for officials.

7.2.2 No Abuse

Mt Barker United Netball Club Incorporated will take action and support all efforts to remove verbal and physical abuse from sporting activities, by officials, players, club members, parents and supporters.

7.2.3 Natural Justice

The Mount Barker United Netball Club Incorporated will abide by the principles of natural justice in its dealing with Players, Officials, Adult Members and Supporters, or with other people or organisations.

There are two primary rules underlying the concept of natural justice:

1. Hear the other side – a person whose interests will be affected by the decision should be given a hearing before that decision is made;
2. No-one shall be judged in her/his own case – The decision maker must be unbiased. If a person has preconceived opinions, a vested interest or personal involvement in a matter they should not attempt to settle that matter. Conventionally, a person is expected to declare any interest and step aside if it could be deemed that the decision was arrived at for reasons other than the merits of the case.

7.2.4 Representing the Club

Players, Officials, Adult Members and Supporters when representing the Mount Barker United Netball Club Incorporated at games, training or other events must:

- a. Be mindful that they contribute to the image of the Mount Barker United Netball Club Incorporated and are required to demonstrate appropriate social behaviour including not using unacceptable language, or harassing others, or being under the influence of alcohol or drugs when representing the Club;
- b. Respect the rights and dignity of themselves and others;
- c. Demonstrate a high degree of individual responsibility, recognising that at all times their words and actions are an example to other members of the community;
- d. Act at all times in accordance with the Mt Barker United Netball Club Incorporated Constitution, Policies, By-Laws and other adopted guidelines;
- e. Not use the Mount Barker United Netball Club Incorporated to promote their own beliefs, behaviours or practices where these are not compatible with the Mt Barker United Netball Club Incorporated Constitution and By-Laws or the principles of good sporting values, team play and healthy participation in netball; and
- f. Act with consideration and good judgement in all interpersonal relationships in their dealings for and on behalf of the Mount Barker United Netball Club Incorporated.

8 Definitions:

Adult Member means a registered member of the Club over 18 years of age, playing or non-playing and includes Life Members.

AGM means Annual General Meeting

Club means the “Mt Barker United Netball Club Incorporated”

Co-Member means a registered member that is a parent, guardian or caregiver of an underage player

Committee means the “Committee of Management”

Executive means the “Executive Committee”

Member means any financial Adult Member, Co-Member, Player or Official

Officials means any person who is on the Committee of Management, a Coach, Team Manager, Primary Care Giver, Umpire or any other representative role for the Club

Office Bearers means The President, a Vice President, a Secretary, a Treasurer, either individually or collectively

Players mean any person of any age who has registered, or seeks to register and plays for the Club

Supporter means any non-financial member, non-member relatives and friends of players, sponsors and other people who voluntarily align themselves with the Club

Mt Barker United Netball Club means the “Mt Barker United Netball Club Incorporated”

9 General Meetings

9.1 Annual General Meetings

An Annual General Meeting (AGM) of members shall be held prior to the 30th November each year.

9.2 Notice of Meeting

Members shall be given notice in writing, or if they prefer by email, at least fourteen calendar days prior to the meeting. The notice of the meeting must include and Agenda and including advice of relevant reports to be tabled and elected positions to be filled.

9.3 Reports to be Tabled

The Annual Report and audited financial statement shall be submitted to members at the Annual General Meeting.

9.4 By-Laws

- a. The Annual General Meeting may make any By-Laws necessary for the proper administration of the Club. Any proposed By-Laws may be passed by a simple majority of members present
- b. Any By-Laws so made by an Annual General Meeting shall not be repealed, added to or amended unless and until:
 - i. Notice of the intention to propose such repeal, addition or amendment is first given in writing by a member of the Mount Barker United Netball Club Incorporated to the Secretary of the Club not later than 30 days prior to the date of the Annual General Meeting and included in the Agenda and distributed as part of the Notice of Meeting to members;
 - ii. Any motion to propose repeal, addition or amendment is passed by two-thirds of the members of the Club present at the AGM.

9.5 Nomination of Office Bearers and Committee

Nominations for each candidate for election as Office Bearer or Committee Member shall be proposed and seconded by two members at the Annual General Meeting.

9.6 Election of Office Bearers and Committee

- a. The Election of Office Bearers and Committee for the ensuing twelve months until the next Annual General Meeting shall take place at the AGM.
- b. The President must vacate the Chair to any other member. Upon the election of the new President they will assume their role and continue to conduct the Election of all other Officers and Committee.
- c. All Adult Players, Adult Members, Life Members are eligible to stand for any role and vote, subject to Clause 7.7 and 8.4.
- d. Contested offices shall be subject to ballot at the Annual General Meeting with election by a simple majority of votes.
- e. No ballot shall be required when the number of candidates for each office does not exceed the number of vacancies and they shall be declared duly elected.
- f. No member shall be eligible for election unless they are present at the Annual General Meeting unless they have advised the President in writing of their willingness to accept nomination for an Office Bearer or member of the Committee of Management.
- g. No member may concurrently hold more than one Office Bearer position.
- h. A member may chose to hold more than one of the roles as defined in Clause 9.1 (b).

9.7 Special General Meetings

A Special General Meeting may be called at the request of:

- a. The President; or
- b. The Secretary; or

- c. Any two members of the Committee of Management; or
- d. At the written request of ten financial adult members, adult players or life members of the Mount Barker United Netball Club Incorporated.

Such meetings shall be held within 30 calendar days of the request and all members shall be notified in writing or by email not less than 10 days prior to the meeting.

9.8 Quorum for General Meetings

- a. The quorum for all General Meetings shall be eight financial adult members, adult players or life members present.
- b. If at any General Meeting a quorum is not declared within 30 minutes of the time appointed for the meeting then the meeting shall be adjourned for a period not exceeding fourteen (14) days.

9.9 Voting at General Meetings

All Adult Players, Adult Members and Life Members are eligible to vote, subject to:

- a. Physical attendance at the meeting; and
- b. Not being suspended by the Mount Barker United Netball Club Incorporated for any reason.

9.10 Chairperson at General Meetings

- a. The President of the Mount Barker United Netball Club Incorporated shall be the Chairperson at all General Meetings. Should the President not be present then the Vice President shall act as Chair, if the Vice President is also not present the members shall elect a member to act as Chair.
- b. At all General Meetings, the Chairperson's decisions on points of order shall be final.
- c. The Chairperson shall have a casting vote only where an equal number of members present have voted for and against a motion.

10 Committee of Management

10.1 The Full Committee of Management

The full Committee of Management shall comprise:

- a. The four Office Bearers: the President, the Vice President, the Secretary, the Treasurer;
- b. At least four and no more than 9 members of the Club incorporating:
 - i. Umpire Coordinator
 - ii. Senior Coordinator
 - iii. Junior Coordinator
 - iv. Committee member
 - v. Committee member
 - vi. Committee member

- vii. Committee member
- viii. Committee member
- ix. Committee member

10.2 Vacancies

Should any vacancy occur, in the Committee or Office Bearers of the Mount Barker United Netball Club Incorporated, other than in the normal course of the elections, the Committee may fill such vacancy from the registered members of the Club and such member duly elected shall hold office until the next AGM.

10.3 Meetings

There shall be a meeting of the Committee of Management on a nominated day of each month as determined by the Committee of Management.

10.4 Quorum

The quorum for a full Committee of Management meeting shall be five (5) or more of its members, where at least two (2) are not Office Bearers.

10.5 Invited Guests

The Committee of Management may invite coaches, umpires, player representatives, records officers, Life Members and any other members to attend any of its meetings. This invitation may be withdrawn at anytime, including during the course of a meeting.

10.6 Voting

Only the Office Bearers and the elected members of the Committee of Management may vote in meetings

Invited guests and Life Members will have no right to vote.

10.7 Appointment of Sub-Committees

- a. The Committee of Management shall have the power to delegate any of its power to a sub-committee to deal with any particular matter or matters and upon such terms as the Committee shall think fit.
- b. The President, Vice President, Treasurer and Secretary or their nominees shall be ex-officio members of all sub-committees, except the Complaints Committee.

10.8 Chairperson at Meetings

- a. The President of the Mount Barker United Netball Club Incorporated shall be the Chairperson at all Committee of Management Meetings. Should the President not be present then the Vice President shall act as Chair, if the Vice President is also not present the members shall elect a member to act as Chair.
- b. At all Committee of Management, the Chairperson's decisions on points of order shall be final.
- c. The Chairperson shall use a casting vote only where an equal number of members eligible to vote and present have voted for and against a motion.

11 Duties of Office Bearers

11.1 The President

The President shall preside at all meetings of the Mount Barker United Netball Club Incorporated and be empowered to speak on behalf of the Club.

11.2 The Vice President

The Vice President shall preside at meetings of the Mount Barker United Netball Club Incorporated and be empowered to speak on behalf of the Club at the direction of the President, or when the President is unavailable.

11.3 The Secretary

The Secretary shall carry out their duties under the direction of the Committee, attend to correspondence, issue notices for meetings, keep records, and perform any other duties as specified in the By-Laws.

11.4 The Treasurer

The Treasurer shall receive all monies payable to the Mount Barker United Netball Club Incorporated and give receipts for same. All monies received shall be paid into the banking account of the Club. The Treasurer shall present at each Committee of Management meeting a report of the Club finances and shall keep proper books of account of all moneys received and disbursed.

12 Finance

12.1 Financial Year

The financial year for the Mount Barker United Netball Club Incorporated shall be from 1st October to 30th September the following year.

12.2 Banking of Monies

All monies of the Mount Barker United Netball Club Incorporated shall be paid into an account of the Club as such financial institution as the Committee may from time to time direct.

12.3 Payments

12.3.2 Authorised Signatories

No Monies shall be withdrawn from the Mount Barker United Netball Club Incorporated account except by the bank signatories, who have been authorised by the Committee of Management to sign on behalf of the Club.

12.3.3 Payment Approval

No payment shall be authorised or money withdrawn unless such withdrawal has been approved by the Committee as an individual payment or as recurring payment for a period of time covered by a commercial agreement.

12.3.4 Emergency Payments

In the case of an emergency, or where a payment is required to fulfil a commercial agreement on behalf of the Club, or otherwise maintain the reasonable and lawful operation of the Club, payment may be approved by the President, Vice President or Secretary and submitted for endorsement by the next Committee meeting.

12.4 Books and Accounts

The books and accounts of the Mount Barker United Netball Club Incorporated shall be audited annually by an auditor appointed at the Annual General Meeting.

13 Auditors

An Auditor for the Mount Barker United Netball Club Incorporated shall be appointed at the Annual General Meeting in each year and such Auditors shall:

- a. Be a registered Accountant;
- b. Hold office until the next Annual General Meeting.

14 Amendments to the Constitution

This shall be the only constitution of the Mt Barker United Netball Club Incorporated and shall come into force forthwith and shall not be altered, varied, added to or repealed unless two-thirds of the registered members present at an Annual General Meeting or at a Special General Meeting specially convened for that purpose are in favour of such alteration, variation or repeal.

15 Dissolution and Disposition of Assets

15.1 Dissolution of the Club

The Mount Barker United Netball Club Incorporated may be wound up upon a resolution of not less than three quarters of the members of the Club as shall attend and voted at an Annual General Meeting or a Special General Meeting of the Club called for that purpose.

15.2 Disposition of Assets

Upon a resolution, to dissolve the Mount Barker United Netball Club Incorporated being passed, the whole of the property and assets of the Club (after payment of all debts and liabilities) shall be disposed of to a charitable organisation, or sports club decided upon by the resolution of not less than three quarter majority of those members at the meeting that voted to have the Club wound up. If a resolution cannot be agreed at the general meeting the Committee of Management shall decide by simple majority the charitable organisation or sports club to receive the assets of the Mount Barker United Netball Club Incorporated.