



Birrong Sports Netball Club
Constitution

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BIRRONG SPORTS NETBALL CLUB CONSTITUTION

1. Definitions

For the purposes of this Constitution:

'Association' means the Bankstown City Netball Association Inc.;

'Club Delegate' means a duly appointed representative of the club.

'Club Meeting' means a meeting convened by the Executive open to all members of the Club;

'Committee' means the members of the Executive and the elected non-executive committee members;

'Instrument' means any document pertaining to the governance of the Club, and includes, but is not limited to, this Constitution and the associated Policies and By-laws;

'New South Wales Netball Association Ltd' (NSWNA Ltd) means the controlling body for Netball in New South Wales;

'Registered Member' means any financial member, Life Member or honorary member of the Club;

'Secretary' means:

- the person holding office under this Constitution as Secretary of the Club; or
- if no such person holds that office - the public officer of the Club.

'Special General Meeting' means a general meeting of the Club other than an Annual General Meeting;

'The Act' refers to the Associations Incorporation Act 2009 and all further amendments to it;

'The Club' refers to the Birrong Sports Netball Club;

'The Sports Club' refers to the Bankstown District Sports Club.

'Written Notice' shall include any notices hand delivered to Club files, delivered by the postal service, facsimile transmission, and any notice by way of email sent to any facsimile number or email address of any member [or office bearer] of the Club kept by the Registrar;

2. Interpretation

- 2.1 Where this Constitution conflicts with any other Instrument of the Club, this Constitution shall prevail.
- 2.2 The Executive shall hold the power to deal with and adjudicate upon all questions and disputes as to the interpretation of the Constitution and associated Policies, Procedures and By-laws.
- 2.3 Where this Constitution conflicts with the Act, the Act shall apply.

3 Title

- 3.1 The name of the Club shall be Birrong Sports Netball Club

4 Colours

- 4.1 The Club's colours shall be black and white.

5 Affiliation

- 5.1 The Club shall be affiliated with the Bankstown City Netball Association Inc. (B.C.N.A.). It is referred to as “The Association” in the remaining sections of this document.
- 5.2 The Club shall play in accordance with the Rules and Regulations of the Association.
- 5.3 The Club shall play in accordance with the Netball official rules as authorised by All Australian Netball Association Limited (Netball Australia).
- 5.4 The Club acknowledges The Bankstown District Sports Club Limited as its “Parent Club”. The Club acknowledges it shall always be consistent with the guidelines of the Sports Club.

6 Objectives

- 6.1 The objectives of the Club are:
 - 6.1.1 To further interest in the game of Netball in the Bankstown District.
 - 6.1.2 To promote junior sport in the Bankstown District.
 - 6.1.3 To strive for and support equal opportunity for reasons including but not limited to religion, race or financial status for all in netball.
- 6.2 The objectives of the Club may only be altered at an Annual General Meeting or Special General Meeting.

7 Patron

- 7.1 The Club Patron(s) is/are elected at the Annual General Meeting each year.

8 Membership

- 8.1 Members of the Club shall be classified as:
 - 8.1.1 Senior Players;
 - 8.1.2 Junior Players (As prescribed by the age criteria set by NSWNA Ltd.);
 - 8.1.3 Non-players, including but not limited to, coaches, managers, club delegates, umpires and Life Members.
- 8.2 A person becomes a Member upon successful completion and submission of the appropriate registration form and payment of prescribed fees.
- 8.3 A right, privilege or obligation which a person has by reason of being a member of the Club:
 - 8.3.1 is not capable of being transferred or transmitted to another person; and
 - 8.3.2 terminates on cessation of the person’s membership.
 - 8.3.3 may be suspended due to outcomes of a disciplinary matter.
- 8.4 A person ceases to be a registered Member of the Club if the person:
 - 8.4.1 Dies;
 - 8.4.2 Ceases to be financial.
 - 8.4.3 Is expelled from the Club under the authority of the Executive.
 - 8.4.4 Does not renew membership the following year of play.
- 8.5 Life Membership
 - 8.5.1 Any person may be elected a Life Member of the Club in recognition of outstanding voluntary service to the Club, including 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.
 - 8.5.2 Candidates for election as Life Membership shall be nominated by two (2) financial members of the Club and lodged with the President or Acting President by 31 July. Nominations must include the nominee’s credentials.
 - 8.5.3 All nominations must meet the criteria for Life Membership as outlined in the Policies & Procedures; nominations shall be vetted by the Executive and decided upon by the Club at a Special Meeting.
 - 8.5.4 The Committee may, from time to time, fix the maximum number of persons who may at any time hold Life Membership, excluding deceased Life Members.

- 8.5.5 A Life Member shall be entitled to attend all Club, Special and Annual General Meetings and shall have full voting rights.
- 8.5.6 Life Members shall be presented with an award and shall be exempt from the payment of the annual membership subscriptions to the Club. Such membership subscriptions will be paid to New South Wales Netball Association Ltd by the Club.
- 8.5.7 A person ceases to be a Life Member of the Club if the person is expelled from the Club under the authority of the Executive.

9 Fees

- 9.1 The fees shall be set by the Executive and adopted at the Annual General Meeting each year.
- 9.2 All registered members of the Club will be financial members following successful payment of registration fees.

10 Register of Members

- 10.1 The Registrar of the Club shall establish and maintain a Register of Members of the Club specifying the name and address of each person who is a Registered Member, together with the date on which the person became a Registered Member.
- 10.2 The Register of Members shall be kept at the principal place of administration of the Club and shall be open for inspection, free of charge, by any Registered Member of the Club at any reasonable hour.
 - 10.2.1 Such inspection shall be limited to viewing the names of Registered Members or to such information as may be able to be provided in accordance with any State or Federal legislation governing privacy.
 - 10.2.2 The Public Officer must at all times have access to the Register of Members in its entirety, in accordance with Fair Trade (or other relevant) legislation.
 - 10.2.3 Should a Registered Member require any further information from the Register they may request permission from the Public Officer in writing to access such information. Such a request must indicate the reasons for the Registered Member requiring the additional information, and permission is subject to the Public Officer's approval.

11 Members Liability

- 11.1 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.

12 Resolution of Disputes

- 12.1 The dispute resolution applies to members of the club and associated parents, spectators, as bound by the Netball NSW Codes of Conduct.
- 12.2 A dispute between a member and another member, or between members/a member and The Club, is to be referred to the Club Executive in the first instance or, in case of real or perceived conflict, another Committee member for resolution. If the dispute is not satisfactorily resolved within reasonable time frames and/or all avenues within The Club have been exhausted, the dispute may be referred to an external body as a grievance.

13 Discipline Policy

- 13.1 A complaint may be made to the Executive by any person, who is a member of the Club:
 - 13.1.1 Has refused or neglected to comply with a provision or provisions of this constitution, or
 - 13.1.2 Has wilfully acted in a manner prejudicial to the interests of the Club.
- 13.2 The Executive may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- 13.3 If the Executive decides to initiate formal action, the Executive:

- 13.3.1 must appoint a Disciplinary Panel, consisting of three (3) Committee Members, one (1) Life Member and one (1) external person.
- 13.3.2 must ensure members of the Disciplinary Panel hold no personal interest in the conflict.
- 13.4 The Disciplinary Panel:
 - 13.4.1 must cause notice of the complaint to be served on the member concerned, and
 - 13.4.2 must give at least seventy-two (72) hours from the time the notice is served within which to make submissions to the panel in connection with the complaint, and
 - 13.4.3 must take into consideration any submissions made by the member in connection with the complaint.
- 13.5 The Disciplinary Panel may, by resolution, expel the member from the Club or suspend the member from membership of the Club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension warranted in the circumstances.
- 13.6 If the Disciplinary Panel expels or suspends a member, the secretary must, within forty-eight (48) hours after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the panel for having taken that action and of the member's right of appeal under clause 14.
- 13.7 The expulsion or suspension does not take effect:
 - 13.7.1 until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - 13.7.2 if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under clause 14.

14 Right of Appeal of Disciplined Member

- 14.1 A member may appeal the decision of the Disciplinary Panel within forty-eight (48) hours after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- 14.2 The notice must be accompanied by a statement of the grounds on which the member intends to rely for the purpose of the appeal.
- 14.3 On receipt of a notice from a member under subclause 14.1, the secretary must establish the appeals process outlined in the Policies & Procedures.

15 Powers of the Club

- 15.1 The Club shall have control of all monies and shall have the right to levy teams to ensure the Club is on a sound financial footing.
- 15.2 The Club shall appoint two (2) delegates and two (2) alternatives to attend Meetings of the Association as required.
- 15.3 The Club shall appoint one (1) delegate and one (1) alternative to attend the relevant Sports Club Meetings as required.
- 15.4 The Club shall appoint other Committee Members and delegates as required.

16 Committee

- 16.1 The Committee shall consist of:
 - 16.1.1 The Executive
 - 16.1.2 Other elected non-executive office bearers.
- 16.2 Not less than fourteen(14) days written notice shall be given specifying the date, time, and place of the meeting, and any special business to be dealt with.
- 16.3 The Executive
 - 16.3.1 The Executive shall consist of:
 - 16.3.1.1 President
 - 16.3.1.2 Secretary

- 16.3.1.3 Treasurer
- 16.3.2 The Executive shall convene not less than five (5) times each year on dates to be fixed by the Executive.
- 16.3.3 Should it be necessary to call additional Meetings, all Executive members shall be notified at least forty-eight (48) hours prior to the Meeting being held.
- 16.3.4 Any member of the Executive who, without leave of the Executive, has failed to attend three (3) Meetings shall be deemed to have resigned and shall be replaced in accordance with the casual vacancies policy.
- 16.3.5 The Executive shall be responsible for the execution of the objects of the Club and without in any way limiting this responsibility shall have power:
 - 16.3.5.1 to control and manage the affairs of the Club.
 - 16.3.5.2 to fix fees payable by members and to enforce payment thereof.
 - 16.3.5.3 to control the funds of the Club and for that purpose to open and operate banking accounts; 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.
 - 16.3.5.4 to deal with and adjudicate upon any complaint made to it of misconduct generally detrimental to the policy, interests or welfare of the Club by any Registered member.
 - 16.3.5.5 to appoint any delegate or delegates from the Committee to represent the Club for any purpose with such powers as may be thought fit.
- 16.3.6 Duties of Executive
 - 16.3.6.1 The Executive shall exercise the functions and powers of the Club between Meetings of the Club and its decisions shall be subject to ratification by the Club at the next Meeting, and shall also:
 - 16.3.6.2 Ensure the presentation of a financial report to all Club Meetings.
- 16.3.7 Casual vacancies on the Executive shall be filled by the Vice President (in the case of a casual vacancy for President's position).
- 16.3.8 Unless otherwise determined at an Annual General Meeting the Secretary shall also be the Public Officer.
- 16.4 Election of Non-Executive Office Bearers
 - 16.4.1 The roles of the non- executive office bearers as specified in the Policies & Procedures, shall be elected at the first Club Meeting of each year, with the exception of the Vice President, which shall be elected at the Annual General Meeting.
 - 16.4.2 Committee members shall be elected by majority vote. A member must be nominated by a person other than themselves and this must be seconded. They will be asked if they accept the nomination. If there are no other candidates nominated this person is elected.
 - 16.4.3 In the case of two or more members being nominated and both accepting the nomination a vote will be conducted, and the member with the majority vote is appointed.
 - 16.4.4 Each elected officer will hold that office for one year.
- 16.5 A member of the Committee is deemed to have vacated their position if:
 - 16.5.1 they notify the Executive in writing.
 - 16.5.2 they are no longer a Member of the Club.
 - 16.5.3 an event or incident has occurred which, under Fair Trading NSW laws, makes them unsatisfactory to hold that position.

17 Annual General Meetings – holding of

- 17.1 The Club must hold its first Annual General Meeting within 18 months after its registration under the Act.
- 17.2 The Club must hold its Annual General Meetings:
 - 17.2.1 within 6 months after the close of the Club's financial year, or
 - 17.2.2 within any later time that may be allowed or prescribed under the Act.

18 Annual General Meetings – calling of and business at

- 18.1 The Annual General Meeting of the Club is to be convened on a date and at the place and time that the Executive thinks fit, and is subject to the Act.
- 18.2 In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include the following:
 - 18.2.1 to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that Meeting.
 - 18.2.2 to receive from the Executive reports on the activities of the Club during the last preceding financial year.
 - 18.2.3 to elect the Executive of the Club and the non-executive Office-Bearer role of Vice President.
 - 18.2.4 to receive and consider any financial statement or report required to be submitted to members under the Act.
- 18.3 A Director or Administrator from the Sports Club shall act as Returning Officer at the Annual General Meeting.
- 18.4 An Annual General Meeting must be specified as that type of Meeting in the notice convening it.

19 Special General Meetings – calling of

- 19.1 The Executive may, whenever it thinks fit, convene a Special General Meeting of the Club as per 20.2.
- 19.2 The Executive must, on the requisition of at least 5% of the total number of members, convene a Special General Meeting of the Club.
- 19.3 A requisition of members for a Special General Meeting:
 - 19.3.1 must be in writing, and
 - 19.3.2 must state the purpose or purposes of the Meeting, and
 - 19.3.3 must be signed by the members making the requisition, and
 - 19.3.4 must be lodged with the Secretary, and
 - 19.3.5 may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 19.4 If the executive fails to convene a Special General Meeting to be held within one (1) month after the date on which a requisition of members for the Meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date.
- 19.5 A Special General Meeting convened by a member or members as referred to in subclause 19.4 must be convened as nearly as is practicable in the same manner as Club Meetings are convened by the Executive.
- 19.6 For the purposes of subclause 19.3:
 - 19.6.1 a requisition may be in electronic form, and
 - 19.6.2 a signature may be transmitted, and a requisition may be lodged, by electronic means.

20 Notice

- 20.1 Except if the nature of the business proposed to be dealt with at an Annual General Meeting requires a special resolution of the Club, the Secretary must, at least 14 days before the date fixed for the holding of the Annual General Meeting, give a notice to each member specifying the place, date and time of the Meeting and the nature of the business proposed to be transacted at the Meeting.
- 20.2 If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the Secretary must, at least 21 days before the date fixed for the holding of the General Meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause 20.1, the intention to propose the resolution as a special resolution.
 - 20.2.1 Note. A special resolution must be passed in accordance with section 39 of the Act.
- 20.3 No business other than that specified in the notice convening a General Meeting is to be transacted at the Meeting except, in the case of an Annual General Meeting, business which may be transacted under clause 18.2.

- 20.4 A member desiring to bring any business before an Annual General Meeting and/or a Club Meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a Meeting given after receipt of the notice from the member.

21 Club Meetings

- 21.1 The Club shall convene not less than five (5) times each year on dates to be fixed by the Executive. At least three (3) of these Meetings shall be held at not less than monthly intervals between February and August inclusive.
- 21.2 The business of Club Meetings shall include reports from the Committee and receive general business from the floor.

22 Quorum for Meetings

- 22.1 No item of business is to be transacted at a meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.
- 22.2 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 meeting.
- 22.3 If within 15 minutes after the appointed time for the commencement of a meeting a quorum is not present, the meeting:
- 22.3.1 if convened on the requisition of members—is to be dissolved, and
- 22.3.2 in any other case—is to stand adjourned to the same day in the following week 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 given before the day to which the meeting is adjourned) at the same place.
- 22.4 If at the adjourned Meeting a quorum is not present within 15 minutes after the time appointed for the commencement of the Meeting, the members present, being at least five (5), are to constitute a quorum.

23 Presiding Member

- 23.1 The President or, in the President's absence, the Vice President, is to preside as Chairperson at each meeting of the Club.
- 23.2 If the President and the Vice President are absent or unwilling to act, the members present must elect one of their number to preside as Chairperson at the meeting.

24 Adjournment

- 24.1 The Chairperson of a meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 24.2 If a meeting is adjourned for 14 days or more, the Secretary must give written or verbal notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 24.3 Except as provided in subclauses 24.1 and 24.2, notice of an adjournment of a meeting or of the business to be transacted at an adjourned meeting is not required to be given.

25 Making of Decisions

- 25.1 A question or motion arising at a meeting of the Club is to be determined by:
- 25.1.1 a show of hands or,
- 25.1.2 a written ballot if on the motion of the Chairperson or if one or more members present at the meeting decide that the question should be determined by a written ballot.
- 25.2 If the question is to be determined by a show of hands, a declaration by the Chairperson 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 Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- 25.3 Subclause 25.1.2 applies to a method determined by the Chairperson under subclause 25.1.1 in the same way as it applies to a show of hands.
- 25.4 If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the Chairperson.

26 Special Resolutions

- 26.1 A special resolution may only be passed by the Club in accordance with the Act.

27 Voting

- 27.1 On any question or motion arising at a meeting of the Club a member has one vote only.
- 27.2 In the case of an equality of votes on a question or motion at a meeting, the Chairperson of the meeting is entitled to exercise a casting vote.
- 27.3 A member is not entitled to vote at any meeting of the Club unless all money due and payable by the member to the Club has been paid.
- 27.4 At the Annual General Meeting voting shall be restricted to those members who are eligible to attend and vote at General Meetings, and who have attended 50% of Club Meetings held since the previous Annual General Meeting. Should this be an odd number of meetings, then the number of meetings shall be the lesser number, ie. 4 out of 9 meetings, not 5 out of 9.
- 27.5 A member is not entitled to vote at any Meeting of the Club if the member is under 18 years of age.
- 27.6 If a member is under 18 years of age, their vote may be held by one (1) nominated parent or guardian of that child, limited to one vote per family.

28 Proxy Votes

- 28.1 Proxy voting must not be undertaken at or in respect of a meeting.

29 Postal or Electronic Ballots

- 29.1 The Club may hold a postal or electronic ballot (as the Executive determines) to determine any issue or proposal (other than a disciplinary appeal). A postal or electronic ballot may not be used to vote at any meeting of the Club.
- 29.2 A postal or electronic ballot is to be conducted in accordance with the Act.

30 Use of technology at Meetings

- 30.1 The use of technology is not deemed as an acceptable form of attendance at a meeting.

31 Funds: Sources and Management

- 31.1 The funds of the Club shall be derived from annual Membership fees, other fees and donations and, subject to any resolution passed by the Club in a Club, Special or Annual General Meeting, such other sources as the Executive determines.
- 31.2 The banking accounts of the Club shall be kept at a bank or building society approved by the Executive and all payables operating on the accounts shall require the signatures of any two (2) of the President, Secretary or Treasurer.
- 31.3 The current bank statements shall be tabled at each Club Meeting, together with a written financial report.
- 31.4 The books of the Club shall be audited each year by a qualified person who is not a Member of the Club.
- 31.5 An audited balance sheet shall be presented at each Annual General Meeting.
- 31.6 All Club and New South Wales Netball Association Ltd fees shall be paid by the due date.
- 31.7 No Committee member of the Club shall be entitled to receive remuneration for any services.

32 Books and Records

- 32.1 Except as otherwise provided in this Constitution all records, books and other documents relating to the Club shall be kept under the custody or control of the Public Officer.
- 32.2 Any Registered Member may request permission in writing to inspect the books of account and record of minutes of the Club. The Executive shall determine the time, date and place.

33 Financial Year

- 33.1 The financial year of the Club shall run from 1st November to 31st October each year.

34 Alterations to Constitution

- 34.1 The Constitution of the Club may be altered by special resolution passed by at least three quarters (3/4) of the members present and voting at an Annual General Meeting or Special Meeting of the Club, of which no less than twenty-one (21) days written notice has been given specifying the resolution/s to be proposed.
- 34.2 A new Constitution must be approved by the Bankstown District Sports Club.

35 Dissolution and Winding Up

- 35.1 The Club shall not be dissolved except by special resolution passed by a majority of at least three quarters (3/4) of the members present and voting at a Special Meeting of the Club, of which no less than twenty-one (21) days written notice has been given specifying the resolution to be proposed.
- 35.2 On dissolution of the Club, any property whatsoever remaining after determination and settlement of all debts and liabilities will be distributed as determined at a Special General Meeting in accordance with the objectives of the Club.