



KINGSWAY ANCHORS STEELERS NETBALL CLUB INC

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CONSTITUTION AND RULES OF KINGSWAY ANCHORS STEELERS NETBALL CLUB INC

Dated: 25th February 2018

Works in conjunction with the clubs Policies and Procedures and By Laws

Constitution and Rules of KINGSWAY ANCHORS STEELERS

Netball Club INC

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1.0 Name of Club

1.1 The name of the club shall be KINGSWAY ANCHORS STEELERS Netball Club INC: hereinafter referred to as STEELERS Netball Club or the club

2.0 Definitions

In these rules, unless the contrary intention appears-

- 2.1 "Poll" means voting conducted in written form (as opposed to a show of hands);
- 2.2 "Special general meeting" means a general meeting other than the annual general meeting;
- 2.3 "The Act" means the *Associations Incorporation Act 2015*;

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3.0 Objects of the Club

The objects of the Club are-

- 3.1 To foster the Australian National Sport of Netball;
- 3.2 To participate in organised competition in any age group as may be determined by the Club;
- 3.3 To arrange and conduct inter-club or other matches, under the authority of the Club;
- 3.4 To promote the principles of good sporting behaviour, encourage participation and skill development and promote a enjoyable and satisfying competition;
- 3.5 To accept donations, subscriptions or to borrow, raise or secure the payments of monies for the purpose of acquiring the necessary equipment, facilities or property as required to assist the promotion of the sport;
- 3.6 To foster and promote good fellowship and citizenship, to foster and to promote a social relationship between other clubs within the Association;
- 3.7 Maintain affiliation of the District Association and play netball under the guidelines of Netball W.A.

4.0 Powers of the Club

4.1 The club shall have the following powers:

- 4.1.1 May do all things necessary or convenient for carrying out its objects and purposes,
- 4.1.2 Acquire, holds, deals with, and disposes of any real or personal property;
- 4.1.3 Open and operate bank accounts
- 4.1.4 Enter into any other contract it considers necessary or desirable;
- 4.1.5 Appoint agents to transact any business of the association on its behalf.

4.2 The property and income of the Club shall be applied solely towards the promotion of the objects of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

5.0 Qualifications for membership of the Club

5.1 Membership of the Club is open to any person interested in the game of netball.

5.2 Membership shall consist of the following classes in hierarchy order:

5.2.1 Club Patrons - a person who is a true reflection of the club, is not required to pay subscriptions, is entitled to vote.

5.2.2 Vice Club Patrons - up to three (3) persons who are a true reflection of the club, is not required to pay subscriptions, is entitled to vote.

5.2.3 Life Members - any person who has given outstanding service to the Club for a length of time of five (5) consecutive years, is not required to pay subscriptions, is entitled to vote.

5.2.4 Executive Members - any person over the age of eighteen (18) whom the members consider being of value to the running of the Club and is able to vote. Executive membership shall cease at the commencement of the Annual General Meeting the following year unless in breach of rule 9.0;

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5.2.5 Senior Members - Any person, who registers as a senior player, is financial, entitled to a vote and abides by the rules of netball;

5.2.6 Junior Members - Any person, who is under eighteen (18) years of age and registers as a junior player, is financial and abides by the rules of netball. Junior members must have a legal guardian to vote on their behalf;

5.2.7 Social Member - Any persons who has paid a subscription to the club. Is unable to vote

5.2.8 Official members - Any person, who nominates and is accepted to hold an official position in the club. Is unable to vote.

5.2.9 Sponsorship Members - all sponsorship business or persons may elect two (2) representatives from their business to hold a sponsorship membership within the club is not required to pay subscriptions and is unable to vote. Sponsorship membership shall cease at the end of each financial year;

5.3 A person who wishes to become a member must-

5.3.1 Apply for membership to the current Executive membership in writing:

5.3.2 Elect membership status upon being registered:

5.3.4 New Life members and club patron and vice Patrons will be nominated at the clubs forward planning meeting will be voted on by the members at the Annual General Meeting.

5.4 The new executive members must consider each application made under sub-rule (2.5, 2.6, and 2.8) at a Committee meeting and must at the Committee meeting or the next Committee meeting accept or reject that application.

5.5 An applicant whose application for membership of the Club is rejected under sub-rule (4) must, if he or she wishes to appeal against that decision, give notice to the executive membership of his or her intention to do so within a period of fourteen (14) days from the date he or she is advised of the rejection.

5.6 When notice is given under sub-rule (5), the Club in a general meeting no later than the next annual general meeting, must either confirm or set aside the decision of the Committee to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Club in the general meeting.

6.0 Playing Members

6.1 Playing members shall not be permitted to play unless they are financial members of the Club.

6.2 Playing members must complete a registration form prior to commencing play and sign in agreeing to the medical disclaimer, policies and procedures and code of conduct

7.0 Register of members of the Club

7.1 The Registrar, on behalf of the Club, must comply with the Act by keeping and maintaining an up to date condition of a register of the members of the Club

7.1.1 Register must include members email, postal or residential addresses - care of and PO boxes are not acceptable

7.1.2 Upon the request from a member of the Club, along with a statutory declaration outlining its purpose and a subscription fee, the club shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register.

7.2 The register as well as club documents including the certificate of incorporation must be kept and maintained at the Registrar's place of residence or at such other place as the members at a general meeting decide.

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7.3 The Registrar must cause the name of a person who dies or who ceases to be a member under rule 8 to be deleted from the register of members referred to in sub-rule (1).

8.0 Subscriptions of members of the Club

8.1 The members at an annual general meeting confirm the amount of the subscription to be paid by each member for that financial year.

8.2 Each member must pay to the Treasurer, annually on or before 1 May or such other date as the executive membership from time to time determines, the amount of the subscription is determined under sub-rule (1).

8.3 A member whose subscription is not paid within thirty (30) days after the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a member, unless the executive membership decides otherwise.

9.0 Termination of membership of the Club

Membership of the Club may be terminated upon-

A member who delivers notice in writing of his or her resignation from the Club to the executive membership ceases on that delivery, to be a member. A person who ceases to be a member under Rule 8

(a) Remains liable to pay to the Club the amount of any subscription due and payable by that person to the Club but unpaid at the date of that cessation.

(b) Non-payment by a member of his or her subscription within thirty (30) days of the date fixed by the executive membership for subscriptions to be paid,

10.0 Suspension or expulsion of members of the Club

10.1 If the executive membership considers that a member should be suspended or expelled from membership of the Club because his or her conduct is detrimental to the interests of the Club, the executive membership must communicate in writing, to the member-

(a) Notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion was decided; and

(b) Particulars of that conduct that lead to the suspensions or expulsion, not less than ten (10) days after the incident outlined in sub-rule (b)

10.2 Subject to sub-rule (5), a member has his or her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule (1).

10.3 A member who is suspended or expelled under sub-rule (1) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the executive membership of his or her intention to do so within the period of 14 days referred to in sub-rule (2).

10.4 When notice is given under sub-rule (3)-

(a) The Club in a general meeting no more than twenty one (21) days after the notice of appeal, must either confirm or set aside the decision of the executive membership to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Club in the general meeting; and

(b) The member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the executive membership to suspend or expel him or her is confirmed under this sub-rule.

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11.0 Committee of Management

11.1 The affairs of the Club will be managed exclusively by an executive membership of Management consisting of-

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer;
- (e) Registrar
- (f) Equipment Co-Ordinator
- (g) Fundraising Co-ordinator
- (h) Event Co-ordinator
- (i) Player Co-ordinator
- (j) Coach Co-ordinator
- (k) Social Media & Advertising,
- (l) Uniform Co-ordinator
- (m) Umpire Co-ordinator
- (n) Yearbook Co-ordinator
- (o) Junior Convenor
- (p) No more than three (3) other persons,

All of whom shall be members of the club confirmed annually to membership of that committee at the Annual General Meeting or appointed under rule 11.6

All committee management can form a sub-committee of members of the club that are approved by the executive committee but do not exceed six(6) people

11.2 A person may not nominate for a position if any of the following apply:

11.2.1 They are bankrupt or their affairs are under insolvency laws

11.2.2 They have been convicted of an indictable offence in relation to the formation or management of a body corporate in the last five (5) years

11.2.3 They have been convicted of an offence involving fraud or dishonesty punishable by at least three (3) months imprisonment in the last five (5) years

11.2.4 They have been convicted of an offence under the act where a person has allowed an association to operate while insolvent in the last five (5) years

11.3 Committee member's term will be from his or her confirmation at an annual general meeting until the next annual general meeting. He or she is eligible for re-election to membership of the Committee.

11.4 A person who is eligible for election or re-election under this rule may not -

- (a) Second himself or herself for election or re-election; and
- (b) Vote for himself or herself.
- (c) Confirm her or his position

11.5 Nominations of executive membership may be accepted by written nomination prior to the Annual general Meeting. Vacant positions can be taken from the floor at the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the person who is in the position of the chairperson of the meeting at that time must declare those persons to be duly elected as members of executive membership. Where the number of nominations from the floor exceeds one nomination per position as outlined in sub-rule 10.1, poll elections for those positions must be conducted.

11.6 The executive membership may delegate, in writing, to have one or more sub-committees (consisting of members of the Club as the executive membership thinks fit) the exercise of such functions of the sub-committee as are specified in the delegation other than-

- (a) The power of delegation; and
- (b) A function which is a duty imposed on the executive membership by the Act or any other law.

The executive membership may, in writing, revoke wholly or in part any delegation

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11.8 A committee member may hold three offices under rule 11.1 only if the second office is either e, f, g, h, i, j, k, l, m, n, o

11.9 In the event of a vacant executive membership position, the person in the position of president shall fill the requirements of that role.

11.10 The job responsibilities of each role outlined in 11.1 will be confirmed at the first committee meeting by the executive membership group.

12.0 Casual vacancies in membership of Committee

12.1 A casual vacancy occurs in the office of a executive member and that office becomes vacant if the executive member-

- (a) Dies;
- (b) Resigns by notice in writing delivered to the Secretary or, if the executive member is the Secretary, to the President
- (c) Is convicted of an offence under the Act;
- (d) Is permanently incapacitated by mental or physical ill-health;
- (e) Is absent from more than-
3 Committee meetings in the same financial year
- (f) Is the subject of a resolution passed by a general meeting of member terminating his or her appointment as a Committee member.

13.0 Club Colours

13.1 The colours of the club shall be purple and white

14.0 Finance

14.1 The Committee shall keep true accounts of all monies received and expended.

14.2 A balance sheet containing a summary of the assets and liabilities of the Club, together with a Statement of Profit and Loss for the preceding year shall be submitted to the Annual General Meeting.

14.3 The Committee shall conduct its financial accounts through a bank or financial institution.

14.4 The financial year shall be from the first day of January to the thirty first day of December each twelve (12) month period.

14.5 All reimbursements to members will be voted on at the next committee meeting. All reimbursements must have applicable receipts attached along with the clubs expenditure form.

14.6 All requests to purchase items must be accompanied with three (3) quotes from reliable sources unless already approved in previous transactions. The executive committee will approve all requests at the next committee meeting.

14.6 All refunds must be requested in writing. All refunds must have supporting evidence and must be submitted to the executive members before the date outlined by the clubs executive members. All refund requests will be discussed at the next committee meeting. Decisions of refund will be communicated in writing no more than ten (10) days after the committee meeting

15.0 Proceedings of Executive Members

15.1 The executive members must meet together for the dispatch of business not less than once in every six (6) week period during the playing season and at each twelve (12) week interval during the non-playing season. The President may at any time convene a meeting of the executive members with five (5) days notice

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15.2 Each executive member has a deliberative vote.

15.3 A question arising at a Committee meeting must be decided by a majority of votes, but, if there no majority, the person chairing the Committee meeting will have a casting vote in addition to his or her deliberative vote.

15.4 At a Committee meeting half of the elected executive members for that financial year constitute a quorum.

15.5 Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the executive members present at the Committee meeting.

15.6 As required under the Act, an executive member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the club is established), must-

- (a) As soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
- (b) Not take part in any deliberations or decision of the Committee with respect to that contract.

15.7 The Secretary must document every disclosure made under sub-rule (6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.

16.0 General meetings

16.1 Annual General Meetings:

16.1.1 Must convene within the time limits provided for the holding of such meetings by the Act, that is, in every calendar year within 4 months after the end of the clubs financial year or such longer period as may in a particular case be allowed by the Commissioner

16.2 notice of the annual general meeting shall be accompanied by Minutes of the previous Annual general meeting, Annual reports, nomination forms for members to join the executive committee and any proposed alterations or additional to the Constitution and By Laws and the clubs policies and procedures.

16.2 Special Meetings

16.2.1 The executive members-

- (a) May at any time convene a special general meeting;
- (b) Must, within fourteen (14) days of-
- (c) Receiving a request in writing to do so from no greater than 20% of membership, convene a special general meeting for the purpose specified in that request; or
- (d) The executive members receiving a notice under rule 5 (4) 9 (4), convene a general meeting to deal with the appeal to which that notice relates.

16.2.2 The members making a request referred to in sub-rule (2) must-

- (a) State in that request the purpose for which the special general meeting concerned is required; and
- (b) Sign that request.

16.3 When a special general meeting or Annual General Meeting is convened the club must pay the reasonable expenses of convening and holding the special general meeting.

16.4 The executive members must give to all members not less than 14 days notice of a special general meeting and that notice must specify-

- (a) When and where the general meeting concerned is to be held; and
- (b) Particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.

16.5 The executive members must give to all members not less than 21 days notice of an annual general meeting and that notice must specify-

- (a) When and where the annual general meeting is to be held;

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(b) The particulars and order in which business is to be transacted, as follows-

- (i) First, the consideration of the accounts and reports of the Committee;
- (ii) Second, any other business requiring consideration by the Club at the general meeting.

16.6 The executive committee must give a notice to any persons calling for a Special general Meeting by-

- (a) Serving it on a member personally; or
- (b) Sending it by post to a member at the address of the member appearing in the register of members kept and maintained.

17.0 Quorum and proceedings at general meetings

17.1 At a general meeting 10% of last financial years members present in person constitute a quorum.

17.2 If a lapse of 30 minutes after the time specified for the holding of a general meeting and a quorum is not available those present and entitled to vote shall be empowered to discharge the business of the meeting requiring a majority decision only.

17.3 In the event that a poll vote is demanded it must be taken immediately on that demand being made and a declaration by the chairperson of the result of the poll is evidence of the matter so declared.

18.0 Minutes of meetings of the Club

18.1 The executive committee must document proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within ten (10) days after the holding of each general meeting or Committee meeting, as the case requires, in a minute file kept for that purpose.

18.2 The President must ensure that the minutes taken of a general meeting or Committee meeting under sub-rule (1) are checked and signed as correct by the committee members present of the general meeting or Committee meeting to which those minutes relate

18.3 When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-

- (a) The general meeting or Committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;
- (b) All proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
- (c) All appointments or elections purporting to have been made at the meeting have been validly made.

19.0 Rules of the Club

19.1 The Club may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in the Act, which is as follows-

- (a) The Club may alter its rules by special resolution but not otherwise;
- (b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Club), the Club must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Club as so altered conform to the requirements of this Act;
- (c) An alteration of the rules of the Club does not take effect until sub-rule (1) (b) is complied with;
- (d) An alteration of the rules of the Club having effect to change the name of the Club or later the objects or purposes of the club does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;

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19.2 These rules bind every member and the Club to the same extent as if every member and the Club had signed and sealed these rules and agreed to be bound by all their provisions.

20.0 Disputes and mediation

20.1 The grievance procedure set out in this rule applies to disputes under these rules between-

- (a) A member and another member; or
- (b) A member and the Club; or
- (c) If the Club provides services to non-members, those non-members who receive services from the Club.

20.2 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.

20.3 If the complainant refuses to meet an attempt to resolve within fourteen (14) days the complaint is closed. If the other parties refuse to meet to attempt to resolve within fourteen (14) days of the complaint, the meeting is then taken in the presence of a mediator.

20.4 If the parties are unable to resolve the dispute at the meeting, then the parties must, within ten 10 days, hold a meeting in the presence of a mediator.

20.4 The mediator must be-

- (a) A person chosen by agreement between the parties; or
- (b) In the absence of agreement-
 - (i) In the case of a dispute between a member and another member, a person appointed by the executive members of the Club;
 - (ii) In the case of a dispute between a member or relevant non-member and the Club, a person who is a mediator appointed to the grievance, must be from outside the clubs membership

20.5 The mediator cannot be a member who is a party to the dispute.

20.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

20.7 The mediator, in conducting the mediation, must-

- (a) Give the parties to the mediation process every opportunity to be heard;
- (b) Allow due consideration by all parties of any written statement submitted by any party; and
- (c) Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

20.8 The mediator must work with both parties to determine the dispute.

20.9 The mediation must be confidential and without prejudice.

20.10 The executive committee reserves the right to refuse to deal with matters that are considered vexatious, malicious or without reasonable substantiation.

21.0 Distribution of surplus property on winding up of the Club

21.1 If upon the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association or club incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association or club shall be determined by resolution of the members.

22. Common Seal of the club

22.1 The club must have a common seal on which its corporate name appears in legible characters.

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22.2 The common seal of the club must not be used without the express authority of the executive members and every use of that common seal must be recorded in the minutes of the meetings

22.3 The affixing of the common seal of the club must be witnessed by any two of the President, the Secretary, Registrar and or the Treasurer.

22.4 The common seal of the club must be kept in the custody of the Secretary or of such other person as the executive members from time to time decides.

23. Inspection of Records, etc of the Club

23.1 A member may at any reasonable time inspect without charge the books, documents, records and securities of the club