

# **CONSTITUTION**

## **Rules of Association**

**MONTROSE NETBALL CLUB INC.**

**(Registration No. A0016545J)**

**November 2017**



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## 1. Name

- a) The name of the incorporated association is the **Montrose Netball Club Inc.**

## 2. Purposes

- a) Our mission statement is to **promote** players to **participate** in a team sport where they develop **commitment** and **friendships**, whilst having **enjoyment** and **fun** in the Montrose and surrounding areas.
- b) To assist in the development of our players by encouraging fair play, skill development and a love of netball.

## 3. Financial Year

- a) The financial year of the Association is each period of 12 months ending on 31st December.

## 4. Definitions

- a) In these Rules, unless the contrary intention appears:
  - “**Act**” mean the Associations Incorporation Act 1981;
  - “**Club**” means the incorporated association Montrose Netball Club;
  - “**Constitution**” means the Rules of Association Montrose Netball Club;
  - “**Committee**” means the Executive Committee of the club;
  - “**Eligible Members**” means members who are from time to time eligible to vote, nominate or be nominated at General Meetings;
  - “**Financial Year**” means the year ending on 31st December;
  - “**LYVNA**” means Lillydale and Yarra Valley Netball Association;
  - “**Member**” means a member of the club;
  - “**NVM**” means Netball Victoria Membership;
  - “**Ordinary member of the committee**” means a member of the committee who is not an Officer of the Club;
  - “**Playing Members**” means a member who has registered to play netball
  - “**Register**” means the Register of Members of the Club;
  - “**Regulations**” means Associations Incorporation Regulations 1998;
  - “**Rules**” means the Rules of the Association Montrose Netball Club;
  - “**WWCC**” means Working With Children Check.

## 5. Membership

- a) The members of the club shall include:
  - i) Life Members (as determined and awarded by the current Committee at the annual presentation event);
  - ii) Playing Members (who must be financial members of the Club);
  - iii) Coaches and Umpires with NVM;
  - iv) Parents and/or guardians of Playing Members aged less than 18 years; and

- v) 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.

## **6. Application for Membership**

- a) There is no joining fee but there will be a prescribed club fee for each winter season and spring season.
- b) The Committee will determine the structure of such club fees prior to each season.
- c) The Committee will determine a date(s) prior to each season for a registration / payment day. Playing members must register on or before these dates. Grading sessions will be held at the committee's discretion.
- d) The Secretary will forward all financial members registration details to the LYVNA for registration purposes.
- e) All playing members must have current NVM before taking the court as this is the only insurance that covers the players.
- f) In accordance with LYVNA by laws, male players can compete in the 9 and under to 13 and under age groups.
- g) All Club coaches, assistant coaches, team managers and umpires aged 18 or over must have a current WWCC in accordance with the current WWCC state regulations.
- h) All Club coaches, assistant coaches and umpires must have current NVM before coaching or umpiring.
- i) Unfinancial players will not be permitted to take the court. Cases of financial hardship are to be referred to the Treasurer. The Committee may grant alternate arrangements for members in the case of genuine hardship.
- j) The Committee has the right to refuse registration of any member.

## **7. Register of Membership**

- a) All members of the Club shall be recorded in a membership register kept and maintained by the club.
- b) The Register shall contain:
  - i) The name, address and contact details of each member; and

- ii) The date of which each member's name was entered in the Register.
- c) 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.

## **8. Team Selection and Structures**

- a) All playing members must be registered and financial members of the Club and have current NVM registration.
- b) Team selection are made by the Committee at their discretion taking into consideration player ability and team numbers. Any specific requests must be recorded on the online registration form but the Committee cannot guarantee that all requests can be accommodated.
- c) At the discretion of the Committee, teams may be changed if required.
- d) Once team selections have been completed, new players will only be permitted at the discretion of the committee.
- e) Junior players may play up to two age groups higher than their age if considered appropriate by the committee. Consent is required from parent / guardian.
- f) Recommendations will be made to LYVNA for appropriate grading of all teams at the time of registering teams for the winter and spring seasons.
- g) Teams will be structured where possible, with a minimum of 8 players and a maximum of 10 players to give maximum court time to each player.
- h) All playing members from 9 and under group through to 11 and under group are to rotate through all court positions during the two seasons to learn the skills of both defence and attack. 13 and under group are strongly encouraged to rotate players.
- i) All playing members should have fair court time throughout the fixtured seasons.
- j) All playing members must attend training weekly to be considered to play on Saturdays (with the exception of 17 and under and open age groups).

## **9. Finals Policy**

- a) LYVNA conducts finals from 11 and under age group through to open age group.

- b) The Club policy is that all players will participate in each game of the finals. The team coach has the discretion to choose the most competitive team for all final games.

## 10. Club Uniform

- a) The club colours are navy blue and sky blue.
- b) The Club uniform consist of:
- i) Female player:
    - Montrose Netball Club A-line dress
    - Montrose Netball Club hoodie (not compulsory, optional item)
    - Montrose Netball Club polo (not compulsory, optional item)
    - Black or Navy blue bloomers / boy legs sports briefs (note: bike shorts are not permitted). Length must not be longer than the A-line dress
    - White sporting socks (note: black socks are not part of our uniform)
    - Sporting shoes (note: no volleys or canvas shoes are allowed)
    - U9 only - can wear black full length leggings and/or black top underneath the dresses in cooler weather
    - U11, U13, U15, U17, Open only - can wear a black top underneath the dresses in cooler weather
  - ii) Male player:
    - Montrose Netball Club polo
    - Navy blue shorts
    - Montrose Netball Club hoodie (not compulsory, optional item)
    - White sporting socks (note: black socks are not part of our uniform)
    - Sporting shoes (note: no volleys or canvas shoes are allowed)
    - U9 only - can wear black full length tracksuit pants and/or black top underneath the polo in cooler weather
    - U11, U13 only - can wear a black top underneath the polo in cooler weather
- c) Uniform items can be purchased second hand using our consignment system.

## 11. Codes of Conduct

- a) The Committee expects all its players, coaches, umpires, spectators, parents and guardians to observe at all times the acceptable codes of behaviour and sportsmanship in representing the Club.
- b) The Committee has a Code of Conduct policy which can be located on the Club website.

## 12. Complaints and Grievances

- a) The Committee expects all its players, coaches, umpires, spectators, parents and guardians to observe at all times the procedures for notifying the Club of a complaint / grievance and the procedures to resolve the matter.
- b) The Committee has a Complaints and Grievances policy which can be located on the Club website.

## 13. General Meetings

- a) An Annual General Meeting shall take place no later than the 31st of May each year, and twenty eight (28) days' notice of such meeting has been given by the Secretary. The purpose of the meeting is:
  - i) To confirm the Minutes of 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 per cent (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 request; and
  - ii) Provided a minimum of fourteen (14) days' notice such meeting to Eligible Members.
- d) All votes at General Meeting must be made in person. No votes are permitted by proxy.

## 14. Committee

- 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 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 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 should consist of a minimum of eight (8) members.
- d) The members of committee shall be:
  - i) The four (4) Officers of the Club; and
  - ii) The rest made up of Ordinary Members.
- e) The Officers of the Club shall be:
  - i) a President;
  - ii) a Vice President;
  - iii) a Treasurer; and
  - iv) a Secretary.
- f) The committee shall meet as required (usually monthly). Such meetings to be called by the President and/or Secretary.
- g) 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 three (3) days prior.
- h) At all Committee Meetings:
  - i) A quorum shall consist of two thirds majority of Committee members (including 2 Executive members); and
  - ii) Decisions shall be passed by a simple majority of those present and voting on the matter.
- i) The President/Secretary may from time to time invite non committee members to attend a committee meeting.

## **15. 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.

## **16. Vice President**

- a) The Vice President shall:
  - i) Assist the President as required; and
  - ii) Chair any meeting of the Club at which the President is not present.



## 17. 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; and
  - 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.

## 18. Funds and Treasurer

- a) The Treasurer shall:
  - i) Receive all monies and bank the same in the name of Montrose Netball Club Inc.;
  - 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 Regulations and Act.
- b) All accounts are to be paid by cheque or electronic bank transfer;
- 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, sponsorships, 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.

## **19. 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 sub committees 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 finding 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.

## **20. Nominations for the Committee**

- a) Nominations for Committee may be lodged with the Secretary by completing a signed nomination form on or before each Annual General Meeting is held.
- b) In case of a vacancy, nominees may be called from the floor.
- c) Nominations for committee position will also be considered during the year, if a vacancy is available.
- d) All candidates for Committee must be Eligible Members at the time of nomination.

## **21. Terms of Office of the Committee**

- a) The Officers of the Club shall be elected for a term of one (1) year.
- 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 casual vacancy since the previous Annual General Meeting shall fall vacant at the next Annual General Meeting.

## 22. 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; and
  - ii) A casual vacancy of an Ordinary Member of Committee may be filled by a member of the Club

## 23. Eligible Members

- a) Only Eligible Members may:
  - i) Vote at General Meetings; and
  - ii) Propose, second or be nominated for a committee position.
- b) Eligible Members include all members on the membership register except those who are disqualified from voting at a General Meeting.
- c) Members are disqualified from voting at General Meeting if they fall into one or more of the following categories:
  - i) Aged less than 18 years as of 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; and
  - iii) Parents or Guardians of current or former Playing Members for whom any subscriptions where outstanding subscriptions as of fourteen (14) days prior to the General Meeting.

## 24. 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 eighteen (18) must become a member of the Club;
  - ii) A maximum of two (2) parents and / or guardians per Playing Member or family unit of a Playing Member aged below eighteen (18) 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 eighteen (18) years for whom they are Parent/Guardian, are Financial Playing Members.
- d) Life Members
- i) The committee may at its discretion deem individuals, who have contributed outstanding services to the Club, 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.

## 25. 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) 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 / Parent / Guardian;
  - 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.

## **26. Alterations to the Model Rules**

- a) This constitution may be altered by a Special Resolution at a General Meeting of the Club.
  - i) 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.
  - ii) The proposed alteration is passed if seventy five per cent (75%) of those Eligible Members, who vote on the resolution, vote in favour.
  - iii) The alterations take effect only after approval from the Registrar.

## **27. 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 twenty eight (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.

## **28. Winding Up**

- a) In the event of the Club being disbanded, its net assets will not be distributed to members but will be distributed to:
  - i) a fund with objectives similar to those of the club or association; or
  - ii) a fund which is appropriated exclusively for a purpose referred to in paragraph (b)(i) of the definition of “community purpose” in the Act; or
  - iii) a community or charitable organisation.