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DEFINITIONS

“Association” means the Netball Association Incorporated for which Fawkner Netball Club Inc. is affiliated to play competitively.

“Club” means a non-profit incorporated body which has an interest in netball and is affiliated with the Association.

“Committee” is the governing body of the Club.

“Constitution” means the constitution of the Club as amended from time to time.

“Club Delegate” is a representative of a Club or Team who liaises with the Committee.

“Ineligible player” is a player who is not entitled to participate in a game, which may include a player who has not qualified or a player not eligible to play in that age section.

“Team” is a team which is affiliated with a governing Club at either the Night Competition or the Saturday Competition.



Fawkner Netball Club Incorporated
Registration No. A0102164A

CONSTITUTION
January 2022

This Constitution governs Fawkner Netball Club. It determines the conduct of the Club and its members and was introduced on 24th July 2018. Any amendments to this Constitution come into effect on the date it is approved by the Committee and will remain in force until amended, repealed or replaced.



1.0 NAME

The name of the incorporated association shall be the Fawkner Netball Club Inc., hereinafter referred to as the "Club".

2.0 OBJECTS

The objects of the club are:

- 2.1 To promote and encourage the participation of netball in the community.
- 2.2 To provide the facilities and infrastructure which allows for continued participation in netball in the community.
- 2.3 To promote the safety, wellbeing and inclusion of all, in particular, children.

3.0 ATTAINING OBJECTS

The club shall be empowered to do all things necessary which are incidental to and necessary for the attainment of the objects of the club.

4.0 PROPERTY OF THE CLUB

The club must apply all property and income of the club towards the promotion of the objects or purposes of the club and no part of that property or income to be paid or otherwise distributed, directly or indirectly, to members of the club, except in good faith in the promotion of those objects or purposes.

5.0 POWERS OF THE CLUB:

- 5.1 To acquire, hold, deal with, and dispose of any real or personal property;
- 5.2 To open and operate bank accounts;
- 5.3 To invest its money –
 - (i) in any security in which trust moneys may be invested; or
 - (ii) in any other manner authorised by the rules of the club;
- 5.4 To borrow money upon such terms and conditions as the club thinks fit;
- 5.5 To give such security for the discharge of liabilities incurred by the club as the club thinks fit;
- 5.6 To appoint agents and employees to transact any business of the club on its behalf for reward or otherwise;
- 5.7 To build, construct, erect, maintain, alter and repair any premises, building or other structure of any kind and to furnish, equip and improve the same for use by the club;
- 5.8 Accept donations and gifts in accordance with the objects of the club;
- 5.9 Print and publish any information by any media including newsletters, newspapers, articles or leaflets for promotion of the club;
- 5.10 Provide gifts and prizes in accordance with the objects of the club;
- 5.11 Organise social events for Members and the promotion of the club; and
- 5.12 To enter into any other contract the club considers necessary or desirable.



6.0 MEMBERSHIP

- 6.1 Membership shall be open to any person who wishes to further the interests of the club.
- 6.2 Each person admitted to membership shall be;
- 6.2.1 Bound by the Constitution and By-laws of the club.
 - 6.2.2 Liable for such fees and subscriptions as may be fixed by the club.
 - 6.2.3 Entitled to all advantages and privileges of membership.
- 6.3 Membership Categories:
- 6.3.1 ORDINARY MEMBER
Any player, or in the case of junior players, their parent/guardian, who is a financial member of the club, is entitled to hold any office and enjoy the privileges of the Club.
 - 6.3.2 NON-ORDINARY MEMBER
Any person other than ordinary members, who is interested in promoting the Club and is a financial member of the Club, is entitled to hold any office and enjoy the privileges of the Club.
 - 6.3.3 SOCIAL MEMBER
Persons other than ordinary members who are interested in promoting the Club, but who do not wish to participate in the playing activities of the club. Social Members may or may not be financial and are not entitled to vote or hold any office of the Club.
 - 6.3.4 LIFE MEMBERSHIP
The Executive Committee may elect any Member who has given outstanding service to the Club as a Life Member. Any member may nominate a person to the Executive Committee for consideration for Life Membership. Life Members are entitled to hold any office and enjoy the privileges of the Club. Typically, but not mandatory, Life Members will have provided at least 10 years continuous service or made a once-off substantial financial donation to the Club.
- 6.4 The Executive Committee shall appoint a *Registrar* to maintain an up-to-date register of members of the club.
- 6.5 A member may at any reasonable time inspect the public records and public documents of the club.

7.0 SUBSCRIPTIONS

- 7.1 To be paid by different classes (juniors, seniors, non-ordinary, social etc.) as and when they are due.

8.0 TERMINATION OF MEMBERSHIP

- 8.1 Any person's membership may be terminated by the following events;
- 8.1.1 Resignation
 - 8.1.2 Expulsion
 - 8.1.3 Failure to pay membership fees by agreed nominated dates.



- 8.2 The Executive Committee shall have the power to suspend or expel any member of the club for:
- 8.2.1 any of the events in Item 8.1;
 - 8.2.2 false or inaccurate statements made in the member's application for membership of the club;
 - 8.2.3 breach of any rule, regulation or by-law of the club and;
 - 8.2.4 by any act detrimental to the club;
after having undertaken due inquiry.
- 8.3 Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final.

9.0 EXECUTIVE COMMITTEE

- N.B (1) Sometimes called Management Committee.
(2) Committee persons, must be members of the club and aged 18 or turning 18 within the year of. Committee persons are sometimes referred to as Office Bearers or The General Committee.
(3) The main Office Bearers are often referred to as The Executive Committee. Only Nominations for an Executive committee position and (stream leads) shall favour club members who have served on the FNC committee previously, and who are at least 18 years old. In the event that no one nominates internally, then external options can be explored.
- 9.1 Management of the Club shall be vested in the Executive Committee elected by the members at the Annual General Meeting and consisting of;
- 9.1.1 President
 - 9.1.2 Vice President
 - 9.1.3 Secretary
 - 9.1.4 Treasurer
 - 9.1.5 Registrar
 - 9.1.6 Coaching Director
- 9.2 A person shall cease to be a member of the Executive Committee at the commencement of the Annual General Meeting. Nominations for positions will be put forward at the AGM. Previous Executive Committee members are eligible for re-election but may not occupy the same position for more than 5 years. After 3 years, position must be put up for nomination.
- 9.3 A quorum of the Executive Committee shall be 5 out of the total number of members.
- 9.4 If the *President* or *Vice President* is unable to attend, then a chairperson nominated by the meeting shall chair that meeting.
- 9.5 A member of the Executive or General Committee may lose his or her seat on the committee for either of the following;
- Absence from three or more meetings without leave of absence.
 - Found not to be a financial member.



10.0 POWERS OF THE EXECUTIVE COMMITTEE

- 10.1 The Executive Committee shall carry out the day-to-day running of the Club and shall have the power to:
- 10.1.1 Administer the finances, appoint bankers, and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another, and to close any such account;
 - 10.1.2 Fix the way such banking accounts shall be operated upon, providing the Executive Committee passes all payments;
 - 10.1.3 Fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
 - 10.1.4 Adjudicate on all matters brought before it which in any way affect the club.
 - 10.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
 - 10.1.6 Make, amend and rescind rulings and By-laws;
 - 10.1.7 Have the power to form and appoint any subcommittee/s as required for specific purposes;
 - 10.1.8 May at their discretion employ a person or persons to carry out certain duties required by the club, at salaries or remunerations for such period, as may be deemed necessary.
 - 10.1.9 Should a vacancy occur on the Executive Committee during the season, the Executive Committee shall appoint a successor until the next Annual General Meeting.
 - 10.1.10 Appoint an officer/s or agent of the Executive Committee to have custody of the club's records, documents and securities.

11.0 AUDITOR

- 11.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors.
- 11.2 The Auditor/s shall examine and audit all the books and accounts of the Association annually, and have the power to call for all books, papers, accounts, receipts etc., of the club and report thereon to the Annual General Meeting.

12.0 GENERAL MEETINGS:

12.1 Annual General Meeting

- 12.1.1 The Annual General Meeting of the club must be held within four months of the end of the club's financial year.
- 12.1.2 The *Secretary* shall give at least fourteen (14) days' notice of the date of the Annual General Meeting, to members.
- 12.1.3 All financial members may attend the Annual General Meeting.
- 12.1.4 The quorum at the Annual General Meeting, shall be a minimum of 4 member(s). If, at the end of 30 minutes after the time appointed in the notice



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for the opening of the Meeting, there be no quorum the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

12.1.5 The agenda for an Annual General Meeting shall be;

- Opening of Meeting
- Apologies
- Confirmation of Minutes of previous Annual General Meeting
- Presentation of Annual Report
- Adoption of Annual Report
- Presentation of Treasurer's statement
- Election of New Executive and appointment of Auditor
- Vote of thanks to outgoing Executive
- Determination of Annual Membership Fee
- Notice/s of Motion
- Urgent general business
- Closure

12.2 General Meetings

12.2.1 General Meetings may be called by the Executive Committee or at the request of the *President* and *Secretary* of the club.

12.2.2 The *Secretary* shall give at least seven (7) days' notice, in writing, of the date of the General Meeting to the members. Notice of General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that General Meeting.

12.2.3 The quorum at the General Meeting shall be a minimum of 5 members. (as per 9.3).

13.0 VOTING

13.1 Voting powers at the Annual General Meeting and General Meetings:

13.1.1 The *President* shall be entitled to a deliberate vote and, in the event of a tied vote, the *President* shall exercise a casting vote.

13.1.2 Each individual financial or Life Member present shall have one (1) vote. In the case of junior registration, each family shall have one (1) vote, irrespective of the number of junior sibling members.

13.2 Voting powers at Executive Committee Meetings;

13.2.1 The *President* shall be entitled to a deliberate vote, and, in the event of a tied vote, the *President* shall exercise a casting vote.

13.2.2 Each individual committee member present shall have one (1) vote.

14.0 FINANCE

14.1 All funds of the club shall be deposited into the club's accounts at such bank or recognised financial institution as the Executive Committee may determine.

14.2 All accounts due by the club shall be paid by either cheque or EFT. All payments must be approved by two of the three nominated signatories as specified in 14.7.



- 14.3 The *Secretary* shall not spend more than a set amount Petty Cash without the consent of the Executive Committee and shall keep a record of such expenditure in a Petty Cash Book.
- 14.4 A statement showing the financial position of the club shall be tabled at each Executive Committee Meeting by the *Treasurer*.
- 14.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The auditor's report shall be attached to such financial report.
- 14.6 The financial year of the club shall commence on 23rd August each year. The accounts, books and all financial records of the club shall be audited each year.
- 14.7 The signatories to the club's account/s will be the *Treasurer* and any two (2) from the following;
- President
 - Vice President
 - Secretary
- 14.8 All property and income of the club will apply solely to the promotion of the objects of the club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects.

15.0 ALTERATIONS TO THE CONSTITUTION AND BY-LAWS

- 15.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or General Meeting, called for that purpose and notice of all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.
- 15.2 The *Secretary* shall forward such notices of motion to each Executive Committee member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.
- 15.3 Alterations to the By-laws can be made only at Executive Committee Meetings provided notice of the proposed alteration/s has been duly notified to Committee Members.
- 15.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to a vote at the Annual General Meeting, General Meeting or Executive Committee Meeting, as the case may be.
- 15.5 Within one month of the passing of a Special Resolution, the *Secretary* shall notify the relevant state department as required by legislation (i.e. in reference to incorporation and liquor licensing).



16.0 DISSOLUTION

If, on the winding up of the club, any property of the club remains after satisfaction of the debts and liabilities of the club and the costs, charges and expenses of that winding up, that property shall be distributed:

- (a) to another incorporated association having objects like those of the club; or,
- (b) for charitable or benevolent purposes, which incorporated club or purposes, as the case requires, shall be determined by resolution of the members.

Review History

Document Revision No.	Date of Revision update	Comments / Information on what was updated between revisions
1.00	24/07/2018	Original document for interim committee
2.00	02/12/2018	Ratified document (AGM 2018)
3.00	11/10/19	Ratified document (AGM 2019) Inclusion of commitment statement in Objects (2.0); Inclusion of tenure length of executive members (9.2)
4.00	12/01/2022	Amended Section 6.5 to specify "public records and public documents". Amended Section 9.1 to include Registrar and Coaching Director as members of the Executive Committee. Amended Section 9.2 to change the term of tenure of an executive member occupying a certain position from 3 years to 5 years, with the proviso that the position must be put up for nomination after 3 years. Amended Section 9.3 to change the quorum of the Executive Committee from 3 to 5 out of the total number of members.
5.00	09/10/2024	Amended Section 9.0 (1) to refine minimum ages of General Committee members Amended Section 9.0 (2) to include criteria for Executive Committee