MANLY WARRINGAH NETBALL ASSOCIATION

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DEFINITIONS

In this Constitution unless a contrary intention appears:

"Affiliated Club" means a Netball Club having one or more netball teams which applies for affiliation and is accepted as an affiliated club in accordance with this Constitution.

"Association." means the Manly Warringah Netball Association as established by this Constitution and incorporated under the Associations Incorporation Act, *(*2009*)*

"Club Secretary" means the secretary for the time being of an Affiliated Club

"Council" means the Council of the Association as established by this Constitution.

"District" means the Northern Beaches Local Government Area (formerly known as Manly, Pittwater and Warringah areas)

"Financial Year" means the year ending 30th September.

"In writing" or "written" means any printing, lithography, electronic mail or other mode of reproducing or representing words in a visible form.

"Life Member" means a person granted Life Membership of the Association in accordance with Clause 8

"Member" means a member of the Association.

"Executive Committee members" means the members of the Executive Committee

"Person" includes Affiliated Clubs

"State Body" means Netball New South Wales

"The Act" means the Associations Incorporation Act, (2009)

"The Office" means the Registered Office for the time being of the Association.

Words **i**mporting any gender shall include every other gender.

1 TITLE

The title of the Association shall be the Manly Warringah Netball Association Incorporated.

2 HEADQUARTERS

The headquarters of the Association shall be at Curl Curl Sports Centre, John Fisher Park, Abbott Road, North Curl Curl, 2099.

3 COLOURS

The colours of the Association shall be light blue and dark blue.

4 BOUNDARIES

The boundaries of the Association shall be the District boundaries.

5 OBJECTS

The objects of the Association shall be:

5.0 To act as governing body of netball in the District and to ensure compliance by members with the Constitution, rules and procedures

5.1 To further the interests of its members and to promote and control the game of netball.

5.2 To institute, regulate and control competitions and matches between affiliated clubs and to control all competitions of the Association.

5.3 To select and manage the representative teams of the Association.

5.4 To affiliate with and support Netball New South Wales for the promotion, regulation and control of netball in our District.

5.5 To co-operate with other Associations recognised by the State Body for the promotion of netball.

5.6 To provide a mechanism for the resolution of disputes between members (in their capacity as members) and between members and the Association.

5.7 To discipline members of the Association for any infringement of the Constitution, rules or procedures or for conduct unbecoming of a member or conduct detrimental to the policy, interests or welfare of the Association.

6 PATRON

The Association may from time to time appoint at the AGM one or more Patrons, limited to three at any one time, and may also cancel any such appointment at any time.

7 MEMBERSHIP

7.0 In this clause, unless the contrary intention appears.

“Ordinary Members” means a Member over the age of 18 years.

“Junior Members” means a Member under the age of 18 years.

"Non-Playing Members" means all coaches, umpires, officials and office bearers

of an affiliated club who are Members of the Association.

7.1 The number of members of the Association is declared to be unlimited.

7.2 Membership of the Association is open to:

7.2.1 Life Members.

7.2.2 Affiliated clubs.

7.2.3 Ordinary members.

7.2.4 Junior members.

7.2.5 Non-Playing members

7.3 Any Club upon affiliation with the Association forthwith becomes a member of the Association.

7.4 Ordinary Members, Junior Members and non-playing members of affiliated clubs upon affiliation of the club with the Association forthwith become financial members of the Association.

7.5 The Council may reject any application for membership without assigning any reason, therefore.

7.6 Any person admitted to membership of the Association shall thereupon be subject to the Constitution, rules and procedures in force from time to time.

7.7 A person shall cease to be a member if:

7.7.1 the member dies or resigns.

7.7.2 the member fails to pay any membership dues.

7.7.3 the member is expelled by Council following proceedings for enforcement of the Constitution.

8 LIFE MEMBERS

8.0 An Ordinary Member may be nominated to receive Life Membership of the Association in recognition of not less than ten (10) years outstanding service to the Association in accordance with this Clause 8.

8.1 Outstanding service is defined as having rendered distinguished service to the Association for the advancement of Netball in the District. The Nominee will have contributed at a high level and have had outstanding achievement in their endeavours.

8.2 Nominations for election of Life Members shall be signed by two *(2)* Life Members, Ordinary members or non-playing members of the Association at least three (3) months before the meeting at which such nominations shall be considered.

8.3 The Executive Committee of the Association shall review all nominations received to ensure that nominations meet criteria as defined above and, if appropriate, put forward a recommendation for the nomination for voting.

8.4 The nominations must be approved by a majority of not less than two-thirds (2/3) of members of Council present and voting.

8.5 A Life Member shall be entitled to be present and speak at all the meetings of Council, move or second any motion and vote thereon, however, may only vote at

an Annual General Meeting provided they have attended 50%plus one of the Council meetings in that respective year.

8.6 All Life Members will be registered with the Association from year to year.

8.7 Council may, from time to time, by a majority vote of not less than (2/3) of members of Council present and voting, fix the maximum number of persons who may at any time hold life membership and the maximum number of candidates who may be elected in any year.

9 AFFILIATION

9.0 A Netball Club having one or more netball teams may apply in accordance with the and procedures to the Council of the Association for affiliation with the Association Term of Affiliation shall be 12 months.

9.1 An application by a club for affiliation with the Association will be determined by Council in its absolute discretion.

9.2 The affiliation fee to be paid by all affiliated clubs shall be fixed by Council at the November Council meeting. Payment of the affiliation fee is to be made by the affiliated club when paying registration for the winter competition. Clubs which affiliate for the summer competition only shall pay the affiliation fee with the registration for that competition.

10 COUNCIL

10.0 The Council shall consist of Life Members, Executive Committee members of the Association and two (2) delegates from each affiliated club. Delegates from each affiliated club shall be Ordinary or Non-Playing members of the Association

10.1 The secretary of each affiliated club shall forward to the Secretary of the Association a list giving the names and contact details including e- mail addresses of delegates for the ensuing year provided however, that any affiliated club may, at any time, by notice in writing to the Association, remove any delegate from its list and appoint another in his/her place.

11 MEETINGS

11.0 The President shall take the Chair at all meetings. If the President is absent the Chair shall be taken by the Vice President. If neither the President nor the Vice President is present within fifteen (15) minutes of the time fixed for the commencement of the meeting the members present shall elect a Chairperson PROVIDED THAT if a member(s) present at the meeting holds apologies from the President and Vice President for their absence from the meeting, the members present shall immediately elect a Chairperson.

11.1 At each meeting Life Members, office bearers and each club delegate shall sign an attendance book and shall state therein the club which the respective delegate represents at that meeting.

11.2 No delegate may represent more than one (1) club at the same meeting.

11.3 The Association does not accept proxy or postal votes.

11.4 Electronic Voting

(i) Any ballot for the Election of Life Members, Manly Warringah Service Awards, Executive Committee members and Sub Committee members will be conducted using an online voting system at the Annual General meeting. However, any member of Council, present at the meeting, if unable to vote online may request a paper ballot for them to exercise their vote and that ballot must be counted.

(ii) Online voting may also be used for voting on alterations to the Constitution at any Annual or Special General meeting. However, any member of Council, present at the meeting, if unable to vote online may request a paper ballot for them to exercise their vote and that ballot must be counted.

(iii) The Association's Returning Officer will be responsible for the management of Online Voting.

(iv) Before any ballot is taken, the Returning Officer shall declare the number of eligible voters present at the respective meeting.

(v) The Chairperson of any Annual or Special General Meeting must appoint up to three members of Council to assist as scrutineers to oversee the count of any ballot.

(vi) The Returning Officer will declare the results of any ballot and confirm that they are satisfied that the election process has been conducted in a manner consistent with the Constitution and that they are satisfied that the results are true and correct.

(vii) If the Returning Officer is absent or unable to act, the meeting must elect an Acting Returning Officer.

12 GENERAL MEETINGS OF COUNCIL

12.0 The Council shall hold at least eight (8) meetings in each year, the first monthly meeting to be held during November and the last during October.

12.1 A meeting of Council shall be called by the Secretary at the direction of the President, or on a requisition signed by the secretaries of not less than one-quarter (1/4) of affiliated clubs.

12.2 Not less than seven (7) days' notice in writing shall be given to Life Members, Executive Committee members of the Association and club secretaries, of a meeting of Council specifying the date, time and place of the meeting and the general nature of the business to be dealt with. Accidental omission to give any member such notice shall not invalidate the meeting.

12.3 Notice of a meeting given to a club secretary pursuant to Clause 11.3 shall be deemed to be notice given to that club's delegates.

12.4 At least one (1) delegate from each of one quarter (1/4) of affiliated clubs and one half (1/2) of the elected Executive Committee members shall constitute a quorum for a General Meeting of Council.

12.5 If no quorum is present 15 minutes after the time fixed for the commencement of the meeting it shall be adjourned to a date within 14 days.

12.6 Each Council member shall have one (1) vote to be exercised in accordance with

voting procedures outlined by the chairperson of the meeting. The chairperson shall have a deliberative vote and, in the case of an equality of votes, shall in addition have a casting vote.

13 ANNUAL GENERAL MEETING

13.0 The Annual General Meeting of the Association shall be held in November each year.

13.1 The business of the Annual General Meeting shall be:

13.1.1 Appointment of Patron(s) /Mediator/Auditor.

13.1.2 Confirmation of Minutes of the last Annual General Meeting.

13.1.3 Consideration and adoption of the Annual Report and Financial Statement.

13.1.4 Business of which notice has been given.

13.1.5 Such other general business as the meeting deems necessary.

13.1.6 Election of Life Members.

13.1.7 Election of Executive Committee members and sub-committees for ensuing year.

13.1.8 Election of Manly Service Award Recipients

(i) The Manly Service Award is an award for recognition of outstanding service to netball for the Association and includes, but is not limited to: -

(a) Coaching, managing, umpiring or service on either club Association or Representative level.

(b) Service on the Council of the Association

(c) Service on the Executive Committee.

(d) Service on any sub-committee.

(ii) Subject to sub-clause (iii), any member of the Association shall be eligible to receive the award.

(iii) Life Members and previous recipients of the award are not eligible to receive the award.

(iv) Any two Life Members, Ordinary or Non-Playing members of the Association may nominate candidates for the award.

(v) Nominations are to be submitted in writing to the returning officer by 5:00pm on the Friday prior to the October Executive Committee meeting. Qualifications must accompany all nominations.

(vi) No more than three (3) awards are to be given in any one (1) year.

13.2 Where the nature of the business to be dealt with at the Annual General Meeting requires a special resolution of the Association, the secretary shall, at least twenty one (21) days before the date fixed for the holding of the Annual General Meeting, give notice in writing to Life Members, Executive Committee members of the Association and club secretaries of the date, time and place of the meeting, the nature of the business proposed and the intention to propose the resolution as a special resolution. Accidental omission to give any member such notice shall not invalidate the meeting.

13.3 Not less than twenty-one (21) days' notice of the date, time and place of the Annual General Meeting of the Association shall be given in writing to Life Members, Executive Committee members of the Association and club secretaries, accompanied by a copy of the Annual Report, Financial Statement and alterations to the Constitution passed by Council since the previous Annual General Meeting. Accidental omission to give any member such notice shall not invalidate the meeting.

13.4 At least one (1) delegate from each of one-third (1/3) of affiliated clubs and one half (1/2) of the elected Executive Committee members shall constitute a quorum at an Annual General Meeting.

13.5 If no quorum is present 15 minutes after the time fixed for the commencement of the meeting, it shall be adjourned to a date within fourteen (14) days.

13.6 Any financial member of the Association may attend the Annual General Meeting, but only two (2) delegates from each affiliated club that have attended 50% plus 1 of that year's Council meetings, Life Members (except for the provision of clause 8.5a) and Executive Committee Members of the Association may vote.

13.7 Each person entitled to vote shall have one (1) vote to be exercised in accordance with voting procedures outlined by the chairperson of the meeting. The chairperson shall have a deliberative vote and, in the case of an equality of votes, shall in addition have a casting vote.

14 SPECIAL GENERAL MEETING

14.0 A Special General Meeting of the Association shall be called by the Secretary at the request of the President, or on a requisition signed by the secretaries of not less than one quarter (1/4) of affiliated clubs.

14.1 At least twenty-one (21) days' notice in writing shall be given to Life Members, Executive Committee members of the Association and club secretaries of the date, time and place of the meeting and the business to be discussed at the meeting. Accidental omission to give any Member such notice shall not invalidate the meeting.

14.2 Where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution of the Association, the Secretary shall, at least twenty one (21) days before the date fixed for the holding of the Special General Meeting, give notice in writing to Life Members, Executive Committee members of the Association and club secretaries of the date, time and place of the meeting, the nature of the business proposed and the intention to propose the resolution as a special resolution. Accidental omission to give any member such notice shall not invalidate the meeting.

14.3 No business shall be dealt with at a Special General Meeting other than that of which notice has been given.

14.4 At least one (1) delegate from each of one-third (1/3) of affiliated clubs and one half (1/2) of the elected Executive Committee members shall constitute a quorum at a Special General Meeting.

14.5 If no quorum is present 15 minutes after the time fixed for the commencement of the meeting, it shall be adjourned to a date within fourteen (14) days.

14.6 Any financial member of the Association may attend a Special General Meeting but only two (2) delegates from each affiliated club, Life Members and Executive Committee members of the Association may vote.

14.7 Each person entitled to vote shall have one (1) vote to be exercised in accordance with voting procedures outlined by the chairperson of the meeting. The chairperson shall have a deliberative vote and, in the case of an equality of votes, shall in addition have a casting vote.

15 EXECUTIVE COMMITTEE

15.0 The ballot for election of Executive Committee members to form the Executive Committee shall take place at the Annual General Meeting every second year. The following Executive Committee members shall be elected.

i. President
ii. Vice President
iii. Secretary
iv. Treasurer
v. Growth & Development Officer
vi. Representative Team Convenor
vii. Competition Secretary
viii. Umpires Convenor
ix. Coaches Convenor

15.1 In accordance with Schedule 1 to the Association's Incorporation Act that provides that an association's constitution is to address the maximum number of consecutive terms of office of any Executive Committee members on the committee.

(i) no member of the Association shall serve more than ten (10) consecutive years on the Executive Committee, however, may be eligible to stand for election to the Executive Committee after the expiration of at least one (1) year following the service of ten (10) consecutive years.

(ii) Each member of the Executive committee is, subject to this constitution, to hold office until immediately before the election of the Executive Committee at the next annual general meeting following the date of the member's election.

15.2 No person shall be qualified to nominate as an Executive Committee member unless that person is a Life Member, Ordinary Member or Non-Playing Member of the Association

15.3 Nominations of persons for election as Executive Committee members shall be signed by two (2) Life Members, ordinary or non-playing members of the Association and shall bear the written consent of the nominee.

15.3.1 Such nominations shall be lodged with the Returning Officer by 5pm on the Friday prior to the October Executive Meeting. All Life Members, Executive Committee members of the Association and club

secretaries are to be notified of the nominations twenty-one (21) days prior to the Annual General Meeting.

15.3.2 In the event there is more than one candidate for an Executive Committee position, a ballot will be conducted, with the candidate with the highest number of votes of those present and voting will be declared elected.

15.3.3 In the eve4nt that only one (1) candidate is nominated for an Executive Committee position, the candidate shall be elected if they receive a simple majority of votes cast by those present and voting.

15.3.4 If the candidate does not receive a simple majority, nominations will be reopened, and a new election will be held at the next Council meeting.

15.3.4 If the position remains vacant for more than two (2) months following the initial vote, the original candidate shall be declared elected, provided they accept the position.

15.4 Executive Committee members, elected at the Annual General Meeting shall assume office at the conclusion of the Annual General Meeting and shall hold office for the ensuring two years.

15.5 No person shall be elected to more than one (1) position on the Executive Committee.

15.6 The office of any member of the Executive Committee who fails to attend three (3) or more consecutive meetings of the Executive Committee, without leave of the Committee, upon resolution of Council, shall be deemed to be vacant.

15.7 Casual Vacancies for the Executive Committee and Sub Committees shall be advertised. Nominations for Casual Vacancies shall be lodged with the Returning Officer on the Form prescribed by the Association. The Returning Officer or Council shall be responsible for resolving the date of the election for any casual vacancy. All Life Members, Executive Committee members of the Association and club secretaries are to be notified of any election for a casual vacancy twenty one (21) days prior to any election taking place.

15.8 No more than two (2) members of the Executive Committee shall be members of any one (1) club.

15.9 The Executive Committee shall exercise the functions and powers of the Council between meetings of Council on matters of urgency & confidentiality, and its decisions shall be subject to ratification by the Council at its next meeting.

15.10 One half of the members of the Executive Committee shall constitute a quorum, if uneven number of members on Executive Committee

15.11 Each member of the Executive Committee shall have one (1) vote to be exercised in accordance with voting procedures outlined by the chairperson of the meeting. The chairperson shall have a deliberative vote and, in the case of an equality of votes, shall in addition have a casting vote.

15.12 The Executive Committee may meet electronically using any technology that gives each of the Executive Committee a reasonable opportunity to participate.

15.13 No Proxy votes at Executive Committee meetings are allowed.

15.14 The Secretary must give each committee member oral or written notice of a meeting of the Executive Committee at least 48 hours, or another period on which the committee members unanimously agree, before the time the meeting is due to commence.

16 POWERS OF COUCIL

16.0 The Council shall have all the powers necessary for the proper execution of the objects of the Association and without in any way limiting the generality of this power, shall have the power:

16.1 To control and manage the affairs of the Association.

16.2 To control the funds and assets of the Association and for that purpose to open and operate banking accounts, to invest funds in any manner authorised by law for the investment of trust funds, to acquire real and personal property of all descriptions and to sell or otherwise dispose of the

same, to borrow money on behalf of the Association 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 Association.

16.3 To consider and determine applications for membership.

16.4 To give directions to any Club as to the Constitution and proceedings.

16.5 To take disciplinary action pursuant to this Constitution against any member.

16.6 To appoint such additional sub-committees not appointed at the Annual General Meeting as it thinks fit and to define the functions thereof.

16.7 From time to time to make, amend and rescind procedures not inconsistent with this Constitution.

16.8 To appoint delegates to represent the Association at any body at which the Association requires representation.

16.9 To resolve disputes between members (in their capacity as members) and between members and the Association including referral to mediation.

16.10 To fix fees payable by members and to enforce payment thereof.

16.11 To institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or its officers or otherwise concerning the affairs of the Association and also to compound or allow reasonable time for payment and satisfaction of any debts due to and any claims or demands by or against the Association

17 FINANCE & RECORDS

17.0 The funds of the Association shall be derived from the registration fees, donations and any other source approved by the Association.

17.1 All money received by the Association shall be deposited, as soon as practicable and without deduction, to the credit of the financial institution account of the Association.

17.2 The Association shall, as soon as practicable after receiving the money, issue an

appropriate receipt when requested.

17.3 The funds of the Association shall be kept at a financial institution approved by the Council, all cheques and electronic payments drawn on the account shall be signed/authorised by any two (2) or more of the President, Secretary and Treasurer of the Association

17.4 The books of the Association shall be audited each year by a qualified person who is not a member of the Association.

17.5 A financial statement shall be presented at each Annual General Meeting.

17.6 Any member of the Council may inspect the books of account, members' roll and minute book of the Association at any reasonable hour.

18 SUB-COMMITTEES

18.0 The following sub-committees shall be elected at the Annual General Meeting:

- 18.0.1 Coaches' Development
- 18.0.2 Competition
- 18.0.3 Disciplinary
- 18.0.4 Governance
- 18.0.5 Grading
- 18.0.6 NetSetGo
- 18.0.7 Representative
- 18.0.8 Representative Coaches and Managers Appointments
- 18.0.9 Representative Umpires Appointment
- 18.0.10 Selection Committee
- 18.0.11 Trophy
- 18.0.12 Umpires Development
- 18.0.13 Sponsorship, Communications and Promotions

18.1 The President, Secretary and Treasurer of the Association may attend ex-officio, all sub-committees with the exception of the Selection, Disciplinary, Representative Coaches and Managers Appointment and Representative Umpires' Appointment sub-committees.

18.2 Any Sub Committee may meet electronically (excluding the Senior and Junior Selection Sub Committees for the selection of representative players) using any technology that gives each of the Sub Committees a reasonable opportunity to participate.

19 GRIEVANCE PROCEDURE – DISPUTES AND MEDIATION (not involving disciplinary matters)

19.0 The grievance procedure set out in this Constitution applies to a complaint(s) or dispute(s) (hereinafter referred to as "the dispute") under the Constitution, or procedures between: -

(i) A Member and another Member; or

(ii) A Member and the Association

19.1 This Grievance Procedure does not apply to a dispute involving the exercise by Council, the Executive Committee or the Disciplinary Committee of a disciplinary power vesting pursuant to Clause 26 of the Constitution.

19.2 In cases of urgency the Executive Committee shall have power to abridge or extend any time requirement imposed.

19.3 Any Member may give written notice to the secretary of the Association of a dispute (not being a disciplinary matter).

19.4 Written notice of a dispute shall contain specific details of the dispute and shall be forwarded to the secretary of the Association within seven (7) days of the dispute occurring.

19.5 The secretary shall, as soon as practicable, but within seven (7) days, forward written details of the dispute to all parties to the dispute requiring the parties to meet to discuss and attempt to resolve the dispute within seven (7) days after the dispute comes to the notice of all parties.

19.6 If requested by any one or more parties to the dispute, the secretary shall act to facilitate the arrangement of the meeting.

19.7 If the parties are unable to resolve the dispute at the meeting, or if any party fails to attend the meeting, then the parties must, within fourteen.

(14) days, hold a meeting in the presence of a Mediator.

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

19.9 The Mediator, in conducting the mediation, (which must be completed within fourteen (14) days) must: -

(i) Give the parties to the mediation process every opportunity to be heard.

(ii) Allow due consideration by all parties of any written statement submitted by any party.

(iii) Ensure that natural justice is afforded to the parties to the dispute.

(iv) throughout the mediation process.

(v) Allow each of the parties to have an adult representative who shall not be legally trained or qualified.

19.10 The Mediator must not determine the dispute.

19.11 If the mediation process does not result in the dispute being resolved: -

(i) In respect of a dispute between two or more Members, the dispute shall be referred to the Executive Committee for determination. The determination of the Executive Committee shall be final and binding upon the parties.

(ii) In respect of a dispute between a Member and the Association, the dispute shall be referred to Council for determination. The determination of Council shall be final and binding upon the parties.

20 DISCIPLINARY MATTERS

20.0 A Disciplinary Matter is any matter which, in the opinion of Council, the Executive Committee or the Disciplinary Committee, involves a breach of the Constitution or involves conduct unbecoming of a member or conduct detrimental to the policy, interests or welfare of the Association.The Council, the Executive Committee and the

Disciplinary Committee shall have the power to impose any penalty of a kind referred to in Disciplinary Committee paragraph (b) upon any member who is guilty of a Disciplinary Matter.In cases of urgency, the Executive Committee of the Association shall have the power to abridge or extend any time requirement imposed.Written notice of a complaint involving a Disciplinary Matter may be given by Club Secretary to the Secretary of the AssociationWritten notice of a complaint alleging a Disciplinary Matter shall contain specific details of the complaint and shall be forwarded to the Secretary of the Association within 2 business days of the alleged incident(s) to which the complaint relates.

20.5 The Secretary of the Association shall, as soon as practicable, but within 7 days, forward written notice of the complaint to the member against whom the complaint has been made.

20.6 Within 7 days, the member against whom the complaint has been made shall give written notice to the Secretary of the Association whether the complaint is admitted or denied. If the member fails to give such notice within 7 days, the complaint shall be deemed to be admitted.

20.7 If the member admits the complaint, the Executive Committee, having had regard to any submission from the member, may by resolution:

(i) Take no further action; or

(ii) Accept an apology from the member; or

(iii) Reprimand the member; or

(iii) Refer the matter to the Disciplinary Committee to determine the penalty, if any.

20.8 The resolution of the Executive Committee shall be notified in writing to the member as soon as practicable, but within 7 days of the resolution being passed.

21 MEDIATION

21.0 If the member denies the complaint the Executive Committee may in its discretion, refer the matter to mediation or to the Disciplinary Committee, but shall, if requested by the member, refer the matter to mediation.

21.1 If the matter is referred to mediation the parties must, in good faith, attempt to resolve all issues relating to the complaint by mediation.

21.2 The mediator, in conducting the mediation (which must be completed within 7 days), must:

(i) Give the parties to the mediation process every opportunity to be heard.

(ii) Allow due consideration by all parties of any written statement.

(iii) Ensure that natural justice is afforded to the parties to the dispute throughout the mediation process.

(iv) Allow each of the parties to have an adult representative who shall not be legally trained or qualified.

21.3 The mediator must not determine issues relating to the complaint.

21.4 The member of the Council who attends the Mediation on behalf of the Association

shall have the authority to resolve the dispute on such terms as that representative considers appropriate.

21.5 If the mediation is unsuccessful, the Executive Committee shall refer the matter to the Disciplinary Committee to investigate and determine the matter.

22 DISCIPLINARY COMMITTEE

22.0 The function of the Disciplinary Committee is to investigate, hear and determine complaints relating to Disciplinary Matters.

22.1 The Disciplinary Committee, having had regard to any submission or evidence of the member, the Association and the complainant may, by resolution:

(i) Expel a member from the Association.

(ii) Suspend a member from membership of the Association for a specified period.

(iii) Impose a fine.

(iv) Reprimand a member.

(v) Impose a penalty representing a combination of (i), (ii), (iii) or (iv) above.

(vi) Otherwise impose such penalty or arrive at such other resolution as considered appropriate.

22.2 The resolution of the Disciplinary Committee shall be notified, in writing, to the member as soon as practicable but within 7 days of the resolution being passed.

22.3 The resolution of the Disciplinary Committee shall take immediate effect unless, within 7 days of notification of the resolution, the member applies for a review by the Executive Committee.

23 REVIEW BY EXECUTIVE COMMITTEE

23.0 An application by the member for a review by the Executive Committee of the resolution of the Disciplinary Committee must be made in writing to the Secretary of the Association

23.1 Where the Secretary receives an application for a review from the member

(i) The Secretary shall convene a meeting of the Executive Committee which will have available for consideration:

(ii) The reasons of the Disciplinary Committee for passing the resolution.

(iii) Any statements or other documents placed in evidence before the Disciplinary Committee.

(iv) If the proceedings before the Disciplinary Committee were recorded, a transcript of those proceedings.

23.2 The member personally, or by his/her delegate or through an adult representative (not being legally trained or qualified) shall be given the opportunity to be heard personally or in written submissions but shall not be entitled to adduce evidence.

23.3 The Executive Committee, following consideration, shall decide whether the

resolution of the Disciplinary Committee should be confirmed, revoked or amended.

23.4 The Executive Committee shall either:

(i) Pass a resolution confirming the resolution of the Disciplinary Committee, or

(ii) Pass a resolution confirming the resolution of the Disciplinary Committee be revoked immediately, or

(iii) Pass a resolution amending the resolution of the Disciplinary Committee.

23.5 The resolution of the Executive Committee passed pursuant to paragraph (22.5) iii shall be final and binding upon the parties.

24 NOTICE PROVISIONS

24.0 For the purpose of this Procedure, written notice shall be deemed to have been given:

(i) In respect of an affiliated club if given to the secretary of the club.

(ii) In respect of an individual member if given to that member or to the secretary of the affiliated club of which the individual is a member.

25 THE REGULATION OF THE PROCEDURES OF THE DISCIPLINARY COMMITTEE

25.0 The Disciplinary Committee shall ensure that the party appearing before the Committee, is granted a fair hearing PROVIDED THAT nothing contained herein shall grant a right of legal representation to a party at a Disciplinary Committee hearing, unless the other party is also legally represented and then only at the discretion of the chairperson. A person may be represented by an official of the affiliated club or affiliated organisation of which the person is a member provided such representative does not hold legal qualifications unless legal representation is allowed by the chairperson.

25.1 A Disciplinary Committee member shall not take part in any hearing which may involve an affiliated club or organisation or a player of a club or a member of an organisation with which he/she holds office as a director or committee person or with which he/she otherwise holds a close association.

25.2 The proceedings before the Disciplinary Committee shall be recorded in such manner as the chairperson directs. Such recordings shall be made by the secretary of the Association or their nominee.

25.3 Any member required to appear before the Disciplinary Committee who neglects to appear without proper explanation to the chairperson shall, on recommendation of the Disciplinary Committee to Council, be dealt with in terms of fine, caution, expulsion or suspension from membership.

25.4 A member appearing before the Disciplinary Committee may call witnesses in his/her support.

25.5 In the exercise of its function, the Disciplinary Committee shall do all such things as may be necessary to ensure:

(i) That all matters are set down for hearing with as much expedition as is

reasonably possible.

(ii) That all hearings are concluded within as short a period as is reasonably possible.

(iii) All persons, other than the members of the Disciplinary Committee, the official recorder, the parties and their representatives (if any) and their witnesses (but only before they give evidence), shall be excluded from the proceedings of the Disciplinary Committee.

25.6 At a hearing by the Disciplinary Committee the case of the parties shall be presented in the order decided by the chairperson, but nothing herein removes from any person the onus of proving any ground on which he/she relies. The standard of proof to be applied by the Disciplinary Committee shall be that of the balance of probabilities.

25.7 Subject to the next sub-clause, the Disciplinary Committee is not bound by the Rules and practices as to evidence.

25.8 The Disciplinary Committee shall not inform itself on, or take into consideration any matters which have not been disclosed in evidence at a sitting of the Disciplinary Committee unless the matter is one which ought, in the interests of justice, be taken into account or consideration by the Disciplinary Committee

25.9 In relation to any hearing the chairperson of the Disciplinary Committee by instruction in writing or verbally: -

(i) May require any person to be present at a sitting of the Disciplinary Committee for the purposes of producing any document or exhibit relevant to the hearing and which is so specified.

(ii) May require a person referred to in paragraph (i) above to do either or any of the following things namely:

(a) to lodge with the Disciplinary Committee on or before such date as is specified in the instruction, a written case setting out the arguments on which the person relies in relation to the offence, appeal or complaint.

(b) to serve on or before such date as is specified in the instrument, on any other such person so specified, a copy of a written case referred to in sub-paragraph (a).

(iii) May require the persons, referred to in paragraph (i) to lodge with the Disciplinary Committee on or before such date as is specified in the instruction, a statement of such facts or matters as are agreed upon between them in relation to the conflict.

(iv) May require any person to produce before the Disciplinary Committee any document or exhibit relevant to the conflict.

(v) May require any person to appear before the Disciplinary Committee to give evidence.

25.10 Any person who fails or neglects to comply with the requirements made to him/her under sub-clause (24.10) shall be deemed to be guilty of misconduct and shall be liable to such penalty as the Council on recommendation of the Disciplinary Committee determines.

25.11 The Disciplinary Committee may from time to time adjourn any hearing until such times, dates and places for such reasons as it thinks fit.

25.12 Within seven (7) days of completion of the investigation into the complaint, the Disciplinary Committee shall provide to Council a recommendation accompanied by written reasons as to the penalty, if any, which should be imposed.

25.13 The proceedings before the Disciplinary Committee shall be conducted in an orderly manner and any person who, in the opinion of the Chairperson, is engaging in unruly conduct or otherwise disrupting the proceedings shall, at the request of the Chairperson, leave the room.

25.14 In the event that the Disciplinary Committee is unable to reach a unanimous decision as to the recommendation to be provided to Council, the Committee shall report the majority decision and shall advise Council of the view of the dissenting Committee Member.

26 APPOINTMENT OF MEDIATOR(S)

26.0 The appointment of the Mediator(s) for matters referred or to be referred to mediation under Constitution clauses 18 & 20 shall take place at any Annual General Meeting, Special General Meeting or General Meetings of Council.

26.1 A member of the Association is not eligible for appointment as a Mediator.

26.2 The Mediator(s) shall hold office for a period of 12 months PROVIDED HOWEVER that the Mediator(s) may be removed from office by resolution of Council.

27 ENFORCEMENT OF THE CONSTITUTION

27.0 The authority of the Council shall extend to and be recognised by all members.

27.1 The Council, the Executive Committee and the Disciplinary Committee shall have the power to impose any penalty of a kind referred to in the Constitution upon any member who is in breach of the Constitution or By- Laws or who is guilty of conduct unbecoming of a member or conduct detrimental to the policy, interests or welfare of the Association

28 ALTERATION OF THE CONSTITUTION AND STANDING ORDERS

28.0 This Constitution may be altered by special resolution passed by a majority of at least three-quarters (3/4) of members eligible to vote and voting at any Annual General Meeting or Special General Meeting.

28.1 Standing Orders may be altered, added to or repealed by resolution passed by a majority of at least two-thirds (2/3) of members eligible to vote and voting at any Annual General Meeting, Special General Meeting or any General Meetings of Council.

28.2 Not less than twenty one (21) days' notice of the time, date and place of the meeting shall be given by the secretary of the Association to Life Members, Executive Committee members of the Association and club secretaries together with the nature of the proposed new clause in the Constitution, By Laws or Standing Orders or alteration, addition or repeal of any existing clause in the Constitution, By Laws or Standing Orders.

29 DUTIES OF PUBLIC OFFICER

29.0 Register of Members: The Public Officer of the Association shall establish and maintain a register of the members of the Association specifying the full name, address, birth date, telephone number and email address of each person who is a member of the Association with the date on which the person became a member.

29.1 Except as otherwise provided by these rules, the Public Officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

29.2 The records, books and other documents of the Association shall be open to inspection, free of charge, by a member of the Association at any reasonable hour.

29.3 Register of Members of Executive Committee: The Public Officer of the Association shall establish and keep at his/her residential address, a register containing the names and addresses of each person who is a member of the Executive Committee and the date upon which each person became a member of the Executive Committee.

30 DISSOLUTION

30.0 The Association shall not be dissolved except by special resolution passed by majority of at least three-quarters (3/4) of members eligible to vote and voting at any Annual General Meeting or Special General Meeting.

30.1 The liability (if any) of members of the Association to contribute, towards the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association, is limited to the amount, if any, unpaid by the member in respect of membership of the Association

30.2 On dissolution of the Association all moneys and real and personal property whatsoever remaining after the determination and settlement of all debts and liabilities shall be paid or transferred to Netball New South Wales to be used in the promotion of Netball within the boundaries of the area referred to in Clause 4 of this Constitution.