

# CONSTITUTION

as amended at AGM held 13<sup>th</sup> November 2013



**MODBURY HAWKS  
NETBALL CLUB INC.**

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## **1. THE CLUB**

- (a) The name of the Club shall be 'Modbury Hawks Netball Club Inc.' hereinafter referred to as the 'Club'.
- (b) The Club colours shall be blue and yellow.
- (c) The Club uniform to consist of:
  - Yellow, sky blue, royal blue and navy blue A Line dress with club logo
  - Navy blue boy leg pants
  - Yellow or white skivvy
  - White socks club logo or plain white socks
  - Yellow bibs, blue lettering
  - Blue bibs, yellow lettering
- (d) Uniforms to be supplied by players.

## **2. OBJECTS**

- (a) To promote, advance and cultivate the game and sportsmanship of netball.
- (b) To do all such things and acts conducive to the furtherance of the objects and interests of the club.

## **3. CLUB CONTROL**

- (a) The Club shall have all the powers conferred by Section 25 of the Act.

## **4. PROPERTY**

- (a) The property assets and income of the Club wheresoever derived, shall be applied towards the promotion of the objects of the Club and no portion thereof shall be paid or transferred either directly or indirectly by way of dividend, bonus or otherwise by way of profit to members generally of the Club.
- (b) Nothing herein contained however shall prevent the payment in good faith of remuneration to any officers or servants of the Club or any member in return for services actually rendered, nor prevent the payment of interest on money borrowed from any member of the Club.

## **5. MANAGEMENT COMMITTEE**

The business and general management of the Club shall be under the control of the Management Committee.

- (a) No more than eleven (11) and no less than nine (9) members elected at the Annual General Meeting.

- (b) (i) The Chairperson shall call for nominations at the Annual General Meeting and such nominations shall be proposed and seconded.
  - (ii) When only one accepted nomination for a position is received, such candidate shall be declared duly elected.
  - (iii) If more than the required number of candidates is nominated for any one position at the Annual General Meeting, an election by ballot shall be held and the Chairperson shall appoint a Returning Officer and two scrutineers for that purpose.
- (c) The Management Committee shall consist of and be elected in the following order:
1. PRESIDENT
  2. SECRETARY
  3. TREASURER
  4. VICE PRESIDENT
  5. MINUTE TAKER
  6. UMPIRE CO-ORDINATOR
  7. TEAM NOMINATIONS CO-ORDINATOR
  8. FUNDRAISING/PRESENTATION CO-ORDINATOR
  9. UNIFORM CO-ORDINATOR
  10. EQUIPMENT OFFICER
  11. NO MORE THAN ONE OTHER MEMBER.
- (d) Committee to meet a minimum of eight times per year excluding Annual General Meeting or Special General Meeting.
- (e) Any elected Committee member who shall absent him/herself from more than three (3) consecutive Committee meetings, without forwarding a satisfactory explanation, shall be deemed to have vacated his/her position.
- (f) Each Committee member is entitled to nominate a proxy.
- (g) Should any vacancy occur in the Management Committee the Management Committee may fill such vacancy from the members of the Club and such member duly elected shall hold office until the next Annual General Meeting.
- (h) The Management Committee shall appoint a Public Officer who shall notify the Office of Business and Consumer Affairs of such appointment and who shall file such other notices and returns as required by law. The Public Officer shall hold office until another person is appointed to the position by the Executive.

## **6. EXECUTIVE**

To be formed of President, Vice President, Secretary and Treasurer.

(a) Duties are to be to decide all matters of urgency between Committee meetings. All decisions and actions to be ratified at the next Committee meeting.

(b) The Executive will form the Appeal Committee.

## **7. AUDITOR**

An auditor for the Club shall be appointed by the Club at the Annual General Meeting.

## **8. QUORUM FOR MEETINGS**

Annual General and Special Meetings

- four (4) Committee members and nine (9) members.

Committee meetings

- five (5) Committee members.

If at any Annual General or Special General Meeting there be no quorum within thirty (30) minutes of the time appointed for the meeting then the meeting shall lapse unless a majority of the members present decide to adjourn the meeting for period not exceeding fourteen (14) days. If there be no quorum within thirty (30) minutes after the time appointed for such adjourned meeting then the meeting shall lapse altogether.

## **9. MEETINGS**

### **(a) ANNUAL GENERAL MEETINGS**

All positions on the Committee shall be declared vacant at each Annual General Meeting of the Club and a new Committee elected. All persons proposed must be present or have signified, in writing, their willingness to stand. Such Annual General Meeting to be held within five months of the end of the Club's financial year. Written notice to be given to members not less than seven (7) days before such meeting.

### **(b) SPECIAL GENERAL MEETINGS**

The Secretary shall whenever so instructed by the President call a Special Meeting. The Secretary shall also within three (3) days after receiving a written request signed by not less than three (3) members of the Club, and setting out the purpose for such, call a Special Meeting of Members of the Club for a date not less than seven (7) days after the date of receiving such request.

(c) Should the vote at a meeting be equal then the President shall have a casting vote.

- (d) Minutes of motions passed and directions from the chair, questions and answers etc. as directed by the President shall be recorded at all meetings which after approval (e.g. passed at Committee or General Meetings) may be read, on request by any member.

## **10. DUTIES OF OFFICERS**

### PRESIDENT

To preside over all Committee Meetings, Special General Meetings and Annual General Meetings.

### VICE PRESIDENT

To assume duties of President in President's absence. In the absence of both President and Vice President the Committee shall elect, within its own numbers, a Chairman for that particular meeting.

### SECRETARY

To send all correspondence as required by the Committee. To receive all correspondence and do any acts required of him/her by the Committee. The address of Secretary shall be the official address of the Club.

### MINUTE TAKER

To record minutes of each meeting, General, Executive or Committee.

### TREASURER

To open and maintain a cheque account at a bank convenient to the Treasurer and approved by the Committee, with signatures of President, Secretary and Treasurer registered with the bank. Any two (2) signatures to be authority. To submit a financial statement at all meetings and when required to do so. Bank statements to accompany report to substantiate the financial position of the Club. To submit books for auditing as directed by the Committee.

### EQUIPMENT OFFICER

To be responsible for the upkeep, allocation and purchase of all equipment as required by the Club and authorised by the Committee. To have authority to hold any Coach responsible for the Club's equipment damaged through neglect, or lost. To be responsible for keeping an inventory of the Club's equipment.

### UMPIRE COORDINATOR

To organise/coordinate umpires for all club games and to liaise with SADNA officials/other clubs umpire coordinator when fill in umpires are required or changes to regular umpires are needed to be made. Gauge umpire abilities and

allocate to grades accordingly each season, coordinate ongoing training of umpires, both current and beginners.

#### TEAM NOMINATIONS COORDINATOR

To prepare and distribute all information regarding trials and team placements to players. To nominate a grading sub-committee, to be agreed to by the committee and to coordinate trial days. To complete and submit team nomination forms as set out by SADNA by the required date. To submit any changes to teams throughout the season to SADNA as required. To maintain club player database. To respond to new player enquiries.

#### FUNDRAISING/PRESENTATION COORDINATOR

**FUNDRAISING:** Liaise with fundraising sub-committee. Collect incoming money and details to submit to the Treasurer on a regular basis. Provide fundraising reports to a minimum of three committee meetings per year. Co-ordinate with teams to conduct fundraising activities: Raffles, Lucky square, Bingo, Cake sales, car washes etc. and to explore new fundraising options.

**PRESENTATION:** To organise both the junior and senior players' presentations as agreed to by the committee. To organise the ordering and engraving of any trophies required for presentation to players.

#### UNIFORM COORDINATOR

To provide and coordinate the change of any uniform items as required by the committee and offer advice to Club players in regards to fittings, sizing and special requirements that may arise from time to time. The coordinator shall have access to an emergency sizing kit for fill in players and loan items as needed. Player's shall have the responsibility of returning the item of use within a set time frame.

### **11. AUXILIARY COMMITTEES**

To be formed if deemed necessary by the Committee. Duties to be determined by the Committee.

### **12. MEETING PROCEDURE**

- (a) Minutes to be made available to members.
- (b) Agenda for meetings to be sent to members at least five (5) days prior to meetings.
- (c) Any item required on the agenda to be notified to the Secretary seven (7) days before the meeting.

- (d) President may limit each member to talk once on a subject or allocate time periods.
- (e) President to time restrict subject as he/she sees fit – no redress.
- (f) Agenda – Welcomes
  - Confirmation of Minutes
  - Business Arising from Minutes
  - Correspondence (both Inward and Outward)
  - Reports from all current presiding members
  - General Business
- (g) Unless a poll is demanded by at least five members, a question for decision at a general meeting must be determined by a show of hands.
- (h) Each member may have only one vote on any motion.
- (i) At all meetings the President's decision on points of order shall be final.
- (j) If a poll is demanded by at least five members, it must be conducted in a manner specified by the person presiding and the result of the poll is the resolution of the meeting on that question.
- (k) A poll demanded for the election of a person presiding or on a question of adjournment must be taken immediately, but any other poll may be conducted at any time before the close of the meeting.
- (l) A special resolution is as defined in the Act.
  - (i) An ordinary resolution is a resolution passed by a simple majority at a General Meeting.

### **13. MEMBERSHIP**

#### **(a) Full membership**

- (i) any player aged fifteen (15) years and over who pays Club fee.
- (ii) Any non-playing adult who pays fees as prescribed by the Committee.

#### **(b) Junior membership**

- (i) any player under fifteen (15) years of age who pays Club fee.
- (ii) Any person under fifteen (15) years of age who pays fees as prescribed by the Committee.

#### **(c) Life membership**

- (i) Any person granted life membership shall be issued with a suitable badge or medallion.



- (ii) Members who have given the Club a total of ten (10) years' service for playing, coaching, umpiring and/or management shall be eligible for Life Membership.

- (iii) Bestowed for special services to the Club at the discretion of the Committee.

- (d) Honorary or temporary membership

Bestowed for special services to the Club at the discretion of the Committee.

- (e) The Secretary (or delegate) will maintain a register of all current members of the Club.

- (f) Members may resign at any time by written notice to the Secretary.

#### **14. ELIGIBILITY TO VOTE**

- (a) Only financial members of the Club aged fifteen (15) years and over and Life Members may vote at any General Meeting (Annual or Special).

- (b) Parents of under-age members (i.e. 14 years) may vote on behalf of their children who are members of the Club. Families with more than one under-age member may vote on behalf of a second member provided that both parents or legal guardians are in attendance at the meeting. Such member or parent or guardian shall be entitled to one vote only.

- (c) A member shall be entitled to appoint in writing a natural person who is also a member of the association to be their proxy, and attend and vote at any general meeting of the association.

#### **15. CONDUCT OF MEMBERS**

- (a) A member shall not use abusive or obscene language whilst representing the Club on or off the playing court, whether at practice or competition matches.

- (b) Players and Club Members shall not criticise or make derogatory remarks about coaches, players, umpires, or officials of this club, other clubs or affiliated associations.

- (c) On court, at practice or competition matches only the coach, team captain or acting captain may make official critical comments to other team members.

- (d) Any serious breaches of this conduct code will be considered by the Committee who will decide what disciplinary action is necessary.

## **16. MEMBER PROTECTION**

- (a) The Club acknowledges and agrees to abide by Netball Australia's Member Protection Policy. In the interest of child safety and good administrative practice the Club will undertake a screening process and request a police check for all current committee members and coaches; these will be in addition to those as required by legislation.
- (b) The club nominates the Vice President to be the screening officer. The Vice President may defer to the President only for clarification when there is an adverse finding. All information in regards to the screening process will be kept confidential by the Vice President and in accordance with the Privacy Act.

## **17. PATRONS AND VICE PATRONS**

May be appointed at the Annual General Meeting or at the discretion of the Committee

## **18. FEES**

- (a) For each membership classification to be set at the Annual General Meeting.
- (b) Financial year to be from first (1) November in one year to thirty-first (31) October in the following year.
- (c) Subscriptions to be payable by the date of the first match after commencement of the season.
- (d) In case of hardship, the Management Committee may extend the period of payment, or use their discretion to allow a reduction of fees
- (e) Nomination fees may be refunded if a player is injured after nominations close but before the SADNA cut-off date for player withdrawals. Application for a refund must be made in writing to the Management Committee. Payment of any refunded nomination fee will be made at the end of the season, or may be offset against another player's account.
- (f) Players not eligible for hardship and who have not paid their fees by set date will be ineligible to participate in any games for the remainder of the season until full payment of fees has been made.
- (g) Adjustments of fees for players not playing a full season shall be at the discretion of the Committee.

## **19. RULES GOVERNING PLAYERS**

- (a) All players are to be given the same number of games throughout the season wherever possible.

- (b) Players not attending weekly practices without prior notification may not be permitted to play or be selected in the next match at the discretion of the Coach.
- (c) Any player who neglects, or refuses, to play shall be reported to the Committee which shall act as it thinks fit.
- (d) (i) The Coach is obligated to report any player to a member of the Executive verbally within twenty-four hours and in writing within five working days, for any act of misconduct considered detrimental to the Club, or any serious breaches of discipline.
  - (ii) The Committee may at its discretion suspend such player or impose any appropriate penalty as it may see fit.
  - (iii) The Executive for the purposes of Rule (d) (2) shall be deemed not to be members of the Committee.
- (e) Any player, when suspended, has the right to appeal. Such an appeal to be lodged in writing within forty-eight (48) hours of the time of suspension through the Secretary who shall advise the Executive members of the Committee immediately. The Executive shall hear such appeal within forty-eight (48) hours at which time they may reassess the misdemeanour and suspension.
- (g) Emergency players will be permitted for up to 4 matches and will be required to pay a fee of no more than 25% of the fee charged by the association, with the first match cost covered by the Club. Full fees will be charged if a 5<sup>th</sup> game is played. This is an addition charge on top of the 4 fill-in charges already paid..

## 20. TEAM CONTROL

The Captain/Coach shall have sole management of team on court. Coaches are responsible for management off the court of both players and followers. Captains must take directions given by their coach and act accordingly. Any coach failing to reprimand a player for misconduct or breaches of discipline, detrimental to the Club shall be asked, by the Committee, for an explanation for his/her failure to do so.

## 21. SELECTION OF PLAYERS

- (a) The Grading co-ordinator shall nominate a grading committee, which shall be approved by the Executive committee prior to the trial process commencing
- (b) The grading committee shall consist of the following where possible;
  - i. 2 x non playing senior members of the club for senior grading
  - ii. 2 x financial members of the club for junior members
  - iii. Team nominations/grading co-ordinator/s for both junior and senior grading
  - iv. Person/s appointed by the Executive committee if the above positions cannot be filled
- (c) The coach/team manager for each grade will assist the grading committee on trial nights by placement of players on court and will pass on any relevant information regarding players performances on the night
- (d) Grading committee shall refer to the coaches evaluations to assist in team selection
- (e) Members of the grading committee shall not oversee the trials of any team their daughter/family member is involved in. If this situation is unavoidable the Executive committee may appoint another grader for that grade if it deems it necessary
- (f) The Grading committee shall watch no less than 3 minor round matches of the teams they have been appointed to grade. The dates for these matches shall be at the discretion of the grading committee.
- (g) Trials shall be held over 2 weeks with a third week scheduled for any further grading the Grading committee feels is necessary
- (h) Once trials have occurred the Grading Committee shall provide all grading sheets and coaches evaluation sheets to the committee for review no less than 48 hours prior to the Grading Committee Meeting.

- (i) Trial sheets shall consist of the following information;
  - i. Players Name
  - ii. Date of Birth
  - iii. Grade last played
  - iv. Minor round position of team last played in
  - v. Positions trialled for
  - vi. Recommended grade
  - vii. Any additional relevant information/comments regarding the player
- (j) Players will be selected for teams and grades on the basis of their ability and performance; age will not be a barrier for advancement to any team.
- (k) Should any player register after the trial and grading process has occurred and there is a position available, they will be placed in an appropriate team until their level of ability and performance is accurately assessed by the Grading Committee.
- (l) Participation of any player representing the Club in matches held during summer competition in affiliation with any netball association will not result in automatic membership or selection into any team of the Club during the winter season

## **22. ATTENDANCE AT TRAINING**

1.

- (a) Players must attend all scheduled training sessions. Any player unable to attend a scheduled training session must give the coach prior advice unless exceptional circumstances prevail.
- (b) In cases of inclement weather, junior training is determined by the respective coach who must advise their players within a reasonable notice period if training is to be cancelled or rescheduled.
- (c) It is the responsibility of players to contact coaches on matters of training.

## **23. AWARDS FOR BEST PLAYERS**

- (a) The club will award participation medals to each player in the Sub Primary grade. The club allocates two individual trophies to all other teams from Primary to Intermediate grades. The names of these trophies are at the discretion of the coaches, but one typically will be 'Best and Fairest', although this doesn't need to be.
- (b) It is the responsibility of the coach to decide on the method of determining the trophy winners, but is typically by some sort of point system, recorded on a weekly basis.
- (c) A player found guilty of an offence during any competition match and subsequently reprimanded or suspended for any matches shall not be

eligible for any team player award in the season during which the offence took place.

## **24. COACHING APPOINTMENTS**

All coaching appointments shall be made by the Management Committee.

## **25. COMPLAINTS**

- (a) Players or parents of junior players with any complaints should report them to the relevant team coach in the first instance to enable action to be taken to safeguard the player's rights.
- (b) Any complaint which cannot be satisfactorily resolved between the complainant and the coach should then be referred to the Management Committee, preferably in writing, for further consideration and resolution.

## **26. EXPULSION AND APPEALS**

- (a) The Committee may expel from the Club, or otherwise punish or penalise, any member whose conduct, in the opinion of the Committee, is discreditable, or injurious, to the character or interests of the Club.
- (b) Any member being served notice of expulsion may, within fourteen (14) days of date of notice, appeal. The appeal must be the Agenda of a Special General Meeting, the decision of such meeting shall be conclusive and binding.
- (c) No refund of subscription for any expelled member will be made.

## **27. GENERAL AGREEMENT WITH AFFILIATED ASSOCIATIONS**

The Club shall comply with the Constitution and By-Laws of affiliated associations Netball Australia, Netball SA and the South Australian Districts Netball Association (SADNA).

## **28. ALTERATIONS TO CONSTITUTIONAL RULES**

Any of the present rules may be altered or repealed, or a new rule introduced, by a simple majority of members present at an Annual General Meeting or a Special General Meeting, provided due notice of motion, in writing and signed by the proposer and seconder has been lodged with the Secretary fourteen (14) days prior to the Annual General Meeting or Special General Meeting of the

Club. All members being notified in writing of such meeting seven (7) days prior.

## **29. BY LAWS**

The association may make such bylaws and rules as deemed necessary from time to time. Such bylaws and rules shall not be in conflict with anything contained in the Constitution of the Club. Alterations to the bylaws and rules can be made at the Annual General Meeting or any Special General Meeting. Such alterations or additions shall be effected only by a two-thirds majority of all members present.

## **30. NOTICES**

All notices, or publicity items, to be approved by the Committee

## **31. DISSOLUTION AND DISPOSITION OF ASSETS**

The Club may be dissolved or wound up only upon the resolution carried by a majority of three-quarters of the members present (either personally or by proxy) and voting at a general meeting called for such purpose.

If upon the dissolution or winding up of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Club but shall be given or transferred to some other Association or Institution having objects similar, either wholly or in part to the objects of the Club and which shall prohibit the distribution of its income and property among its members or to some charitable object or objects which Association or Institution or object shall be determined by members of the Club at or before the time of dissolution or winding up.