Hornsby Lions Netball Club



Constitution

# Club Constitution

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# Part 1 The Club

## Title

The name of the Club shall be Hornsby Lions Netball Club (hereinafter referred to as the “Club” or “Club’s”), a not for profit Club.

## Colours

The Club’s basic colours shall be White, Dark Blue and Burgundy.

## Headquarters

The Club’s headquarters shall be at the residential address of the Secretary. If the club is without a Secretary, the headquarters will be at the residential address of the President or Treasurer.

## Logo

The Club’s logo, as shown on the front cover, shall be a Lion incorporated with the letter ‘H’.

The addition of a White Shamrock from 2018 is to recognise the merging of the Club with St Patrick’s Sports Club.

## Vision and Aim

The vision of the Club is to be a family friendly club that seeks to provide a fair, fun, inclusive and respectful environment for everyone.

The aim of the Club is to promote a fun, inclusive environment that encourages our members to keep on playing, or being associated with, Netball and the Club.

## Objectives

The objectives of the Club shall be:

* 1. to further the interests of its members as determined by the committee and promote the game of Netball within the Hornsby and surrounding areas.
  2. to select and manage the Club teams.
  3. to comply with the Constitution, Rules and By-Laws of the local associations being Hills District Netball Association (hereinafter called “HDNA”), and Kuring-gai Netball Association (hereinafter called “KNA”).
  4. to apply the assets and income of the Club solely in furtherance of the abovementioned objective and no portion shall be distributed directly or indirectly to any member of the Club except as bona fide compensation of expenses incurred on behalf of the Club.
  5. Patron – the Club may, from time to time, nominate one or more patrons. Any patron shall hold office at the pleasure of the Club committee and members.

Note: Any and all references to the Rules, Constitution and By-Laws of HDNA, Netball NSW, Netball Australia and The International Federation of Netball within this document shall be taken to refer to the documents enforced by these Associations as amended from time to time.

# Part 2 Membership

## Individual members

1. The number of members of the Club is declared to be unlimited. However, in the event that there are insufficient numbers to manage the Club affairs, then, by necessity, those numbers may need to be limited.
2. People wishing to join the Club shall be open to all Ordinary, Junior, Senior and subscribing members as defined by Netball NSW.

## Definitions of Members

* 1. Playing Members as defined by Netball NSW, provided that they are listed and financial.
  2. Life members
     1. Any person may be elected a Life Member of the Club in recognition of outstanding service to the Club for a period of no less than seven (7) years.
     2. Candidates for election as Life Members shall be nominated by two (2) members of the club.
     3. Election as a Life member shall require a vote of at least two- thirds of the members attending the AGM.
     4. A Life member has the right to attend Committee meetings, they may have speaking rights but without voting rights. However, at an AGM, their vote will be recognised.
  3. Non Playing Member: A non playing members shall be defined as - Any person acting in the capacity of a Team Coach, Assistant Coach, Team Manager, Committee Member and/or Umpire who is not already registered as a Playing Member of the Club.

## Register of members

The Registrar of the Club must establish and maintain a register of members of the Club specifying the name, date of birth, address, E-mail address and telephone contact of each person who is a member of the Club. This can be maintained within the Netball NSW online platform.

## Fees

* 1. **Financial Members**

1. The fees to be paid by members shall be determined by resolution of the Club membership at the Annual General Meeting each year. This shall include:
   1. registration fees set by HDNA, plus
   2. a levy set by the Club to pay Umpires umpiring on behalf of the Club, plus
   3. a levy set by the Club for Day Competition only, to pay for equipment, court hire for training and registration/insurance of Non Playing Members.

## Non Financial Members

It is the responsibility of Members to ensure all fees, as described in rule 9, be paid by the date set by the Committee. Members who have not paid all monies due to the Club as described in rule 9, by the date set by the Committee shall be considered un-financial and shall be ineligible for registration and/or play until monies due are paid in full. Non-financial members have no voting rights.

## Members’ liabilities

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as described in rule 9.

## Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the club:

* 1. is not capable of being transferred or transmitted to another person, and
  2. terminates on cessation of the person’s membership.

## Disputes or Complaints

* 1. All disputes or complaints must be made in writing to the Secretary.
  2. The President will, at the Secretary’s request:

1. convene a meeting of a minimum of three members of the Executive Committee to discuss the dispute ;
2. when deemed by the Executive Committee to warrant notification to HDNA, on forward the dispute to the Secretary of HDNA, in the event the dispute relates to a game, umpire, condition of play or rule, when held within the area controlled by HDNA; and
   1. The Secretary shall maintain communication with the Disputer until finalised or resolved.

## Disciplining of members

* 1. A complaint or dispute may be made in writing as required in rule 12 to the Committee by any person that a member of the Club has:

1. persistently refused or neglected to comply with a provision or provisions of these rules, or
2. decimated or persistently and wilfully acted in a manner prejudicial to the wellbeing of a member,
3. persistently and wilfully acted in a manner prejudicial to the interests of the Club.
4. failed to comply with Netball NSW Code of Conduct.
   1. On receiving such a complaint, the Secretary :
5. must cause notice of the complaint to be served on the member concerned, which may include immediate temporary suspension until such time that submissions are heard;
6. must give the member at least seven (7) days from the time the notice is served within which to make Submissions to the Secretary in connection with the complaint, and
7. the Executive Committee must take into consideration any Submissions made by the member in connection with the complaint in accordance with rule 12.
   1. The Executive Committee will apply any disciplinary sanctions consistent with the Netball NSW policies , after considering the complaint and any Submissions made in connection with the complaint, if it is satisfied that the facts alleged in the complaint have been proved.
   2. If the Committee expels or suspends a member, the President or Secretary must, within seven (7) days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Executive Committee for having taken that action, and of the member’s right of appeal as described in rule 14.
   3. The resolution is to be documented and saved in Club records, however is to be treated confidentially for the protection of the member concerned.

Where law enforcement or child protection laws are considered to have, or may have, been contravened, the relevant authority shall be notified by the Executive Committee.

## Right of appeal of disciplined member

* 1. A member may appeal to the Club against a resolution of the Executive Committee as described in rule 12 and 13, within seven (7) days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
  2. A subcommittee will be formed to hear the arguments. This committee must include non-biased members of the Committee. .
  3. The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
  4. On receipt of a notice from a member under clause (1), the Chairperson of the appointed sub committee must convene a sub committee meeting within 14 days after the date on which the Secretary received the notice.
  5. At the sub committee meeting convened under clause ( 4):

1. no business other than the question of the appeal is to be transacted, and
2. the sub committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
3. the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
   1. If at the sub committee meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.
   2. If at the sub committee meeting the Club passes a special resolution to revoke the resolution defined through rule 13, then the sub committee shall decide, with the appealing member, how best to communicate the resolution.
   3. Any resolution shall be documented and saved in Club records, however is to be treated confidentially for the protection of the member concerned.
   4. Where law enforcement or child protection laws are considered to have, or may have, been contravened, the relevant authority shall be notified by the sub committee.

# Part 3 The Committee

## Powers of the Committee

The Committee is subject to these rules, to any resolution passed by the Club in a committee meeting and the Constitution, Rules and By-Laws of HDNA and KNA, and:

* 1. is to control and manage the affairs of the Club, and
  2. may exercise all such functions as may be exercised by the Club, other than those functions that are required by these rules to be exercised by an annual general meeting of members of the Club, and
  3. has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.

## Constitution and Membership

* 1. The Committee shall consist of the Office Bearers of the Club, each of whom is to be elected at the annual general meeting of the Club as described in rule 17.
  2. The Executive Committee will be made up of the President, Vice President, Secretary, Treasurer and Registrar.
  3. The office-bearers of the Club are to be:

1. President
2. Vice President
3. Secretary
4. Treasurer
5. Registrar
6. Coaches Convenor
7. Uniform & Equipment Coordinator
8. Umpires Convenor
9. Fundraising Officer
10. Delegate to HDNA (2 positions)
11. Media Publicity Officer
12. NetSetGo Coordinator
    1. The committee shall confirm the appointment of an Honorary Auditor, as required.
    2. Each member of the Committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member’s election, but is eligible for re-election.
    3. In the event of a casual vacancy occurring in the membership of the Committee, the Executive Committee may co-opt a member of the Club to fill the vacancy and the member/s appointed shall be confirmed at the next committee meeting. They will then hold office, subject to these rules, until return of the elected Office Bearer or the conclusion of the annual general meeting next following the date of the appointment.

## Election of Committee members

* 1. Nominations of candidates for election as office-bearers of the Club may be made by any Club member over 18 years of age or parents/guardians of Club members prior to the annual general meeting.
  2. Nominations must be seconded by another member of the Club.
  3. A person cannot hold the same role on the committee for more than ten (10 ) consecutive years, except in the case of a special resolution. A committee member may also remain on the committee in a different role.
  4. If insufficient nominations are received to fill all vacancies on the Committee prior to the AGM, the candidates nominated are taken to be elected and further nominations may be received from the floor at the Annual General Meeting.
  5. If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies as described in rule 18.
  6. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
  7. If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
  8. The ballot for the election of office-bearers and ordinary members of the Committee is to be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.

## Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the Committee occurs if the member:

* 1. dies, or
  2. ceases to be a member of the Club, or
  3. becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
  4. resigns office by notice in writing given to the secretary, or
  5. is removed from office as described in rule 19, or
  6. becomes a mentally incapacitated person, or
  7. is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 months.

## Removal of a Committee member

* 1. The Club, in a committee meeting, may by resolution remove any member of the Committee from the office of member before the expiration of the member’s term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
  2. If a member of the Committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing, it must be done so in accordance with Rules 12, 13, 14 and 15.

## Committee Meetings and quorum

* 1. The Committee must meet at least 3 times in each period of twelve

(12) months at such place and time as the Committee may determine.

* 1. Additional meetings of the Committee may be convened by the President or by any member of the Executive Committee.
  2. Oral or written notice of a meeting of the Committee must be given by the President or Secretary to each member of the Committee at least forty eight (48) hours (or such other period as many be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.
  3. Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business. A standing (repeated) agenda may be used at each Committee meeting.
  4. A quorum shall constitute 50% of committee members for a committee meeting, and 75% of committee members for a special general meeting or an annual general meeting.
  5. No business is to be transacted by the Committee unless a quorum is present and if, within 30 minutes of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to a new meeting time as set by the Committee member calling the meeting.

## Delegation by Committee to Sub-Committee

1. The Committee may delegate to one or more Sub-Committees (consisting of such members as the Committee thinks fit) the exercise of such functions of the Committee as are specified, other than:
   1. this power of delegation, and
   2. a function which is a duty imposed on the Committee by the Act or by any other law.
2. A function the exercise of which has been delegated to a Sub- Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the Sub-Committee in accordance with the terms of the delegation.
3. A delegation under this section may be made Subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
4. Any act or thing done or suffered by a Sub-Committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.
5. The Committee may revoke wholly or in part any delegation under this rule.
6. A Sub-Committee may meet and adjourn, as it thinks proper.

## Voting and decisions

* 1. Questions arising at a meeting of the Committee or of any Sub- Committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or Sub- Committee present at the meeting.
  2. Each member present at a meeting of the Committee or of any Sub- Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
  3. Subject to rule 18(5), the Committee may act despite any vacancy on the Committee.
  4. Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a Sub-Committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub-Committee.

# Part 4 Meetings

## Committee Meetings – holding of See Part 3, sections 20 & 21

* 1. In addition for Part 3, sections 20 and 21, the team manager or their member representative may attend each Committee meeting as notified.
  2. The team manager, or their agent, must provide in writing to the Secretary one week before the scheduled meeting any business they wish to raise on behalf of their team.
  3. The team manager or their agent must report the outcome of all business arising at the Committee meeting to their team members and/or Parents and Guardians.

## Annual General Meetings – holding of

The Annual General Meeting shall be held , at such place and time as the Committee thinks fit.

## Annual General Meetings – calling of and business at

* 1. All financial members are eligible to vote and, in the case of under 18’s, their parent or guardian, are eligible to vote.
  2. The right to speak on any motion and/or report on business arising shall be restricted to any financial members.
  3. Not less than fourteen (14) days written notice of the date of the Annual General Meeting of the Club shall be given to all financial members or, in the case of members under the age of 18, their parent or guardian. A copy of the previous year’s annual general meeting minutes together with an agenda and notices of motion shall be made available.
  4. The business of the Annual General Meeting shall include:

1. confirmation of the minutes of the previous Annual General Meeting,
2. reports on the activities of the Club during the last preceding financial year,
3. election of Office Bearers.
4. reports of Office Bearers
5. setting of fees for the forthcoming year
6. such other business as the meeting thinks fit. This business needs to be advised to the Secretary at least seven (7) days prior to the AGM.
   1. Office Bearers elected at the Annual General Meeting shall assume office at the conclusion of the Annual General Meeting and shall hold office until the next AGM.

## Special General Meetings – calling of

* 1. The Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.
  2. This meeting is open to all members.

## Notice

* 1. Except if the nature of the business proposed to be dealt with at a committee meeting requires a special resolution of the Club, the Secretary must, at least fourteen (14) days before, or as early as practical prior to the date fixed for the holding of the committee meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
  2. If the nature of the business proposed to be dealt with at a committee meeting requires a special resolution of the Club, the Secretary must, at least twenty one (21) days before, or as early as practical prior to the date fixed for the holding of the committee meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
  3. No business other than that specified in the notice convening a committee meeting is to be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted as described in rule 25 (4).
  4. A member desiring to bring any business before a committee meeting must give notice in writing of that business to the secretary who must include that business in the next notice calling a committee meeting given after receipt of the notice from the member.

## Presiding Member

* 1. The President or, in the President’s absence, the Vice-President, is to preside as Chairperson at each meeting of the Club.
  2. If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as Chairperson at the meeting.

## Adjournment

* 1. The chairperson of a committee meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
  2. If a committee meeting is adjourned for fourteen (14) days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
  3. Except as provided in clauses (1) and (2), notice of an adjournment of a committee meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## Making of decisions

* 1. A question arising at a committee meeting of the Club is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
  2. At a committee meeting of the Club, a vote may be demanded by the chairperson or by at least four (4) members present in person at the meeting.
  3. If a vote is demanded at a committee meeting, the vote must be taken;

1. immediately in the case of a vote which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
2. in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the vote on the matter is taken to be the resolution of the meeting on that matter.

## Voting

* 1. On any question arising at a committee meeting of the Club a member or, in the case of under 18s, their representative, has one vote only.
  2. All votes must be given personally.
  3. In the case of an equality of votes on a question at a committee meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
  4. A member is not entitled to vote at any committee meeting of the Club unless all money due and payable by the member to the Club has been paid.
  5. A request for a secret ballot can be made at any time and must be undertaken. The chairperson manages the secret ballot.

# Part 5 Miscellaneous

## Funds – source

* 1. The funds of the Club are to be derived from registration fees, donations, fundraising, sponsorship and, subject to any resolution passed by the Club in a committee meeting, such other sources as the Committee determines.
  2. All money received by the Club must be deposited within 7 days and without deduction to the credit of the Club’s bank account. If a deposit is not possible within 7 days, then the Executive Committee must be notified in writing and a reason must be given.
  3. The Club must, within 48 hours of receiving any money, issue an appropriate receipt and enter the receipt details into an appropriate book or document.

## Funds – Management

* 1. Subject to any resolution passed by the Club in a committee meeting, the funds of the Club are to be used in pursuance of the objectives of the Club in such manner as the Committee determines.
  2. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two (2) Executive members of the Committee or employees of the Club, comprising two of the following: the President, Treasurer and Secretary.

## Alteration of objects and rules

This Constitution and the By-Laws of the Club may be altered by a special resolution passed by a majority of at eight five per cent (85%) of the members present and voting at an Annual General Meeting or Special General Meeting of the Club of which not less than twenty-one

(21) days' written notice specifying the resolution/s to be proposed has been given.

## Custody of Records

Except as otherwise provided by these rules, the Executive Committee must keep in their custody or under theirss control all records, books and other documents relating to the Club. All records should be kept electronically where possible and available on secure shared drives.

## Inspection of records

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

## Service of notices

* 1. For the purpose of these rules, a notice may be served on or given to a person:

1. by delivering it to the person personally, or
2. by sending it by pre-paid post to the address of the person, or
3. by sending it by electronically to the person for giving or serving the notice. This includes a members E- mail address but does not include any social media web sites or forums.
   1. For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
4. in the case of a notice given or served personally, on the date on which it is received by the addressee, and
5. in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
6. in the case of a notice sent electronically, on the date it was sent, or if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

## Special Resolutions

A ‘Special Resolution’ is defined in section 39 of the Associations Incorporation Act 2009 as one that is passed by at least eighty five per cent (85%) of the votes cast by members present (either on a show of hands at the meeting or by secret ballot) being in favour of the resolution.

## Dissolution of the Club

* 1. The Club shall not be dissolved except by special resolution passed by a majority of at least three-quarters (¾) of the members present and voting at a Special General Meeting of the Club of which not less than twenty one (21) days' written notice specifying the resolution to be proposed has been given.
  2. On dissolution of the Club, any property whatsoever remaining after the determination and settlement of all debts and liabilities shall be paid or transferred to the local associations.