

MEMORANDUM

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| To | Affiliated Netball Clubs & Associations |
| From | Governance & Compliance Coordinator |
| Re. | Template Netball Constitutions Update 2019 |
| Date | November 2019 |

Preface

This document has been provided as a guide to the Template Netball Constitutions.

The templates can be used in their entirety with the highlighted sections required to be filled out with the Club or Association's specific information/requirements. There is a brief description of the details required at most highlighted sections.

Please note that the term 'Association' in the Club Template means the incorporated Association to which the Constitution applies, also referred to as, and meaning, the 'Club'. It does not refer to the netball association within which clubs play competitions. Both here and in the Template Netball Club Constitution, references to Association have been changed where possible to Club, for ease of understanding.

While these documents have been heavily scrutinised and Netball WA have been informed that it does comply with the Associations Incorporations Act 2015, we advise anyone utilising the template to do their due diligence prior to submitting the completed document to the Department of Mines, Industry Regulation and Safety.

If any changes are made to the template Netball WA recommends that legal advice is obtained prior to submitting the finished document.

Submitting your new or updated constitution

Clubs and Associations creating new rules or changing existing rules must submit these documents to the Department of Mines, Industry Regulation and Safety within one month of the changes being approved.

If you have not lodged the notice within one month of passing the special resolution, you can attach a letter outlining the reasons for the delay, and an extension of time might be approved.

Financial Year

Netball WA recommends that Club and Association Financial years align with Netball WA's as indicated.



Classes of Membership

Please carefully consider the classes of membership your Club has and/or requires and amend this section accordingly. The information provided in this section is an example and may not cover all classes of membership that you wish to have within your club. Life members are an example of this: your Club may not have any Life Members at all, or they may have them but not wish them to have voting rights.

Applying for Membership

This means that the Association cannot reject Club members as the process is somewhat automatic.

Nomination of Committee Members

This section is linked to the later section, **Notice of General Meetings**. These timeframes can be changed, but they should be linked to the amount of notice that is required for a General Meeting. Currently, this section states that nominations close 21 days before the AGM, as at least 21 days notice is required for a General Meeting where a special resolution is being proposed. This allows for names of nominated candidates to go out with the official AGM notice.

Term of Office

This contemplates 1 year terms for all Committee members. If Committees are instead going to have 2 or 3 year terms, we suggest using “staggered” or “rotational” terms so that not all Committee members finish their term in the same year. This helps preserve “corporate knowledge” of the Association and assists in succession planning of Committees.

Section 3 of this rule contemplates a maximum term limit for Committee members. You may choose not to have a maximum term limit, or to only apply this to specific Committee members, such as the president.

Proxies

Provision for Proxies is not required, as clubs are ordinary members and they can appoint an individual who is a member of that Club to vote on behalf of the Club on any question, at a particular general meeting, or at any general meeting, as specified in the document by which the appointment is made.

It is recommended that the club does not allow the use of proxies at General Meetings. If the Club chooses to allow proxies please refer the wording used in Clause 53 of the model rules document which can be obtained via the DMIRS website here -

<https://www.commerce.wa.gov.au/publications/model-rules-associations-2016>



Clause 39 allows for attendance at a meeting via ‘.....telephone or other means of instantaneous communication.’

This means that even if a member cannot be present in person, they can still be present remotely at the meeting and exercise voting rights.

Executing Documents and Common Seal

There is no longer a need for Clubs to use a common seal, however this subject needs to be considered within the constitution. You may say here simply ‘The Club does not have a Common Seal’.

