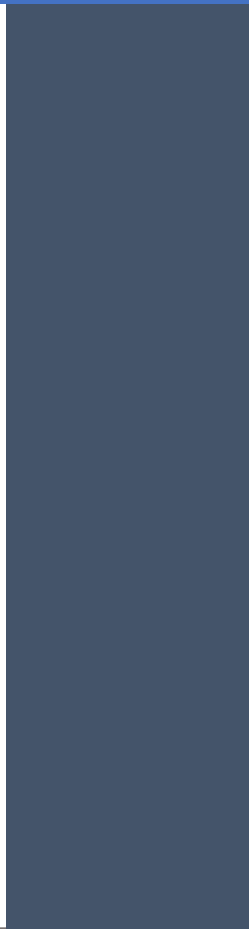


Constitution of Alice
Springs Netball
Association Inc.
2018

Amended April 2018



Constitution of Alice Springs Netball Association Inc. 2018

1. Name

The name of the incorporated association ("the Association") is "*Alice Springs Netball Association Incorporated.*"

2. Objects and purposes

The objects and purposes of the Association are:

- (1) To promote, foster, develop and oversee the sport of Netball in Alice Springs;
- (2) To be the parent body of Netball Clubs in Alice Springs, to provide a liaison between them, and act in a representative capacity on their behalf;
- (3) To investigate and determine issues referred to it by members; and
- (4) To select and manage local representative teams, thereby providing opportunities for its members to gain Northern Territory and /or Australian representation.

3. Minimum number of members

The Association must have at least thirty-three (33) members.

4. Definitions

In this Constitution, unless the contrary intention appears:

"Act" means the Associations Act and regulations made under that Act;

"Association" means Alice Springs Netball Association Inc.;

"Board" means the Board of the Association;

"Financial institution" means an authorised deposit-taking Institution within the meaning of Section 5 of the *Banking Act 1959* of the Commonwealth;

"Member" means a member of the Association;

"Register of members" means the register of the Association's Members established and maintained under Section 34 of the Act;

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"Special resolution" means a resolution passed, notice of which is given under clause 45 and passed in accordance with Section 37 of the Act.

PART 2 - CONSTITUTION AND POWERS OF ASSOCIATION

5. Powers of the Association

- (1) For achieving its objects and purposes, the Association has the powers conferred by Sections 11 and 13 of the Act.
- (2) Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may-
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on the terms and in the manner it considers appropriate;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.

6. Affiliations

- (1) The Association will be affiliated with the Northern Territory Netball Association Incorporated also named Netball NT, (herein called NTNA/Netball NT) and thus with the All Australia Netball Association (herein called AANA/Netball Australia) and the International Federation of Netball Associations (herein called IFNA).
- (2) The Association will comply with all directives of these bodies, and play in accordance with the official rules as set by IFNA, and the interpretations of them as set in the official rule book by

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AANA.

7. Effect of Constitution

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

8. Inconsistency between Constitution and Act

If there is any inconsistency between this Constitution and the Act, the Act prevails.

9. Altering the Constitution

- (1) The Association may alter this Constitution by special resolution but not otherwise.
- (2) If the Constitution is altered, the public officer must ensure compliance with Section 23 of the Act.

PART 3 - MEMBERS

DIVISION 1 – MEMBERSHIP

10. Eligibility for membership

- (1) Eligible members of the Association shall consist of:
 - (a) Board as elected.
 - (b) Members of affiliated clubs, consisting of one or more teams, with full rights of delegation to Association meetings.
 - (c) Life Members as appointed.
 - (d) Association Umpires as registered with the Umpiring Coordinator.

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- (e) Honorary Members as invited by the Board for such period as may be deemed advisable. Honorary members will have no voting rights.
 - (f) Subscribers who affiliate individually.
- (2) Agreement is made to accept and abide by the rules of the Association as set out in the Constitution, By Laws the ASNA policies and procedures.

11. Life Membership

- (1) The Association may make Life Membership Awards to recognise extraordinary distinctive service for an extensive period to Netball in Alice Springs;
- (2) Any member of the Association may submit to the Board, not less than ten (10) weeks prior to the Annual General Meeting, a written nomination for Life Membership, containing details of the nominee's areas and years of service.
- (3) The Board will decide in its absolute discretion which nominations to recommend to the Annual General Meeting;
- (4) Written notice of each recommended nomination will be given to members and officers at least 14 days prior to the Annual General Meeting to which the nomination is to be put;
- (5) A nominee will be granted Life Membership Award if an Annual General Meeting so resolves by a single majority of members present and eligible to vote;
- (6) Life Members will have the same privileges as other members of the Association;
- (7) Life Members do not pay any subscription fees.

12. Application for membership

Any individual, Netball club or other Netball orientated entity in the Alice Springs area may apply to be a member of the Association upon the following conditions:

- (1) Written application is made to be a Member of the Association, giving full details of its status and functions as the Board stipulates;

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- (2) Agreement is made to accept and abide by such Netball playing rules, and the interpretation thereof as are determined by the Association;
- (3) Payment is made, by the due date, of such fees for all membership categories as determined by the Board;
- (4) The Board may reject any membership applications or revoke any membership as it deems fit. Decisions on any such acceptance, rejection or revocation will be by simple majority of all Officers;
- (5) The Board may accept any membership application upon such conditions as it deems fit.

13. Annual membership fees

- (1) The annual membership fee is the amount determined from time to time by the Board.

DIVISION 2 - RIGHTS OF MEMBERS

14. General

- (1) A member may exercise the rights of membership when his or her name is entered in the register of members.
- (2) A right of membership of the Association -
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates on the cessation of membership, whether by death, resignation or otherwise.

15. Voting

- 1) With the exception of the Honorary Members, all financial members are entitled to vote at General Meetings.
- 2) With the Exception of Life Members and Honorary Members, membership of the Association is deemed current between Annual General Meetings

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- 3) A member is not eligible to vote until 14 days after his or her application has been accepted.

16. Notice of meetings and special resolutions

The Board must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

17. Access to information on Association

The following must be available for inspection by members -

- (1) a copy of this Constitution;
- (2) minutes of general meetings;
- (3) annual reports and annual financial reports.

18. Raising grievances and complaints

- (1) A member may raise a grievance or complaint about a board member, Officer, the Board or another member of the Association.
- (2) The grievance or complaint must be dealt with by the procedures set out in this Constitution.

DIVISION 3 - TERMINATION, DEATH, SUSPENSION AND EXPULSION

19. Termination of membership

Membership of the Association may be terminated by -

- (1) a notice of resignation addressed and posted to the Association or given personally to the ASNA manager or an Officer of the Association.
- (2) non-payment of the annual membership fee within the time allowed;

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- (3) expulsion in accordance with this Division;

20. Death of member or whereabouts unknown

If a member dies or the whereabouts of a member are unknown, the Board may cancel the member's membership.

21. Suspension or expulsion of members

- (1) If the Board considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Association, the Board must give notice of the proposed suspension or expulsion to the member.
- (2) The notice must -
- (a) be in writing and include -
- (i) the time, date and place of the board meeting at which the question of that suspension or expulsion will be decided; and
- (ii) the particulars of the conduct; and
- (b) be given to the member not less than thirty (30) days before the date of the board meeting referred to in paragraph (2)(a)(i).
- (3) At the meeting the Board must afford the member a reasonable opportunity to be heard or to make representations in writing.
- (4) The Board must suspend or expel or decline to suspend or expel the member from the Association and must give written notice of the decision and the reason for it to the member.
- (5) Subject to clause 22, the decision to suspend or expel a member takes effect fourteen (14) days after the day on which this notice is given to the member.

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22. Appeals against suspension or expulsion

- (1) A member who is suspended or expelled under clause 21 may appeal against that suspension or expulsion by giving notice to the ASNA manager within fourteen (14) days after receipt of the Board's decision.
- (2) The appeal must be considered at a general meeting of the Association and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representation in writing prior to the meeting for circulation at the meeting.
- (3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Board to suspend or expel the member.
- (4) The member is not suspended or does not cease to be a member until the decision of the Board to suspend or expel him or her is confirmed by a resolution of the members.

PART 4 - BOARD

DIVISION 1 – GENERAL

23. Role and powers

- (1) The business of the Association must be managed by or under the direction of the Board.
- (2) The board members may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.
- (3) The Board may appoint and remove staff.
- (4) The Board may establish one or more sub-committees consisting of the members of the Association and external parties the Board considers appropriate.

24. Composition of Board

- (1) The Officers of the Association will be called the Board, and will consist of the following -

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- (a) a President
 - (b) a Vice President / Chairperson of Selectors
 - (c) a Treasurer
 - (d) an Umpiring Coordinator
 - (e) a Coaching Coordinator
 - (f) a Registrar & Match Coordinator
 - (g) no less than 5 and up to 7 members without portfolio
- (2) Unless elected directly as a separate office holder, the Board must appoint one board member to be the Association's Public Officer.
- (3) The position of ASNA manager within the Association will perform all duties as required by this Constitution, but has no voting rights and is not a member of the Association.

25. Delegation

- (1) The Board may delegate to a sub-committee or staff any of its powers and functions other than -
- (a) this power of delegation; or
 - (b) a duty imposed on the Board by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Board considers appropriate.
- (3) The Board may, in writing, revoke wholly or in part the delegation.

26. BY-LAWS

- (1) The Board may (by itself or by delegation to a committee) formulate, approve, issue, adopt, interpret and amend by-laws for the proper advancement, management and administration of the Association, the advancement of Netball as it thinks necessary or desirable. Such By-Laws must be consistent with this constitution and may be amended or repealed by the Association in General Meeting.

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- (2) All By-Laws made under this Rule shall be binding on the Association unless repealed by Special Resolution of the Members in General Meeting
- (3) All By-Laws of the Association in force at the date of the approval of this Constitution under the Act insofar as such By-Laws are not inconsistent with, or have been replaced by this Constitution, shall be deemed to be By-Laws under this Rule.
- (4) Amendments, alterations, interpretations or other changes to the By-Laws shall be advised to members by means of notices approved, prepared and issued by the Board.

DIVISION 2 - TENURE OF OFFICE

27. Eligibility of board members

- (1) A board member must be a member of the Association.
- (2) Board members must be elected to the Board at an Annual General Meeting or appointed as per this Constitution.
- (3) Board members shall be elected as per the Constitution for a term of two (2) years.
- (4) A Board member must not be insolvent in accordance with Section 30 of the Act.

28. Nominations for election to Board

- (1) A member is not eligible for election to the Board unless the ASNA manager receives a written nomination for that member by another member not less than 14 days before the date of the next annual general meeting.
- (2) The nomination must be signed by -
 - (a) the nominator and a seconder;
 - (b) the nominee must signify his or her willingness to stand for election; and
 - (c) the nominee must sign a declaration for his/her fitness for election.

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- (3) Late nominations will only be accepted at the Annual General Meeting if insufficient nominations are made by the due date and the Annual General Meeting so resolves by a simple majority of officers and members present entitled to vote.

29. Retirement of board members

- (1) A member of the board holds office for two years until/ unless the member vacates the office under clause 32 or is removed under clause 33.
- (2) Subject to sub clause (3), at an Annual General Meeting the office of each retiring member of the Board becomes vacant and elections for those Board vacancies must be held.
- (3) The outgoing President of the board must preside at the Annual General Meeting until a new member is elected as President.

30. Election by default

- (1) If the number of persons nominated for election to the Board under clause 28 does not exceed the number of vacancies to be filled, the President must declare the persons to be duly elected to the Board at the Annual General Meeting.
- (2) If vacancies remain on the Board after the declaration under sub clause (1), additional nominations of Board members may be accepted from the floor of the Annual General Meeting.
- (3) If the nominations from the floor do not exceed the number of remaining vacancies, the President must declare those persons to be duly elected as members of the Board.
- (4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Board in accordance with clause 34.
- (5) Nominations from the floor must be accompanied by a completed and signed nomination form in accordance with clause 28(2).

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31. Election by ballot

- (1) If the number of nominations exceeds the number of vacancies on the Board, ballots for those positions must be conducted.
- (2) The ballot is to be conducted in a manner determined by a resolution of the eligible voting members at the meeting.
- (3) The members chosen by ballot must be declared by the President to be duly elected as members of the Board.

32. Vacating office

The office of a board member becomes vacant if -

- (a) the member -
 - (i) is disqualified from being a board member under Section 30 or 40 of the Act;
 - (ii) resigns by giving written notice to the Board;
 - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
 - (iv) ceases to be a member of the Association.
- (b) the member is absent from more than three (3) consecutive board meetings, of which the member received notice, without tendering an apology to the ASNA manager or President; and the Board has resolved to declare the office vacant.

33. Removal of board member

- (1) The Association, through a special general meeting of members, may remove any board member before the member's term of office ends.
- (2) If a vacancy arises through removal under sub clause (1), an election must be held to fill the vacancy.

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34. Filling casual vacancy on Board

- (1) If a vacancy remains on the Board after the application of clause 30 or of the office of a board member becomes vacant under clause 32, the Board may appoint any member of the Association to fill that vacancy for the balance of the term of the person originally elected.
- (2) However, if the office of Public Officer becomes vacant, a person must be appointed under Section 27(6) of the Act to fill the vacancy

DIVISION 3 - DUTIES OF BOARD MEMBERS

35. Collective responsibility of Board

- (1) As soon as practicable after being elected to the Board, each board member must become familiar with the Act and regulations made under the Act.
- (2) The Board is collectively responsible for ensuring the Association complies with the Act and regulations under the Act.

36. President and Vice-President

- (1) Subject to sub clauses (2) and (3), the President must preside at all general meetings, board meetings and delegates meetings.
- (2) If the President is absent from a meeting, the Vice-President must preside at the meeting.
- (3) If the President and the Vice-President are both absent, the meeting must be presided by -
 - (a) An Officer elected by the members present if it is a general meeting; or
 - (b) a board member elected by the other board members present if it is a board meeting.

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37. ASNA manager

The ASNA manager must -

- (a) co-ordinate the correspondence of the Association;
- (b) ensure minutes of all proceedings of general meetings and of meetings of the board are kept in accordance with Section 38 of the Act;
- (c) maintain the register of members in accordance with Section 34 of the Act; and
- (d) unless the members resolve otherwise at a general meeting - have custody of all books, documents, records and registers of the Association, other than those required by clause 38(6) to be in the custody of the Treasurer; and
- (e) perform any other duties imposed by this Constitution on the ASNA manager and as directed by the President or Board.

38. Treasurer

- (1) The Treasurer must -
 - (a) receive all monies paid to or received by the Association and issue receipts for those monies in the name of the Association;
 - (b) make any payments authorised by the Board or by a general meeting of the Association from the Association's funds; and
 - (c) ensure cheques are signed by any two of the approved signatories.
- (2) The Treasurer must ensure the accounting records of the Association are kept in accordance with Section 41 of the Act.
- (3) The Treasurer must coordinate the preparation of the Association's annual statement of accounts.
- (4) The Treasurer must submit to the Board and to Delegates a report, balance sheet or financial statement.

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- (5) The Association will prepare for each Annual General Meeting, a balance sheet of the assets and liabilities of the Association, and a statement of receipts and expenditure, which will be audited and certified correct by the Association's Auditor.
- (6) The Treasurer has custody of all securities, books and documents of financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.
- (7) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

39. Public Officer

- (1) The Public Officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with Sections 23, 28 and 45 of the Act.
- (2) The Public Officer must keep a current copy of the Constitution of the Association.

PART 5 - MEETINGS OF THE BOARD

40. Frequency and calling of meetings

- (1) The Board will meet at least once per month per calendar year, unless it resolves otherwise.
- (2) The President or at least half the members of the Board may at any time convene a special meeting of the Board.
- (3) A special board meeting may be convened to deal with an appeal under clause 22.

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41. Voting and decision making

- (1) Each member present will have a deliberative vote on any issue under contention.
- (2) The President exercise a casting vote on any issue under contention.
- (3) A question arising at a board meeting must be decided by a majority of votes.

42. Quorum

A quorum for any meeting of the Board will be not less than one half of the persons holding office at the given time.

43. Procedure and order of business

- (1) The procedure to be followed at a board meeting must be determined from time to time by the Board.
- (2) The order of business may be determined by the members present at the meeting.
- (3) Only the business for which the meeting is convened may be considered at a special meeting.

44. Disclosure of interest

- (1) A member of the Board who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Board in accordance with Section 31 of the Act.
- (2) The ASNA manager must record the disclosure in the minutes of the meeting.
- (3) The President must ensure a board member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with Section 32 of the Act.

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PART 6 - GENERAL MEETINGS

45 Convening general meetings

- (1) The Association must hold all annual general meetings within five (5) months after the end of the Associations financial year.
- (2) The Board -
 - (a) may at any time convene a special general meeting;
 - (b) must, within thirty (30) days after the ASNA manager receives a notice under clause 22(1), convene a special general meeting to deal with the appeal to which the notice relates; and
 - (c) must, within thirty (30) days after it receives a request under clause46, convene a special general meeting for the purpose specified in that request.

46 Special general meetings

- (1) A Special General Meeting may be called by the President, or at the written request of members to the Board.
- (2) Such request will contain a concise statement of the business to be considered and be presented with the authority of three (3) members, or signed by three (3) Officers.
- (3) Only the business for which the meeting has been called will be discussed.
- (4) A quorum for any Special General Meeting will be not less than one half of the persons holding office at that time, and twenty (20) members, with at least two (2) of the persons who signed the request in attendance.
- (5) If at least two (2) petitioners are not in attendance at the appointed time of the commencement of the meeting, the petition shall be deemed to have lapsed.
- (6) If, within half an hour after the appointed time for the commencement of the Meeting, a quorum is not present, the meeting, if convened upon the request of the members, shall be

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dissolved; and in any other case, it shall stand adjourned to the same place at the same day and time next week, unless the President at the time of the adjournment specifies another place, date or time or written notice is given to members before the date to which the meeting is adjourned.

- (7) Except as provided in the foregoing clause, it is not necessary to give notice of an adjourned meeting.
- (8) If a quorum is not present within half an hour of the appointed commencement of the adjourned meeting, the meeting shall be dissolved, and the petition declared lost.
- (9) Voting by Board and all members. The Chairperson has a deliberative vote, and a casting vote if required.
- (10) If the Board fails to convene a special general meeting within the time allowed –
 - (a) for clause 45(2)(b) – the appeal against the decision of the Board is upheld; and
 - (b) for clause 45(2)(c) – the members who made the request may convene a special general meeting as if they were the Board.
- (11) If a special general meeting is convened under sub clause (10)(b), the Association must meet any reasonable expenses of convening and holding the special general meeting.
- (12) Within fourteen (14) days of receiving the request, the Board will arrange the date and place of the Special General Meeting.
- (13) The ASNA manager must give to all members not less than twenty-one (21) days' notice of a special general meeting.
- (14) The notice must specify –
 - (a) when and where the meeting is to be held; and
 - (b) the particulars of and the order in which business is to be transacted.

47 Annual general meeting

- (1) The Board must give to all members not less than thirty

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(30) days' notice of an annual general meeting.

- (2) The notice must specify –
 - (a) when and where the meeting is to be held; and
 - (b) the particulars of and the order in which business is to be transacted.
- (3) The order of business for each annual general meeting is as follows:
 - (a) minutes of previous annual general meeting;
 - (b) consideration of the accounts and reports of the Board;
 - (c) election of new board members;
 - (d) appointment of Auditor to the Association
 - (e) appointment of Ambassador / Patron to the Association
 - (f) consideration of nominations for Life Membership Awards
 - (g) any other business requiring consideration by the Association at the meeting.

48 Special resolutions

A Special Resolution is one:

- a) of which written notice, either presented with the authority of two (2) members, or signed by two (2) officers has been given to the Board.
- b) of which notice has been given by the Board to members, at least thirty (30) days prior to the General Meeting at which it is to be considered.
- c) the notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- d) which is passed at a General Meeting by a simple majority of Officers and members present and entitled to vote.

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49 Notice of meetings

- (1) The ASNA manager must give a notice under this Part by:
 - (a) serving it on a member personally; or
 - (b) sending it by post or email to a member at the address of the member appearing in the register of members.
 - (c) and any other manner as determined by the board.
- (2) If a notice is sent by post under sub clause (1)(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail or by email.
- (3) The ASNA manager must give to all members not less than 21 days' notice of a special general meeting.
- (4) The notice must specify –
 - (a) when and where the meeting is to be held; and
 - (b) the particulars of and the order in which business is to be transacted.

50 Quorum at general meetings

A quorum for any General Meeting will be not less than one half of the persons holding office at that time, and not less than twenty (20) members.

51 Lack of quorum

- (1) If within thirty (30) minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –
 - (a) for an annual general meeting or special general meeting convened under clause 45(2)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place.

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- (b) for a meeting convened under clause 45(2)(b)– the members who are present in person may proceed with hearing the appeal for which the meeting is convened; or
 - (c) for a meeting convened under clause 45(2)(c) – the meeting lapses.
- (2) If within thirty (30) minutes after the time appointed by sub clause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person may proceed with the business of that general meeting as if a quorum were present.
 - (3) The President may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.
 - (4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
 - (5) If a general meeting is adjourned for a period of thirty (30) days or more, the ASNA manager must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

52 Voting

- (1) Subject to clause 15(3) each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
- (2) At a general meeting –
 - (a) an ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and
 - (b) a special resolution put to the vote is passed if three quarters of the members who are present in person or by proxy vote in favour of the resolution.
- (3) A poll may be demanded by the President or by three or more members present in person or by proxy.

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- (4) If demanded, a poll must be taken immediately and in the manner the Chairperson directs.

53 Proxies

- (1) A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting.
- (2) All proxies must be in writing and lodged with the President prior to the commencement of the meeting.

PART 7 – FINANCIAL MANAGEMENT

54 Financial year

The financial year of the Association is from first of January till the thirty first of December.

55 Funds and accounts

- (1) No Association moneys will be expended except with prior approval of the Board. However, the President, Vice President or the Treasurer may authorise expenditure of up to \$ \$1000.00 on an item, which has to be presented to the next Board Meeting for ratification.
- (2) All moneys received by the Association will be paid to the credit of its bank account, or invested as the Board directs.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two of the approved signatories.
- (4) All funds of the Association must be deposited into the financial account of the Association as soon as practicable after the day of receipt.

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- (5) With the approval of the Board, the Treasurer and the ASNA manager will maintain a petty cash float provided that all money paid from or paid into the float is accurately recorded at the time of transaction.

56 Accounts and audits

The responsibility of the Board under clause 35(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to:

- (a) the keeping of accounting records;
- (b) the preparation and presentation of the Association's annual statement of accounts; and
- (3) the auditing of the Association's accounts.

PART 8 – PROTESTS, COMPLAINTS, REPORTS, DISCIPLINE, GRIEVANCE AND DISPUTES

57 Protests, Complaints, Reports and Discipline

- (1) The Board will, subject to deeming the issue concerned appropriate for its consideration, investigate and determine questions relating to written protests, complaints, reports and discipline which have relevance to Netball at an Association level.
- (2) The Board may delegate its authority in the area to such persons as it deems appropriate, and upon such terms as it specifies.
- (3) The procedures for any investigation will be determined by the Board or its delegates.
- (4) Any decision made or endorsed by the Board pursuant to this clause will be binding upon all members.
- (5) The Association will automatically support and apply disciplinary decisions of recognised tribunals and authorities of IFNA, AANA, NTNA (Netball NT), Netball Australia and State/Territory Associations affiliated with AANA.

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58 Grievance and disputes procedures

- (1) This clause applies to disputes between – (a) a member and another member; or
(b) a member and the Board.
- (2) Within fourteen (14) days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days after the meeting, hold another meeting in the presence of a mediator.
- (4) The mediator must be –
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement –
 - (i) for a dispute between a member and another member
– a person appointed by the Board; or
 - (ii) for a dispute between a member and the Board – a person who is a mediator appointed or employed by the department administering the Act.
- (5) A member of the Association can be a mediator.
- (6) The mediator cannot be a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must –
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and

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- (c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 9 – MISCELLANEOUS

59 Communication with affiliated clubs

1. Each affiliated Club will supply a member who will act as their delegate to the Association
2. Each delegate must be a bona fide representative of that club.
3. The ASNA board will communicate with affiliated clubs through the delegates using web-based communication and emails as well as calling a meeting of delegates from time to time as deemed necessary
4. Meetings of these delegates with the Board will be held from time to time during the playing season. At least one of the appointed delegates must be in attendance at each meeting.
 - a. A quorum of a delegates meeting will be not less than one half of the Officers and one third of the number of delegates required to attend.
 - b. If a quorum is not present within half an hour of the nominated commencement of the meeting, the meeting shall be postponed to a date, time and place to be fixed by the Board.
5. Each financial club is entitled to one vote.

60 Income and Property

The income and property of the Association will be applied solely in relation to carrying out its objects, and no portion thereof will be applied either directly or indirectly by way of dividend, bonus or otherwise by way of profit to members or Officers, provided that members, Officers and employees of the Association may be paid for services rendered, or goods applied in the normal course of business.

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61 Distribution of surplus assets on winding up

- (1) If on the winding up or dissolution of the Association there remain after satisfaction of all its debts and liabilities any assets, the assets must not be distributed to the members or former members.
- (2) The surplus assets must be given or transferred to another association incorporated under the Act that -
 - (a) has similar objects or purposes.
 - (b) is not carried on for profit or gain to its individual members; and
 - (c) is determined by resolution of the members.

62 Interpretation of the Constitution

Any question as to the interpretation of the Constitution, or any matter not provided for herein, will be decided by a simple majority of all Officers.