

**CONSTITUTION**

**OF THE**

**BULLANTS NETBALL CLUB**  
**INCORPORATED**



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# Part 1 Preliminary

## 1. Preamble

We, the members of this club incorporated in the Australian Capital Territory on 30/03/2012, aiming to promote and encourage an interest in the sport of netball, establish this constitution for the governance of our club.

## 2. Name

The name of the club shall be the "Bullants Netball Club Incorporated".

## 3. Objects

The object of the club is to provide a quality netball experience for participants of all ages and abilities.

## 4. Interpretation

Unless the contrary intention applies, words importing the singular number or plural number shall include the plural number and singular number respectively.

## 5. Definitions

(1) In this constitution:

*Note* A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

**association** means the South Canberra Netball Association.

**club** means the Bullants Netball Club Incorporated.

**committee** means the committee of the club as defined in Clause 17.

**financial year** means the year ending on 30 September.

**general meeting, annual general meeting, special general meeting** and **committee meeting** mean meetings of the club in accordance with this constitution.

**household** means a group of people who have the same registered address in *my.netball*.

**member** means a member of the club pursuant to Clause 7 hereof.

**my.netball** means the *my.netball* portal or any other system administered by Netball Australia for the purposes of registering participants.

**official** means a person who has been registered in that calendar year as an official of the club in *my.netball*.

**ordinary committee member** means a member of the committee who is not an office-bearer of the club as mentioned in section 17(2).

**participant** means a person who participates in the sport of netball under the auspices of the club whether as a player, official or any other role defined in *my.netball*.

**player** means a person who has been registered in that calendar year as a player of the club in *my.netball*.

**public officer** means the public officer of the club for the purposes of the Act.

**registered** means having a current registration in *my.netball*.

**registrant** means a person who has attained the age of 16 years and has been registered as a player, official or any other role in *my.netball* during that calendar year or the parent/guardian of a person under 18 who has been registered as a player, official or any other role in *my.netball* in that calendar year.

**secretary** means the person holding office under these rules as secretary of the club or, if no such person holds that office, the public officer of the club.

**territory** means the Australian Capital Territory.

**the Act** means the *Associations Incorporation Act 1991* and/or other relevant legislation.

**the regulation** means the *Associations Incorporation Regulation 1991*.

## 6. Powers

- (1) The club is empowered to:
  - (a) facilitate the registration of individual participants and officials using the *my.netball* portal or any other system administered by Netball Australia for that purpose;
  - (b) nominate teams to participate in competitions arranged by the association, or other netball associations affiliated with Netball Australia;
  - (c) affiliate with and be represented on the association;
  - (d) do all such other things as are incidental or conducive to the attainment of all or any of the above powers.

# Part 2 Membership

## 7. Membership qualifications

- (1) A person is qualified to be a member if—
  - (a) the person-
    - (i) is a member of the committee elected at an annual general meeting; or

- (ii) is a member of the committee appointed to fill a vacancy in accordance with section 23(1).
- (b) the person—
  - (i) has been nominated for membership in accordance with clause 8; and
  - (ii) has been approved for membership of the club by the committee of the club.

**8. Nomination for membership**

- (1) A nomination of a person for membership of the club—
  - (a) must be made by a member of the club in writing in the form set out in appendix 1; and
  - (b) must be lodged with the secretary of the club.
- (2) As soon as is practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which must decide whether to approve or to reject the nomination.
- (3) If the committee decides to approve a nomination for membership, the secretary must as soon as practicable after that decision notify the nominee of that approval and request the nominee to pay within 28 days after receipt of the notification the sum payable under these rules by a member as the entrance fee and the first year's annual subscription.
- (4) The secretary must, on payment by the nominee of the amounts mentioned in subsection (3) within the period mentioned in that subsection, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the club.

**9. Membership entitlements not transferable**

- (1) A right, privilege or obligation that a person has because of being a member of the club—
  - (a) cannot be transferred or transmitted to another person; and
  - (b) terminates on cessation of the person's membership.

**10. Cessation of membership**

- (1) A person ceases to be a member of the club if the person—
  - (a) dies; or
  - (b) resigns from membership of the club; or
  - (c) is expelled from the club; or
  - (d) fails to renew membership of the club.

**11. Resignation of membership**

- (1) A member is not entitled to resign from membership of the club except in accordance with this section.

- (2) A member who has paid all amounts payable by the member to the club may resign from membership of the club by first giving notice (of not less than 1 month or, if the committee has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, at the end of the period of notice, the member ceases to be a member.
- (3) If a person ceases to be a member, the secretary must make an appropriate entry in the register of members recording the date the member ceased to be a member.

## **12. Fee, subscriptions etc**

- (1) Members who qualified for membership in accordance with section 7(1)(a) including at the Annual General Meeting immediately prior to the adoption of this constitution, are exempted from the entrance fee and annual membership fee.
- (2) The entrance fee to the club is \$10 or, if any other amount has been determined by resolution of the committee, the other amount.
- (3) The annual membership fee of the club is \$5 or, if any other amount has been determined by resolution of the committee, that other amount.
- (4) The annual membership fee is payable—
  - (a) except as provided by paragraph (b)—before 1 October in each calendar year; or
  - (b) if a person becomes a member on or after 1 October in any calendar year—before 1 October in each succeeding calendar year.

## **13. Members' liabilities**

- (1) The liability of a member 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 relation to membership of the club as required by section 12.

## **14. Disciplining of members**

- (1) If the committee is of the opinion that a member—
  - (a) has persistently refused or neglected to comply with a provision of these rules; or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the club;the committee may, by resolution—
  - (c) expel the member from the club; or
  - (d) suspend the member from the rights and privileges of membership of the club that the committee may decide for a specified period.

- (2) A resolution of the committee under subsection (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subsection (3), confirms the resolution in accordance with this section.
- (3) If the committee passes a resolution under subsection (1), the secretary must, as soon as practicable, serve a written notice on the member—
  - (a) setting out the resolution of the committee and the grounds on which it is based; and
  - (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the member that the member may do either or both of the following:
    - (i) attend and speak at that meeting;
    - (ii) submit to the committee at or before the date of that meeting written representations relating to the resolution.
- (4) Subject to the Act, section 50, at a meeting of the committee mentioned in subsection (2), the committee must—
  - (a) give to the member mentioned in subsection (1) an opportunity to make oral representations; and
  - (b) give due consideration to any written representations submitted to the committee by that member at or before the meeting; and
  - (c) by resolution decide whether to confirm or to revoke the resolution of the committee made under subsection (1).
- (5) If the committee confirms a resolution under subsection (4), the secretary must, within 7 days after that confirmation, by written notice inform the member of that confirmation and of the member's right of appeal under section 10.
- (6) A resolution confirmed by the committee under subsection (4) does not take effect—
  - (a) until the end of the period within which the member is entitled to appeal against the resolution in accordance with section 15(1), if the member does not exercise the right of appeal within that period; or
  - (b) if within that period the member exercises the right of appeal—unless and until the club confirms the resolution in accordance with section 15(4).

## **15. Right of appeal of disciplined member**

- (1) A member may appeal to the club in general meeting against a resolution of the committee that is confirmed under section 10 (4),



within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

- (2) On receipt of a notice under subsection (1), the secretary must notify the committee which must call a general meeting of the club to be held within 21 days after the date when the secretary received the notice or as soon as possible after that date.
- (3) Subject to the Act, section 50, at a general meeting of the club called under subsection (2)—
  - (a) no business other than the question of the appeal may be transacted; and
  - (b) the committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - (c) the members participating must vote by secret ballot on the question of whether the resolution made under section 14(4) should be confirmed or revoked.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 14(4), that resolution is confirmed.

## **Part 3 Committee**

### **16. Powers of committee**

- (1) The committee, subject to the Act, the regulation, these rules, and to any resolution passed by the club in general meeting—
  - (a) controls and manages the affairs of the club; and
  - (b) may exercise all functions that may be exercised by the club other than those functions that are required by these rules to be exercised by the club in general meeting; and
  - (c) has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the club.

### **17. Constitution and membership**

- (1) The committee consists of—
  - (a) the office-bearers of the club; and
  - (b) at least 3 ordinary committee members; each of whom must be elected under section 18 or appointed in accordance with subsection (4).
- (2) The office-bearers of the club are—
  - (a) the president; and

- (b) the treasurer; and
- (c) the secretary.
- (3) Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) If there is a vacancy in the membership of the committee, the committee may appoint a member of the club to fill the vacancy and the member so appointed holds office, subject to these rules, until the conclusion of the next annual general meeting after the date of the appointment.

#### 18. **Election of committee members**

- (1) Nominations of candidates for election as office-bearers of the club or as ordinary committee members—
  - (a) must be made in writing, signed by 2 members or persons registered as being affiliated with the club in that calendar year, and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
  - (b) must be given to the secretary of the club not less than 7 days before the date fixed for the annual general meeting at which the election is to take place.
- (2) A member or registrant may only nominate or second one person for a particular office on the committee.
- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations may be received at the annual general meeting.
- (4) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be vacancies.
- (5) If the number of nominations received is equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- (6) If the number of nominations received exceeds the number of vacancies to be filled, a ballot must be held at an annual general meeting.
- (7) The ballot for the election of office-bearers and ordinary committee members must be conducted at the annual general meeting in the way the committee may direct.
- (8) A person is not eligible to simultaneously hold more than 1 position on the committee.

#### 19. **President**

- (1) The president shall preside at committee, general, annual general and special general meetings.

- (2) The president shall be an ex-officio member of all committees of the club.

**20. Public Officer**

- (1) The secretary, or other member of the Committee, shall be the Public Officer of the club for the purposes of the Act.
- (2) A vacancy in the office of Public Officer of the club shall be filled at a meeting of the Committee and at a date which will enable the notification requirements of the Act to be met.
- (3) The office of the Public Officer becomes vacant if the person holding that office:-
  - (a) ceases to be a member of the Committee; or
  - (b) ceases to be a resident of the Australian Capital Territory as required by the Act.
- (4) It is the duty of the Public Officer to ensure Sections 33,38,59,62(1) & (2) and Regulation 4 of the Act are followed in the matter of notification at the registrar's office.

**21. Secretary**

- (1) The secretary of the club must, as soon as practicable after being appointed as secretary, notify the club of his or her address.
- (2) The secretary must keep minutes of—
  - (a) all elections and appointments of office-bearers and ordinary committee members; and
  - (b) the names of members of the committee participating in a committee meeting or a general meeting; and
  - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.
- (4) The secretary must carry out such other duties as directed by the committee, and shall hand over all records to the incoming secretary or the president upon relinquishing office.

**22. Treasurer**

- (1) The treasurer of the club must—
  - (a) collect and receive all amounts owing to the club and make all payments authorised by the club;

- (b) keep correct accounts and books showing the financial affairs of the club with full details of all receipts and expenditure connected with the activities of the club;
  - (c) at the request of the committee, present to the committee such financial statements and accounts the committee may from time to time require;
  - (d) submit an audited annual statement to the annual general meeting. No member of the club may audit the annual statement.
- (2) The treasurer of the club shall also be the registrar of the club for the purposes of ensuring that all participants are registered in *my.netball*.

**23. Vacancies**

- (1) For these rules, a vacancy in the office of a member of the committee happens if the member—
- (a) dies; or
  - (b) ceases to be a member of the club; or
  - (c) resigns the office; or
  - (d) is removed from office under section 24 (Removal of committee members); or
  - (e) becomes bankrupt or personally insolvent; or
  - (f) suffers from mental or physical incapacity; or
  - (g) is disqualified from office under the Act, section 63 (1); or
  - (h) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

**24. Removal of committee members**

- (1) The club in general meeting may by resolution if carried by two-thirds majority at a properly convened special general meeting, subject to the Act, remove any member of the committee from the office of member of the committee before the end of the member's term of office.

**25. Committee meetings and quorum**

- (1) The committee must meet at least 3 times in each calendar year at the place and time that the committee may decide.
- (2) Additional meetings of the committee may be called by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members

of the committee) before the time appointed for the holding of the meeting.

- (4) Notice of a meeting given under subsection (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business may be transacted at the meeting, except business that the committee members participating in the meeting unanimously agree to treat as urgent business.
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee, but one of the members participating must be an office-bearer.
- (6) No business may be transacted by the committee unless a quorum is participating and, if within half an hour after the time appointed for the meeting a quorum is not participating, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not participating within half an hour after the time appointed for the meeting, the meeting is dissolved.
- (8) At meetings of the committee—
  - (a) the president presides; or
  - (b) if the president is absent—1 of the remaining members of the committee may be chosen by the members participating to preside.

**26. Delegation by committee to subcommittee**

- (1) The committee may, in writing, delegate to 1 or more subcommittees (consisting of members or registrantsof the club, that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than—
  - (a) this power of delegation; and
  - (b) a function that is a function imposed on the committee by the Act, by any other Territory law, or by resolution of the club in general meeting.
- (2) A function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to any conditions or limitations about the exercise of any function, or about time or circumstances, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this section, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a subcommittee acting in the exercise of a delegation under this section has the same force and

effect as it would have if it had been done or suffered by the committee.

- (6) The committee may, in writing, revoke wholly or in part any delegation under this section.
- (7) A subcommittee may meet and adjourn as it considers appropriate.
- (8) A subcommittee shall report to the committee at such times as the executive committee may direct.

**27. Voting and decisions**

- (1) Questions arising at a meeting of the committee or of any subcommittee appointed by the committee are decided by a majority of the votes of members of the committee or subcommittee participating in the meeting.
- (2) Each member participating in a meeting of the committee or of any subcommittee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, if the votes on any question are equal, the person presiding may exercise a second or casting vote.

## **Part 4 General meetings**

**28. General meetings**

- (1) A general meeting shall be held at such times, and at such places, as the committee determines.
- (2) A member desiring to bring any business before a general meeting may give written notice of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.
- (3) Notice of the general meeting shall be given not less than one week prior to the meeting using the club blog or other methods of communication as appropriate. The notice shall specify the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (4) No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is participating during the time the meeting is considering that item.
- (5) Five members participating constitute a quorum for the transaction of the business of a general meeting.
- (6) If within 30 minutes after the appointed time for the start of a general meeting a quorum is not participating, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

- (7) If at the adjourned meeting a quorum is not participating within 30 minutes after the time appointed for the start of the meeting, the members participating (being not less than 4) constitute a quorum.
- (8) A general meeting shall be presided over by the president. If the president is not present within fifteen minutes after the time appointed for the holding of the meeting, the members participating shall choose one of their number to be chairperson for the meeting.
- (9) At a general meeting a resolution or motion put to the vote shall be determined by a simple majority by verbal assent..
- (10) At any general meeting each member present at the meeting shall have one vote.
- (11) The chairperson of a general meeting shall, on any question, have a casting vote only.

## 29. **Annual general meetings**

- (1) With the exception of the first annual general meeting of the club, the club must, at least once in each calendar year and within 5 months after the end of each financial year of the club, call an annual general meeting of its members.
- (2) The club must hold its first annual general meeting—
  - (a) within 18 months after its incorporation under the Act; and
  - (b) within 5 months after the end of the first financial year of the club.
- (3) Subsections (1) and (2) have effect subject to the powers of the registrar-general under the Act, section 120 in relation to extensions of time.
- (4) The annual general meeting of the club must, subject to the Act, be called on the date and at the place and time that the committee considers appropriate.
- (5) Notice of an annual general meeting shall be given via the club blog and any other such communication methods used to communicate with members and registrants, not less than one week prior to the meeting.
- (6) At an annual general meeting a quorum shall be constituted when 5 or more people who are members or registrants are represented at the meeting.
- (7) If, within 30 minutes of the time appointed for the meeting, a quorum is not participating, the meeting shall stand adjourned to a time and place determined by the committee under subclause (5).
- (8) At an annual general meeting, the following (and no other business) shall be the business—

- (a) to confirm the minutes of the last annual general meeting and of any general meeting held since that meeting; and
- (b) to receive from the committee reports on the activities of the club during the last financial year; and
- (c) to elect members of the committee, including office-bearers;
- (d) to receive and consider the statement of accounts and the reports that are required to be submitted to members under the Act, section 73 (1); and
- (e) any matter, other than a motion for an amendment to the constitution, in respect of which a notice has been given in accordance with subsection (f); and
- (f) a member or registrant who intends to move a motion at an annual general meeting shall give at least 3 days notice in writing delivered to the secretary of his/her intention to move a motion and the terms of the motion; and
- (g) meeting procedures, detailed in clauses (8), (9), (10) and (11) of '28. General Meetings' above, shall also apply for the annual general meetings.

### 30. **Special General Meetings**

- (1) The committee shall convene a special general meeting for the purpose of determining any matter that, in the opinion of the committee, should be considered by a special general meeting or for the purpose of considering any proposed amendment to this constitution.
- (2) Notice of a special general meeting shall be given in the club blog or such other means used to communicate with members from time to time, not less than one week prior to the meeting. The notice shall specify the matter or matters in respect of which the meeting has been convened.
- (3) At a special general meeting, the matter or matters in respect of which the meeting has been convened shall be dealt with, and no other matter shall be considered.
- (4) At a special general meeting a quorum shall be constituted when 5 or more members are participating in the meeting. Only one representative from any household will be counted for the purposes of determining the quorum.
- (5) A special general meeting shall be presided over by the president.
- (6) If, within half an hour of the time appointed for the meeting, a quorum is not participating or the president is not participating, the meeting shall be cancelled.
- (7) Where, not less than 3 members or 50% of the total number of members of the club, by notice in writing delivered to the president or the secretary request the committee to convene a special general



meeting, the committee shall fix a time and a place and a date, being a date not later than 21 days, and not earlier than 10 days, after the date on which the notice is delivered to the president or secretary for the holding of the special general meeting.

- (8) A notice of members for a special general meeting—
  - (a) must state the purpose or purposes of the meeting; and
  - (b) must be signed by the members making the requisition; and
  - (c) must be lodged with the president or secretary; and
  - (d) may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.
- (9) If the committee fails to call a special general meeting within 21 days after the date when a notice of members for the meeting is lodged, any 1 or more of the members who signed the notice may call a special general meeting to be held not later than 3 months after that date.
- (10) A general meeting called by a member or members mentioned in subsection (4) must be called as nearly as is practicable in the same way as special general meetings are called by the committee. If the president fails to attend the meeting or a quorum is not participating, then the meeting shall be adjourned to a time and place within 21 days of the date of such adjournment. If the president is absent from any such adjourned meeting, the members participating shall elect 1 of their number to be the chairperson at the meeting. No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which adjournment took place.
- (11) At a special general meeting a resolution or motion, other than a motion for an amendment to this constitution or a resolution for dissolution of the club, put to the vote shall be determined by a majority of member participating by verbal assent . (Refer to section 38(1) for voting on amendments to this constitution).
- (12) The chairperson of a special general meeting shall, on any question, have a casting vote only.

### 31. **Presiding member**

- (1) The president presides at each general meeting of the club.
- (2) If the president is absent from a general meeting, the members participating must—
  - (a) in the case of a general meeting, elect 1 of their number to preside at the meeting; or
  - (b) in the case of a special general meeting, act in accordance with section 30(5) or 30(10).

### 32. **Adjournment**

- (1) The person presiding at a general meeting at which a quorum is participating may, with the consent of the majority of members participating at the meeting, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 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 subsections (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### 33. **Making of decisions**

- (1) Except as provided for in section 15(3)(c), a question arising at a general meeting of the club is to be decided 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 person presiding 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 general meeting of the club, a poll may be demanded by the person presiding or by not less than 3 members participating in person or by proxy at the meeting.
- (3) If the poll is demanded at a general meeting, the poll must be taken—
  - (h) immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment; or
  - (i) in any other case—in the way and at the time before the close of the meeting that the person presiding directs, and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### 34. **Voting**

- (1) Subject to subsection (3), on any question arising—
  - (a) in the case of a general meeting or special general meeting of the club, a member;
  - (b) in the case of an annual general meeting of the club, a member or registranthas 1 vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 5 proxies.

- (3) If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any general meeting of the club unless all money due and payable by the member or proxy to the club has been paid, other than the amount of the annual subscription payable for the then current year.

**35. Appointment of proxies**

- (1) Each member is entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting for which the proxy is appointed.
- (2) The notice appointing the proxy must be in the form set out in appendix 2.

## **Part 5 Miscellaneous**

**36. Funds—source**

- (1) The funds of the club must be derived from entrance fees and annual subscriptions of members, registration fees, donations and, subject to any resolution passed by the club in general meeting and subject to the Act, section 114, any other sources that the committee decides.
- (2) All money received by the club must be deposited as soon as practicable and without deduction to the credit of the club's bank account.
- (3) The club must, as soon as practicable after receiving any money, issue an appropriate receipt.

**37. Funds—management**

- (1) Subject to any resolution passed by the club in general meeting, the funds of the club must be used for the objects of the club in the way that the committee decides.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the club, being members of the committee or employees authorised to do so by the committee.
- (3) Not more than one member of any household shall, at any time, authorise expenditure of the moneys of the club.
- (4) The income and property of the club, however derived, shall be applied solely towards the promotion of the objects of the club, and subject to subsection (5), no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the club.
- (5) Nothing in subsection (4) prevents the payment to a servant or member of the club of remuneration in return for service actually rendered by the servant or member at the request of the club, or for goods supplied by the servant or member at the request of the club.

**38. Alteration of objects and rules**

- (1) An amendment to this Constitution shall be of effect only if it is passed by a two-thirds majority of members participating in a Special General Meeting convened for that purpose.
- (2) An amendment to the objects and purposes of the club shall not be effective until the relevant requirements of the Act have been met.

**39. Common seal**

- (1) The common seal of the club must be kept in the custody of the secretary or treasurer.
- (2) The common seal must not be attached to any instrument except by the authority of the committee and the attaching of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the secretary.

**40. Custody of books**

- (1) Subject to the Act, the regulation and these rules, the secretary must keep in his or her custody or under his or her control all records, books, and other documents relating to the club.

**41. Inspection of books**

- (1) The records, books and other documents of the club must be open to inspection at a place in the ACT, free of charge, by a member of the club at any reasonable hour.

**42. Service of notice**

- (1) For these rules, the club may serve a notice on a member by sending it by post to the member at the member's address shown in the register of members.

*Note: For how documents may be served, see the Legislation Act, pt 19.5.*

**43. Representation on the association**

- (1) The committee shall ensure club representation at all council meetings of the association.

**44. Winding up**

- (1) In the event of winding up of the club, no member is liable to contribute towards the debts and liabilities of the club or the costs, charges and expenses of winding up of the club.

**45. Date of effect**

- (1) This Constitution shall come into effect:
  - (a) Upon being adopted by resolution at a Special General Meeting of the club; and

(b) Upon the club being incorporated under the Act.

#### 46. **Distribution of this constitution**

- (1) Following any amendment to this constitution, an amended copy shall be distributed to each committee and sub-committee member for the club and copies shall be provided to any member on request.

Dated this                      day of                      2021

President

Secretary \_\_\_\_\_

Treasurer

# Appendix 1

## Application for membership of Bullants Netball Club

**Incorporated** (incorporated under the *Associations Incorporation Act 1991*)

I, \_\_\_\_\_  
(full name of applicant)

of \_\_\_\_\_  
(address)

\_\_\_\_\_  
(occupation)

apply to become a member of Bullants Netball Club Incorporated. If I am admitted as a member, I agree to be bound by the rules of the Bullants Netball Club Incorporated for the time being in force.

\_\_\_\_\_  
(Signature of applicant)

\_\_\_\_\_  
Date

I, \_\_\_\_\_  
(full name)

a member of the Bullants Netball Club Incorporated, nominate the applicant, who is personally known to me, for membership of the Bullants Netball Club Incorporated.

\_\_\_\_\_  
(Signature of proposer)

\_\_\_\_\_  
Date

I, \_\_\_\_\_  
(full name)

a member of the Bullants Netball Club Incorporated, second the nomination of the applicant, who is personally known to me, for membership of the Bullants Netball Club Incorporated.

\_\_\_\_\_  
(Signature of seconder)

\_\_\_\_\_  
Date

## Appendix 2

(see s 35 (2))

### Form of appointment of proxy

I,

.....  
(full name)

of

.....  
(address)

a member of Bullants Netball Club Incorporated

appoint

.....  
(full name of proxy)

of

.....  
(address)

a member of Bullants Netball Club Incorporated, as my proxy to vote for me on my behalf at the general meeting of the club (annual general meeting or other general meeting, as the case may be) to be held on

.....  
and at any adjournment of that meeting.

\*My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details if desired).

.....  
(Signature of member appointing proxy)

Date .....

Note A proxy vote may not be given to a person who is not a member of the club.