

WOODEND DISTRICT NETBALL CLUB INC.
(No: A0017735Z)

CONSTITUTION

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WOODEND DISTRICT NETBALL CLUB INC.
CONSTITUTION

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STATEMENT OF PURPOSES
As at November 2002

PURPOSES OF ASSOCIATION

The purposes for which the Association is established is to:

- (a) encourage and promote Netball in the Woodend area.
- (b) promote the Australian national game of Netball.
- (c) organise the conduct of day competition, making rules and regulations and establish procedures for the orderly conduct and good management of the Competition. Such powers shall include making of rules in respect to registration of players and Club officials, admission and removal of members from the Competition, discipline of members, players and officials, recognition of achievement of members, players and officials and settlement of disputes in relation to all matters over which the Association has power.
- (d) appoint Committee of Management to represent and act on behalf of its Members in accordance with these Rules and good management practices.
- (e) provide for the promotion, encouragement and administration of the sport of Netball.
- (f) encourage participation and enjoyment in the Sport of Netball as a means of improving health, fitness and the quality of life.
- (g) encourage improvement in the standard of Netball and Sportsmanship generally and endeavour to ensure a high standard of netball is maintained.
- (h) develop a sense of sportsmanship and a high degree of proficiency in our netball competitions, adopting and complying with the rules of the sport of Netball.
- (i) encourage and promote the health and safety of competitors enhancing drug free competition.
- (j) promote and hold, either alone or jointly, with any other Association, club or person - netball competitions, championships, exhibitions, meetings and other activities of the Association generally.
- (k) invest and deal with moneys of the Association not immediately required.

1. NAME

The Name of the Incorporated Association is the Woodend District Netball Club Incorporated (“the Association”).

2. DEFINITIONS AND INTERPRETATIONS

2.1 Definitions

In these Rules and in the Statement of Purposes, unless the contrary intention appears:

“**Appeals Tribunal**” as per composition in clauses 5.6 (b).

“**Committee**” means the Committee of Management of the Association

“**Committee of Management**” means the nominated Office Bearers and the Executive Officers.

“**Delegates**” means 2 nominated personnel from each Club.

“**Disciplinary Committee**” as per composition in clause 5.2 (ii).

“**Executive Officers of the Association**” known as Executive means President, Vice President, Secretary and Treasurer.

“**Financial year**” means the year ending on 31st October.

“**General meeting**” means a general meeting of members convened in accordance with rule 11.

“**Member**” means a member of the Association.

“**Ordinary member of the committee**” means a member of the committee who is not an officer of the Association under rule 4.

“**Regulations**” means regulations under the Act.

“**Relevant documents**” has the same meaning as in the Act.

“**Rules**” means these Rules of the Association and includes the Statement of Purposes.

“**Special Resolution**” means a resolution passed by at least three quarters of the Members present and entitled to vote at a Special General Meeting called for that purpose of which 28 days’ notice has been given, or such other majority or procedure as is required under the Act from time to time.

“**the Act**” means the *Associations Incorporation Act 1981* (Vic).

“**Voting Delegate**” means one nominated person from each club who represents the Club in any voting matters (i.e.: one vote per club).

2.2 INTERPRETATION

In these Rules, a reference to the Secretary of an Association is a reference to that person, if a person holds office under these Rules as Secretary of the Association and in any other case, to the public officer of the Association.

3. ALTERATION OF THE RULES

3.1 These Rules and the Statement of Purposes of the Association must not be altered except in accordance with the Act. To change our model rules, Woodend District Netball Club (WDNC) can:

- apply for approval with CAV to change our rules (after passing a special resolution) and CAV approves the request.

WDNC must take the following steps to change its rules:

1. Propose the change(s) and notify members at least 21 days before the upcoming general meeting. This notice must be given in writing and distributed via email to all committee members.

2. At the meeting, WDNC approves the changes via a special resolution. A special resolution will pass if:

- at least 75 per cent of members (either in person or by proxy) vote in its favour, and
- any further relevant requirements from our rules have been met.

3. The Secretary or approved delegate must lodge the new rules in myCAV within 28 days of the special resolution being passed. We must also provide:

- a copy of the notice of the special resolution stating the changes
- a copy of the rules with all paragraphs numbered, which clearly shows the changes, and
- payment of the fee.

4. MEMBERSHIP

4.1 A Club who applies and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the annual subscription payable under these Rules

4.2 Members of the Association shall mean and include all members in the following categories:

- Ordinary Members
- Life Members

4.3 Ordinary Members shall mean and include all clubs who may be admitted as ordinary members in accordance with Rule 5.

4.4 Life Members shall mean and include those persons who have been elected as a Life Member at an Annual General Meeting.

5. TERMS AND CONDITIONS FOR ADMITTANCE OF ORDINARY MEMBERS

5.1 A netball club which applies for and is approved for membership as provided in these rules is eligible to be an Ordinary Member of the Association on payment of the team registration fees payable as determined by the Committee from time to time. There shall be no entrance fee and no annual subscription.

- 5.2 The application of a club for membership of the Association
- (a) shall be in writing on the prescribed form
 - (b) shall be lodged with the Secretary
- 5.3 As soon as practical after receipt of an application the Secretary shall refer the application to the Committee.
- 5.4 Upon the application being referred to the Committee, the Committee shall determine whether to approve or reject the application.
- 5.5 Upon the application being approved by the Committee, the Secretary shall notify the club in writing that it is approved for membership of the Association and request payment of the sum payable determined under these rules as the team registration feels.
- 5.6 A right, privilege or obligation of a club by reason of its membership of the Association
- (a) is not capable of being transferred or transmitted to another club and
 - (b) terminates upon termination of its membership whether by resignation or otherwise.

6. LIFE MEMBERS

- 6.1 Life membership of the Association may be awarded to any member in recognition of service rendered to the Association. The relevant nominations will then be submitted to the Association by the last working day in October. The criteria for life membership shall be set around/determined by a combination of:
- (a) Length of service
 - (b) Contributions to the Association
 - (c) Achievements

The Committee must then decide which nominations pass the above criteria to be brought forward at the AGM for passing.

- 6.2 Life membership is to be elected by a two-thirds majority at the AGM. The decision made by the Committee shall be final and there shall be no appeal against the decision.
- 6.3 Life members shall have the same privileges as delegates, but without the power to vote unless at present, delegating for a team. A life member can be elected as an office bearer.
- 6.4 A register of life members shall be kept, and a plaque displaying the names of life members should be displayed at the sports stadium.

7. THE COMMITTEE OF MANAGEMENT

7.1 The Committee:

- (i) shall control and manage the business and affairs of the Association;
- (ii) may, subject to these Rules, and subject to the policy, regulations and by-laws of Netball Victoria, exercise all such powers and functions to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association; and
- (iii) shall consist of a:
 - President
 - Vice President*
 - Secretary
 - Treasurer
 - Junior Development Officer*
 - Umpires Co-ordinator

* These positions are not essential to be filled but if a willing and suitable volunteer arises then WDNC can nominate them to these positions.

7.2 Delegates and Voting Delegates are not required to attend General and Special Meetings or the AGM on a regular basis unless:

- (i) requested by the committee or
- ii) club/s have an interest in an item on the agenda

When the Committee wishes Delegates and Voting Delegates to attend meetings, the Secretary shall notify each club in writing stating the date time and venue for the meeting. A copy of the agenda shall also be included.

7.3 Members of the community, or other interested persons may be co-opted in an assisting capacity, or advisory role, but shall have no voting rights.

7.4 A retiring member of the Club shall retain office until conclusion of the meeting at which they retire.

8. ELECTION OF OFFICE BEARERS

8.1 Election of office bearers can only take place at the Annual General Meeting. A minimum of two general committee members must be elected to the Committee at all times at the AGM, with no restriction on maximum numbers. The ordinary members provide assistance to the officers of the Committee, and should assist with the organisation and running of the Association.

8.2 Nominations for the position of office bearers, including ordinary members of the Association shall be called from the floor of the meeting and if more than the required number is nominated, an election shall take place, voting by eligible delegates.

- 8.3 **President:** One President must be elected at the AGM. The President shall preside as Chairperson at each meeting of the Association. The Chairperson of a meeting at which a quorum is present, may, with the consent of the meeting, adjourn the meeting from time to time (maximum of 14 days) and place to place, but no business shall be transferred at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place. As Chairperson, the President, in the event of an equality of votes on any one question, may exercise a second or casting vote.
- 8.4 **Vice President:** One Vice President must be elected at the AGM. The Vice Presidents' role can include assisting the President if and when required, however revolves around assuming the role of President in his/her absence.
- 8.5 **Secretary:** One Secretary must be elected at the AGM. The Secretary of the Association shall keep minutes of the resolutions and proceedings of each Committee meeting in books provided for that purpose, together with the names or persons present at the meetings. The Secretary must deal with all correspondence and motions as directed, and notify all members of meetings, including notice and advertising of the Annual General Meeting.

The Secretary is responsible for the service of notices on behalf of the Association (after resolution passed at respective meeting). A notice must be served upon a member or other person/s either personally or by sending it by post to the address shown in the register of members (for notice to member) or other documentation (for address of other correspondence). The notice must be in a sealed envelope. The Secretary shall also keep in her custody or under her control, all books, documents and securities of the Association.

The Secretary shall keep and maintain a register of all Association members in which shall be entered full name, address, date of birth and State membership registration number. Players who register outside of the Club must produce their State membership number within 3 games. The common seal of the Club shall be kept in the custody of the Secretary, and shall not be affixed to any instrument except by the authority of the Committee. The signatures of two members of the Committee shall attest the affixing of the common seal.

- 8.6 **Treasurer:** One Treasurer must be elected at the AGM. The Treasurer of the Association shall collect and receive all monies due to the association, and issue receipts on behalf of the Association. He/she shall make all payments authorised by the Association, and shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association. Any Committee member can issue receipts on behalf of the Treasurer.

The 'Details of Bank Deposit Form' is no longer required to be completed, but is instead replaced by the current detailed weekly reports as well as detailed treasurers reports at monthly meetings.

The 'Request for Payment Form' is no longer required to be completed, but is instead replaced by the current detailed weekly reports as well as detailed treasurers' reports at monthly meetings.

The 'Calculation of Fees Form' is no longer required to be completed, but comprehensive discussion, analysis and minuted records of fee setting decisions had at monthly meetings are required to provide history as to the fee structure decided.

The set fees must be passed at the Committee meetings and the form signed. The Treasurer must also provide a list of all unpaid team fees so that they may be included with the score sheets. It is then the treasurers job to inform the umpire/s that the relevant player/s do not take the court if they have unpaid monies.

The accounts and books referred to above must be available for inspection by members at their request and may be copied. They must also be available for the annual audit of the Associations accounts. A full statement showing financial position of the Association shall be tabled at every general Committee meeting. The Registrations Coordinator shall be the person responsible for the State Membership register to which the Association Pin Number will be allocated. He/she shall be responsible for the collection of State Membership funds and ensure that funds received and funds paid out to Netball Victoria are equal.

- 8.7 **Umpires Supervisors:** One Umpire Co-ordinator should be elected at the AGM. The Umpire Co-ordinator must organise the umpires for the relevant games and keep a register of who umpired what games during the season and for finals (this register must be signed by the umpires).

The register must be available to the Treasurer so that he/she may provide this information at a Committee meeting when umpire payments are due. The Umpire Co-ordinator is also responsible for ensuring that different umpires are provided for finals games than those who umpired during the season. It is also the Umpires Co-ordinators role is to ensure all umpires used within the Association are currently State membership registered and are either badged or sitting for their appropriate badge (where applicable). The Umpires Co-ordinator shall also ensure that the Association regularly conduct umpire workshops and promote new umpires to the Association by organising regular examinations. The umpires Co-ordinator shall keep a register of Association Umpires.

- 8.8 **Junior Development Officer:** One Junior Development Officer should be elected at the AGM for the Club. The role of the Junior Development Officer is to give members opportunity to participate in regular quality netball programs and have access to facilities, equipment and coaches in learning and practising the relevant skills for netball. The Junior Development Officer shall encourage children and youth with talent through tournaments, zone and regional team trials.

- 8.9 **Public Officer:** The Secretary shall assume the role of Public Officer. The duties of Public Officer are described in **APPENDIX D**.

8.10 **HOLDING OFFICE**

- (i) Each officer/ordinary member of the Committee shall hold office until the AGM next after the date of his/her election but is eligible for re-election.

- (ii) In the event of a vacancy in any officer position, the Committee may appoint one of its members to the vacant office and the member so appointed may continue to hold office up to and including the conclusion of the next **AGM**.
- (iii) In the event of a vacancy occurring in the office of an ordinary member, the Committee may appoint a member of the association (not already on the Committee) to fill the vacancy and the member so appointed shall hold office, until the conclusion of the next AGM.

9 REMOVAL OF OFFICE BEARERS

A position of an office/ordinary member of the Committee may become vacant under the following circumstances:

- (i) where he/she resigns office by notice in writing given to the Secretary. If a member resigns at a Committee meeting, he/she shall retain office until the conclusion of the meeting at which they resign.
- (ii) where he/she is absent for three consecutive meetings without acceptable reason, and the committee finds it necessary to remove the member.
- (iii) where he/she ceases to be State membership registered (or in relation to a parent/guardian of a junior section player, the junior player ceases to be State membership registered).

10 GENERAL MEETINGS

- 10.1 General meetings of the Committee shall be held monthly, or at least 6 times a year (bi-monthly). Notice of time and date for the next general Committee meeting shall be advised at each committee meeting.
- 10.2 General meetings are held in order to transact the ordinary day-to-day business of the Club, including the authorisation of payments, and to perform any other functions as required for the proper management of the Club.

11 SPECIAL MEETINGS

- 11.1 This includes urgent correspondence of the Association and may be called:
 - (i) at the discretion of the Secretary and the President; or
 - (ii) at the request of a quorum of three concerned members of the Committee.
- 11.2 Notice shall be given to members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting; and the special meeting may be called at short notice, depending on the urgency of the situation. The special meeting shall be called to deal with matters of urgency that

arise and cause enough concern to substantiate the need for a meeting (eg serious complaints by umpires, players etc., received within the specified time, refer to clause 14).

11.4 At the meetings of the Committee:

- (i) The President or in his/her absence, the Vice President (referred to as the Chairperson);
or
- (ii) If the President and Vice President are both absent, then one of the remaining members of the Committee as may be chosen by the members present (at least three), shall act as Chairperson.
- (iii) Each member present at a meeting of the Committee, appointed by the committee is entitled to one vote and, in the event of an equality of votes on any one question; the Chairperson presiding should exercise the casting vote.

11.5 The sense of every meeting of the Club shall be determined by a show of hands, unless a ballot is deemed.

11.6 No less than (3) persons shall form a quorum at any one Committee.

11.7 Any member of the Committee being absent for the three consecutive meetings without acceptable reason or leave of absence (which should be requested in writing) may forfeit his/her seat on that Committee, at the discretion of the Committee.

12 ANNUAL GENERAL MEETING

12.1 The Association shall in each calendar year convene an Annual General Meeting (AGM) of its members. The AGM shall be held not later than the last day of November, notice shall be given at least twenty-one days prior to the proposed meeting date. The AGM shall be held on such a day that the committee determines.

12.2 There shall be no proxy votes.

12.3 The ordinary business of the AGM shall be:

- (i) to confirm the minutes of the last preceding AGM;
- (ii) to receive from the Committee reports upon the transactions of the association during the preceding financial year (i.e. Treasurers report including Annual report and Balance sheet);
- (iii) to elect office bearers of the Club and the ordinary members of the Committee;
- (iv) to elect an auditor for the ensuing year;-
- (v) to receive and adopt amendments and additions to the Rules and By-laws;
- (vi) to elect life members
- (vii) to discuss the financial requirements for the current year; and
- (viii) to transact other business as may be brought before the meeting.

12.4 The AGM shall be in addition to any other general meetings that may be held in the same year.

12.5 The attendance required at the AGM is as follows:

- (i) all current Committee members,
- (ii) any interested club delegates, and
- (iii) any interested members of the community.

13 FINANCE

- 13.1 The funds of the Association shall be derived from team fees, donations and such other sources as the committee determines.
- 13.2 Game fees will be set at the start of each season, and approved at a general Committee meeting. If the said fees are not paid within the prescribed period, players of the junior section and teams of all other sections may not take the court unless prior arrangements have been made within the Committee.
- 13.3 Accounts shall be paid only after having been passed for payment at the general committee meeting, and signed by the Chairperson. Cheques should be signed by two of the following: Treasurer, Secretary or President and any other person named at the AGM (authority showing this must be submitted at the Bank).
- 13.4 All receipts shall be issued by the President, Secretary or Treasurer, and by other Committee members where deemed necessary.
- 13.5 The financial year of the Association shall be from the first day of October to the last day of September in the following year.
- 13.6 As per Consumer Affairs Victoria current regulations, WDNC is not required to have its books audited annually due to it being considered a *Tier 1 Association – income less than \$250,000p.a.* WDNC does however require detailed financials to be presented to the Committee at the AGM, as well as summary financials at all monthly meetings, with detailed reports provided upon request from any committee member. This is to ensure a clear and transparent system of accounting.
- 13.7 The funds of the Association shall be lodged in a bank approved at the AGM. This should be reviewed every year.
- 13.8 A player, coach, umpire and office bearer must hold a current State Membership card. Where the office bearer/s is a non-participant of netball, the Committee shall pay the State membership registration.
- 13.9 In the event of the winding up or the cancellation of the Incorporation of the Association, the Committee shall disperse the assets of the Association, and the funds shall be donated to the Royal Children's Hospital, Melbourne.

14 DISCIPLINE, SUSPENSION OR EXPULSION OF MEMBERS

14.1 Breach of discipline by a member

Subject to these Rules, if the Committee of Management is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association or has brought the Association into disrepute, the Committee may by resolution –

- (i) fine that member an amount not exceeding \$500; or
- (ii) suspend that member from membership of the Association for a specified period; or
- (iii) expel that member from the Association.

14.2 Report of disciplinary matter

- (i) any member, Committee of Management member, official or other interested person (here as known as “complainant”) may give written notice of a complaint relating to the conduct or otherwise of a member to the Secretary.
- (ii) The Secretary will convene a Disciplinary Committee composed of three (3) members who will be representatives from:
 - (a) the Executive Committee of the Association
 - (b) the Netball Region Committee
 - (c) another Association within the Region
 - (d) the community or local sporting group i.e.: Football league/club

14.3 Determination of Disciplinary Committee

- (i) The disciplinary committee shall as soon as practicable after receiving a notice Investigate and consider the matter, and shall within 14 days of receiving such notice determine whether -
 - (a) the matter should be dismissed, because in its determination there has been no relevant breach of discipline or
 - (b) there are reasonable grounds to believe there may have been a breach of Rule 14.1 and accordingly the matter warrants review and determination in accordance with the principles of natural justice.
- (ii) If the Disciplinary Committee determines the complaint should be dismissed, it shall as soon as practicable give written notice of such to the member.
- (iii) If the Disciplinary Committee determines the matter warrants further review, it shall as soon as practicable give written notice of such to the member:
 - 1) setting out the grounds on which there may have been a breach of Rules

- 2) stating the member (personally, by its Delegate or by its adult representative may address the Disciplinary Committee at a hearing to be held not earlier than 14 and not later than 28 days after service of the notice.
- 3) stating the date, place and time of that hearing.
- 4) informing the Member that the Member may do one or both of the following-
 - (a) attend or participate in that hearing and make submissions personally or by its delegate or representative or
 - (b) give the Association before the date of that hearing a written statement setting out relevant information surrounding the complaint and if appropriate seeking dismissal of the complaint.

14.4 Meeting of Disciplinary Committee

At a meeting of Disciplinary Committee, the committee shall:

- (a) give the member and the complainant every opportunity to be heard
- (b) give due consideration to any written statement submitted by the Member and the complainant,
- (c) allow the member and the complainant to have an adult representative, which representative shall not be legally trained or qualified and
- (d) by resolution determine whether to dismiss or uphold the complaint and may,
- (e) require the complainant or any other witness to attend the meeting and or provide (wherever possible in writing) such evidence as is available.

14.5 Disciplinary Committee Resolution

The Disciplinary Committee, having had regard to any submission or evidence of the Member and the complainant, may by resolution:

- (a) expel a Member from the Association.
- (b) suspend a Member from membership of the Association for a specified period.
- (c) fine a Member such amount not exceeding any maximum amount prescribed in regulations to the Act,
- (d) reprimand a Member or
- (e) otherwise impose such penalty or arrive at such other resolution as considered appropriate.

14.6 Effect of Resolution

- (a) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule will take effect until and unless the Committee revokes the determination in accordance with this Rule.

- (b) The Secretary will convene an Appeals Tribunal consisting of three Members' from the following:

Representative from Region Sports Assembly
Representative from Netball Victoria
Representative from Region
Representative from Community

14.7 **Notice of Appeal to Appeals Tribunal**

Where the Association receives a notice (not later than 7 days after the meeting) indicating the Member wishes to appeal to the Appeals Tribunal then a meeting shall be convened in accordance with these rules to be held within 28 days of the date on which the Association received such notice.

14.8 **Proceedings of Appeals Tribunal**

- (a) At a meeting the Disciplinary Committee may place before the Appeals Tribunal details of the grounds for the resolution and the reasons for the passing of the resolution.
- (b) The Member, personally, or by their delegate or through their adult representative (not being legally trained or qualified) shall be given every opportunity to be heard (personally or in written submission) and
- (c) the Members present of the Appeals Tribunal following consideration shall decide whether the resolution should be confirmed or revoked.

14.9 **Decision of Appeals Tribunal**

- (i) The Tribunal shall either:
- (a) pass a resolution confirming the resolution of the Disciplinary Committee or
(b) pass a resolution confirming the resolution of the Disciplinary Committee be revoked immediately.
- (ii) Decisions of the Appeals Tribunal will be binding upon the Association and the Member.

14.10 **Suspension in Exceptional Circumstances**

In addition to the rights of suspension and expulsion under these rules, the Executive may in its discretion suspend a Member from the Association in exceptional circumstances pending determination of a Resolution under this Rule. For the purposes of this Rule "exceptional circumstances" (i.e. Any deliberate action that results in serious injury) means circumstances in which, after reasonable enquiry, it is considered that the Association or any of the Members

may suffer damage or detriment as a result of the actions or inactions by the member who is being considered for suspension under this Rule. If a suspension is imposed under this Rule, the Secretary shall notify the Member concerned of the suspension in writing and send a copy of such notification to the Committee. There is no right of appeal of a suspension made under this Rule.

- 14.11 No Committee Member (Delegate) of any Club which can be party to any protest, charge or dispute - if the decision to be reached is likely to effect the result of any match played; vote upon the questions arising in connection with such protest, charge or dispute at the meeting of the Board dealing with same issue.

15 GRIEVANCE PROCEDURE - DISPUTES AND MEDIATION

- 15.1 The **Grievance** procedure set out in this rule applies to disputes under these Rules between –

- (i) a member and another member; or
- (ii) a member and the Association.

- 15.2 Any member may give written notice of a dispute under these Rules (not being a disciplinary matter).

- 15.3 The Secretary shall as soon as practicable, but within 7 days, forward written details of the dispute to all parties to the dispute, requiring the parties to meet to discuss and attempt if possible to resolve the dispute within 14 days after the dispute comes to the notice of all parties.

- 15.4 If requested by any one or more parties to the dispute the Secretary shall act to facilitate the meeting referred to.

- 15.5 If the parties are unable to resolve the dispute at the meeting, or if any party fails to attend that meeting, then the parties must, within 14 days, hold a meeting in the presence of a mediator.

- 15.6 The mediator must be –

- (i) a person having knowledge and expertise in relation to netball,
- (ii) a person chosen by agreement between the parties; or
- (ii) in the absence of agreement –
 - (a) in the case of a dispute between a member and another member, a person appointed by the Executive of the Association; or
 - (b) in the case of a dispute between a member and the Association, a person who is a mediator appointed by such independent mediation service as is determined by the President.

- 15.7 A Member of the Association can be a mediator.

- 15.8 The mediator cannot be a member who is a party to the dispute.

- 15.9 The parties to the dispute must, in good faith, attempt to settle the dispute by Mediation.
- 15.10 The mediator, in conducting the mediation (which must be completed within 30 days) shall –
- (i) give the parties to the mediation process every opportunity to be heard; &
 - (ii) allow due consideration by all parties of any written statement submitted by any party; and
 - (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process
 - (iv) allow each of the parties to have an adult representative, which shall not be legally trained or qualified.
- 15.11 The mediator must not determine the dispute.
- 15.12 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.

16 BY-LAWS

- 16.1 The Association shall operate under a set of by-laws.

This updated Constitution was approved by an Annual General Meeting of the Woodend District Netball Club Inc. on the _____ day of _____ 20_____.

SIGNATURES:

President

Secretary

APPENDIX D

INFONET NUMBER: A1

THE PUBLIC OFFICER

The following information *is* provided for Associations concerning incorporation legal requirements. Most of our Associations are incorporated but it is important you ask these questions.

- Who is the public officer?
- Are you Secretary - you could be the Public Officer and not know!
- Has your Association filed its Annual Return on a regular basis?
- Did you know the Public Officer runs a personal risk if the Association defaults its requirements?

Read this article very carefully. It has been prepared to help sport understand the legal needs of incorporation on an on-going basis.

Under the Associations Incorporation Act 1981 (Vic), every incorporated Association must elect a Public Officer. Unless otherwise provided for in the Rules, the Public Officer of the Association is the person who is authorised to apply for the incorporation of the Association.

THE PUBLIC OFFICER

- Must be resident in Victoria
- Must be at least 18 years of age
- Is entitled to hold any other office in the Association (unless the Rules otherwise provide - often is the Secretary)

The office of the Public Officer becomes vacant if that person:

- Dies
- Resigns by notice in writing to the Committee of the Association (a change of secretary does not necessarily mean the Public Officer changes)
- Is removed by a resolution of *the* members of the Association (this should be done if you want the Secretary to be the Public Officer)
- Becomes bankrupt or enters into similar arrangements with his/her creditors
- Becomes of unsound mind or a person who or whose estate is liable to be dealt with under the law relating to mental health
- Ceases to be a resident in Victoria

If the office of the Public Officer becomes vacant:

- The vacancy must be filled immediately
- Notification to the Registrar must be lodged within 14 days
- If an incorporated Association fails to comply the 1A and each member of the committee is guilty of an offence and liable to a penalty (not exceeding \$500)

CHECKLIST FOR YOUR PUBLIC OFFICER

1. Appointment of Public Officer
Action: Lodge New Form 8 within 14 days.
2. Passing of special resolution authorising changes to the Statement of Purposes or Rules.
(These changes DO NOT TAKE AFFECT until you receive notification of approval back from the Registrar) **Action:** Lodge Form (No Form Number) within one month outlining alterations.
3. Passing of special resolution to **change the name of the Association**
Action: Lodge Form 7 within one month.

4. Annual statement by Public Officer
Action: Lodge Form 9 together with all requisite documents within one month of Annual General Meeting.
5. Extension of time for lodgement of Form 9 (Old Form 10)
Action: Lodge Form (No Form Number)

- **Forms are available from legal stationers or Netball Victoria ******

FURTHER OBLIGATIONS OF THE PUBLIC OFFICER

- Lodge any other form or document as may be required under the Act or by the Registrar.
- Produce any book that the Registrar or his/her officer requests.
- Advise the Registrar or his/her authorised officer of the whereabouts of any book upon request.
- Not to hinder or obstruct the Registrar or his/her authorised officer in the exercise of his/her powers of inspection.

Contact: Julia Whitty
Deputy Chief Executive
Netball Victoria
Phone: (03) 9321 2211

Country Callers: To avoid lengthy STD charges, leave a time that you will be available and ask that Julia return your call.

Last updated: 1st December 2000

INFONET NUMBER: A10
GUIDELINES FOR CANCELLING NETBALL DURING WET WEATHER

The health and safety of members is a primary concern to Netball Victoria. Every club within Victoria has a responsibility to provide a safe environment for players, coaches, umpires and spectators, not only to reduce the potential of injury but also to meet legal duties of care. Clubs must take responsibility to develop guidelines for cancelling netball during wet weather.

Netball is played all year round and has traditionally been a winter sport. This means that on more than one occasion during the year an Association will be faced with making a decision to cancel or continue to play matches during wet weather. It is obviously preferable that games are not cancelled. However, if the courts become dangerous it is in the best interest of all to cancel games. Safety of members is paramount.

Who will be responsible for making the decision?

The Committee should appoint at least two people to make the decision.

When should a game be cancelled?

Develop a checklist that can be used to assess the current situation. Obviously the decision may need to be reviewed in light of changes in the weather conditions. Association personnel will also have local knowledge and experience about their facility and its condition in wet weather.

The age and skill level of players should also be considered. Children are susceptible to illness in cold climates, in particular thin/lean children because they have greater body surface to mass ratio from which to lose heat. Children also have a less developed perception of when they are cold and therefore may continue to exercise when they should actually stop. Coaches should pay particular attention to these factors when children are subjected to wet conditions, as water will enhance the loss of body heat.

In wet or cold conditions:

- avoid standing exposed for long periods
- wet clothing should be changed as soon as practicable
- wear appropriate clothing

CHECKLIST	YES	NO
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Light drizzle		
Intermittent light rain		
Intermittent heavy rain		
Continuous driving rain		

Some water pooling easily swept away		
Water pooling on court		
Court and/or lines are wet and slippery		

Frost and/or ice on the surface		
Heavy fog		
Snow (Light to heavy falls)		
Thunder storm (lightning)		

Do not train or play outdoors during a thunder storm as there is potential for being struck by lightning.

The following options are offered as suggestions only. Your Association may have other alternatives that will be suitable for the conduct of your competition.

How will the decision be communicated to teams or team management?

The Association should develop procedures to notify participants of cancellations.

Option 1 - All teams required to report to the courts.

Option 2 - Association to make a decision by a designated time and notify appointed team representative who passes the message on to their team.

Can players and umpires wear matching tracksuit pants in extremely cold weather?

Yes, an Association can put a clause in their By-Laws that allows the competition convenor to permit the wearing of matching tracksuit pants in extreme circumstances.

What happens if a match is cancelled after the match has started?

Option 1- Teams are awarded two points each.

Option 2- If the match is cancelled after half time, the current score stands. If cancelled prior to half time, teams are awarded two points each.

What happens if the first round has been completed and matches are cancelled prior to the next round?

Option 1 - If more than half the matches in any section are completed, then scores stand for those matches, all other teams receive two points each. If less than half the matches in any section are completed, then all teams in that section receive two points each.

This checklist and series of question/answers can be modified for use in indoor facilities.

Excerpts from Sport Medicine Australia. Safety Guidelines for Children in Sport and Recreation.

Last updated 25th June 1999