PERTH NETBALL ASSOCIATION

CONSTITUTION

September 2025

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ASSOCIATIONS INCORPORATION ACT (2015) (WA)

CONSTITUTION

OF

PERTH NETBALL ASSOCIATION INCORPORATED

1.0 TERMS USED

In this Constitution, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

Association means the incorporated association to which these rules apply;

Executive means the management committee of the Association;

Executive Officer means the person employed from time to time by the Association in the role of Executive Officer;

Executive meeting means a meeting of the Executive;

Executive member means a member of the Executive;

Books, of the Association, includes the following —

(a) a register;
(b) financial records, financial statements or financial reports, however compiled, recorded or stored;
(c) a document;
(d) any other record of information;

By laws means By-laws made by the Association under rule 14.1.10;

Chairperson means the person chairing a meeting of the Executive or the Association;

Financial records includes —
(a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
(b) documents of prime entry; and
(c) working papers and other documents needed to explain —
    (i) the methods by which financial statements are prepared; and
    (ii) adjustments to be made in preparing financial statements;

Financial year, of the Association, has the meaning given in rule 18.1;

General meeting of the Association, means a meeting of the Association that all members are entitled to receive notice of and attend;

Member means a person, (including an affiliated club) who is a member of the Association;

Policies means policies, including but not limited to the Association handbook, made by the Executive for the good governance and management of the Association;

President means the Executive member holding office as the president of the Association;

Register of members means the register of members referred to in section 53 of the Act;

Special Meeting means a general meeting of the Association other than the Annual General Meeting;

Special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

Treasurer means the person undertaking the role as the treasurer of the Association;

Vice President means the Executive member(s) holding office as the vice president(s) of the Association

2.0 NAME OF ASSOCIATION

The name of the Association shall be the Perth Netball Association Incorporated (here in after referred to as 'the Association')

3.0 OBJECTS

3.1 The objects of the Association shall be:

3.1.1 To provide a range of opportunities for people at all levels to participate in and compete at netball

3.1.2 To affiliate with Netball WA (Inc)

3.1.3 To act for its members in all matters pertaining to netball and the control thereof

3.1.4 To do all such other matters that are conducive or incidental to the attainment of the above objects or any of them

3.2 The property and income of the Association shall be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed directly or indirectly to members of the Association except in good faith in the promotion of those objects or purposes

3.3 A payment may be made to a member out of the funds of the Association only if it is authorised under sub rule 3.4.

3.4 A payment to a member out of the funds of the Association is authorised if it is:

3.4.1 for a service rendered to the Association by an Executive member in a professional or technical capacity, other than in the capacity as a executive member of the Association where:

(1) the provision of the service has the prior approval of the Executive; and

(2) the amount payable is not more than an amount which commercially would constitute reasonable payment for the services

3.4.1 the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business; or

3.4.2 the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or

3.4.3 the payment of reasonable rent to the member for premises leased by the member to the Association; or

3.4.4 the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

4.0 POWERS

4.1 The Association shall have the following powers:

4.1.1 To raise money by affiliation fees, registration fees, subscriptions and levies and by such other methods as from time to time the Executive shall see fit.

4.1.2 To purchase take on lease, exchange, hire or otherwise acquire any real or personal property which may be deemed necessary or convenient for any of the objects of the Association.

4.1.3 To invest the monies of the Association not immediately required in such manner as may be determined by the Executive.

4.1.4 To manage, develop, lease, sell, convey, assure or otherwise dispose of either absolutely or by way of mortgage any real or personal property for the time being vested in the Association and in case the Association should take or hold any property which may be subject to any trust to deal with the same in such a manner as allowed by law having regard to such trust.

4.1.5 To borrow or raise upon loan any sum or sums of money and for the purpose of securing repayment thereof to execute or give any mortgages, charges, bonds, debentures, bills of exchange, promissory notes or other securities over all or any of the property of the Association as may be deemed necessary and to liquidate, redeem or pay off such obligations and securities or any of them.

4.1.6 To conduct appeals for funds and accept donations whether of real or personal estate and devises and bequests.

4.1.7 To employ, pay and dismiss employees as may be deemed necessary for furthering the objects of the Association and to define the duties of such employees as it see fit.

4.1.8 To lay out, construct, build, erect or maintain upon the premises for the time being belonging to or occupied by the Association playing fields, grandstands, changing rooms and other buildings and improvements incidental thereto and to furnish, fit up and maintain the same for the use of the members of the Association or any of them and if thought fit to provide all the necessary equipment, appliances and conveniences therefore.

4.1.9 To become affiliated with or subscribe to other associations or bodies whose objects are similar to the objects of the Association and if thought fit to withdraw or retire from any such association or body.

4.1.10 If thought fit to obtain raffle permits and other licenses as may be considered of benefit to the Association.

4.2 It is the intention that each and all of the powers specified in the preceding sub clauses shall in no way be limited or restricted by reference to or inference from the terms of any other sub clauses or of the main objects as first mentioned.

5.0 EFFECT OF MEMBERSHIP

5.1 Members acknowledge and agree that:

5.1.1 this Constitution constitutes a contract between each of them and the Association and that they are bound by this Constitution, the By-laws, and the Associations policies;

5.1.2 they shall comply with and observe this Constitution, the By-laws and any determination, resolution or policy which may be made or passed by the Executive or any duly authorised Committee;

5.1.3 by submitting to this Constitution and the By-laws and policies, they are subject to the jurisdiction of the Association;

5.1.4 this Constitution is made in pursuit of a common purpose, namely for the mutual and collective benefit of the Association, the members and netball;

5.1.5 this Constitution, By-laws and policies are necessary and reasonable for promoting the objects and particularly the advancement and protection of the sport of netball;

5.1.6 neither membership of the Association nor this Constitution gives rise to:

(1) any proprietary right of members in, to or over the Association or its property or assets;

(2) any automatic right of a member to renewal of their membership of the Association and they are entitled to all benefits, advantages, privileges and services of Association membership.

6.0 REGISTER OF MEMBERS AND RECORD OF OFFICE HOLDERS

6.1 The Association shall maintain a register of all members of the Association, including Executive members and record of office holders, in a form and with such particulars as required to comply with the Act.

6.2 The Executive Officer to Keep Register.
The register of members and record of office holders and other persons authorised to act on behalf of the Association shall be kept in the Executive Officers custody or under the Executive Officers control unless otherwise decided by the Executive.

6.3 Inspection of Register.
Having regard to confidentiality considerations but subject to the requirements of the Act, an extract of the register shall be available for inspection by members upon reasonable request. If a copy or extract of the register is requested, the member making the request shall provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association. The Association may charge a reasonable fee for a copy or extract of the register.

7.0 MEMBERSHIP

7.1 Membership of the Association shall be open to:

7.1.1 (1) Executive Members
(2) Committees of the Association
(3) Clubs
(4) Umpires
(5) Coaches
(6) Life Members
(7) Officials

7.2 Executive Members shall be elected at the Annual General Meeting or appointed in accordance with the provisions of this Constitution.

7.3 Committees shall consist of one or more persons elected at the Annual General Meeting or appointed by the Executive.

7.4 7.4 A club is:
(a) one or more teams wishing to play in inter-club matches conducted by the Association. Seven (7) players shall constitute a team, and each playing member shall be entitled to the rights and privileges of membership. All members of clubs admitted to membership of the Association shall be amateurs according to the rules of Netball Australia Limited; or
(b) a club with one or more teams playing in a Netball WA State League competition or equivalent.

7.5 Umpires are those appointed to umpire matches of the Association.

7.6 Coaches are those appointed to coach teams playing in inter-club matches conducted by the Association.

7.7 Life Members shall be appointed at an Annual General Meeting by a two thirds majority of those present and entitled to vote at that meeting and shall during the continuance of their life be entitled to all the rights and privileges of membership.

7.8 Officials are Club Officials and those appointed by the Executive as such.

7.9 All members of the Association, when admitted as a member, shall be provided with or have made available to them a copy of this Constitution and any By-laws.

8.0 ADMISSION TO MEMBERSHIP

8.1 Each club admitted to membership with the Association shall:

8.1.1 Be bound by this Constitution, By-laws and policies of the Association.

8.1.2 Become liable for such fees, subscriptions and levies as may be fixed by the Executive.

8.1.3 Register its colours and uniform with the Association as set out in the By-Laws.

8.1.4 Comply with the regulations governing match play as provided for in the By-Laws.

9.0 TERMINATION OF MEMBERSHIP

9.1 Membership of the Association shall be terminated by any one of the following events:

9.1.1 Resignation or death of an Executive Member, Committee Member, Umpire, Coach, Life Member, or Official.

9.1.2 Winding up of the Club

(1) At the time of lodging an application to withdraw any club may at the discretion of the Executive remain liable for all fees, subscriptions, and/or levies incurred up to the time of lodging the application to withdraw.

(2) In the event of a club withdrawing during the season, its members shall be at liberty to play with any other club with the consent of the Permit and Protest Committee.

10.0 APPOINTMENTS

10.1 Members shall be informed of the appointment of Patron(s) and Auditors at the Annual General Meeting.

11.0 MANAGEMENT

11.1 Management of the Association shall be vested in the Executive consisting of:

11.1.1 President
Two (2) Vice Presidents
Treasurer
Competitions Co-ordinator
Competitions Co-ordinator – Primary School
Two (2) other current club representative members

11.2 No member shall hold more than one position on the Executive.

11.3 No more than two (2) representatives from any club shall be elected to the Executive.

11.4 Subject to sub-rule 11.5, an Executive member shall not hold an Executive position for more than ten (10) years.

11.5 A Club representative member of the Executive may serve a maximum term of three (3) consecutive years.

11.6 Executive members must be elected to membership of the Executive at an Annual General meeting or appointed under rule 11.12.

11.7 An Executive member's term will be from his or her election at an annual general meeting or appointment to a casual vacancy until the election at the next annual general meeting after his or her election or appointment, and, subject to sub-rules 11.4 and 11.5, he or she is eligible for re-election to membership of the Executive.

11.8 A person is not eligible for election to membership of the Executive unless another member has nominated him or her for election by delivering notice in writing of that nomination, signed by:

(1) the nominator; and

(2) the nominee to signify his or her willingness to stand for election, to the Executive Officer not less than 7 days before the day on which the annual general meeting concerned is to be held.

11.9 A person who is not eligible under section 39 of the Act to be a committee member of an incorporated association, is not eligible for election to membership of the Executive.

11.10 A person who is eligible for election or re-election under this rule may vote for himself or herself.

11.11 If the number of persons nominated in accordance with sub-rule 11.8 for election to membership of the Executive does not exceed the number of vacancies in that membership to be filled:

(1) the Executive Officer must report accordingly to; and

(2) the Chairperson must declare those persons to be duly elected as members of the Executive at

the annual general meeting concerned.

11.12 If a vacancy remains on the Executive after the application of sub-rule 11.11, or when a casual vacancy within the meaning of rule 12.0 occurs in the membership of the Executive:

(1) the Executive may appoint a member to fill that vacancy; and

(2) a member appointed under this sub-rule will:

(i) hold office until the election referred to in sub-rule 11.7 and

(ii) be eligible for election to membership of the Executive at the next following annual general meeting.

12.0 CASUAL VACANCY

12.1 A casual vacancy occurs in the office of an Executive member and that office becomes vacant if the Executive member:

12.1.1 Dies.

12.1.2 Resigns by notice in writing delivered to the President or, if the Executive member is the President, to the Vice-President and that resignation is accepted by resolution of the Executive.

12.1.3 Is convicted of an offence or becomes ineligible under the Act.

12.1.4 Is permanently incapacitated by mental or physical ill-health.

12.1.5 Is absent from more than:

(1) Three (3) consecutive Executive meetings; or

(2) Three (3) Executive meetings in the same financial year without tendering an apology to the person presiding at each of those Executive meetings; of which meetings the member received notice, and the Executive has resolved to declare the office vacant;

12.1.6 Ceases to be a member of the Association; or

12.1.7 Is the subject of a resolution passed by a general meeting of members terminating his or her appointment as an Executive member.

13.0 COMMITTEES

13.1 Standing committees shall be elected at the Annual General Meeting. The prior consent of any nominee to be elected shall be necessary.

13.2 The Executive shall have power to appoint special standing and ad hoc committees as required and delegate to such committees such powers as it may deem necessary.

13.3 The Convener of each committee shall be appointed by the Executive.

13.4 Each special or ad hoc committee shall be responsible to the Executive through its Convener.

13.5 No proxy representative shall be allowed for any committee member with the exception of the Permit and Protest Committee as set out in the Competition Handbook.

14.0 POWERS OF THE EXECUTIVE

14.1 Subject to matters which under this Constitution must be dealt with at a general meeting, the Executive may exercise all such powers of the Association and carry into effect all such objects of the Association. Without limiting the generality of the preceding words and in addition to the powers specifically conferred upon it the Executive shall have power to:

14.1.1 Administer the finances of the Association.

14.1.2 Appoint the bankers of the Association.

14.1.3 Direct the opening of banking accounts for specific purposes and to transfer funds from one account to another and to close any account.

14.1.4 Fix the manner in which such banking accounts shall be operated upon and nominate the members whose signatures shall be the authority for withdrawal of funds from each account.

14.1.5 Fix fees and subscriptions payable by members and decide such levies, rates of fines and charges as it deems necessary and advisable and to enforce payment thereof.

14.1.6 Adjudicate on all matters brought before it which in any way affect the Association or the game of netball.

14.1.7 Ensure minutes are kept of all proceedings at meetings of the Executive and general meetings of members.

14.1.8 Determine from time to time the conditions on which and times when members or others may use the grounds or premises of the Association or any part thereof.

14.1.9 Fix and collect charges for admission to the grounds where necessary.

14.1.10 Make, amend and rescind rulings, By-laws and policies not inconsistent with this Constitution.

14.2 The Executive must undertake their functions and perform their duties and obligations in accordance with the Act.

15.0 MEETINGS

15.1 Annual General Meeting and Special Meetings

15.1.1 The Annual General Meeting of the Association shall be held no later than four (4) months after the end of the financial year.

15.1.2 Special Meetings may be called:

(1) At the direction of the President.

(2) At the written request of at least 2% of members across a minimum of 5 clubs.

15.1.3 All members shall be given at least fourteen (14) days' notice of the date of the Annual General Meeting and Special Meetings.

(1) Notice of the Annual General Meeting shall be accompanied by copies of Minutes of the previous Annual General Meeting, Annual Report(s),

nomination forms for members of the Executive and any proposed alterations or additions to the Constitution and By-Laws.

(2) Notice of Special Meeting shall set out clearly the business for which the meeting had been called. No other business shall be dealt with at that Special Meeting.

15.1.4 All members may attend the Annual General Meeting and Special Meeting.

15.1.5 The quorum at the Annual General Meeting and Special Meetings shall be delegates from one-third of clubs disregarding fractions or twenty (20) persons entitled to vote whichever is the smaller.

15.1.6 If within 30 minutes after the time appointed for an Annual General Meeting, a quorum is not present, the Annual General Meeting stands adjourned to the same time and day two weeks later and the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.

15.1.7 Where an Annual General Meeting has been adjourned under sub-rule 15.1.6, such members who are present on the adjourned date shall constitute a quorum.

15.1.8 A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Executive Officer must give to all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed, include the resolution to be proposed and the intention to propose the resolution as a special resolution.

15.1.9 The Executive Officer must give a notice under sub-rule (15.1.3, 15.1.8 by-

(a) serving it on a member personally; or

(b) sending it by email or post to a member at the address of the member appearing in the register of members kept and maintained under rule 6.

15.1.10 When a notice is sent by post/email under sub-rule 15.1.9 (b) sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted/emailed to the member concerned by ordinary mail.

15.2 Executive Meetings

15.2.1 The Executive shall meet a minimum of eight (8) times per year.

15.2.2 A meeting of the Executive shall be called:

(1) At the direction of the President or in the absence of the President, a Vice President; or

(2) At the written request of three (3) members of the Executive.

15.2.3 Each Executive member shall be given at least seven (7) days' notice of the date of any Executive Meeting except in unforeseen circumstances when it is

impossible to give the time stated. The notice shall specify the general nature of the business to be dealt with.

15.2.4 The quorum at the Executive Meeting shall be a simple majority of members.

15.2.5 No proxy representative shall be allowed for Executive members.

15.2.6 The procedure to be followed at Executive meetings shall be determined from time to time by the Executive.

15.2.7 Executive meetings shall be chaired by the President or in the President's absence one of the Vice Presidents. In the absence of the President or the Vice Presidents, the Executive members will choose one of them to act as the chairperson of the meeting.

15.3 Use of Technology to Hold Meetings

15.3.1 The presence of a member of the Executive at a meeting of the Executive, or a member at an Annual General Meeting or Special Meeting, need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication that gives the members a reasonable opportunity to participate, including to hear and be heard.

15.3.2 Anyone using such technology is taken to be present in person at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

16.0 VOTING

16.1 Voting Powers at the Annual General Meeting and Special Meetings:

16.1.1 The President shall have a casting vote only.

16.1.2 Each Club shall be entitled to one (1) voting delegate.

16.1.3 Each Executive member shall be entitled to one (1) vote.

16.1.4 Each Life Member shall be entitled to one (1) vote.

16.1.5 No person shall have more than one (1) vote.

16.2 Voting Powers at Executive Meetings:

16.2.1 The President shall be entitled to a deliberative as well as a casting vote.

16.2.2 Each member present shall have one (1) vote.

16.3 Method of Voting:

16.3.1 Voting shall be by voice or show of hands unless a ballot be requested by any person present and entitled to vote.

16.3.2 When more nominations than are required are received a ballot shall be taken if requested by a nominee.

17.0 FINANCE

17.1 All funds of the Association shall be deposited in the accounts of the Association.

17.2 The Executive shall cause true accounts to be kept of all monies received and expended and of matters in respect of which such receipts and expenditure take place and of all properties, assets and liabilities.

17.3 The Executive shall submit to the Annual General Meeting a Statement of Income and Expenditure, a Balance Sheet of Assets and Liabilities, the Auditor's Report and comply with any other financial obligations required under the Act.

18.0 FINANCIAL YEAR

18.1 The financial year of the Association shall be first of July to the thirtieth of June.

19.0 AUDIT

19.1 For each financial year, the Committee must ensure that the requirements imposed on the Association under Part 5 of the Act relating to the financial statements or financial report of the Association are met.

19.2 Without limiting clause 19.1 those requirements include —

(a) the preparation of the financial report; and

(b) if required, the review or auditing of the financial statements or financial report, as applicable; and

(c) the presentation to the annual general meeting of the financial statements or financial report, as applicable; and

(d) if required, the presentation to the annual general meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.

20.0 COMMON SEAL

20.1 The Association does not have a Common Seal.

20.2 The Association may execute a document binding the Association if the document is signed by two (2) members of a number approved by the Executive for that purpose.

21.0 ENFORCEMENT OF THE CONSTITUTION AND BY-LAWS

21.1 The authority of the Association shall extend to and be recognised by all members.

21.2 Any disputes arising between members or between a member and the Association, other than those classes of disputes under clause 21.3 shall be dealt with in

accordance with the dispute resolution processes outlined in the Competitions Handbook, By-Laws and policies as authorised by the Executive and pursuant to this Constitution from time to time.

21.3 The Executive shall have power to enquire into deal with and adjudicate upon all questions and disputes as to the interpretation of this Constitution and any ruling or By-Laws made hereunder upon any breach or alleged breach of this Constitution its rulings, By-Laws and policies, and upon any complaint made to it of misconduct detrimental to the policy interests or welfare of the Association by any person or member. The Executive may caution suspend fine or otherwise deal with the person or member concerned. Its decision shall be binding on all parties concerned.

21.4 All enquiries into any Executive matter shall be conducted in a fair and impartial manner having regard to the principles of natural justice.

22.0 ALTERATIONS TO THE CONSTITUTION

22.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual General Meeting or Special Meeting and notice in writing of all motions to alter repeal or add to the Constitution shall be signed by the proposer and seconder and sent to the Association at least six (6) weeks before the Annual General Meeting or Special Meeting.

22.2 Such notices of motion shall be forwarded to all members by post or email at least twenty-one (21) days prior to the Annual General Meeting or Special Meeting.

22.3 Such motions or any part thereof shall be of no effect unless passed by a three fourths majority of those present and entitled to vote at the Annual General Meeting or Special Meeting.

23.0 CUSTODY OF BOOKS AND SECURITIES

23.1 The books, financial records, financial statements and reports and any securities of the Association must be kept in the custody and control of the Executive Officer unless otherwise decided by the Executive.

24.0 INSPECTION OF RECORDS ETC OF ASSOCIATION

24.1 A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

25.0 DISBANDMENT

25.1 The Association shall not disband unless with the consent of three fourths of its members. Motion to disband the Association signed by the proposer and seconder shall be submitted in writing to the President who shall give at least fourteen (14) days' notice of such motion to all members. Such notice shall be dealt with at a Special Meeting of the Association.

25.2 If carried by the necessary three fourths majority of all members notice to disband the Association shall be forwarded to Netball WA.

25.3 Distribution of Property on Winding Up. If upon winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any surplus property, the surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

26 INDEMNITY

26.1 This Constitution shall repeal all previous regulations but except as specifically provided shall not affect any right duty or liability or any matter or thing done or commenced acquired or imposed under previous Constitution.