



BY LAWS OF NETBALL WA (INC)

The By Laws of the Association are implemented alongside the Association's Policy and Procedures Manual and Handbook. All policies and procedures are reviewed annually and updated as required.

1.0 THE BOARD

1.1 Nominations and Applications

The prior consent of any nominee shall be necessary.

- (a) Nominations on the prescribed forms for the positions of President and four Elected Directors shall be called for and received by the Board at a stipulated date prior to the Annual General Meeting.
- (b) Elected Director Qualification:
 - (i) in accordance with Rule 32.1 of the Constitution, the following By-Law is adopted by the Board;
 - (ii) this Elected Director Qualification By-Law sets out the qualifications which nominees for Elected Director positions on the Board should meet under Rule 25.1(a) of the Constitution.
- (c) Elected Director Knowledge and Skills:
 - (i) extensive knowledge of netball in general;
 - (ii) previous experience in organisational work from either private business or community activities. Ideally this experience has been gained as a committee member or board member;
 - (iii) demonstrated ability to understand a wide scope of community issues, including requirements and objectives of governing not for profit bodies;
 - (iv) management or administration skills, including financial management, and a good knowledge of the Associations Incorporation Act (WA) 1987 and common law obligations in the areas of corporate governance and directors duties and responsibilities;
 - (v) professional or commercial background including any specialised areas of expertise (e.g. commerce, finance, marketing, law or business) that can benefit the Association;
 - (vi) excellent presentation and communication skills;

- (vii) ability to demonstrate major achievements or contribution in previous roles (either professional or in netball);
- (viii) ability to work and communicate effectively within the group and with external parties;
- (ix) understanding of strategic planning processes and ability to implement developed procedures;
- (x) commitment to the role and the ability to devote sufficient time and energy to the position.

It is recommended that nominees for Elected Director positions submit curriculum vitae outlining their experience and suitability.

1.2 Election of Directors

- (a) The five Elected Directors – one President and four Directors – will be elected by the voting members at the Annual General Meeting through a preferential voting process.
- (b) Two Appointed Directors are to be appointed by the Board, following identification of skills required, at the first Board Meeting following the Annual General Meeting.

1.3 Appointments

Subject to Clause 1.2 (c)

- (a) Directors shall assume office at the conclusion of the Annual General Meeting at which they are elected and shall hold office until the conclusion of the third Annual General Meeting following.
- (b) All Directors must complete the Consent to Act as a Director and Declaration of Interest Form.

2.0 DELEGATE(S) TO THE COUNCIL OF THE ALL AUSTRALIA NETBALL ASSOCIATION (LTD) AND RELATED ORGANISATIONS

2.1 The Association to be represented by delegates appointed by the Board. Delegates must be knowledgeable of the affairs of the Association and be able to vote on behalf of the Board. The President and Chief Executive Officer are identified as the appropriate delegates for the Association.

2.2 Delegates / Representatives to related Sporting Associations to be appointed by the Board.

3.0 BOARD DIRECTORS

3.1 The duties of the President and Directors as determined by the Board are outlined in the Association Policy and Procedures Manual.

4.0 EMPLOYEES OF THE ASSOCIATION

- 4.1** An Employment Policy in respect to the employment of staff at the Association and covering a variety of items is in the Association Policy and Procedures Manual as determined from time to time by the Board.

5.0 RIGHTS AND PRIVILEGES OF MEMBERSHIP

A Membership Policy that provides direction and procedures for all levels of the Network and covering a variety of items is outlined in the Association Policy and Procedures Manual as determined from time to time by the Board.

5.1 Regions

- (a) Upon signing of the Regional Affiliation Agreement all rights and privileges are as listed in the Agreement and Association Policy and Procedures Manual.

5.2 Member Associations

- (a) Upon signing of the Association Affiliation Agreement all rights and privileges are as listed in the Agreement and Association Policy and Procedures Manual.

5.3 Individual Members

- (a) The rights and privileges of membership are personal and are not capable of transfer, and are as listed in the annual Member Magazine.

6.0 CODE OF CONDUCT

- 6.1** It is expected at all times that all members abide by the policies of the Association. Education and coaching is considered essential at all levels to ensure all behaviours are sportsmanlike and at all times enhance the sport. Repeat offences which lead to a report will result in disciplinary procedures being initiated.

7.0 DISCIPLINARY PROCEDURES

In accordance with Rule 32.1 of the Constitution, the following By-Law is adopted by the Board.

This Disciplinary By-Law sets out the procedure for dealing with disciplinary actions and matters under Rule 13.1 of the Constitution.

7.1 Establishment of Disciplinary Tribunal

- (a) The Board shall establish a Disciplinary Tribunal to deal with all disciplinary actions and matters under Rule 13.1 of the Constitution.

7.2 Composition of Disciplinary Tribunal

- (a) A Disciplinary Tribunal of three persons shall be appointed by the Board for the purpose of hearing disciplinary actions and matters under Rule 13.1 of the Constitution. The Board shall also appoint a member of the Disciplinary Tribunal as Chair.
- (b) The Board may call for nominations to the Disciplinary Tribunal.
- (c) No member of the Disciplinary Tribunal shall be permitted to hold any office on the Board.

- (d) Three members of the Disciplinary Tribunal shall constitute a quorum.
- (e) A vacancy on the Disciplinary Tribunal shall be filled by the Board.

7.3 Notice of Alleged Breach

- (a) Where the Board is advised or considers that a Member of the Association has allegedly:
 - (i) breached, failed, refused or neglected to comply with a provision of the Constitution, the By-Laws or any resolution or determination of the Board or any duly authorised committee; or
 - (ii) acted in a manner unbecoming of a Member or prejudicial to the objects and interests of the Association and/or the sport of netball; or
 - (iii) brought the Association or the sport of netball into disrepute;

the Board shall notify the Chair of the Disciplinary Tribunal.
- (b) The Chair of the Disciplinary Tribunal shall, as soon as practicable upon receipt of notice in accordance with Clause 7.3 (a), serve on the Member a notice in writing:
 - (i) setting out the alleged breach of the Member and the grounds on which it is based;
 - (ii) stating that the Member may address the Disciplinary Tribunal at a hearing to be held not earlier than 14 and not later than 28 days after service of the notice;
 - (iii) stating the date, place and time of that hearing;
 - (iv) informing the Member that he or she may do one or more of the following:
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 - (a) attend that hearing;
 - (b) give the Disciplinary Tribunal, before the date of that hearing a written statement regarding the alleged breach.

7.4 Disciplinary Tribunal Procedures

- (a) At a hearing of the Disciplinary Tribunal held in accordance with Clause 7.3, the Disciplinary Tribunal shall:
 - (i) give to the Member every opportunity to be heard;
 - (ii) give due consideration to any written statement submitted by the Member; and
 - (iii) by resolution determine whether the alleged breach occurred.
- (b) The Association and the Member shall not be entitled to legal representation at the hearing of the Disciplinary Tribunal.
- (c) The Disciplinary Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of

teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the alleged breach occurred.

- (d) If the Disciplinary Tribunal considers that the alleged breach occurred, it may impose any one or more of the penalties set out in Clause 7.5.
- (e) If the Disciplinary Tribunal considers that the alleged breach did not occur, the matter shall be dismissed.
- (f) Each party shall be responsible for their own costs associated with the Disciplinary Tribunal hearing. The Disciplinary Tribunal has no power to award costs to a party.

7.5 Penalties

- (a) If the Disciplinary Tribunal considers that the alleged breach occurred, the Disciplinary Tribunal may impose any one or more of the following penalties:
 - (i) impose a warning;
 - (ii) fine the Member;
 - (iii) where there has been damage to property, direct that the Member pay compensation to the relevant organisation which controls or has possession of the property;
 - (iv) cease funding granted or given to it by the Association from a specified date;
 - (v) suspend for a specified period and/or terminate any rights, privileges and benefits provided to that Member by the Association;
 - (vi) cease to sanction events held by or under the auspices of that Member;
 - (vii) reprimand the Member;
 - (viii) suspend the Member from membership of the Association for a specified period;
 - (ix) expel the Member from the Association;
 - (x) any other such penalty as the Disciplinary Tribunal considers appropriate.

7.6 No Appeal from Decision of Disciplinary Tribunal

- (a) A disciplinary action and matter must be solely and exclusively resolved by the Disciplinary Tribunal and the decision of the Disciplinary Tribunal is final and binding upon the Association and the Member. The Association and the Member have no right of appeal.

8.0 EXPULSION AND SUSPENSION

- 8.1** No person who has been expelled from the Association shall be allowed to attend or participate in any event conducted by the Association or in its netball network.

- 8.2** In the case of expulsion the name of the expelled member shall be erased from the register of members by the Chief Executive Officer and the member shall cease to enjoy the rights and privileges of membership.
- 8.3** No person who has been suspended at any level of the Association's network may participate in netball activities for the duration of that suspension. The level of the network must inform the Chief Executive Officer of the Association immediately to ensure consistency and compliance is maintained throughout the Network.

9.0 LIFE MEMBERSHIP

- 9.1** Life Membership of the Association is an award conferred upon an individual who has made significant, sustained and lasting contribution to the sport of netball in Western Australia.
- 9.2** A comprehensive statement addressing contributions should be submitted to the Board of the Association on the prescribed form addressing the criteria as set out in the Association Policy and Procedures Manual by 30 November each year.

10.0 MEETINGS

10.1 The business of the Annual General Meeting shall be:

Opening of the Meeting
President's Address
Apologies for Non-Attendance
Confirmation of Minutes of Previous Annual General Meeting
Adoption of Annual Report
Adoption of Audited Balance Sheet and Statement of Income & Expenditure
Notices of Motion for Alteration, Repeal or Addition to the Constitution & By-Laws
Recommendations from the Board
Election of Board Directors
Confirmation of Life Members
Confirmation of Appointments of Patron(s), Solicitor and Auditor and such persons as may be appointed from time to time.
General Business
Closure

11.0 STANDING ORDERS

11.1 The Chair

The Chair shall:

- (a) make sure that a quorum is present at all times;
- (b) conduct the meeting in accordance with the rules;
- (c) ensure that no speaker speaks for an undue length of time or unnecessarily repeats points that have already been put before the meeting;
- (d) terminate any discussion which is not, at that time, relevant to the business before the meeting;

- (e) decide who is entitled to the floor when two or more speakers rise to speak at the same time;
- (f) if desired, request the proposer of a motion or amendment to submit it in writing.

11.2 Conduct of Speakers

- (a) All remarks shall be addressed to the Chair and any question to another person shall be put through the Chair;
- (b) A speaker wishing to speak or move a motion shall stand when addressing the Chair and shall take his or her seat if called to order by the Chair;
- (c) On any person rising to a point of order during a discussion, the speaker shall resume his or her seat and the person rising shall state the point of order, when the Chair shall rule thereon.

11.3 Chair's Ruling

- (a) The Chair's ruling on all points of order and procedure shall be final, unless a motion is moved and seconded and carried "that the Chair's ruling be disagreed with". The mover may speak briefly in support of his or her motion and the Chair explain why his or her ruling was given. The Chair takes the vote.

11.4 Motions

- (a) A motion shall be seconded before it is debated, and shall not then be withdrawn without the consent of the seconder and the unanimous consent of the meeting.
- (b) No speaker shall speak more than once to any motion or amendment, except in personal explanation, unless he or she is the mover of the original motion exercising the right of reply.
- (c) No more than two speakers shall follow successively on the side of the question. If the speaker has so spoken, there be then no speaker to take the opposite view, the question shall be put therewith.

11.5 Amendments

- (a) An amendment moved and seconded is voted upon before the motion. The mover of the original motion may exercise his or her right of reply before the amendment is voted upon. The mover of an amendment has no right of reply.
- (b) No second or subsequent amendment shall be received until the first amendment has been voted upon. An amendment which is carried becomes the motion and is open for further amendment.
- (c) The mover and the seconder of the motion under discussion are not entitled to move or second an amendment to it.
- (d) The mover and seconder of a motion or amendment may speak to subsequent amendments. If the mover is in agreement with any proposed amendment he or she can accept it and may seek leave to alter the motion accordingly.
- (e) An amendment which is a direct negative of the motion shall not be allowed.

- (f) The Constitution can be amended only by a resolution advised with Rule 37.1 of the Constitution, but this shall not preclude further amendments to such resolution from the floor of the meeting.
- (g) The By-Laws may be amended by the Board as per Rule 32 of the Constitution.

11.6 Rescinding Resolutions

- (a) Upon evidence of a mistake in the facts that have been presented to the meeting, or upon receipt of further information, a resolution may be rescinded provided that all persons who voted on the motion are present and agree to the rescission. A resolution may be rescinded on notice of motion at a subsequent meeting.

11.7 Closure

- (a) Any person may at any time move "that the question is now put" which motion, if accepted by the Chair, shall be put without debate. If carried by a majority vote, the motion or amendment before the meeting shall be put at once. It does not prevent the mover of the original motion exercising the right of reply.

11.8 Voting

- (a) Voting shall be by voice or by show of hands except where a ballot is specified in Rule 21 of the Constitution.
- (b) In the event of voting being equal, the question shall be declared on the vote of the President.