

ESSENDON DISTRICT NETBALL ASSOCIATION
INCORPORATED

Please note:

The constitution was approved by Consumer Affairs Victoria on 22 October 2012 subject to Rule 4 of the model rule being deemed to be included in relation to entrance fees and subscriptions (replacing Clauses 8.1 and 8.2).

Model Rule 4:

4(11) The entrance fee is the relevant amount set out in Appendix 4.

4(12) The annual subscription is the relevant amount set out in Appendix 4 and is payable in advance on or before 1 July in each year.

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1. NAME OF ASSOCIATION	
1.1	The name of the Association is Essendon District Netball Association Incorporated (in this Constitution called "the Association").
2. STATEMENT OF PURPOSE	
2.1	<p>The basic purposes of the Association are:</p> <p><i>(a) To promote, advance, foster and cultivate the game of Netball in the Moonee Valley and surrounding region of Melbourne;</i></p> <p><i>(b) To assist in the educational advancement of the community by means of the development of a sense of fair play and a love of sport, in particular Netball;</i></p> <p><i>(c) To encourage, advance and assist in the development of an improved standard of physical fitness in all members of the community, both individually and collectively;</i></p> <p><i>(d) To support the education, training, umpiring, coaching and encourage members of the Association in the game of Netball so that all members have the opportunity to reach their maximum potential;</i></p> <p><i>(e) To encourage members of the Association to assist in the development of the game of Netball in the region;</i></p> <p><i>(f) To organise and carry on Netball competitions between bodies corporate or unincorporated which for the time being are Members of the Association;</i></p> <p><i>(g) To promote and encourage the development of netball and its efficient administration through affiliation with Netball Victoria</i></p>
2.2	In addition to these basic purposes, the purposes of the Association consist of the doing of any lawful thing incidental or conducive to the attainment of the objects or purposes of the Association.
3. POWERS	
3.1	Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes.
4. DEFINITIONS	
4.1	<p>In this Constitution, unless the contrary intention appears;</p> <p>a) 'Act' means the Victorian Associations Incorporation Act 1981;</p> <p>b) 'Association' has the same meaning as in the Act;</p> <p>c) 'Ballot' means voting conducted in written form (as opposed to a show of hands);</p> <p>d) 'Committee' means the Committee of Management of the Association;</p> <p>e) 'Co-opted member' is a member of the Committee who is part of it by virtue of being co-opted to a role in the running of the organisation. (e.g. the Association Umpires Co-ordinator is a co-opted Committee member)</p> <p>f) 'Financial year' means each period of 12 months after the expiration of the previous financial year of the Association, commencing on 1 October and ending</p>

	<p>on the 30th September;</p> <p>g) 'General Meeting' means a general meeting of members convened in accordance with the Constitution, and includes a Special General Meeting and an Annual General Meeting;</p> <p>h) 'Special General Meeting' means a General Meeting of the Association, other than an Annual General Meeting;</p> <p>i) A reference to a communication being 'in writing' means a communication recorded and transmitted in ink on paper but includes electronic transmission;</p> <p>j) 'Association' means the Association;</p> <p>k) 'Member' means a member of the Association;</p> <p>l) 'Office-bearer' means a person elected as an officer of the Association at an Annual General Meeting or appointed as an officer of the Association under this Constitution to fill a casual vacancy;</p> <p>m) 'Ordinary member of the Committee' means a member of the Committee who is not an office-bearer or person co-opted to the Committee of the Association;</p> <p>n) "Registered Member" means a person registered with the Association and Netball Victoria as a player, umpire, coach or official.</p>
5. ALTERATION OF THE CONSTITUTION	
5.1	This Constitution, and the statement of purposes of the Association, and the objects of the Association, must not be altered except if amended, repealed or added to by a special resolution carried at a General Meeting.
5.2	A copy of this Constitution, including amendments from time to time, shall be posted on the Association's website.
6. MEMBERSHIP	
6.1	<p>Membership</p> <p>The membership of the Association consists of the following classes of members:</p> <p>a) Member Clubs which shall be represented by their Club Representative. The Representative shall have the right to be present, to debate and to vote at General Meetings;</p> <p>b) Life Members who shall have the right to be present, to debate and to vote at General Meetings;</p> <p>c) Registered Members who shall not have a right to be present, to debate or to vote at General Meetings;</p> <p>d) such other category or categories of members as determined by the Committee from time to time.</p>
6.2	The rights, powers, and privileges of Member Clubs shall be exercised only through representatives appointed under S. 7.1.
6.3	<p>Member Clubs shall be</p> <p>a) those Clubs named in Appendix 1;</p> <p>b) those other Clubs that are from time to time approved for membership by two-thirds of the members present and voting at a General Meeting of the Association.</p>
6.4	Any persons appointed by the Committee to be Life Members according to the criteria laid down from time to time in the By-laws shall be voting members of the Association.
6.5	Clubs or Persons eligible to be members of the Association under S. 6.1 shall become members of the Association when

	<ul style="list-style-type: none"> a) they have completed the application form as specified in the By-Laws; and b) they have had their application approved by the Committee; and c) they have paid the annual membership fee laid down in the By-Laws as applicable to that category of membership; and d) their names have been entered in the Register of Members by the Secretary.
6.6	<p>The official representative of each Member Club (the Club Representative) shall be entitled to cast two (2) votes at General Meetings and to stand for or be appointed to any of the offices of the Association.</p> <p>Life Members shall be entitled to cast one (1) vote at General Meetings and to stand for or be appointed to any of the offices of the Association.</p> <p>Registered Members shall not be entitled to vote at General Meetings but are entitled to stand for or be appointed to any offices of the Association.</p> <p>Each class of members shall be entitled to such other privileges as the Committee determines from time to time.</p>
6.7	<p>A Club that is not a member of the Association must not be admitted to membership unless –</p> <ul style="list-style-type: none"> a) they apply for membership in the form prescribed by the By-laws; and b) they support the objects of the Association; and c) their admission as a member is approved by a General Meeting under S. 6.8.
6.8	<p>Any application by a Club for membership of the Association must be considered by the Association at its next General Meeting. The application will be accepted if and only if it is supported by two-thirds of the members present and voting.</p>
6.9	<p>If the General Meeting takes a decision on an application for membership, the Secretary must, as soon as practicable –</p> <ul style="list-style-type: none"> a) notify the applicant Club in writing or electronically of the approval or rejection of the application for membership, whichever is applicable; and b) if the General Meeting approved the nomination, request payment within 21 days after receipt of the notification of any sum payable as the joining fee and the first year's annual membership fee.
6.10	<p>The Secretary must, within 28 days after receipt of the amounts referred to in S.6.9, and within the periods mentioned in that Section, enter the applicant's name in the Register of Members.</p>
6.11	<p>A Member ceases to be a member of the Association if the Member –</p> <ul style="list-style-type: none"> a) resigns from membership of the Association by giving written notice; or b) is expelled from the Association in accordance with the procedures of S. 11; or c) fails to renew membership of the Association by paying the annual membership fee within two weeks of the time the fee is due, unless the Committee decides otherwise; or d) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with their creditors or makes an assignment of their estate for their benefit.
6.12	<p>After the expiry of the period referred to in S. 6.11 (c)</p> <ul style="list-style-type: none"> a) the Member ceases to be a Member; and b) the Secretary must record in the Register of Members the date on which the Member ceased to be a Member.

6.13	A Member is not entitled to resign from membership of the Association except in accordance with S. 6.11(a).
6.14	A right, privilege, or obligation of a person or Club by reason of membership of the Association – <ul style="list-style-type: none"> a) is not capable of being transferred or transmitted to another person or Club; and b) terminates upon the cessation of membership, whether by death or resignation or otherwise.
6.15	The liability of a member to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount (if any) unpaid by the member regarding membership of the Association.
7.	MEMBER CLUB REPRESENTATIVES
7.1	Each Member Club must, at least 14 days before the close of the financial year, nominate through its Committee a representative to exercise the membership rights, powers and privileges of the Club in any dealings with the Association. Such nomination must be in the form prescribed by the By-laws, and must include the signed consent of the nominee.
7.2	The Secretary of each Member Club must, at least 14 days before the close of the financial year, inform the Secretary of the Association of the name of the representative who will exercise the membership rights, powers and privileges of the Club in any dealings with the Association in the coming year.
7.3	The Committee of any Member Club may at any time withdraw the mandate of its nominated representative under S.7.1 and substitute another person, such nomination becoming effective 30 days after notice of such substitution by the Committee has been received by the Secretary of the Association in the form prescribed by the By-laws.
7.4	Where a member club representative is elected to an office bearer position at the Annual General Meeting, the Club may elect to replace the Club Representative with another person who then acts as the member club representative. If the member club representative is not replaced, that person will be entitled to exercise the club vote at meetings.
8.	FEES AND SUBSCRIPTIONS
8.1	The joining fee for each class of member is the relevant amount set out in the By-laws.
8.2	The annual membership fee for each class of membership is the relevant amount set out in the By-laws.
8.3	The annual membership fee is payable in advance 30 days prior to the commencement date of the season or as advised by the association.
8.4	If a member fails to pay their membership fee after it has become due, the Association Secretary must give notice in writing to the member advising that: <ul style="list-style-type: none"> a) the amount remains outstanding; and b) failure to pay the outstanding amount within two weeks after the date of the notice will result in that member being deemed to have resigned from the Association in accordance with S.6.11.
9.	REGISTER OF MEMBERS
9.1	The Secretary must keep and maintain a Register of Members containing – <ul style="list-style-type: none"> a) the full name of the Member; b) the postal or residential address of the Member; c) if applicable, the email address of the Member;

	<ul style="list-style-type: none"> d) the date of admission as a Member; e) the class of membership to which the Member belongs; f) the date the person ceased to be a Member; g) details of, and reasons for, any termination or reinstatement of membership; h) if the member is a Member Club, the name, address, telephone number, and email address of the member's representative; i) any other particulars that the Committee (or the Members at a General Meeting) decide.
9.2	<p>The Register of Members must be kept:</p> <ul style="list-style-type: none"> a) at the main premises of the Association; or b) if the Association has no premises, at the Association's official address; or c) at such other place as the members at a General Meeting decide.
9.3	The Register must be available for inspection in business hours free of charge by any Member upon request to the Secretary, provided they have given reasonable notice.
9.4	A Member may make a copy of, or take an extract from, the Register, but shall have no right to remove the Register for that purpose, except by arrangement with the Secretary.
9.5	A Member of the Association may obtain from the Secretary a copy of any part of the Register on payment of a fee to cover printing and administrative costs, as set out in the By-laws.
9.6	A Member Club Representative may ask that any information contained on the Register about them (other than the Member's name) not be available for inspection by other Members, and if the Committee has reasonable grounds for believing the disclosure of the information would put the Member at risk of harm, that information must not be made available for inspection.
9.7	<p>A Member must not use information about a person obtained from the Register to contact or send material to the person, other than for:</p> <ul style="list-style-type: none"> a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Association, or other material relating to the Association; or b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
10. DISPUTES AND MEDIATION	
10.1	<p>The grievance procedure set out in this rule applies to disputes between –</p> <ul style="list-style-type: none"> a) member and another member (in their capacity as members); or b) a Member and the Association.
10.2	The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
10.3	If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
10.4	<p>The mediator must be-</p> <ul style="list-style-type: none"> a) a person chosen by agreement between the parties; or

	<p>b) in the absence of agreement –</p> <p>(i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association; or</p> <p>(ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).</p>
10.5	A member of the Association can be a mediator.
10.6	The mediator cannot be a member who is a party to the dispute.
10.7	The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
10.8	<p>The mediator, in conducting the mediation, must –</p> <p>a) give the parties to the mediation process every opportunity to be heard; and</p> <p>b) allow due consideration by all parties of any written statement submitted by any party; and</p> <p>c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.</p>
10.9	The mediator must not determine the dispute.
10.10	The mediation must be confidential and without prejudice.
10.11	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.
10.12	This rule does not affect the operation of S. 11, Discipline.
11. DISCIPLINE	
11.1	<p>A complaint to the Committee may be made by any person that a member of the Association</p> <p>a) has refused or neglected to comply with a provision or provisions of this Constitution, or of the By-laws; or</p> <p>b) has persistently and wilfully acted in a manner injurious or prejudicial to the interests of the Association; or</p> <p>c) has been guilty of conduct unbecoming a member; or</p> <p>d) has been convicted of an indictable offence.</p>
11.2	The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
11.3	<p>If the Committee decides to deal with the complaint, the Committee:</p> <p>a) must cause notice of the complaint to be served on the member concerned; and</p> <p>b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Committee in connection with the complaint, and</p> <p>c) must take into consideration any submissions made by the member in connection with the complaint.</p>
11.4	If following the Committee's consideration the Committee believes the complaint to be justified the Committee may recommend to a General Meeting that the member

	concerned be suspended or fined and, if the member belongs to one of the categories of membership listed in S. 6.1 may recommend that the person be expelled.
11.5	If, at the meeting of the Committee, the Committee resolves to recommend the suspension or expulsion of the member, the Secretary shall convene a General Meeting of the Association to be held within 21 days after the date on which the Committee made its resolution.
11.6	At a General Meeting of the Association convened under S. 11.5 – <ul style="list-style-type: none"> a) no business other than the question of the suspension of the member concerned may be conducted; and b) the Committee may place before the meeting details of the grounds for the recommendation and the reasons for the passing of the recommendation; and c) the member, or their representative, must be given an opportunity to be heard; and d) the members present must vote by secret ballot on the question whether the member shall be suspended.
11.7	A recommendation for suspension is confirmed only if, at the General Meeting, it is supported by two-thirds of the members present and voting in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.
11.8	The Committee's decision to fine a member takes effect 14 days after the day on which notice of the decision is given to the member, except that if the member appeals to the Association, the member is not liable for the amount of the fine until the decision of the Committee to fine them is confirmed by a resolution of the Members at a General Meeting.
11.9	A member of an incorporated association who is the subject of a disciplinary procedure must not initiate a grievance procedure in relation to the matter which is the subject of the disciplinary procedure until the disciplinary procedure has been completed.
12.	NOTICE OF GENERAL MEETINGS
12.1	The Secretary of the Association, at least 14 days, or, if a special resolution has been proposed, at least 21 days, before the date fixed for holding a General Meeting of the Association, must cause to be sent, as specified in S. 46, to each member of the Association a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
12.2	No business other than that set out in the notice convening the meeting may be conducted at the General Meeting.
12.3	A member intending to bring any business before a meeting may notify the Secretary of that business in writing, or by electronic transmission, and the Secretary must include that business in the next notice calling a General Meeting.
12.4	The accidental omission to give notice of a meeting to any member, or the non-receipt of notice of meeting by any member, shall not invalidate any proceedings or resolutions at any meeting of the Association or any Committee thereof.
12.5	At least 14 days before the day on which a General Meeting of the Association is to be held, the Association is to publish on its website a notice specifying – <ul style="list-style-type: none"> a) the place, day and time at which the meeting is to be held; and b) the nature of the business that is to be transacted at the meeting.

13. ANNUAL GENERAL MEETINGS	
13.1	The Association must, at least once in each calendar year and within three months after the end of each financial year of the Association, call an Annual General Meeting of its members.
13.2	An Annual General Meeting is to be in addition to any other General Meeting that may be held in the same year.
13.3	Subject to S. 14.1 and 14.2, the Committee may determine the date, time and place of the Annual General Meeting of the Association.
13.4	The notice convening the Annual General Meeting must specify that the meeting is an Annual General Meeting.
13.5	The ordinary business of the Annual General Meeting shall be – <ul style="list-style-type: none"> a) to confirm the minutes of the previous Annual General Meeting and of any General Meeting held since that meeting; and b) to receive from the Committee reports upon the transactions of the Association during the preceding financial year; and c) to elect the Office-bearers of the Committee: and d) to confirm the appointment of the Ordinary Members of the Committee.
13.6	The Annual General Meeting may conduct any special business of which notice has been given in accordance with this Constitution.
13.7	All members of the Association are entitled to attend, or (in the case of a Member Club) to nominate a representative to attend, the Annual General Meeting. Any other person may be admitted to the meeting if the Chair so decides.
14. SPECIAL GENERAL MEETINGS	
14.1	In addition to the Annual General Meeting, other General Meetings may be held in the same year.
14.2	All General Meetings other than the Annual General Meeting are Special General Meetings.
14.3	The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
14.4	The Committee must, on the request in writing of three Association Member Clubs, or members representing not less than five per cent of the total number of Association members, whichever is the greater, convene a special general meeting of the Association.
14.5	The request for a Special General Meeting must – <ul style="list-style-type: none"> a) state the objects of the meeting; and b) be signed by the members requesting the meeting; and c) be sent to the address of the Secretary; and d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
14.6	If the Committee does not cause a Special General Meeting to be held within one month after the date on which the request is sent to the address of the Secretary, any of the Members making the request may convene a Special General Meeting to be held not later

	than three months after that date.
14.7	If a Special General Meeting is convened by members in accordance with S. 14.4, it must be convened in the same manner, as far as possible, as a meeting convened by the Committee.
14.8	The Association may hold its Special General Meetings, or permit members to take part in its Special General Meetings, by using any technology that allows members to clearly and simultaneously communicate with each other participating member.
14.9	All members of the Association are entitled to attend any Special General Meeting. Any other person may be admitted to the meeting if the Chair so decides.
15. SPECIAL BUSINESS	
15.1	All business that is conducted at a Special General Meeting and all business that is conducted at the Annual General Meeting, except for business conducted under the Constitution as ordinary business of the Annual General Meeting, is deemed to be special business.
16. QUORUM AT GENERAL MEETINGS	
16.1	No item of business may be conducted at a General Meeting unless a quorum of members, entitled under this Constitution to vote, is present at the time when the meeting is considering that item.
16.2	A member may take part and vote in a General Meeting in person or by proxy.
16.3	A member may take part and vote in a General Meeting by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
16.4	More than 50% of club representatives (who are themselves entitled under this Constitution to vote at a General Meeting) constitute a quorum for the conduct of the business of a General Meeting.
16.5	If, within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, then <ul style="list-style-type: none"> a) in the case of a meeting convened upon the request of Members, the meeting must be dissolved; and b) in any other case, the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chair at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
16.6	If, at the adjourned meeting, the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not fewer than four) shall be a quorum.
17. PRESIDING AT GENERAL MEETINGS	
17.1	The President, or in the President's absence, the Vice-President, shall preside as Chair at each General Meeting of the Association.
17.2	If the President and the Vice-President are absent from a General Meeting, or are unable to preside, or decline to preside, the Members present must elect one of their number to preside as Chair.

18. ADJOURNMENT OF GENERAL MEETINGS	
18.1	The Chair may, with the consent of a majority of Members present at the meeting, adjourn the meeting from time to time and place to place.
18.2	No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
18.3	If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given to members in accordance with S. 12.
18.4	Except as provided in S. 18.3, it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.
19. VOTING AT GENERAL MEETINGS	
19.1	Upon any question arising at a General Meeting of the Association, a) any Member Club representative has two votes; and b) any Life Member has one vote.
19.2	All votes must be given by persons attending or by proxy.
19.3	Where votes for and against a motion are equal, the question is decided in the negative.
19.4	A Member Club representative is not entitled to vote at a General Meeting unless all moneys due and payable by the Member Club to the Association have been paid.
19.5	The method of voting at General Meetings is to be decided by the Committee and published in the By-laws.
20. BALLOT AT GENERAL MEETINGS	
20.1	If at a General Meeting a ballot on any question is demanded by not less than three members present in person or by proxy, or by one-fifth of the members present, whichever is the greater, it must be taken at that meeting in such manner as the Chair may direct, and the resolution of the ballot shall be deemed to be a resolution of the meeting on that question.
20.2	If a ballot is held, the Chair must appoint two members to conduct the ballot in the way the Chair decides.
21. VOTING BY PROXY	
21.1	Each Member Club representative is entitled to appoint another Member as their proxy to attend and vote on their behalf at any General Meeting by written notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
21.2	No person can hold more than four proxies or proxies representing more than 5% of the membership, whichever is the lesser.
21.3	The notice appointing the proxy must be in the form set out in the By-laws.
21.4	The form appointing a proxy must be signed by the person appointing a proxy.
21.5	Proxies count in calculating the number required to call for a secret ballot, and the number required to pass a motion, but not in calculating the number required for a quorum.
21.6	Unless otherwise instructed by the person appointing the proxy, the proxy may vote as the proxy considers appropriate.

21.7	If a Member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the form set out in the By-laws.
22. POSTAL BALLOTS	
22.1	The Association may hold a postal ballot to determine any issue or proposal (other than an appeal under the disciplinary provisions).
22.2	A postal ballot is to be conducted as the Committee shall direct.
22.3	Ballot papers may be distributed to all members, and members may respond, <ul style="list-style-type: none"> a) through the post; or b) where applicable, by fax; or c) where applicable, through scanning and emailing the document.
23. THE COMMITTEE	
23.1	The affairs of the Association shall be managed and controlled by a Committee which, in addition to any powers and authorities conferred by this Constitution, may exercise all such powers and do all such things as are within the objects of the Association, and are not by the Act or by this Constitution required to be done by the Association in a General Meeting.
23.2	Subject to the Act and the Regulations, the Committee shall have authority to interpret the meaning of this Constitution and any other matter relating to the affairs of the association on which this Constitution are silent.
23.3	The Committee shall consist of one representative from every Member Club, selected as in S. 7.1. plus office bearers as set out in S. 25.
23.4	An act performed by the Committee, a sub-committee, or a person acting as a member of the Committee is taken to have been validly performed, even if the act was performed when – <ul style="list-style-type: none"> a) there was a defect in the appointment of a member of the Committee or sub-committee; or b) a Committee member or sub-committee member was disqualified from being a member.
24. ELECTION OF ORDINARY COMMITTEE MEMBERS	
24.1	Every member club must nominate a member for the position of ordinary member of the Committee in the format of S. 7.1
24.2	These member club representatives will be the ordinary Committee members
24.3	In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, the Member club may appoint any member of the Member Club to fill the vacancy and the member appointed shall hold office, unless otherwise disqualified, until the conclusion of the Annual General Meeting next following the date of the appointment.
24.4	In the event of a casual vacancy occurring in the office of an ordinary member of the Committee, and the Member club failing to appoint any member of the Member Club to fill the vacancy within 28 days, the Committee may appoint any member of the association to fill the vacancy and the member appointed shall hold office, unless otherwise disqualified, until the conclusion of the Annual General Meeting next following the date of the appointment.

24.5	The vacancy caused by the conclusion of the term of a Committee member appointed to fill a casual vacancy shall be filled by the process outlined in S.7.1.
25. OFFICE-BEARERS	
25.1	The Office-bearers of the Association shall be- <ul style="list-style-type: none"> a) President; b) Vice-President; c) Treasurer; and d) Secretary.
26. ELECTION OF OFFICE-BEARERS	
26.1	Any Association member, Club Representative, Registered Member over the age of 18 or parent/guardian of a Registered Member under the age of 18 may nominate for any of the Office-bearer positions and may nominate for more than one position. Any nomination for a position as Office-bearer must be made in the form prescribed by the By-Laws and must be submitted to the Secretary fourteen days before the date set for the Annual General Meeting.
26.2	A list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be posted on the Association's website for at least seven days immediately preceding the Annual General Meeting.
26.3	If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received from the floor at the Annual General Meeting.
26.4	If the number of nominations received is equal to the number of vacancies to be filled at the Annual General Meeting, the persons nominated shall be deemed to be elected.
26.5	If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held at the Annual General Meeting.
26.6	Each Member of the Association present in person or by proxy and eligible to vote at the Annual General Meeting may vote for one candidate for each vacant position on the Committee.
26.7	The ballot must be conducted in a manner determined from time to time by resolution at a General Meeting and recorded in the By-laws.
26.8	If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and may be filled by the new Committee in accordance with this Constitution as in S. 24.3
26.9	The members chosen by ballot must be declared by the Chair to be duly elected as members of the Committee.
26.10	A person who is eligible for election or re-election under this section may: <ul style="list-style-type: none"> a) propose or second himself or herself for election or re-election; and b) vote for himself or herself.
26.11	A person elected to any office shall have any nominations they may have made to any other office withdrawn from consideration.

26.12	The Secretary shall serve as the Association's Public Officer.
26.13	Unless otherwise disqualified, each Office-bearer of the Association shall hold office until the conclusion of the Annual General Meeting next after the date of his or her election but is eligible for re-election.
26.14	In the event of a casual vacancy in any office referred to in S 26.1, the Committee may appoint one of its members to the vacant office and the member appointed may continue in office until the conclusion of the Annual General Meeting next following the date of the appointment.
26.15	Retiring Office-bearers may stand for re-election, but must not serve in the same office for more than three consecutive terms.
26.16	Except where prescribed in the Act, the duties of the Office-bearers shall be as laid down in the By-laws.
26.17	No person shall hold more than one office at the same time.
27. VACANCIES ON THE COMMITTEE	
27.1	An Office-bearer's position, or that of an ordinary member of the Committee, becomes vacant if the Office-bearer or Member – <ul style="list-style-type: none"> a) ceases to be a Member of the Association; or b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his or her creditors or makes an assignment of his or her estate for their benefit; or c) resigns from office by notice in writing to the Secretary; or d) is removed from office under S. 35; or e) becomes a represented person within the meaning of the Guardianship and Administration Act; or f) is disqualified from office under the Act; or g) is absent without the consent of the Committee from all meetings of the Committee held during a period of six months; or h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than three months; or i) ceases to reside in Australia.
27.2	A member of the Committee may resign from the Committee by giving written notice of resignation to the Secretary.
27.3	The resignation takes effect at – <ul style="list-style-type: none"> a) the time the notice is received by the Secretary; or b) if a later time is stated in the notice, the later time.
27.4	The continuing members of the Committee may act despite a casual vacancy on the Committee.
27.5	However, if the number of Committee members is less than the number fixed under S. 30.1 as a quorum of the Committee, the continuing members may act only to – <ul style="list-style-type: none"> a) increase the number of Committee members to the number required for a

	<p>quorum; or</p> <p>b) call a general meeting of the Association.</p>
28. MEETINGS OF THE COMMITTEE	
28.1	Subject to the other provisions of this Constitution, the Committee may meet and conduct its proceedings in accordance with standing orders laid down in the By-laws.
28.2	The Committee may hold meetings, or permit members of the Committee to participate in its meetings, by using any technology that allows members to clearly and simultaneously communicate with each other participating member.
28.3	The Committee must meet at least three times in each year at such place and such times as the Committee may determine.
28.4	Additional meetings of the Committee may be convened by the Chair or by at least one-third of the members of the Committee.
28.5	If the Secretary receives a written request signed by at least one-third of the members of the Committee, the Secretary must call a meeting of the Committee by giving each member of the Committee notice of the meeting within seven days after the Secretary receives the request.
28.6	If the Secretary is unable or unwilling to call the meeting, the Chair must call the meeting.
28.7	A request for a Committee meeting under S. 28.5 must state – <ul style="list-style-type: none"> a) why the meeting is to be called; and b) the business to be conducted at the meeting.
28.8	A notice of a Committee meeting called under S. 28.5 must state – <ul style="list-style-type: none"> a) the date, time and place of the meeting; and b) the business to be conducted at the meeting.
28.9	A meeting of the Committee must be held within 14 days after notice of the meeting is given to the members of the Committee.
28.10	Members of the Association, or members of the public, may attend meetings of the Committee to the extent specified in the By-laws. The Committee may at any time by majority vote <ul style="list-style-type: none"> a) invite a person not a member of the Committee to attend a Committee meeting or any part of a meeting, or b) exclude a person not a member of the Committee from a Committee meeting or any part of a meeting
29. NOTICE OF COMMITTEE MEETINGS	
29.1	Notice of each Committee meeting must be given to each member of the Committee at least five business days before the date of the meeting.
29.2	Written notice of each Committee meeting is to be served on each member of the Committee by – <ul style="list-style-type: none"> a) giving it to the member during business hours at least five business days before the day on which the meeting is to be held; or b) leaving it, during business hours at least five business days before the day on which the meeting is to be held, at the member's postal or residential address, or

	<p>place or address of business or employment last known to the server of the notice; or</p> <p>c) sending it by post to the person's postal or residential address or address of business or employment last known to the server of the notice in sufficient time for it to be delivered to that address in the ordinary course of post at least five business days before the day on which the meeting is to be held; or</p> <p>d) faxing it to the member's fax number at least five business days before the day on which the meeting is to be held; or</p> <p>e) emailing it to the member's email address at least five business days before the day on which the meeting is to be held.</p>
30. QUORUM FOR COMMITTEE MEETINGS	
30.1	One-half of the number of Committee members plus one (rounded up to the nearest whole number) constitutes a quorum for the conduct of the business of a meeting of the Committee.
30.2	A Committee member who participates in the meeting as described in S. 28.2 is taken to be present at the meeting.
30.3	No business may be conducted unless a quorum is present.
30.4	If, within half an hour of the time appointed for the Committee meeting, a quorum is not present, the meeting shall stand adjourned to the same place and the same time and day in the following week.
31. PRESIDING AT COMMITTEE MEETINGS	
31.1	<p>At meetings of the Committee –</p> <p>a) the President or, in the President's absence, the Vice-President presides as Chair; or</p> <p>b) if the President and the Vice-President are absent, or are unable to, or decline to, preside, the members present must choose one of their number to preside.</p>
32. VOTING AT COMMITTEE MEETINGS	
32.1	Questions arising at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee, shall be determined by a majority of votes on a show of hands or, if a member requests, by a ballot taken in such manner as the person presiding at that meeting may determine.
32.2	Each Committee member present at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee (including the person presiding at the meeting), is entitled to one vote, except that the Chair of the meeting shall have a deliberative vote and a casting vote in the event of an equality of votes.
32.3	Any act done, or purporting to have been done, by the Committee or by a sub-committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.
33. CIRCULATING RESOLUTIONS	
33.1	The Committee may pass a valid resolution without a Committee meeting being held if a majority of the Committee members entitled to vote on the resolution cast their vote either in favour of or against that motion.

	Voting intention must be provided in writing (this may include a facsimile transmission, text message from a mobile phone registered for that Committee member with the Secretary or an email from the email account registered for that Committee member with the Secretary). If no majority decision is possible, the resolution lapses.
33.2	<p>Committee members who do not support the resolution must indicate this on the document and sign as above.</p> <p>Separate copies of a document may be used for signing by Committee members if the wording of the resolution and statement is identical in each copy.</p> <p>Hard copies showing the voting intentions of every Committee member who has voted on the resolution must be kept with the Association's minutes.</p>
33.3	<p>A circulating resolution is deemed to have passed on the day and time when the document was signed by the member whose signature achieves a majority.</p> <p>Every resolution passed must be entered in the minutes of the next meeting of the Committee as soon as practicable.</p>
34. DISCLOSURE OF INTEREST	
34.1	A Committee member who has a material personal interest in a contract, or proposed contract, made by, or in the contemplation of, the Association must disclose the nature and extent of the interest to the Committee in accordance with Section 210c of the Act.
34.2	A Committee member having a material personal interest in a matter that is being considered at a Committee meeting must not be present for any deliberations and must not vote on any motion of the Committee with respect to that matter.
34.3	<p>S. 34.1 and 34.2 do not apply where</p> <ul style="list-style-type: none"> a) that material personal interest exists only by virtue of the fact that the member of the Committee is a member of a category of persons for whose benefit the Association is established; or b) that material personal interest exists only by virtue of the fact that the member of the Committee is an employee of the Association; or c) the member of the Committee has that material personal interest in common with all or a substantial proportion of the members of the incorporated association.
34.4	If there are not enough Committee members to form a quorum to consider a matter because of S. 34.2, one or more Committee members (including those who have a material personal interest in the matter) may call a Special General Meeting and the Special General Meeting may pass a resolution to deal with the matter.
34.5	The Secretary must record the disclosure in the minutes of the meeting of the Committee at which it is made.
34.6	The Chair must ensure a Committee member who has a direct or indirect material personal interest in a contract, or proposed contract, complies with the Act.
34.7	If, at a meeting of the Committee or a sub-committee, a member of the Committee or sub-committee votes in respect of any matter in which the member has a material personal interest, that vote is not to be counted.
35. REMOVAL OF COMMITTEE MEMBER	
35.1	The Association in a General Meeting may as it sees fit, by resolution, remove any member of the Committee before the expiration of the member's term of office and appoint another person/member of the Association in his or her place to hold office until the

	expiration of the term of the first-mentioned member.
35.2	A Committee member has no right of appeal against the member's removal from office under this rule.
35.3	A member who is the subject of a proposed resolution referred to in S.35.1 may make representations in writing to the Secretary or Chair of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
35.4	The Secretary or the Chair may give a copy of the representations to each member of the Association or, if they are not so given, the member is entitled to require that they be read out at the meeting.
36. MINUTES OF MEETINGS	
36.1	The Secretary of the Association must keep proper minutes of the resolutions and proceedings of each General Meeting, and each Committee meeting, and a record of the names of persons present at Committee meetings, and must enter these within one month after the relevant meeting in minute books kept for the purpose.
36.2	The minutes kept pursuant to this rule must be confirmed by a resolution passed by the members of the Association or the members of the Committee (as applicable) at a subsequent meeting.
36.3	The Chair must ensure that the minutes taken of a General Meeting or Committee meeting under S. 36 are checked and signed as correct by the Chair of the meeting to which those minutes relate, or by the Chair of the next succeeding General Meeting or Committee meeting, as the case requires.
36.4	When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that – <ul style="list-style-type: none"> a) the General Meeting or Committee meeting to which they relate was duly convened and held; b) all proceedings recorded as having taken place at the meeting did in fact take place at that meeting; and c) all appointments or elections purporting to have been made at that meeting have been validly made.
36.5	If asked by a member of the Association, the Secretary must, within 14 days after the request is made – <ul style="list-style-type: none"> a) make the minute book for a particular General Meeting available for inspection by the member at a mutually agreed time and place; and b) give the member copies of the minutes of the meeting.
36.6	The Association may require the member to pay the reasonable costs of providing copies of the minutes.
37. SUB-COMMITTEES	
37.1	The Committee may, in writing, delegate to one or more sub-committees the exercise of specified functions of the Committee, other than – <ul style="list-style-type: none"> a) this power of delegation; and b) any function imposed on the Committee by the Act, by any other applicable law, or by resolution of the Association in General Meeting.

37.2	The Committee may co-opt any person as a member of any sub-committee, whether or not the person is a member of the Association. That person shall have no vote either on the sub-committee or at any General Meeting.
37.3	A delegation under this section may be made subject to any conditions or limitations that the Committee imposes.
37.4	Despite any delegation under this section, the Committee may continue to exercise any function delegated.
37.5	Any act done by a sub-committee acting in the exercise of a delegation under this section has the same effect as it would have if it had been done by the Committee.
37.6	The Committee may, in writing, revoke wholly or in part any delegation under this section.
37.7	Subject to any directions from the Committee, any sub-committee may meet and adjourn as it considers appropriate.
37.8	Subject to any directions from the Committee, a sub-committee may elect a Chair of its meetings.
37.9	A question arising at a sub-committee meeting is to be decided by a majority vote of the members present at the meeting, except that in the event of an equality of votes the Chair of the meeting shall have both a deliberative vote and a casting vote.
38.	EXECUTIVE COMMITTEE
38.1	The President, the Vice-President, the Treasurer and the Secretary constitute the Executive Committee.
38.2	During the period between meetings of the Committee, the Executive Committee may issue instructions to the Public Officer and servants of the Association in matters of urgency connected with the management of the affairs of the Association.
38.3	The Executive Committee is to report on any instructions issued under S 38.2 to the next meeting of the Committee.
39.	INCOME AND PROPERTY OF THE ASSOCIATION
39.1	No portion of the income or property of the Association is to be paid or transferred to any member of the Association unless the payment or transfer is made in accordance with this rule.
39.2	The Association may – <ul style="list-style-type: none"> a) pay a servant or member of the Association – b) remuneration in return for services rendered to the Association, or for goods supplied to the Association, in the ordinary course of business of the servant or member; or c) remuneration that constitutes a reimbursement for out-of-pocket expenses incurred by the servant or member for any of the objects or purposes of the Association; or d) interest at a reasonable rate on money lent to the Association by the servant or member; or e) a reasonable amount by way of rent for premises, or a part of premises, let to the Association by the servant or member; and f) pay a member of the Committee remuneration in return for carrying out the

	<p>functions of a member of the Committee; and</p> <p>g) pay a member of a sub-committee remuneration in return for carrying out the functions of a member of the sub-committee; and</p> <p>h) if so requested by or on behalf of any other association, organisation or body, appoint or nominate a member of the Association to an office in that other association, organisation or body.</p>
39.3	Despite S. 39.2 (a), (b) and (c), the Association is not to pay a person any amount under that Section unless the Association or Committee has first approved that payment.
39.4	<p>Despite S 39.2 (d), the Association is not to appoint or nominate a member of the Association under that sub-Section to an office in respect of which remuneration is payable unless the Association or Committee has first approved –</p> <p>a) that appointment or nomination; and</p> <p>b) the receipt of that remuneration by that member.</p>
40. FUNDS	
40.1	The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
40.2	<p>The Treasurer of the Association must –</p> <p>a) collect and receive all moneys due to the Association and make all payments authorised by the Association; and</p> <p>b) 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.</p> <p>c) The Treasurer may delegate the execution of these duties to any suitable person but must retain responsibility for their performance.</p>
40.3	All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's financial institution account.
40.4	The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.
40.5	A payment is not to be drawn on the Association's account except for the purpose of making a payment that has been authorised by the Committee.
40.6	Except with the authority of the Committee, a payment of an amount exceeding that laid down in the By-laws is not to be made from the funds of the Association otherwise than by cheque drawn on the Association's account or by electronic funds transfer from the Association's account.
40.7	Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed 'not negotiable'.
40.8	<p>All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of an amount exceeding that laid down in the By-laws must be signed by two members of the Committee authorised to do so by the Committee.</p> <p>All electronic banking procedures must also be approved by two members of the Committee authorised to do so by the Committee.</p>
40.9	With the approval of the Committee, the Treasurer may maintain a petty cash account system provided that all money paid from or into the petty cash account is accurately

	recorded at the time of the transaction, subject to any conditions the Committee may impose.
40.10	The funds of the Association shall be derived from joining fees, annual subscriptions, donations and, subject to any resolution passed by the Association in General Meeting and subject to the Act, such other sources as the Committee determines.
40.11	All expenditure must be approved by or ratified by the Committee.
41. AUDITOR	
41.1	At each Annual General Meeting, the members of the Association present at the meeting are to appoint a person meeting the requirements of the Act as the auditor of the Association.
41.2	If an auditor is not appointed at an Annual General Meeting under S. 41.1, the Committee is to appoint a person as the auditor of the Association as soon as practicable after that Annual General Meeting.
41.3	The auditor is to hold the appointment as auditor until the next Annual General Meeting and is eligible for re-appointment.
41.4	Except as provided in S.41.5, the auditor, once appointed, may only be removed from office by a special resolution at a General Meeting.
41.5	If a casual vacancy occurs in the appointment of auditor, the Committee is to appoint a person to fill the vacancy until the next Annual General Meeting.
42. AUDIT OF ACCOUNTS	
42.1	The auditor is to audit the financial affairs of the Association at least once in each financial year of the Association.
42.2	The auditor, after auditing the financial affairs of the Association for a particular financial year of the Association, is to – <ul style="list-style-type: none"> a) certify as to the correctness of the accounts of the Association; and b) at the next Annual General Meeting, provide a written report to the members of the Association present at that meeting.
42.3	In the report and in certifying to the accounts, the auditor is to – <ul style="list-style-type: none"> a) specify the information, if any, that he or she has required and obtained under S.42.5; and b) state whether, in his or her opinion, the accounts exhibit a true and correct view of the financial position of the Association according to the information at his or her disposal; and c) state whether the rules relating to the administration of the funds of the Association have been observed.
42.4	The Treasurer of the Association is to deliver to the auditor a list of all the accounting records, books and accounts of the Association.
42.5	The auditor may – <ul style="list-style-type: none"> a) have access to the accounting records, books and accounts of the Association; and b) require from any servant of the Association any information the auditor considers necessary for the performance of his or her duties; and

	<ul style="list-style-type: none"> c) employ any person to assist in auditing the financial affairs of the Association; and d) examine any member of the Committee, or any servant of the Association, in relation to the accounting records, books and accounts of the Association.
43. BY-LAWS	
43.1	The Committee may make, amend or repeal By-laws, not inconsistent with this Constitution, for the internal management of the Association.
43.2	By-laws must be made available in writing to members on request, and must be posted on the Association's website.
43.3	Any By-law may be set aside by a vote of members at a General Meeting of the Association.
44. COMMON SEAL	
44.1	The Association will not operate with a Common Seal.
45. EXECUTION OF CONTRACT OR OTHER DOCUMENT BY SIGNATURE	
45.1	The Association may execute a contract or other document if the contract or document is signed by two members of the Committee.
46. NOTICE TO MEMBERS	
46.1	<p>Any notice that is required to be given to a member, by or on behalf of the Association, under this Constitution may be given by –</p> <ul style="list-style-type: none"> a) delivering the notice to the member personally; or b) sending it by pre-paid post addressed to the member at that member's address shown in the Register of Members; or c) facsimile transmission; or d) electronic transmission.
46.2	<p>The Committee shall decide in which of the methods above the notice must be given.</p> <p>However, notice of the following meetings must be given in writing –</p> <ul style="list-style-type: none"> a) a meeting called to hear and decide the appeal against the Committee's decision – b) to reject an application for membership of the Association; or c) to terminate a member's membership of the Association; d) a meeting called to hear and decide a proposed special resolution of the Association.
47. CUSTODY AND INSPECTION OF BOOKS AND RECORDS	
47.1	<p>Except as otherwise provided in this Constitution, the Secretary must keep in their custody or under their control</p> <ul style="list-style-type: none"> a) records and other documents of the Association; and b) this Constitution; and c) minutes of all Committee meetings and general meetings of the Association.

47.2	<p>If requested to do so by a member, the Association must permit the member or their representative at a reasonable time to inspect –</p> <ul style="list-style-type: none"> a) the Constitution and By-laws of the Association; b) minutes of general meetings of the Association c) at the main premises of the Association, or d) if the Association has no premises, at the Association’s official address.
47.3	<p>The Association must give a member of the Association a copy of anything referred to in S 47.2 within seven days if –</p> <ul style="list-style-type: none"> a) the member asks for the copy; and b) pays the fee (if any) prescribed in the By-laws.
47.4	<p>The Secretary must post on the Association’s website</p> <ul style="list-style-type: none"> a) the Constitution and By-laws of the Association; b) minutes of general meetings of the Association
47.5	<p>Any Office-bearer vacating their office must return to the premises of the Association within 14 days any records held by the Office-bearer other than on those premises.</p>
<p>48. WINDING UP</p>	
48.1	<p>At the first General Meeting of the Association after the adoption of this Constitution the Association must pass a special resolution nominating –</p> <ul style="list-style-type: none"> a) another association; or b) a fund, authority or institution; c) in which it is to vest its surplus property in the event of the dissolution or winding up of the association, being a body d) which has similar objects, e) which is not carried out for the purposes of profit or gain to its individual members, f) which is incorporated under the Act g) and which fulfils the requirements specified in the Act.
48.2	<p>At any subsequent General Meeting the Association may amend that resolution to substitute another body meeting the same criteria.</p>
48.3	<p>In the event of the dissolution or winding up of the Association the surplus property must be given or transferred in accordance with the provisions of the Act to that body specified in Ss. 48.1 or 48.2.</p>

Appendix 1

Aberfeldie Baptist Netball Club Inc.

Our Lady of Nativity Netball Inc.

St John's Uniting Church Netball Club Inc.

St Monica's Netball Club Inc.

St Peters Netball Inc.

St Therese's Parish Netball Club Inc.

St Vincent de Paul Netball Club Inc.

Essendon Netball Club Inc.