

Hastings Valley Netball Association

# Constitution

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# 1. General

## 1.1. Definitions

For the purposes of this Constitution:

**'Affiliated Club'** means any club (comprising one or more teams) which has paid the prescribed annual affiliation fee to the Association.

**'AGM'** means Annual General Meeting.

**'Annual Report'** means the report provided annually by the Association at the Annual General Meeting.

**'Association'** means the Hastings Valley Netball Association Inc.

**'Chairperson'** means the elected President of the Association or as otherwise required by clause 4.1.1 of this Constitution.

**'Club Delegate'** means a duly appointed representative of an Affiliated Club of the Association.

**'Council'** means those members appointed in accordance with clause 5.1.1 of this Constitution.

**'Executive Committee'** are those members elected in accordance with clause 4.2.7 of this Constitution.

**'HVNA'** means Hastings Valley Netball Association.

**'Instrument'** means any document pertaining to the governance of the Association, and includes, but is not limited to, this Constitution, and the associated policies of the Association.

**'Life Member'** means any member of the Association elected to such membership in accordance with clause 3.2 of this Constitution.

**'MO'** means the Membership Organisation, which is inclusive of HVNA, and its affiliated clubs.

**'Member Protection Policy' or 'MPP'** means the Netball Australia Member Protection Policy, which falls under the Netball Australia Integrity Policy Framework

**'NA'** means Netball Australia Limited.

**'Netball NSW'** or **'NNSW'** means the controlling body for Netball in New South Wales.

**'Non Member Person'** means: a) any parent or guardian of a Relevant Person; and/or b) any person attending or associated with an Activity.

**'Office Bearer'** means a person elected in an Executive Committee Position.

**'President'** means the person elected to the position under clause 4.2.7 of this Constitution.

**'Public Officer'** means the person appointed to that role by the Association in accordance with relevant policy.

**'Registered Member'** means any financial member or life member registered with HVNA.

**'Secretary'** means the person elected to the position under clause 4.2.7 of this Constitution.

**'Senior Member'** means a Registered Member who has attained the age of 18 years.

**'The Office Bearer of the Association' or 'Office Bearer'** means the members of the Executive Committee

**'Vice President'** means the person elected to the position under clause 4.2.7 of this Constitution.

## **1.2. Interpretation**

- 1.2.1. Where this Constitution conflicts with any other instrument of the Association, this Constitution shall prevail.
- 1.2.2. Where ambiguity exists between this Constitution and any other instrument of the Association, the natural interpretation of the Constitution shall prevail.
- 1.2.3. The Council shall hold the power to deal with and adjudicate upon all questions and disputes as to the interpretation of the Constitution, rules and associated policies.

## **1.3. Title**

The name of the Association shall be the Hastings Valley Netball Association Inc.

## **1.4. Type of Organisation**

The Association is a 'non for profit' organisation whose income and property is applied solely towards the promotion of the objectives of the association. No funds or funds shall be paid or transferred directly by way of dividend or bonus or by way of profit to or amongst members.

## **1.5. Colours**

The Association's colours will be Black, Sky Blue and White

## **1.6. Association Location**

The Association office and facilities are located at Macquarie Park, Grant Street, Port Macquarie NSW 2444

## **1.7. Boundaries**

The Association's boundaries are those as defined by the Association, namely by Port Macquarie Hastings Council Area (see Appendix 8.1) and as reviewed from time to time.

## **1.8. Objectives**

The objectives of the Association are:

- 1.8.1. To further the interests of its members and promote and control the game of Netball within the boundaries of the Association
- 1.8.2. To promote, regulate and control competition matches between Affiliated Clubs and to control all premierships and carnivals of the Association
- 1.8.3. To select and manage the Association's representative teams
- 1.8.4. To support and promote the objectives of Netball NSW.
- 1.8.5. To cooperate with other affiliated organisations in NSW for the furtherance of Netball
- 1.8.6. Adopt and adhere to the NNSW Policies and NA Integrity Policy Framework

## **1.9. Patron**

The Association Executive Committee may from time to time appoint one or more patrons and may also cancel any such appointment.

## **2. Affiliation with Netball NSW**

The Association shall affiliate with Netball NSW annually as required under NNSW Constitution and relevant NNSW policies.

## **3. Membership**

### **3.1. Ordinary Membership**

- 3.1.1. The Association is the controlling body for netball within its boundaries and its authority shall be recognised by all registered members, life members, and non member persons who shall adopt and obey this constitution and policies of the Association.
- 3.1.2. The Association may admit to membership, registered members as defined by the constitution or any other relevant policy of Netball NSW.
- 3.1.3. A person ceases to be a Registered Member of the Association if the person:
  - 3.1.3.1. Dies

- 3.1.3.2. Ceases to be financial under 3.3.2
- 3.1.3.3. Is expelled from the Association in accordance with the Association, NNSW Member Protection Policy and NA Integrity Framework

3.1.4. The Executive Committee may reject any application for membership.

## **3.2. Life Membership**

- 3.2.1. Any person may be elected a Life Member of the Association in recognition of outstanding service to the Association for such period of service as the council seems appropriate.
- 3.2.2. Candidates for election as Life Members of the Association shall be nominated by two senior members of the Association and to be received by 30th November of the preceding year of the AGM, before the meeting at which such nomination will be considered.
- 3.2.3. Candidates must be at least 18 years of age, to be eligible for their nomination to be accepted.
- 3.2.4. Candidates name(s) are to be circulated to members of the Executive Committee of HVNA, Life Members and Affiliated Clubs.
- 3.2.5. Voting is restricted to the Executive Committee of HVNA, Life Members and two delegates from each affiliated club [who will be registered members of the applicable affiliated club]. The Vote must be carried by a two-third party majority.
- 3.2.6. Council may, by resolution from time to time, fix the maximum number of persons who may at any time hold life membership.
- 3.2.7. A Life Member shall be entitled to attend all Council, Special Council, Annual General and any other Council Meetings and shall have full voting rights; provided they are a registered member of the association.
- 3.2.8. A person ceases to be a Life Member of the Association if the person:
  - 3.2.8.1. Dies



- 3.2.8.2. Is expelled from the Association in accordance with the Association, NNSW Member Protection Policy and NA Integrity Framework

### **3.3. Membership Fees & Miscellaneous Fees**

- 3.3.1. All registered members of the Association will be financial members between 1 January and 31 December of the year in relation to which membership is paid.
- 3.3.2. A registered Member ceases to be financial if they:
  - 3.3.2.1. Fail to renew their membership
  - 3.3.2.2. Fail to pay the association money they own to the association within the required timeframe.
- 3.3.3. The fees, levies and other charges to be paid by members shall be determined by resolution of Council at its Council Meeting in November the year prior.

### **3.4. Register of Members**

- 3.4.1. The Secretary of the Association may also hold the position of Public Officer for the Association.
- 3.4.2. The Association shall establish and maintain a register of members of the Association specifying the name and address of each person who is a registered member of the Association, together with the date of which the person became a registered member.
- 3.4.3. The register of members shall be kept at the principal place of administration of the Association and shall be open for inspection by any registered member of the Association at any reasonable hour, however such inspection shall be limited to viewing of the names of registered members only.

### **3.5. Members' Liability**

The liability of a Registered Member of the Association to contribute towards the payment of 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 in respect of membership of the Association.

### **3.6. Affiliation of Clubs**

- 3.6.1. In order to become affiliated with the Association, clubs must:
  - 3.6.1.1. Have a minimum of three (3) elected office bearers consisting of: President, Secretary and Treasurer
  - 3.6.1.2. Consist of two (2) or more teams comprising of registered members .
  - 3.6.1.3. Pay an annual affiliation fee to HVNA as determined by the Council at the Annual General Meeting each year.

### **3.7. Club Delegates**

- 3.7.1. Affiliated clubs shall each have the right to nominate four (4) Club Delegates to the Council. Club Delegates must be registered members of the relevant club.
- 3.7.2. The Secretary of each Affiliated Club shall notify the Association's Secretary of the names and addresses of Club Delegates at least seven (7) days prior to the first meeting of the Council each year.
- 3.7.3. An Affiliated Club has the right to withdraw a Club Delegate and appoint another Club Delegate in their place at any time.
- 3.7.4. A Vacancy shall be deemed to have occurred in respect of any Club Delegate who has, without leave of Council, failed to attend three consecutive Council Meetings.
- 3.7.5. Any such vacancy shall be filled by a nominee of the Affiliated Club whose Club delegate has caused the vacancy.
- 3.7.6. Where an Affiliated Club does not have the required number of Club Delegated in attendance at any meeting of Council, that club will be liable to a fine which will be set by Council from time to time.

- 3.7.7. At each meeting, all Club Delegates present shall sign an attendance book and shall state the club that they represent at that meeting.
- 3.7.8. A Club Delegate may represent only one club at any meeting.
- 3.7.9. A Club Delegate must be a Senior Member.

## **4. Meetings**

### **4.1. General Procedure**

- 4.1.1. The President shall take the chair at all meetings of the Council and/or Executive Committee. In the President's absence, the chair shall be taken by the Senior or Junior Vice President.
- 4.1.2. If neither President, nor Senior Vice President, nor Junior Vice President is present thirty minutes of the time fixed for the commencement of the meeting, the members present shall elect a Chairperson.
- 4.1.3. A quorum for ordinary Council meetings shall consist of half the total numbers of Associations Executive Committee members plus one, and Club Delegates representing at least two thirds ( $\frac{2}{3}$ ) of the Affiliated Clubs.
- 4.1.4. A quorum for Executive Meetings shall consist of half the total number of the Executive Committee Members plus one.
- 4.1.5. If no quorum is present thirty minutes after the time fixed for the commencement of a meeting, it shall be adjourned to such time and place as the Chairperson shall decide. The Secretary shall give written notice thereof to each Office Bearer, Life Member and to the Secretary of each Affiliated Club.
- 4.1.6. The accidental omission to give any member the required notice shall not invalidate a meeting or any business of the meeting.
- 4.1.7. Questions arising at any meeting are to be determined by a simple majority of votes cast by eligible members. Voting shall be restricted to Executive Office Bearers, General Committee Members, Life Members, and two (2) nominated Club Delegates from each Affiliated Club.

- 4.1.7.1. Where a general committee position as outlined in 4.2.8 is held in a secondary manner by an Executive Office Bearer as per 4.2.17, they are only entitled to one vote as an Executive Office Bearer.
- 4.1.7.2. Positions as outlined in 4.2.9 are not entitled to vote at council meetings.
- 4.1.8. Votes shall be taken in such a manner as the Chairperson shall direct. The exception to this, being if a member requests a secret ballot, this shall be undertaken.
- 4.1.9. In the case of equality of votes, the President (or person otherwise presiding) shall, in addition, have a casting vote.
- 4.1.10. There shall be no voting by proxy at any meeting of the Association.
- 4.1.11. Meetings may be held in any of the following formats if required by members:
  - 4.1.11.1. Face to Face, In person
  - 4.1.11.2. Digitally (virtual meeting platform)
  - 4.1.11.3. Hybrid (both in person and digital attendees)

## **4.2. Annual General Meeting**

- 4.2.1. An Annual General Meeting of the Association shall be held on the third (3rd) Tuesday of March each year.
- 4.2.2. All Registered Members may attend, but voting shall be restricted to outgoing Executive Office Bearers, outgoing General Committee Members, Life Members, and two (2) nominated Club Delegates from each Affiliated Club.
  - 4.2.2.1. Where a general committee position as outlined in 4.2.8 is held in a secondary manner by an Executive Office Bearer as per 4.2.17, they are only entitled to one vote as an outgoing Executive Office Bearer.
  - 4.2.2.2. Positions as outlined in 4.2.9 are not entitled to a vote at an AGM

- 4.2.3. Not less than twenty one (21) days notice of the AGM shall be given each to Office Bearer, Life Members, and the Secretary of each Affiliated Club.
- 4.2.4. A copy of the Associations' Annual Report and the audited balance sheet shall accompany such notice.
- 4.2.5. A Quorum for an AGM shall consist of half the total number of the Association's Executive Committee members plus one, and at least two thirds ( $\frac{2}{3}$ ) of the Affiliated Club Delegates.
- 4.2.6. The Business of the AGM shall be:
  - 4.2.6.1. Confirmation of the minutes of the previous AGM
  - 4.2.6.2. Consideration and adoption of the Annual Report and audited balance sheet
  - 4.2.6.3. Appointment of an auditor for the following year
  - 4.2.6.4. Such business as the meeting thinks fit
  - 4.2.6.5. Election of Office Bearers
  - 4.2.6.6. Election of Positions as per 4.2.8 and 4.2.9
  - 4.2.6.7. Election of Sub Committees
- 4.2.7. The following Office Bearers shall be elected and shall form the Executive Committee:
  - 4.2.7.1. President
  - 4.2.7.2. Senior Vice President (Representative Co-Ordinator)
  - 4.2.7.3. Junior Vice President (Representative Co-Ordinator)
  - 4.2.7.4. Secretary
  - 4.2.7.5. Treasurer
  - 4.2.7.6. Umpires Convenor
  - 4.2.7.7. Coaches Convenor
  - 4.2.7.8. Senior Registrar
  - 4.2.7.9. Junior Registrar
  - 4.2.7.10. Minute Secretary
- 4.2.8. The following general committee members shall be elected each year:
  - 4.2.8.1. Wednesday Night Competition Coordinator
  - 4.2.8.2. NetSetGo Coordinator (Net Program Coordinator)
  - 4.2.8.3. Publicity Officer

4.2.9. The following positions shall be elected.

4.2.9.1. Complaints Investigation Manager

4.2.9.2. Canteen Coordinator

4.2.10. The following sub-committees shall be elected each year:

4.2.10.1. Grading

4.2.10.2. Representative Selection

4.2.10.3. Umpires

4.2.10.4. Canteen

4.2.10.5. Carnival

4.2.10.6. Coaching

4.2.11. Nominations for election from affiliated clubs, signed by two senior members and with the written consent of the nominee shall be lodged with the Returning Officer or Association Secretary at least twenty eight (28) days prior to the meeting at which the elections are to be held.

4.2.12. Qualifications should accompany each nomination where required.

4.2.13. To be eligible for nomination as an Office Bearer, a nominee must be a registered member of both NSW and HVNA.

4.2.14. Current Office Bearers shall be eligible for re-election.

4.2.15. The President of the Association shall not hold the position of President of an Affiliated Club.

4.2.16. No person shall be elected into more than one Executive Office Bearer position.

4.2.17. Positions specified under 4.2.8 and 4.2.9 may be held as a secondary position to a member already in an elected Executive Office Bearer position.

4.2.18. Office Bearers elected at the AGM shall assume office at the conclusion of the AGM and shall hold office for the ensuing year, unless they are removed or resign in the interim.

4.2.19. An Office Bearer may resign their position by providing written notice of their intention to do so to the Association Secretary. The Council shall, at the next meeting, by resolution appoint a

replacement to hold the position for the remainder of the resigned person's term of office.

4.2.20. An AGM is to be held in a face to face, in person capacity.

4.2.20.1. In the event of severe weather or other exceptional event the format may be changed to an either fully digital or hybrid format.

### **4.3. Special Council Meetings**

4.3.1. Special Council Meeting shall be called by the Secretary:

4.3.1.1. At the direction of the President

4.3.1.2. Upon receipt of a requisition signed by no less than one-third of the members of Council.

4.3.2. All Registered Members may attend, but voting shall be restricted to Executive Office Bearers, Life Members, and two (2) nominated Club Delegates from each Affiliated Club.

4.3.3. Not less than twenty one (21) days notice shall be given each to Executive Office Bearer, Life Members, and the Secretary of each Affiliated Club, specifying the time and location of the Special Council Meeting and the nature of the business to be considered.

4.3.4. A quorum for a Special Council Meeting shall consist of half the total number of the Association's Executive Committee members plus one, and Club Delegates representing at least two thirds ( $\frac{2}{3}$ ) of the Affiliated Clubs.

4.3.5. Special Council Meetings may be held in any of the following formats if required by members:

4.3.5.1. Face to Face, In person

4.3.5.2. Digitally (virtual meeting platform)

4.3.5.3. Hybrid (both in person and digital attendees)

## **5. Organisational Structure**

### **5.1. Council**

- 5.1.1. The Council shall consist of:
  - 5.1.1.1. The Office Bearers of the Association
  - 5.1.1.2. Life Members
  - 5.1.1.3. Two (2) delegates from each Affiliated Club as per 3.71.
- 5.1.2. The Council shall meet at least six (6) times per year on dates to be fixed by the Council.
- 5.1.3. Not less than seven (7) days written notice shall be given specifying the time and place of the meeting of Council, and any special business to be dealt with.
- 5.1.4. Order of Business at Council Meeting shall be:
  - 5.1.4.1. Apologies
  - 5.1.4.2. Confirmation of Minutes
  - 5.1.4.3. Business Arising from Previous Minutes
  - 5.1.4.4. Correspondence and Business Arising
  - 5.1.4.5. Reports
    - 5.1.4.5.1. Executive Committee Reports
    - 5.1.4.5.2. Other Office Bearers Reports
    - 5.1.4.5.3. Sub-Committees
    - 5.1.4.5.4. Affiliated Clubs
    - 5.1.4.5.5. Delegates to other organisations
    - 5.1.4.5.6. Any other reports
  - 5.1.4.6. General business
- 5.1.5. Association delegates to other organisations are to submit a report to the Secretary of all meetings/functions attended on behalf of the Association within twenty eight (28) days of the meeting/function.

### **5.2. Powers of Council**

The Council shall be responsible for the execution of the objectives of the Association and without in any way limiting this responsibility, have the power:



- 5.2.1. To control and manage the affairs of the Association.
- 5.2.2. To fix fees payable by the members and to enforce the payment thereof.
- 5.2.3. To control the funds of the Association and for that purpose:
  - 5.2.3.1. to operate banking accounts;
  - 5.2.3.2. to invest in funds in any manner authorised by law for the investment of trust funds;
  - 5.2.3.3. to acquire real and personal property of all descriptions and to sell or otherwise dispose of it;
  - 5.2.3.4. to borrow money on behalf of the Association and to give security therefore;
  - 5.2.3.5. to enter into guarantees of indebtedness on behalf of any Affiliated Club; and generally,
  - 5.2.3.6. to carry out and attend to all such matters as shall be necessary for the proper management and control of the property of the Association
- 5.2.4. To empower the Executive Committee to take action in accordance with the NA Integrity Policy Framework and/or relevant Association policies against any Affiliated Club, Registered Member or Non Member Person
- 5.2.5. To appoint two (2) delegates and two (2) proxy delegates to represent the association on the Council of NNSW
- 5.2.6. To appoint any delegate/s to represent the Association for any purpose which such powers as may be thought fit

### **5.3. Income and Property**

- 5.3.1. Application. The Association's income and property must be applied solely towards promoting the Objectives and the Association's income must not be applied for the profit or gain of its individual members.
- 5.3.2. No Distribution. No part of the Association's income or property may be paid, transferred or distributed, directly or indirectly, by

way of dividend, bonus, fee or otherwise to any of the Members of the Association.

- 5.3.3. Exception. This clause does not prohibit making a payment approved by the Council of the Association for out-of-pocket expenses incurred by an Office Bearer in performing a duty as an Office Bearer of the Association.

## **5.4. Executive Committee**

- 5.4.1. The Executive Committee shall consist of the following voting members:

- 5.4.1.1. President
- 5.4.1.2. Senior Vice President (Representative Co-Ordinator)
- 5.4.1.3. Junior Vice President (Representative Co-Ordinator)
- 5.4.1.4. Secretary
- 5.4.1.5. Treasurer
- 5.4.1.6. Umpires Convenor
- 5.4.1.7. Coaches Convenor
- 5.4.1.8. Senior Registrar
- 5.4.1.9. Junior Registrar
- 5.4.1.10. Minute Secretary

- 5.4.2. Regular Executive Committee meetings shall be held on dates determined by the Executive Committee at the first Executive Committee meeting after the AGM.
- 5.4.3. Should it be necessary to call additional meetings, all Executive Committee members shall be notified at least forty eight (48) hours prior to the meeting being held.
- 5.4.4. Should a quorum of the Executive Committee be present, an emergency meeting may be convened at any time.
- 5.4.5. Any member of the Executive Committee who, without leave of the Executive Committee, has failed to attend three consecutive meetings shall be deemed to have resigned and shall be replaced in accordance with this Constitution.
- 5.4.6. The first duty of a member of the Executive Committee shall be an Association function as opposed to a club function.

## **5.5. Duties of the Executive Committee**

- 5.5.1. The Executive Committee shall exercise the functions and powers of the Council between meetings of the Council and its decisions shall be subject to ratification by the Council at the next meeting.
- 5.5.2. Ensure the presentation of a financial report to all Council Meetings and make recommendations to Council on matters of finance and policy.
- 5.5.3. The Executive Committee is empowered by Council to take appropriate action under the NA Integrity Policy Framework Against any Affiliated Club, Registered Member or Non Member Person. Any actions taken under the NA Integrity Policy Framework is not subject to ratification by the Council.
- 5.5.4. Actions items pertaining to the representative program

## **6. Administration**

### **6.1. Finance**

- 6.1.1. The funds of the Association shall be derived from annual Membership fees, other fees and donations, levies and subject to any resolution passed by the Association in a Council, Special Council or AGM, such other sources as the Executive Committee determines.
- 6.1.2. The main banking account(s) of the Association shall be kept at a financial institution approved by the Council. Any transactions will be signed off by any two of the following: *President, Secretary, Treasurer, Vice President(s)*.
- 6.1.3. The banking account(s) of the Representative Program shall be kept at a financial institution approved by the Council. Any transactions will be signed off by any two of the following: *President, Secretary, Treasurer, Vice President(s)*.
- 6.1.4. The financial year of the Association shall commence on 1 January and conclude on 31 December of each year.
- 6.1.5. The current bank statements shall be tabled at each meeting of Council, together with a written financial report.

- 6.1.6. The books of the Association shall be audited each year by a qualified person who is not a member of the Association.
- 6.1.7. An audited balance sheet shall be presented at each AGM.
- 6.1.8. All NSW fees shall be paid by the due date.

## **6.2. Employees**

- 6.2.1. The Executive Committee may appoint and determine the terms of employment of employees to the Association. An employee shall not be a member of the Association's Executive Committee.
- 6.2.2. Clause 6.2.1 does not exclude HVNA from paying honorariums as decided by the executive committee.

## **6.3. Custody of Books**

Except as otherwise provided by these rules, all records, books and other documents relating to the Association shall be kept under the custody of control of the Secretary.

## **6.4. Inspection of Records**

Any Registered Member may inspect the books of account and minute book of the Association to the extent permitted by law at any reasonable time.

## **6.5. Effect of, and Altering this Constitution**

- 6.5.1. This Constitution will have an effect as a contract:
  - 6.5.1.1. Between the Association and Each Affiliated Club of the Association
  - 6.5.1.2. Between the Association and each Member
  - 6.5.1.3. Between a Member and each other Member
- 6.5.2. Pursuant to which each Member agrees to accept the provisions of this Constitution, and comply with those provisions, so far as they apply to that Member
- 6.5.3. This Constitution may be altered by special resolution passed by at least 75% of the votes cast at any Special General Meeting or

Annual General Meeting of the Association, of which not less than twenty one (21) days written notice specifying the resolution(s) to be proposed has been given.

## **6.6. Dissolution of the Association**

- 6.6.1. The Association shall not be dissolved except by special resolution passed by a majority of at least 75% of the votes cast at a Special Council meeting of the Association of which not less than twenty one (21) days written notice specifying the resolution to be proposed has been given.
- 6.6.2. On dissolution of the Association, any property whatsoever remaining after the determination and settlement of all debts and liabilities, shall be paid or transferred to NNSW to be use for the promotion of Netball within the boundaries of the areas referred in Clause 1.7

## **7. Policies of the Association**

- 7.1. The Association may implement appropriate policies in relation to such matters as they arise for the administration of Netball in the Association.
- 7.2. Where policies pertaining to a specific event or protocol do not exist under HVNA or are not included in HVNA policies, then the NA, NNSW or governing body policy will prevail/take precedence.

# 8. Appendix

## 8.1. Port Macquarie Hastings Council Area

