

MANDURAH

VOLLEYBALL

ASSOCIATION
(INCORPORATED)



MANDURAH
VOLLEYBALL
ASSOCIATION

CONSTITUTION

CONSTITUTION AND RULES OF—

THE MANDURAH VOLLEYBALL ASSOCIATION (INC).

1. NAME

The name of the Association shall be " THE MANDURAH VOLLEYBALL ASSOCIATION (INCORPORATED) ".

2. OBJECTS

The objects of the Association shall be—

- 2.1 To promote and to provide facilities for the study and practice of volleyball as laid down by the " International Volleyball Rules ";
- 2.2 To assist in every way the standing and functioning of volleyball teams within the Mandurah Region;
- 2.3 To promote volleyball as a sport completely apart from and not influenced by race, religion or politics;
- 2.4 To provide instruction in volleyball and to encourage the participation in volleyball activities;
- 2.5 To provide social activities for its members;
- 2.6 To undertake fundraising activities by means determined by the Committee and its members;
- 2.7 The income and property of the Mandurah Volleyball Association shall be applied solely towards the promotion of the objects of the Association. No portion of the income shall be paid, or otherwise distributed, directly or indirectly, to members of the Association except in good faith in the promotion of the objects of the Association.

3. POWERS.

- 3.1 To acquire, hold, deal with and dispose of any real or personal property.
- 3.2 To open and operate bank accounts.
- 3.3 To invest its money—
 - 3.3.1 in any security in which trust monies may be invested;
 - 3.3.2 in any other manner authorised by the rules of the Mandurah Volleyball Association.

Powers...(cont.)

- 3.4 To borrow money upon such terms and conditions as the Mandurah Volleyball Association thinks fit.
- 3.5 To give such security for the discharge of liabilities incurred by the Mandurah Volleyball Association as it thinks fit.
- 3.6 To appoint agents to transact any business of the Mandurah Volleyball Association on its behalf.
- 3.7 To enter into any other contract the Mandurah Volleyball Association considers necessary or desirable.

4. MEMBERSHIP

- 4.1 Membership is open to all people interested in volleyball.
- 4.2 The Management Committee shall appoint a member of the Management Committee to maintain an up to date register of members of the Mandurah Volleyball Association.
- 4.3 No member shall by reason of his/her membership have any transmissible or assignable interest in the property of the Association. On any person ceasing to be a member, his/her interest shall accrue to and belong to the remaining members of the Association.
- 4.4 Junior Members— (persons under the age of 17) shall be eligible to join the Association as junior members at such special fees as shall be determined, and shall be entitled to hold office and vote at meetings of the Association.
- 4.5 Life Members— Life membership of the Association may be conferred on any person who has rendered distinguished services as a player or administrator of the game of volleyball. Any member may nominate a person to the Management Committee for consideration for Life Membership.
- 4.6 A special resolution conferring Life Membership must be a decision by 75% of members present at an Association Committee or General Meeting.
- 4.7 Life Members shall be entitled to free admission to all fixtures and events under the auspices of the Association wherever practical.
- 4.8 A Life Member has the right to vote at any General, Annual, Management or Association Committee Meeting.
- 4.9 An applicant for membership must satisfy the Committee that he/she is a person of good character and must—
 - 4.9.1 abide by the Constitution and By-laws of the Mandurah Volleyball Association;
 - 4.9.2 come liable for such fees and subscriptions as may be fixed by the Mandurah Volleyball Association;
 - 4.9.3 be entitled to all advantages and privileges of membership.

Membership...(cont.)

- 4.10 A membership may be revoked at any time if it is proven that the member acted contrary to the rules, objects or interests of the Mandurah Volleyball Association.
- 4.11 An applicant whose application for membership of the Association is rejected under rule 4.9 or revoked under rule 4.10 must, if he or she wishes to appeal against that decision, give notice to the Secretary of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection/revokement.
- 4.12 When notice is given under rule 4.11, the Association in a general meeting no later than the next annual general meeting, must either confirm or set aside the decision of the Committee to reject the application or revoke the membership, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting.
- 4.13 Membership may be terminated upon—
- 4.13.1 receipt by the Secretary or another Committee member of a notice in writing from a member of his or her resignation from the Association. Such person remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of termination; or
- 4.13.2 non-payment by a member of his or her subscription within three months of the date fixed by the Committee for subscriptions to be paid, unless the Committee decides otherwise in accordance with rule 4.9.2; or
- 4.13.3 expulsion of a member in accordance with rule 4.14.
- 4.14 A member may be suspended or expelled—
- 4.14.1 If the Committee considers that a member should be suspended or expelled from membership of the Association because his or her conduct is detrimental to the interests of the Association, the Committee must communicate, either orally or in writing, to the member –
- a) notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and
- b) particulars of that conduct,
- not less than 30 days before the date of the Committee meeting referred to in paragraph (a).

Membership...(cont.)

- 4.14.2 At the Committee meeting referred to in a notice communicated under sub-rule (4.14.1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.
- 4.14.3 Subject to sub-rule (4.14.5), a member has his or her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule (4.14.2).
- 4.14.4 A member who is suspended or expelled under sub-rule (4.14.2) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rule (4.14.3).
- 4.14.5 When notice is given under sub-rule (4.14.4)—
- a) the Association in a general meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting; and
 - b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule.
- 4.15 A member may at a reasonable time inspect the records and documents of the Mandurah Volleyball Association.
- 4.15.1 The member must contact the secretary to make the necessary arrangements for the inspection.
- 4.15.2 The inspection must be free of charge.
- 4.15.3 If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- 4.15.4 The member may make a copy of or take an extract from a record but does not have a right to remove the record or document for that purpose.

Membership...(cont.)

- 4.15.5 The member must not use or disclose information in a record except for a purpose:
- a) that is directly connected with the affairs of the Association; or
 - b) that is related to complying with a requirement of the Act.
- 4.15.6 The committee may request a statutory declaration stating the reason for the member wanting the record before the register is made available for a member to copy.

5. GRIEVANCE PROCEDURE

- 5.1 A member has the right to be heard by the Association in the event of a dispute between another member or with the Association.
- 5.2 Attempts at resolution should be made by the member(s) or the Association however, where one cannot be determined within 14 days after the dispute being acknowledged, then—
- 5.2.1 A formal notice must be given to the committee, by the member(s) in dispute either in writing or as per the Association's bylaws, stating—
- a) the member(s) involved;
 - b) the matter(s) of dispute.
- 5.2.2 The dispute shall be referred to a general meeting of the committee with—
- a) the member(s) invited to present their case to a meeting convened as per "rule 11.2"
 - b) the decision communicated to the member(s) and all other parties within 14 days of the meeting.
- 5.2.3 If the member(s) does not agree with the committee determining the dispute, then a mediator may be requested to decide on the dispute.
- 5.2.4 The mediator must be agreed upon by the member(s) and the committee and must be a mediator of another not-for-profit organisation, for example a community legal centre.
- 5.2.5 The person appointed maybe a member or former member of the Association but, must—
- a) not have a personal interest in the matter of dispute;
 - b) be free of bias towards either member(s) or the Association.
- 5.2.6 The members in dispute must attempt to resolve the matter.
- 5.2.7 The mediator cannot determine a resolution to the dispute.

Grievance...(cont.)

- 5.2.8 All costs associated with any mediation shall be borne by the member(s), Association and other involved parties.

6. COMMITTEES

- 6.1 The following office bearers and Committee shall be elected at the Annual General Meeting in each year—

6.1.1 Management Committee - shall consist of the President, Vice-President, Secretary, Treasurer, Public Relations Officer, Registrar, Rules Interpreter, Competitions and Events Coordinator and a Development Officer. (Also, to be known as the Executive or Executive Committee);

6.1.2 Match Committee - shall consist of Registrar, Rules Interpreter, Competitions and Events Coordinator and at least three (3) other general members;

6.1.3 The Association Committee - shall consist of the Management Committee and one (1) delegate from each club;

6.1.4 Fundraising Committee - a fundraising Committee shall be established by the Management Committee whenever the need is perceived;

6.1.5 Junior Committee - a delegation of at least five (5) members, which should include at least three (3) junior members, with an elected member of the Management Committee as chair.

- 6.2 Each Committee member appointed at an AGM, or through a casual vacancy will hold office until the next AGM, unless a vacancy should occur as per rule 7.

6.2.1 Should a committee member not be elected at an AGM, the committee can act to appoint one to fill a vacancy.

6.2.2 A Committee member is eligible for re-election.

- 6.3 To be eligible to be elected to the Management Committee, a person must be an ordinary member and/or over 17 years.

7. CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE

- 7.1 A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member—

7.1.1 dies;

7.1.2 resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice-President and that resignation is accepted by resolution of the Committee;

7.1.3 is convicted of an offence under the Act;

7.1.4 is permanently incapacitated by mental or physical ill-health;

7.1.5 ceases to be a member of the Association;

Casual vacancies...(cont.)

- 7.1.6 where the member fails to attend three (3) consecutive meetings without giving an apology; or
- 7.1.7 is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

8. DUTIES OF COMMITTEES

- 8.1 Management Committee - To carry out the business of the Association to the best of its ability.
 - 8.1.1 The Management Committee shall meet at regular intervals to manage the affairs of the Mandurah Volleyball Association.
 - 8.1.2 A quorum of the Management Committee shall consist of one half plus one.
 - 8.1.3 Should a vacancy occur on the Management Committee the Committee shall fill such vacancy from the members and such member duly elected shall hold office until the next Annual General Meeting.
- 8.2 Association Committee - This Committee shall meet only on the request of the President, or on request of any financial member supported by no less than ten (10) financial members.
 - 8.2.1 The quorum shall be in accordance with sub-rule 8.1.2. If however, after the expiry of time, no quorum exists then the meeting shall lapse.
- 8.3 Match Committee - Shall organise and run each competition with at least one of whom shall be in attendance each night to deal with any queries.
- 8.4 Fundraising Committee - This Committee is to raise funds for all activities being conducted by or for the Association. They shall be responsible for all monies raised and are to be used according to Management Committee directives.
- 8.5 Junior Committee - This committee's role is to promote and assist in the development and management of junior volleyball within the Association.
- 8.6 NB. Should a vacancy occur on any Committee, then they shall be filled as per sub-rule 8.1.3.

9. DUTIES AND POWERS OF THE OFFICE HOLDERS

- 9.1 The President shall be the nominal head of the Association. He/she shall not have the power to vote at any meeting of the Association except that in the case of an equality of votes being cast, he/she shall have a casting vote.
- 9.2 The Vice - President shall be elected from amongst the members of the Association. In the absence of the President the Vice-President shall preside as Chairman. In such event he/she shall not forgo his/her right to vote but shall not have any second or casting vote.

Duties and Powers...(cont.)

- 9.3 In the event of the President and Vice-President being absent, a Chairperson shall be elected from those present. Voting rights are as in rule 9.2.
- 9.4 The Secretary shall—
- 9.4.1 co-ordinate the correspondence of the Mandurah Volleyball Association;
 - 9.4.2 keep full and correct minutes of the proceedings of the Committee and of the Mandurah Volleyball Association;
 - 9.4.3 comply on behalf of the Mandurah Volleyball Association with—
 - (i) Section 53(1) of the Act in respect of the Register of members of the Mandurah Volleyball Association;
 - (ii) Section 35(1) of the Act in respect of these Rules of the Mandurah Volleyball Association;
 - (iii) unless another member is authorised by the committee to do so, maintaining on behalf of the Association a record of committee members and other persons authorised to act on behalf of the Association, as required under section 58(2) of the Act;
 - 9.4.4 have custody of all books, documents, records and registers of the Mandurah Volleyball Association, including those referred to in sub-rule 9.4.3, other than those required to be kept and maintained by, or in the custody of, the treasurer—all records must be kept for a minimum of 7 years;
 - 9.4.5 perform such other duties as are imposed by the rules on the Secretary.
- 9.5 The Treasurer shall—
- 9.5.1 be responsible for the receipt of all monies paid to or received by, or by him or her on behalf of, the Mandurah Volleyball Association and shall issue receipts for those monies in the name of the Mandurah Volleyball Association;
 - 9.5.2 pay all monies referred to in sub-rule 9.5.1 into such an account or accounts of the Mandurah Volleyball Association as the Committee may from time to time direct;
 - 9.5.3 make payments from the Mandurah Volleyball Association funds with the authority of a General Meeting or of the Committee and in so doing ensure that all payments are 'signed' by 2 Committee members;
 - 9.5.4 comply on behalf of the Mandurah Volleyball Association with Sections 66 and 67 of the Act in respect of the accounting records of the Mandurah Volleyball Association;

Duties and Powers...(cont.)

- 9.5.5 whenever directed to do so by the Chairperson, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- 9.5.6 have custody of all securities, books and documents of a financial nature and accounting records of the Mandurah Volleyball Association, including those referred to in sub-rules 9.5.4 and 9.5.5, and retained as per sub-rule 9.4.4;
- 9.5.7 perform such other duties as are imposed by these rules on the Treasurer.
- 9.6 The Registrar will keep all records of players and teams of all matches played. Records of each member shall include at least their full name and email contacted details but, may also include postal address and phone number. He/she will also, in a separate book, keep records of the development of volleyball since its' inception, and movement of perpetual trophies as well as Association property.
- 9.7 The Public Relations Officer will, under the direction of the Management Committee, supply the press and radio with news which may foster the game of volleyball.
- 9.8 The Official Rules Interpreter will interpret the Rules of Volleyball when called upon by the Referee or team Captains.
- 9.9 The Development Officer will liaise with the State Association and the schools within the Peel district. It will be his/her duty to promote and monitor the development of the sport with particular emphasis on the areas of youth.
- 9.10 Competitions & Events Coordinator will coordinate the events and competitions conducted under the auspices and direction of the Mandurah Volleyball Association and as duly sanctioned by the West Australian Volleyball Association.
- 9.11 The Delegates will be required to attend General Meetings to assist the functions of the Management Committee.

10. AUDITOR

- 10.1 Mandurah Volleyball Association is a Tier 1 financial association and as such need only appoint an Auditor in one of the following circumstances—
 - a) it is a requirement under the terms of the association's funding agreement or licence;
 - b) the majority of members at a general meeting pass a resolution that an audit will be completed; or
 - c) the association is directed to do so by the Commissioner.

11. MEETINGS

11.1 Annual General Meetings

11.1.1 Shall be held within six months after the end of the Associations' financial year, as in rule 12.5.1.

11.1.2 The Secretary shall give at least *fourteen* (14) days notice of the date of the meeting to all members. Notice may be by hand, post or sent electronically.

11.1.3 Order of business shall be—

- (i) Opening;
- (ii) Apologies;
- (iii) Confirmation of the minutes of previous Annual General Meeting;
- (iv) Receiving and adoption of Annual Reports;
- (v) Election of Office Bearers (Executive) and Auditor;
- (vi) Notice/s of Motion;
- (vii) General business;
- (viii) Closure.

11.1.4 The quorum shall be *twenty* (20) percent of the membership or *fifteen* (15) members, whichever is the least. If after a lapse of *thirty* (30) minutes from the appointed time for the commencement of the meeting a quorum does not exist, the meeting shall be adjourned for one week. If at such meeting there is no quorum, those present shall be deemed competent to discharge the business of the meeting.

11.1.5 The Returning Officer shall be appointed from the floor of the General Meeting by the President.

11.2 General Meetings

11.2.1 Shall be held when deemed necessary by the Executive and notice of such meetings to be sent to all members, given at least *seven* (7) days' notice.

11.2.2 The agenda shall be—

- (i) Opening;
- (ii) Apologies;
- (iii) Confirmation of Minutes of previous Meeting;
- (iv) Correspondence;
- (v) Executive Committees Report;
- (vi) Treasurers Report;
- (vii) General business;

Meetings...(cont.)

(viii) Closure.

11.2.3 The quorum shall be as for sub-rule 11.1.4 however after the expiry of time, if no quorum exists then the meeting shall lapse.

11.2.4 The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously, and continuously in contact by telephone or other means of instantaneous communication.

11.2.5 A member who participates in a committee meeting as allowed under sub-rule (11.2.4) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

11.2.6 In sub-rules 11.2.4 and 11.2.5, the meeting is taken to be held where the Chairperson is present.

11.3 Executive Committee Meetings

11.3.1 The Executive shall meet on a regular basis as deemed by the committee and members shall be given at least 48 hours' notice of meeting, with Notice as per sub-rule 11.1.2.

11.3.2 The order of business shall be in accordance with sub-rule 11.2.2.

11.3.3 The quorum shall be in accordance with sub-rule 8.1.2.

11.3.4 The presence of a committee member shall be in accordance with sub-rules 11.2.4, 11.2.5 and 11.2.6.

11.3.5 Only Executive Committee members are entitled to vote at these meetings.

11.4 Special General Meetings

11.4.1 Shall be convened in the following circumstances—

- (i) The President or Executive deem such a meeting is necessary;
- (ii) A requisition in writing by more than *twenty* (20) percent, of the Mandurah Volleyball Association. Such a request shall include the reason for such a meeting.

11.4.2 Upon receipt of the request, the Secretary shall convene such a meeting within *twenty one* (21) days, with Notice to be in accordance with sub-rule 11.1.2.

11.4.3 The quorum shall be in accordance with sub-rule 11.1.4.

Meetings...(cont.)

- 11.5 A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members notice of the meeting, as per sub-rule 11.4.2 or 11.1.2, at which a special resolution is to be proposed. The notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- 11.6 The Secretary must give a notice under sub-rules 11.1.2, 11.2.1 and 11.4.2 by—
- 11.6.1 serving it on a member personally; or
 - 11.6.2 sending it by post, or electronically, to a member at the address of the member appearing in the register of members kept and maintained under sub-rule 9.4.3.
- 11.7 When a notice is sent by post under sub-rule 11.6.2 sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary mail or electronic e-mail.
- 11.8 Voting
- 11.8.1 Any person who is a financial member of the Mandurah Volleyball Association is entitled to speak at all General Meetings but only *one* (1) vote per member is allowed.
 - 11.8.2 At a general meeting—
 - (i) An ordinary resolution will be decided by a show of hands;
 - (ii) A special resolution can be voted in person as in sub-rule 11.8.2, (i) at the meeting or a vote may be posted to the Secretary in writing.
 - 11.8.3 Voting can be by Delegates, proxy Delegates or Executive Members only.
- 11.9 Minutes
- 11.9.1 The Secretary, as per rule 9.4, must cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept or electronically stored for that purpose.
 - 11.9.2 The President (or delegated Chairperson) must ensure that the minutes taken of a general meeting or Committee meeting under sub-rule 11.9.1 are checked and signed as correct.

12. FINANCE

- 12.1 The Mandurah Volleyball Association shall be financed for its normal management by an annual subscription fee (determined by the committee) of each of its members.

Finance...(cont.)

12.2 Sponsorship

12.2.1 The Mandurah Volleyball Association shall, from time to time seek sponsorship to enable it to promote volleyball and its objects.

12.2.2 The terms of such sponsorship are subject to the approval of and arrangements made between the Management Committee and the Sponsors.

12.2.3 The funds of such sponsorship shall be subject to the constraints applicable for the duties of the Treasurer detailed in rule 9.5.

12.3 The Management Committee shall abide by the powers and constraints as detailed in the context of this Constitution in the administration of the funds, accounts and assets it may possess.

12.4 A member of the committee may be paid from the Associations funds, where authorised by the Association; a payment maybe authorised under any of the following circumstances—

12.4.1 such payments to the member in good faith and a reasonable reimbursement for services or goods provided by the member;

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

12.5 Financial Year

12.5.1 For the purpose of good financial governance, the Association shall deem the financial year as a period from 1st July of one year to 30th June of the next year.

13. ALTERATION OF THE CONSTITUTION AND BYLAWS.

13.1 Any alteration, suspension or addition of a rule to this Constitution cannot be valid unless passed by a special resolution (75% majority) at an Annual General Meeting or a Special General Meeting.

13.2 Notice/s of motion to alter the Constitution shall be given to members *fourteen* (14) days prior to the Meeting by the Secretary in writing.

13.3 Within one month of passing a special resolution, the Secretary shall notify the relevant Minister of the amendment.

13.4 Bylaws - these shall incorporate the International Volleyball rules and any further laws as decided by a special resolution of the Management Committee. Alterations may be made by the Management Committee provided notice of the proposed change/s has been duly notified to Committee Members.

14. COMMON SEAL.

- 14.1 The common seal of the Mandurah Volleyball Association engraved with its name shall be in the custody of the Secretary.
- 14.2 The seal shall not be used or affixed to any deed or other document except pursuant to a resolution of the Mandurah Volleyball Association and in the presence of the Secretary and two members of the Executive both of whom shall subscribe their names as witnesses.

15. DISSOLUTION OF THE MANDURAH VOLLEYBALL ASSOCIATION

- 15.1 The Mandurah Volleyball Association may at any time by special resolution at an Annual General Meeting or at a Special General Meeting called for the purpose, be dissolved.
- 15.2 If upon dissolution of the Mandurah Volleyball Association there remains, after satisfaction of all its' debts and liabilities, and the costs and charges of such dissolution, any property whatsoever, the same shall not be paid or distributed among the members or previous members of the Mandurah Volleyball Association but shall be given or transferred to the State (Western Australia) Volleyball Association.
- 15.3 A dissolution of the Mandurah Volleyball Association by a special resolution shall be notified to the Ministry for Fair Trading within *fourteen* (14) days of its occurrence.