

THIS IS THE ANNEXURE MARKED "A" REFERRED TO IN THE STATUTORY DECLARATION OF



(SANDY MACKINTOSH)

MADE ON THE 8 DAY OF DECEMBER 2015

BEFORE ME



LEITH M WOOD

(SIGNATURE OF WITNESS ON STATUTORY DECLARATION)

CONSTITUTION OF DARWIN NETBALL ASSOCIATION INC.

PART 1 – PRELIMINARY

1. Name

The name of the incorporated association is The Darwin Netball Association Inc (DNA)

2. Objects and purposes

The objects and purposes of the Association are as follows:

- 1.1. To encourage, promote and control the game of netball for the DNA.
- 1.2. To affiliate with and to support Netball NT and Netball Australia.
- 1.3. To promote, conduct and control inter-club and intrastate matches and tours of teams and/or clubs.
- 1.4. To select and manage teams and to ensure the proper representation of Darwin in the NT Championships.
- 1.5. To educate, train, coach and encourage members of the DNA in all areas of netball.
- 1.6. To promote good fellowship among those interested in netball; and
- 1.7. To do all other things and acts conducive to furthering the objects and interests of the DNA.

3. Minimum number of members

The Association must have at least 40 members.

4. Definitions

In this Constitution, unless the contrary intention appears –

"Act" means the *Associations Act* and regulations made under that Act;

"affiliated club" an affiliated club consists of one or more teams, and has full rights of delegation to Management Team meetings.

"financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

"general meeting" means a general meeting of members convened in accordance with clause 52;

“honorary members” are those invited by the Association to join the DNA in the interest of Netball. Honorary members are those elected by the DNA at an AGM or Special General meeting. Nominations for honorary membership must be received in writing prior to the relevant meeting and must be endorsed by two members of the DNA. Honorary membership is awarded where a vote of the DNA at the general meeting receives a two third majority. Honorary members are admitted to the DNA without voting powers; and

“life membership” is awarded for outstanding service to the DNA. Life members are those elected by the DNA at an AGM or Special General meeting. Nominations for life membership must be received in writing prior to the relevant meeting and must be endorsed by two members of the DNA. Life membership is awarded where a vote of the DNA at the general meeting receives a two third majority. Life members are admitted to the DNA without voting powers.

"Management Team" means the Management Team of the Association;

"member" means a member of the Association;

"register of members" means the register of the Association's members established and maintained under section 34 of the Act;

"special resolution" means a resolution notice of which is given under clause 16 and 55 and passed in accordance with section 37 of the Act.

“subscriber” is one who affiliates individually.

PART 2 - CONSTITUTION AND POWERS OF ASSOCIATION

5. Powers of Association

5.1. For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.

5.2. Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may –

5.2.1. acquire, hold and dispose of real or personal property;

5.2.2. open and operate accounts with financial institutions;

5.2.3. invest its money in any security in which trust monies may lawfully be invested;

5.2.4. raise and borrow money on the terms and in the manner it considers appropriate;

5.2.5. secure the repayment of money raised or borrowed, or the payment of a debt or liability;

5.2.6. appoint agents to transact business on its behalf; and

5.2.7. enter into any other contract it considers necessary or desirable.

6. Effect of Constitution

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

7. Inconsistency between Constitution and Act

If there is any inconsistency between this Constitution and the Act, the Act prevails.

8. Altering the Constitution

8.1. The Association may alter this Constitution by special resolution but not otherwise.

8.2. If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

PART 3 – MEMBERS

Division 1 – Membership

9. Application for membership

9.1. To apply to become a member of the Association a person must

- 9.1.1. submit a written application for membership to the Management Team,
- 9.1.2. in a form approved by the Management Team; and
- 9.1.3. signed by the person and supported by an official of that person's club.

10. The membership of the DNA shall consist of

- 10.1 Affiliated clubs;
- 10.2 Players and officials registered with affiliated clubs;
- 10.3 Subscribers;
- 10.4 Life members;
- 10.5 Honorary members;
- 10.6 Any other groups as the DNA shall deem fit.

Upon admittance, clubs shall receive a copy of the Constitution and a copy of the By-laws of the DNA.

11. Approval of Management Team

- 11.1 The Management Team must consider any application made under clause 9 at the next available Management Team meeting and must accept or reject the application at that meeting or the next.
- 11.2 If an application is rejected, the applicant may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.
- 11.3 If an applicant gives notice of an appeal against the rejection of his or her application, the Management Team must reconsider the application at the next Management Team meeting after receipt of the notice of appeal.
- 11.4 If after reconsidering an application the Management Team reaffirms its decision to reject the application, the decision is final.

12. Joining fee

If an application for membership is approved by the Management Team, the applicant becomes a member on payment of the joining fee.

The joining fee is either –

- 12.1 a pro rata annual fee based on the remaining part of the financial year; or
- 12.2 the amount determined from time to time by resolution at a general meeting.

13. Annual membership fees

- 13.1 The annual membership fee is the amount determined from time to time by resolution at a general meeting.
- 13.2 Each member must pay the annual membership fee to the Treasurer by the first day of each financial year or another date determined by the Management Team from time to time.
- 13.3 A member whose subscription is not paid within 3 months after the due date ceases to be a member unless the Management Team determines otherwise.

Division 2 – Rights of members

14. General

Subject to clause 14.2, a member may exercise the rights of membership when his or her name is entered in the register of members.

A right of membership of the Association

- 14.1 is not capable of being transferred or transmitted to another person; and
- 14.2 terminates on the cessation of membership whether by death, resignation or otherwise.

15. Voting

- 15.1 Subject to subclause (2) and clause 15, each affiliated club should appoint a delegate to vote at general meetings of the Association.
- 15.2 Upon appointment to the Management Team a person may not represent his/her club as a delegate at general meetings.

16. Notice of meetings and special resolutions

The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

17. Access to information on Association

The following must be available for inspection by members:

- 17.1 a copy of this Constitution;
- 17.2 minutes of general meetings;
- 17.3 annual reports and annual financial reports.

18. Raising grievances and complaints

- 18.1 A member may raise a grievance or complaint about a Management Team member, the Management Team or another member of the Association.
- 18.2 The grievance or complaint must be dealt with by the procedures set out in Part 8.

19. Associate members

An associate member may not vote but may have other rights as determined by the Management Team or by resolution at a general meeting.

Division 3 – Termination, death, suspension and expulsion

20. Termination of membership

Membership of the Association may be terminated by –

- 20.1. a notice of resignation addressed and posted to the Association or given personally to the Secretary or another Management Team member;
- 20.2. non-payment of the annual membership fee within the time allowed under clause 12(3); or
- 20.3. expulsion in accordance with this Division.

21. Death of member or whereabouts unknown

If a member dies or the whereabouts of a member are unknown, the Management Team must cancel the member's membership.

22. Suspension or expulsion of members

If the Management Team considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Association, the Management Team must give notice of the proposed suspension or expulsion to the member.

22.1 The notice must be in writing and include

22.1.1 the time, date and place of the Management Team meeting at which the question of that suspension or expulsion will be decided; and

22.1.2 the particulars of the conduct; and must

22.1.3 be given to the member not less than 14 days before the date of the Management Team Meeting referred to in paragraph 22.1.1

22.2 At the meeting, the Management Team must afford the member a reasonable opportunity to be heard or to make representations in writing.

22.3 The Management Team may suspend or expel or decline to suspend or expel the member from the Association and must give written notice of the decision and the reason for it to the member.

22.4 Subject to clause 22, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

23. Appeals against suspension or expulsion

23.1 A member who is suspended or expelled under clause 22 may appeal against that suspension or expulsion by giving notice to the Secretary within 14 days after receipt of the Management Team's decision.

23.2 The appeal must be considered at a general meeting of the Association and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.

23.3 The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Management Team to suspend or expel the member.

23.4 The member is not suspended or does not cease to be a member until the decision of the Management Team to suspend or expel he or she is confirmed by a resolution of the members.

PART 4 – MANAGEMENT TEAM

Division 1 – General

24. Role and powers

The business of the Association must be managed by or under the direction of a Management Team.

24.1 Management Team may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.

24.2 The Management Team may appoint and remove staff.

24.3 The Management Team may establish one or more subcommittees consisting of the members of the Association the Management Team considers appropriate.

25. Composition of Management Team

25.1 The Management Team consists of –

- President
- Vice-President
- Secretary
- Treasurer
- Media Officer
- Coaching Coordinator
- Umpires Convenor
- 2 Player Representatives
- Junior Representatives

25.2 Unless elected directly as a separate office holder, the Management Team must appoint one Management Team member to be the Association's public officer.

26. Delegation

- 26.1 The Management Team may delegate to a sub committee or staff any of its powers and functions other than –
- 26.1.1 this power of delegation; or
 - 26.1.2 a duty imposed on the Management Team by the Act or any other law.
- 26.2 The delegation must be in writing and may be subject to the conditions and limitations the Management Team considers appropriate
- 26.3 The Management Team may, in writing, revoke wholly or in part the delegation.

Division 2 – Tenure of office

27. Eligibility of Management Team members

- 27.1 A Management Team member must be a member who is 18 years or over
- 27.2 Management Team members must be elected to the Management Team at an annual general meeting or appointed under clause 32 and 33.

28. Nominations for election to Management Team

- 28.1 A member is not eligible for election to the Management Team unless the Secretary receives a written nomination for that member by another member not less than 7 days before the date of the next annual general meeting.
- 28.2 The nomination must be signed by –
- 28.2.1 the nominator and seconder; and
 - 28.2.2 the nominee to signify his or her willingness to stand for election.
- 28.3 Nominations of appointment of officers will be elected at the annual general meeting and will hold office for a term expiring at the conclusion of the second annual general meeting after the one at which the election of the officer concerned took place

29. Retirement of Management Team members

- 29.1 A Management Team member holds office until the next annual general meeting unless the member vacates the office under clause 32 or is removed under clause 33.
- 29.2 Subject to sub clause (3), at an annual general meeting the office of each Management Team member becomes vacant and elections for a new Management Team must be held.
- 29.3 The President of the outgoing Management Team must preside at the annual general meeting until a new member is elected as President.
- 29.4 Members may serve consecutive terms on the Management Team.

30. Election by default

- 30.1 If the number of persons nominated for election to the Management Team under clause 27 does not exceed the number of vacancies to be filled, the President must declare the persons to be duly elected as members of the Management Team at the annual general meeting.
- 30.2 If vacancies remain on the Management Team after the declaration under sub clause (1), additional nominations of Management Team members may be accepted from the floor of the annual general meeting.
- 30.3 If the nominations from the floor do not exceed the number of remaining vacancies, the President must declare those persons to be duly elected as members of the Management Team.
- 30.4 If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Management Team in accordance with clause 34.

31. Election by ballot

- 31.2 If the number of nominations exceeds the number of vacancies on the Management Team, ballots for those positions must be conducted.
- 31.2 The ballot must be conducted in a manner determined from time to time by resolution at a general meeting.
- 31.2 The members chosen by ballot must be declared by the President to be duly elected as members of the Management Team.

32. Vacating office

32.1 The office of a Management Team member becomes vacant if the member –

32.1.1 is disqualified from being a Management Team member under section 30 or 40 of the Act;

32.1.2 resigns by giving written notice to the Management Team;

32.1.3 dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;

32.1.4 ceases to be a resident of the Territory; or

32.1.5 ceases to be a member of the Association;

32.1.6 the member is absent from more than –

32.1.6.1 Three consecutive Management Team meetings;
or

32.1.6.2 Three Management Team meetings in the same financial year without tendering an apology to the President;

of which meetings the member received notice and the Management Team has resolved to declare the office vacant.

33. Removal of Management Team member

33.1 The Association, through a special general meeting of members, may remove any Management Team member before the member's term of office ends.

33.2 If a vacancy arises through removal under sub clause (1), an election must be held to fill the vacancy.

34. Filling casual vacancy on Management Team

34.1 If a vacancy remains on the Management Team after the application of clause 29 or if the office of a Management Team member becomes vacant under clause 32, the Management Team may appoint any member of the Association to fill that vacancy.

34.2 However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

Division 3 – Duties of Management Team members

35. Collective responsibility of Management Team

- 35.1 As soon as practicable after being elected to the Management Team, each Management Team member must become familiar with the Act and regulations made under the Act.
- 35.2 The Management Team is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.
- 35.3 The duties of the Management Team shall be to:
 - 35.3.1 make recommendations to the DNA on matters of policy and finance;
 - 35.3.2 act on behalf of the DNA when empowered by the DNA to do so;
 - 35.3.3 control and manage the business of the DNA;
 - 35.3.4 appoint representative team Coaches and Managers;
 - 35.3.5 receive from the Selection Committee all representative teams for approval and release;
 - 35.3.6 appoint delegates to represent the DNA to all meetings to which the DNA requires representation. Delegates shall attend all meetings as directed, where they shall express the opinions and decisions of the DNA. In the event of a delegate being unable to attend any meeting or of retirement before the expiration of their term of office, action shall be taken in accordance with the DNA Constitution;
 - 35.3.7 be a dispute committee of all matters;
 - 35.3.8 receive and consider reports from the Coaches and Managers of representative teams;
 - 35.3.9 present reports to the Management Team at each meeting;
 - 35.3.10 ensure that balloted votes will be opened in the presence of members, by scrutineers appointed at that meeting; and
 - 35.3.11 call for applications to administrative positions as required. Applicants to be vetted and a successful applicant appointed by, and their duties to be directed by the Management Team.

36. The President shall -

- 36.1 subject to sub clauses 36.1.1 and 36.1.2 preside at all general meetings and Management Team meetings.
- 36.1.1 If the President is absent from a meeting, the Vice-President must preside at the meeting;
- 36.1.2 If the President and the Vice-President are both absent, the presiding member for that meeting must be –
- a member elected by the other members present if it is a general meeting; or
 - a Management Team member elected by the other Management Team members present if it is a Management Team meeting.
- 36.2 Provide leadership to the DNA;
- 36.3 Chair each meeting of the DNA in accordance with this constitution and by-laws; and
- 36.4 Prepare a report of the activities of the DNA to be presented at the Annual General Meeting.

37. The Vice-President shall -

- 37.1 Support the President in the performance of his/her functions;
- 37.2 Act for the President in his/her absence;
- 37.3 Chair meetings in the absence of the President;
- 37.4 Liaise with appointed administrative personnel; and
- 37.5 Convene the Fundraising Committee.

38. The Secretary shall –

- 38.1 Coordinate the correspondence of the Association;
- 38.2 Ensure minutes of all proceedings of general meetings and of Management Team meetings are kept in accordance with section 38 of the Act;
- 38.3 Maintain the register of members in accordance with section 34 of the Act;

- 38.4 Unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association, other than those required by clause 37(5) to be in the custody of the Treasurer;
- 38.5 Perform any other duties imposed by this Constitution on the Secretary.
- 38.6 The duties of the Secretary may be delegated to an Administration Officer appointed by the Management Team.
- 38.7 The duties of the Registrar may be delegated to the Administration Officer appointed by the Management Team.

39. The Registrar shall -

- 39.1 Keep a record of each registered player of every affiliated club;
- 39.2 Keep a record of all competition match results;
- 39.3 Prepare score sheets for each competition match;
- 39.4 Check completed score cards for technical deficiencies;
- 39.5 Where deficiencies arise in completed score cards, issue a notice of the fine payable to the offending affiliated club in time to allow that notice to reach the affiliated club prior to their next competition game; and
- 39.6 Keep a record of Best and Fairest nominations completed and affixed to complete score cards after each competition match.

40. The Treasurer shall

- 40.1 Receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;
- 40.2 Pay all moneys received into the account of the Association within 5 working days after receipt;
- 40.3 Make any payments authorised by the Management Team or by a general meeting of the Association from the Association's funds;
- 40.4 Ensure cheques are signed by him or her and at least one other Management Team member, or by any 2 other Management Team members authorised by the Management Team;
- 40.5 Ensure the accounting records of the Association are kept in accordance with section 41 of the Act;
- 40.6 Coordinate the preparation of the Association's annual statement of accounts.

- 40.7 If directed to do so by the President, the Treasurer submit to the Management Team a report, balance sheet or financial statement in accordance with that direction;
- 40.8 Have custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting; AND
- 40.9 Perform any other duties imposed by this Constitution on the Treasurer.

41. The Umpires Convenor shall

- 41.1 Convene the umpires Subcommittee;
- 41.2 Organise for each fixtures match of the DNA to be adequately umpired;
- 41.3 As per the dates set by Netball Australia, arrange all umpires examinations in accordance with the rules of the All Australia Netball Association;
- 41.4 Record the results of each examination conducted; and
- 41.5 Advise the Management Team and each affiliated club of any alterations to umpiring guidelines set down by the All Australia Netball Association.

42. The Media Liaison Officer shall

- 42.1 Convene the Media Sub-Management Team; and
- 42.2 Promote netball events conducted by the DNA through any media means deemed appropriate.

43. The Junior Representatives shall

- 43.1 Attend Management Team meetings and submit a report regarding the issues relating to the Junior competition;
- 43.2 Convene meetings of a junior sub-committee consisting of one representative from each club with junior teams.
- 43.3 Liaise with other MT members and junior representatives regarding tasks relating to umpires, coaching, registration , grading and fixtures as well as any other areas identified as requiring attention; and

44. The Players Representative shall -

- 44.1 Represent the views of players at Management Team meetings; and
- 44.2 Manage DNA functions such as; Finals Series, Best and Fairest presentations, Fundraising Functions

45. The Coaching Coordinator shall -

- 45.5 Convene the Grading Committee;
- 45.1 Monitor in conjunction with the Umpire Convenor the fixtures for the season;
- 45.2 Convene the Selection Committee;
- 45.3 Organise development programs for coaches and players;
- 45.4 Represent Darwin at any coaching meetings as requested by Netball NT.

46. The Public officer shall –

- 46.1 Ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act; and
- 46.2 Keep a current copy of the Constitution of the Association.

PART 5 – MEETINGS OF MANAGEMENT TEAM

47. Frequency and calling of meetings

- 47.1 The Management Team must meet together for the conduct of business not less than 4 times in each financial year unless otherwise provided in the Schedule.
- 47.2 The President, or at least half the Management Team members, may at any time convene a special meeting of the Management Team.
- 47.3 A special meeting may be convened to deal with an appeal under clause 22.

48. Voting and decision making

- 48.1 Each Management Team member present at the meeting has a deliberative vote.
- 48.2 A question arising at a Management Team meeting must be decided by a majority of votes.
- 48.3 If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

49. Quorum

For a Management Team meeting, one-half of the Management Team members constitute a quorum unless otherwise provided in the Schedule.

50. Procedure and order of business

- 50.1 The procedure to be followed at a Management Team meeting must be determined from time to time by the Management Team.
- 50.2 The order of business may be determined by the members present at the meeting.
- 50.3 Only the business for which the meeting is convened may be considered at a special meeting.

51. Disclosure of interest

- 51.1 A Management Team member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Management Team in accordance with section 31 of the Act.
- 51.2 The Secretary must record the disclosure in the minutes of the meeting.

51.3 The President must ensure a Management Team member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

PART 6 – GENERAL MEETINGS

52. Convening general meetings

- 52.1 The Association must hold its first annual general meeting within 18 months after its incorporation.
- 52.2 The Association must hold all subsequent annual general meetings within 5 months after the end of the Association's financial year.
- 52.3 The Management Team will provide 21 days notice for any General meetings.
- 52.4 The Management Team may at any time convene a special meeting within 21 days.

53. Special general meetings

- 53.1 Half the number of members constituting a quorum for a general meeting may make a written request to the Management Team for a special general meeting unless otherwise provided in the Schedule.
- 53.2 The request must –
 - 53.2.1 state the purpose of the special general meeting; and
 - 53.2.2 be signed by the members making the request.
- 53.3 If the Management Team fails to convene a special general meeting within the time allowed –
 - 53.3.1 for clause 53.2 – the members who made the request may convene a special general meeting as if they were the Management Team.
- 53.4 If a special general meeting is convened), the Association must meet any reasonable expenses of convening and holding the special general meeting.
- 53.5 The Secretary must give to all members not less than 21 days notice of a special general meeting.
- 53.6 The notice must specify –
 - 53.6.1 when and where the meeting is to be held; and
 - 53.6.2 the particulars of and the order in which business is to be transacted.

54. Annual general meeting

- 54.1 The Secretary must give to all members not less than 21 days notice of an annual general meeting unless otherwise provided in the Schedule.
- 54.2 The notice must specify –
 - 54.2.1 when and where the meeting is to be held; and
 - 54.2.2 the particulars of and the order in which business is to be transacted.
- 54.3 The order of business for each annual general meeting is as follows:
 - 54.3.1 the consideration of the accounts and reports of the Management Team;
 - 54.3.2 the election of new Management Team members;
 - 54.3.3 any other business requiring consideration by the Association at the meeting.
 - 54.3.4 appointment of an auditor.

55. Special resolutions

- 55.1 A special resolution may be moved at any general meeting of the Association.
- 55.2 The Secretary must give all members not less than 21 days notice of the meeting at which a special resolution is to be proposed unless otherwise provided in the Schedule.
- 55.3 The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

56. Notice of meetings

- 56.1 The Secretary must give a notice under this Part by serving via email through club delegates.

57. Quorum at general meetings (clause 49)

- 57.1 At a general meeting 20 members present in person constitutes a quorum.
- 57.2 Lack of quorum

57.2.1 If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –

- for an annual general meeting or special general meeting convened under clause 52.2 – the meeting stands adjourned to the same time on the same day in the following week and to the same place;
- for a meeting convened under clause 53.3 – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or

57.2.2 If within 30 minutes after the time appointed by clause 52.3 for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may proceed with the business of that general meeting as if a quorum were present.

57.3 The President may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.

57.4 There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

57.5 If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

58. Voting

58.1 Each delegate of an affiliated club present in person at a general meeting is entitled to a deliberative vote.

58.2 At a general meeting –

58.2.1 an ordinary resolution put to the vote is decided by a majority of votes made in person; and

58.2.2 a special resolution put to the vote is passed if three-quarters of the members who are present in person vote in favour of the resolution.

58.2.3 a poll may be demanded by the President or by 3 or more members present in person.

58.2.4 if demanded, a poll must be taken immediately and in the manner the President directs.

PART 7 – FINANCIAL MANAGEMENT

59. Financial year

The financial year of the Association is the period of 12 months ending on 30 September.

60. Funds and accounts

- 60.1 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.
- 60.2 Subject to any restrictions imposed by the Association at a general meeting, the Management Team may approve expenditure on behalf of the Association within the limits of the budget.
- 60.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 Management Team members.
- 60.4 All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.
- 60.5 With the approval of the Management Team, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

61. Accounts and audits

- 61.2 The responsibility of the Management Team under clause 34(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to –
 - 61.2.1 the keeping of accounting records;
 - 61.2.2 the preparation and presentation of the Association's annual statement of accounts; and
 - 61.2.3 the auditing of the Association's accounts.

PART 8

PART 8 – GRIEVANCE AND DISPUTES

62. Grievance and disputes procedures

62.1 This clause applies to disputes between –

62.1.1 a member and another member; or

62.1.1 a member and the Management Team.

62.2 Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.

62.3 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 after the meeting, hold another meeting in the presence of a mediator.

62.4 The mediator must be –

62.4.1 a person chosen by agreement between the parties; or

in the absence of agreement –

62.4.2 for a dispute between a member and another member a person appointed by the Management Team; or

62.4.3 for a dispute between a member and the Management Team – a person who is a mediator appointed or employed by the department administering the Act.

62.5 A member of the Association can be a mediator.

62.6 The mediator cannot be a party to the dispute.

62.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

62.8 The mediator, in conducting the mediation, must –

62.8.1 give the parties to the mediation process every opportunity to be heard;

62.8.2 allow due consideration by all parties of any written statement submitted by any party; and

62.8.3 ensure natural justice is accorded to the parties to the dispute throughout the mediation process.

62.9 The mediator must not determine the dispute.

62.10 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.

PART 9 – MISCELLANEOUS

63. Common seal

- 63.1 The common seal of the Association must not be used without the express authority of the Management Team and every use of that common seal must be recorded by the Secretary.
- 63.2 The affixing of the common seal of the Association must be witnessed by any 2 of the following:
- the President;
 - the Secretary;
 - the Treasurer.
- 63.3 The common seal of the Association must be kept in the custody of the Secretary or another person the Management Team from time to time decides.

64. Distribution of surplus assets on winding up

- 64.1 If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remain any assets, the assets must not be distributed to the members or former members.
- 64.2 The surplus assets must be given or transferred to another association incorporated under the Act that –
- 64.2.1 has similar objects or purposes;
 - 64.2.2 is not carried on for profit or gain to its individual members;
and
 - 64.2.3 is determined by resolution of the members.
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