
NEW SOUTH WALES NETBALL ASSOCIATION LIMITED MINUTES OF THE EXTRA ORDINARY COUNCIL MEETING

Held on Saturday 11 December 2010
at Dooleys Club, John Street, Lidcombe commencing at 12noon.

Present:

Directors: W. Archer AM, R. Watson, M. Murphy, J. Hahn, R. Havrlant, L. Quinn,
C. Murphy, C. Campbell (General Manager)

Delegates:

M. Leonard (Bankstown)	D. Howard (Bankstown)
K. Mellenberg (Bathurst)	M. O'Callaghan (Baulkham Hills)
C. Aird (Baulkham Hills)	S. Marks (Blacktown)
L. Marshall (Blacktown)	E. Godkin (Blue Mountains)
D. Thrift (Blue Mountains)	J. Blazley (Camden)
K. Thomas (Camden)	R. Bracken (Casino)
M. Allen (Casino)	V. Cochrane (Cessnock)
K. Tomlinson (Cessnock)	D. Pascoe (Charlestown)
M. Cameron (Charlestown)	S. Dawes (City of Sydney)
J. Occhiuto (City of Sydney)	L. Burgess (Dubbo)
S. Cross (Dubbo)	A. Doring (Eastwood Ryde)
J. Watt (Eastwood Ryde)	R. Bates (Forbes)
C. Siddle (Forbes)	S. Mitchell (Gosford)
P. Fitzpatrick (Gosford)	C. Breust (Goulburn)
J. Webster (Grafton)	J. Small (Gunnedah)
T. Sutcliffe (Gunnedah)	V. Turner (Hawkesbury)
S. Orr (Hawkesbury)	L. Burgess OAM (Hills)
J. Thompson (Hills)	K. Halcrow (Inner West)
L. Webster (Kuring-gai)	B. Collings (Kuring-gai)
S. Fitzgerald (Lakeside)	M. McGrath (Lakeside)
J. Troy (Lismore)	B. Dew (Lismore)
V. Elsley (Liverpool)	P. Smith (Liverpool)
J. Fulford (Maitland)	C. Daniel (Maitland)
H. Dean (Manly)	M. Hauser (Manly)
C. O'Donnell (Mt. Druitt)	B. Lee (Mt. Druitt)
J. Baskerville (Mudgee)	A. Shutt (Nelson Bay)
G. Urquhart (Nelson Bay)	A. Saunders (Newcastle)
E. Monaghan (Newcastle)	M. Sinclair (Northern Suburbs)
J. Gillett (Penrith)	C. Ormerod (Penrith)
M. Archer (Port Stephens)	D. Breust (Queanbeyan)
C. Clift (Queanbeyan)	M. Kelly (Randwick)
C. Hicks (Randwick)	R. Stephenson (Sapphire Coast)
K. Rembisz (Shoalhaven)	M. Caddies (Singleton)

H. Andrews (St. George)	P. Haberecht (Sutherland)
Y. Richardson (Taree)	J. Maneschi (Temora)
B. McKinnon (Temora)	J. Ebelt (Tumut)
T. Mann (Tumut)	A. Moylan (Wagga Wagga)
M. Allen (Westlakes)	M. Chilvers (Westlakes)
K. Hogan (Woy Woy)	S. Bailey (Woy Woy)

Life Members: M. Corbett N. Matthews OAM

Observers: E. Konza (Blue Mountains)

Returning Officer: Les Turner

The President declared the meeting open at 12.06pm

(a) Apologies

Maria Bettini (Sutherland)	Vicki Morris (Sutherland)
Margaret Burke (Brunswick Byron)	Lyn Bonnett (Taree)
Lynn Simpson (Gosford)	Kerry Austin (Hastings Valley)
Chris Miles (Wyong)	Carol Baiton (Young)
Dianne Elvy (Illawarra)	Claire Lear (Illawarra)
Maureen Boyle OAM (Life Member)	Val Brunker (Kiama)
Toni Fields (Norths)	Del Jackson (Port Stephens)
Anne Sargeant (Life Member)	Margaret Thoms (Woy Woy)
Margaret Holmes (Shoalhaven)	

MOVED Blacktown seconded Charlestown that the apologies be accepted **CARRIED**

2. Agenda Item

• Voting Procedure to be used

W. Archer (President) invited the Returning Officer, Les Turner to address the meeting regards the voting procedure to be used for motion 1 of the Agenda.

Returning Officer - explained the voting slips system to delegates and that if the first motion was passed (and only if the first motion passed) then voting would proceed to motions 2 onwards.

In accordance with the Constitution, postal votes were sent out to 75 associations more than 150km away from Sydney. 21 postal votes were received in return. Two were received after the closing date and both those associations were advised of non-acceptance due to late receipt. One of those associations is now represented at today's meeting.

MOTION 1 for the adoption of the proposed new Constitution in its entirety was put forward

- **Kuringai** strongly endorsed the adoption of the proposed new Constitution as it believes that there has been more than adequate time for discussion and amendment of the proposed new Constitution. Kuringai association had submitted more than 20 queries during the Constitutional forums and review period and all those queries have been addressed. Kuringai association commends the Board for its work over the last 2 or 3 years to move NNSW forward to a new Constitution and stated that the Board had acted with integrity and professionalism.
- **Newcastle** agreed that the proposed new Constitution is moving forward but there are areas which need attention, in particular two items:
 - Under Section 11 of the current Constitution alterations of the constitution require the agreement of 75% of members at a duly convened meeting. Believes that we are in breach of current constitution. Disagreed with allowing postal voting on the new Constitution. Current Constitution allows for postal voting at Council meetings, not for special, annual or extraordinary meetings.
 - Stated that it is usual to allow amendments and discussion prior to motions being put. Debate on various items of business is one of the core reasons for meetings.
- Newcastle foreshadowed a motion that amendments to the proposed new Constitution be allowed and brought forward to item 2.
- C. Campbell (General Manager) responded to Newcastle's statement Highlighted that motions 2, 3 and subsequent motions are amendments to a document (proposed new Constitution), not amendments to a motion. Acknowledged that there appears to be conflict within the current Constitution but it is clear under the Corporations Act that all alterations to the Constitution need to be passed by at least 75% of the votes cast by members entitled to vote. The postal vote clause in the current Constitution allows for this entitlement to be granted to specific associations, being those over 150km from Sydney to record a postal vote in respect of any business on the notice of meeting

Clause 5b refers to the general overarching clauses to meetings
Clause 5c gives specific details to General and special meetings

Under Clause 11 – the NNSW constitution is silent in this regard. That is the constitution does not explicitly provide that a failure to be “present” and voting will mean that the special resolution does not have effect.

If we don't have provision for postal vote then we are arguably depriving members of being able vote because they are unable to be physically present.

- St George noted that there are several references in the proposed new Constitution to Voting Policy but could not find that policy in the papers.
 - W. Archer (President) responded that the Voting Policy had been on the NNSW website since 8 June. W. Archer will review exact wording of the relevant section
- Newcastle stated that it was disputing the legality of postal voting under the current Constitution. Under the proposed new Constitution the legality issue would not apply if

postal voting was accepted. Stated that a Board acting contrary to its own Constitution was a dangerous precedent. Long-term NNSW members know that to change a Constitution must have members present and voting, strongly urged delegates not to accept postal voting.

- The Chair relied on our legal advice that was clear and consistent outlining the position in regards to both our Constitution and the Corporations Act that postal votes were to be accepted.

L. Turning (Returning Officer) presented sealed envelope of postal votes, co-signed by General Manager received at the close of postal voting period. General Manager confirmed that the postal votes had remained sealed.

Returning Officer requested the registered Observer attending the meeting today scrutinise the vote counting and invited any other Observers to witness also.

MOTION WAS PUT

LOST (F:79 A:29)

The President declared the meeting closed at 12.45pm

- Newcastle: Stated that the error brought to the attention of the meeting was that postal voting was illegal under the current Constitution but that voting can be taken of those present and eligible to vote at the meeting. The debate of motions and amendments is positive and is the purpose of the meeting.
- W. Archer (President) responded that legal advice had been presented to the meeting and the Board stands by that advice. Postal voting was legal under both the Corporations Act and the current Constitution. The proposed new Constitution has not been adopted, therefore does not exist so cannot take amendments to it. The President reconfirmed that the meeting had closed.