

---

## NEW SOUTH WALES NETBALL ASSOCIATION LIMITED MINUTES OF EXTRAORDINARY COUNCIL MEETING

---

Held on 5 November 2011  
at Dooley's Club, John Street, Lidcombe

---

Present:

Directors: W. Archer AM, R. Havrlant, C. Murphy, J. Hahn, L. Quinn OAM, M. Murphy,  
K. Tetley (Acting General Manager),

Delegates:

J. Gates (Armidale)	K. McMahon (Armidale)
S. McDonald (Bankstown)	D. Howard (Bankstown)
K. Mellenbergh (Bathurst)	J. Pike (Baulkham Hills)
M. O'Callaghan (Baulkham Hills)	S. Marks (Blacktown)
D. Thrift (Blue Mountains)	M. Burke (Brunswick Byron)
J. Bazley (Camden)	K. Thomas (Camden)
V. Cochrane (Cessnock)	K. Tomlinson (Cessnock)
D. Pascoe (Charlestown)	M. Harrison (Charlestown)
S. Dawes (City of Sydney)	H. Atzemis (City of Sydney)
V. McDowell (Coffs Harbour)	M. Charles (Coffs Harbour)
J. Watt (Eastwood/Ryde)	D. Bills (Eastwood/Ryde)
M. Lowe (Fairfield)	J. Lowe (Fairfield)
L. Simpson (Gosford)	R. Higgs (Gosford)
J. Webster (Grafton)	C. Walls (Grafton)
T. Sutcliffe (Gunnedah)	J. Small (Gunnedah)
K. Austin (Hastings Valley)	T. Chalk (Hawkesbury)
V. Bertenshaw (Hawkesbury)	L. Burgess OAM (Hills)
J. Thompson (Hills)	C. Lear (Illawarra)
D. Elvy (Illawarra)	K. Halcrow (Inner West)
L. Blackmore (Inner West)	T. Beedles (Kiama)
J. Perry (Kuringai)	A. Margalit (Kuringai)
K. Smith (Lakeside)	J. Troy (Lismore)
B. Dew OAM (Lismore)	E. Lawler (Liverpool)
K. Whiteley (Liverpool)	J. Perry (Kuring-gai)
A. Lipman (Kuring-gai)	T. Kane (Lower Clarence)
D. Hodson (Lower Clarence)	K. Lambley (Macleay)
J. Fulford (Maitland)	B. Bird (Maitland)
H. Dean (Manly)	M. Hauser (Manly)
C. O'Donnell (Mt Druitt)	B. Lee (Mt. Druitt)
J. Baskerville (Mudgee)	A. Schutt (Nelson Bay)
G. Urquhart (Nelson Bay)	A. Saunders OAM (Newcastle)
S. Johns (Newcastle)	T. Field (Northern Suburbs)
M. Sinclair (Northern Suburbs)	P. Wilson (Orange)
S. Wilson (Orange)	K. Higgins (Parramatta/Auburn)
L. Welfare (Parramatta/Auburn)	J. Gillett (Penrith)
C. Ormerod (Penrith)	M. Archer (Port Stephens)

S. Fitzgerald (Queanbeyan)	D. Breust (Queanbeyan)
J. Goudie (Quirindi)	M. Kelly (Randwick)
C. Hicks (Randwick)	R. Stephenson (Sapphire Coast)
M. Caddies (Singleton)	H. Andrews (St. George)
L. Mina (St. George)	M. Bettini (Sutherland)
V. Morris (Sutherland)	D. Lockwood (Tamworth)
L. O'Brien (Tamworth)	Y. Richardson (Taree)
L. Bonnett (Taree)	P. Burt (Westlakes)
S. Shelley (Westlakes)	S. Bailey (Woy Woy)
M. Thoms (Woy Woy)	C. Miles (Wyang)
F. Passmore (Wyang)	

Life Members: M. Corbett  
M. Boyle OAM  
A. Doring

Observers: E. Hamilton (Woy Woy)  
T. Eastham (Lakeside)  
K. Jeffress (Westlakes)  
F. Reynolds (Randwick)  
K. Sweeney (Tamworth)

Returning Officer: Les Turner

## The President declared the meeting open at 9.10 am

### a) Apologies

R. Watson (Vice President)	C. Campbell (General Manager)
J. Byrnes (Parramatta/Auburn)	S. Connolly (Campbelltown)
G. Byrnes (Campbelltown)	V. Bruner (Kiama)
C. Booth (Blacktown)	D. Jackson (Port Stephens)
M. McGrath (Lakeside)	E. Brown (Macleay)
C. Baiton (Young)	

**MOVED** Lakeside seconded Port Stephens that apologies be accepted

**CARRIED**

### W. Archer (President): Information on Postal Voting and Notices of Motion

“Before we commence the business of the meeting I would like to provide extra information to the Council members on the postal voting and notice of motion concerning the Constitution.

A postal vote has been allowed for the vote on the Constitution. This prompted comment from a District regarding the legality of the postal vote. Again, I sought legal advice which is that the postal vote is legal in accordance with clause 5 (b) (c) which relates to ‘Meetings of Council’. Clause 11 which deals with ‘Alterations to the Constitution’ creates an anomaly within our Constitution, and this in part is why it is important that the draft Constitution be passed today.

As Chair I felt that the importance of the acceptance, or not, of this draft Constitution should be open to all members of our organisations not just those ‘present and voting’. Comment has been made by a District regarding the wording of the notice of motion as it appears on the Notice of Meeting.

I would like to say that the Board felt it extremely important that there was no pre-empting of the outcome of the vote on the Constitution and hence further motions required should the draft Constitution be passed were not included in the Notice of Meeting.

The intent of the Board is:

1. That the document known as the Netball NSW Constitution dated 'Amended at the Extra Ordinary Council Meeting held 7<sup>th</sup> November 2009' is repealed.
2. That the Netball NSW Constitution document, should it be adopted, come into effect from 1 minute past midnight on the 1<sup>st</sup> January 2012 and be known as the Netball NSW Constitution at which time the document currently known as the Netball NSW Constitution dated 'Amended at the Extra Ordinary Council Meeting held 7<sup>th</sup> November 2009' is repealed.

In looking at the situation in which we find ourselves I believe that common sense must prevail. It stands to reason that if this Council is prepared to vote into place the new Constitution with an effective date from 1 January 2012 that the natural course of action would be that a timeframe be put in place for the enactment of the new Constitution and hence the 'current' Constitution would need to be repealed. Common sense would also say that if this Council enacts the new Constitution then as a natural matter of course the current Constitution would become defunct. The wording I have just read will tidy up any misconceptions that might be out there.

M Murphy (Director State Administration) proceeded to review the proposed new Constitution clause by clause, highlighting areas where specific questions have been raised in the past regarding application and interpretation. With reference to the memo put out on 27 October 2011, the new Constitution, once adopted, will become effective 1 January 2012. This is because our financial year also commences on 1 January as does our membership year. However, the AGM and election of Directors occurs in March each year in line with our governance requirements. To ensure a smooth transition, the following will occur:

1. District Associations will need to complete and submit their affiliation forms in accordance with the new Constitution.
2. Directors currently holding positions as at 1 January 2012, will remain as Directors until the AGM scheduled for Sunday 25 March 2012.
3. At the AGM, all Director positions, including President, will be declared vacant and a ballot for President and six Directors will be held in accordance with our Election and Postal Voting Policy. For subsequent elections, rotation of one and two year initial terms will apply as per the new Constitution.
4. Operationally, the Board will meet as normal during the period 1 January 2012 to the AGM and conduct the business of the Association during this time. Directors will retain their portfolio status during this period.
5. Appointment of members to the various NNSW Panels will be undertaken as per our annual process.

**b) Proposed new Constitution**

**MOVED** by the Board of Directors and seconded by Blacktown for the adoption of the new Constitution as distributed, in its entirety, with an effective date of 00:01am 1 January 2012.

**CARRIED (F:99 A:6)**

**MOVED** M. Murphy (Director State Administration), seconded Westlakes that the document currently known as the NNSW Constitution dated 'Amended at the Extra Ordinary Meeting held 7<sup>th</sup> November 2009, is repealed

**CARRIED (F:104 A:0)**

**MOVED** M. Murphy (Director State Administration) seconded Baulkham Hills that the Netball NSW Constitution document, as just adopted, come into effect from 1 minute past midnight on the 1<sup>st</sup> January 2012 and be known as the Netball NSW Constitution at which time the document currently known as the Netball NSW Constitution dated 'Amended at the Extra Ordinary Council Meeting held 7<sup>th</sup> November 2009' is repealed.

**CARRIED (F:100 A:0)**

**The President declared the meeting closed at 9.55 am**