

NNZ Member Feedback on the Updated Template Netball Centre Constitution

Answers to general questions relating to adoption of the template Netball Centre constitution

Topic(s)	Questions	Answers
Re-Registration	What is required to be submitted for re-registration – do you need to have updated regulations as well as an updated constitution?	<p>You only need to submit the constitution on re-registration, not the regulations.</p> <p>The incorporated societies website contains information about what you will need. Aside from a constitution, you will need to also provide your society's contact details, the details of at least 1 contact person and the details of committee members and other officers. For the committee members and other officers, you will need to certify that they have consented in writing to being an officer and certified that they are not disqualified from being an officer.</p> <p>Officers can include people who are not part of the elected committee. Officers includes anyone who holds a position which allows them to exercise significant influence over the management of administration of the society.</p>
NNZ Membership	Why has Netball New Zealand proposed to remove the wider categories of individual membership from the NNZ constitution?	The communications regarding this decision can be found here .
Membership Consent for Juniors	What is the age at which you can consent to be a member?	<p>The term “junior” here is being used to refer to anyone who is a minor (under 18 years of age) for contracting purposes.</p> <p>Juniors can be members of a society but, unhelpfully, the ISA 2022 does not expressly deal with junior members and in particular the consent requirement for membership.</p> <p>Given that the ISA 2022 does not expressly deal with the matter and taking into account that a contract (and society membership is essentially contractual in nature) is not enforceable against a junior* but otherwise has effect as if the junior were of full age, a ‘belts and braces’ approach would be to:</p> <ul style="list-style-type: none"> • Collect both the junior's consent (if a junior is old enough for this to be practicable) and at least one parent/legal guardian's consent in relation to junior membership, for any junior under 18 years of age or at least for those under 16 years of age. • Ensure that, in getting a parent/guardian's consent, the parent/guardian is also agreeing to be appropriately bound to comply, or guarantee/support compliance with, terms and conditions relating to the junior's membership (including payment of fees etc.). This could potentially involve the parent/guardian themselves becoming a member, but does not necessarily need to do so.

		<p>(* A court/tribunal can order that a contract is enforceable against someone under 18, if the court/tribunal is satisfied that the contract is fair and reasonable).</p> <p>This is a matter that we have also been considering in relation to the drafting of junior membership provisions in the template Club constitution.</p>
Adoption process	Once a Centre has finalised its constitution based on the updated template, how should it be adopted/approved and when will it come into effect?	<p>A Centre will need to adopt a new constitution and apply for reregistration under the ISA 2022 by 5 April 2026.</p> <p>Once the proposed new constitution based on the updated template is finalised for the Centre, it should be notified and approved in accordance with the Centre's current constitution, at an AGM or SGM. The Centre proceeding with reregistration under the ISA 2022 should also be approved at the same time.</p> <p>The new constitution will not apply to the AGM or SGM at which it is adopted; the AGM or SGM should be conducted in accordance with the Centres current constitution (and the ISA 1908).</p> <p>The new constitution will only come into effect once the Centre is reregistered under the ISA 2022, so the new constitution (and the ISA 2022, rather than the ISA 1908) will only apply to AGMs, SGMs and other matters after the Centre's reregistration date.</p>
Charities Act registration	If a Centre is currently Charities Act registered, does the template Netball Centre constitution need to be adapted in any way for charitable status/Charities Act registration purposes?	<p>There is unavoidable risk for Centres who are registered charities. a Centre is not guaranteed charity status on the basis they were previously accepted – different commissioners have different views on sports organisations.</p> <p>Based on NNZ's initial review of the constitutions of Centres that are currently Charities Act registered, the constitutions are typically template Netball Centre constitutions that have not been adapted in any way to secure charitable status/Charities Act registration, and the Centres have been accepted for registration. Altering the constitution to be compliant with the Charities Act narrows and limits the constitution in way which will not align across the system.</p> <p>On that basis, NNZ considers that relevant Centres can adopt the updated template Netball Centre constitution without seeking to adapt it in any way, reregister under the ISA 2022, and then proceed with filing the new constitution under the Charities Act.</p> <p>It is possible that in light of sports-related Charities Act registration/deregistration decisions that have been issued by the Charities Registration Board in recent years, Charities Services might raise queries or require changes when a Centre's new constitution is filed.</p>

		However, rather than trying to second-guess and pre-empt possible queries or required changes (which might not eventuate anyway), NNZ suggests that relevant Centres should simply proceed with adopting a new constitution, reregistering, and filing the constitution.
Zones and Zone entities	Has the Centre Constitution being drafted with the Mainland Zone in mind (who does not have a Zone Entity)	<p>The Netball Centre constitution template has been drafted on the basis that there may, or may not be, a Zone Entity in a Zone.</p> <p>Therefore the template will still work for the Mainland Netball Centres. Note it is also future proofed in the event it was decided that a Zone entity should be re-established for Mainland Zone.</p> <p>The Mainland Centres have been provided with a constitution that has a slight variation to ensure the definitions make sense in their context (i.e. a one registration number is not required as they do not have one).</p>
Executive Committee versus Board	Can we change the reference to Board to be Executive Committee?	Yes, if this fits your Centre better. Please check all references are updated, including in the definitions.

Answers to questions relating to rules included in the template Netball Centre constitution

Netball Centre Rule(s)	Questions	Answers
Rule 1 – Name	<p>Rule 1 refers to the incorporated society as a “Netball Centre” and in the remainder of the constitution the society is referred to as the “Centre”.</p> <p>Does the legal name need to include “Netball Centre” or “Centre”?</p>	<p>No. If the incorporated society’s legal name does not already include “Netball Centre” or “Centre”, the name does not need to be changed to include those words.</p> <p>Those words could just be used in the society’s commonly known name.</p> <p>If neither the society’s legal name nor its commonly known name uses those words, the abbreviation “Centre” can still be used in the constitution. Alternatively, the abbreviation can be changed (making sure that all “Centre” references in the constitution are replaced where appropriate).</p> <p>For example, “XYZ Netball Association Incorporated” would not need to change its legal name, and if preferred the abbreviation used in the constitution could be the “Association”.</p>
Rule 4 – Powers – Preliminary wording	<p>The preliminary wording of Rule 4.1 refers to the powers of a Centre being “Subject to any overriding power of NNZ as the national body for Netball in New Zealand under the NNZ Constitution or the Zone Entity for the Zone (if any) under the Zone Entity Constitution”.</p> <p>What is the purpose of this preliminary wording in Rule 4.1?</p>	<p>The purpose of the preliminary wording of Rule 4.1 is to signal that a Centre’s powers as set out in Rule 4.1 are not unfettered.</p> <p>In relation to a Centre’s relationship with NNZ, the Centre is required to comply with the NNZ Constitution, Regulations and Board resolutions, and is subject to the jurisdiction of NNZ (as per Rule 11 of the NNZ Constitution).</p>

Netball Centre Rule(s)	Questions	Answers
		In relation to a Centre's relationship with any Zone Entity of which the Centre is a member, the Centre is similarly required to comply with the Zone Entity Constitution, Regulations and Board resolutions, and is subject to the jurisdiction of the Zone Entity (as per Rule 10 of the NNZ Constitution).
Rule 4 – Powers – prohibition of-affiliation (Rule 4.1(k))	<p>Rule 4.1(k) provides that a Centre has the power to <i>“be a member of, or associated in any other way with, any organisation which has objects which are similar, in whole or in part, to the Objects of the Centre, <u>provided that</u> this is consistent with the Centre's membership of, and obligations to, NNZ and the Zone Entity for the Zone (if any);”</i>.</p> <p>The proviso to Rule 4.1(k) reflects , and links to, the requirement under the NNZ Constitution (Rule 7.3(k)) that a Centre must not affiliate to any Netball organisation other than NNZ and a Zone Entity (if any).</p> <p>Do those provisions prohibit a Centre from being:</p> <ol style="list-style-type: none"> 1. A Member Association of the New Zealand Mens and Mixed Netball Association Incorporated? 2. A member of a Centre cluster organisation that operates as a separate legal entity? 	<p>The provisions would prohibit a Centre from becoming a Member Association of the New Zealand Mens and Mixed Netball Association Incorporated. Becoming a Member Association of the NZMMNA would involve affiliation to a Netball organisation other than NNZ and a Zone Entity.</p> <p>For that type of membership/affiliation to be permitted, Rule 7.3(k) of the NNZ Constitution would need to be changed, eg by providing that a Centre must not affiliate to any Netball organisation other than NNZ and a Zone Entity (if any) <i>unless the NNZ Board has approved such affiliation</i>.</p> <p>In contrast, entering into contractual or other arrangements with the NZMMNA as part of furthering the Centre's objects and operations, in a manner that recognises and is wholly consistent with the Centres' affiliation to NNZ and any relevant Zone Entity, would be permitted.</p> <p>The impact of the provisions on a Centre's membership of a Centre cluster organisation (whether that organisation is a separate legal entity, eg a company or incorporated society, or not, eg an unincorporated partnership, joint venture, or other contractual arrangement) would depend upon the purpose of the organisation.</p> <p>If the purpose is to facilitate and/or enhance delivery of the operations of participating Centres in a manner wholly consistent with the Centres' affiliation to NNZ and any relevant Zone Entity, then the provisions would not prohibit a Centre from participating in the cluster organisation.</p> <p>If the purpose is to establish a Netball organisation that stands apart from NNZ and any relevant Zone Entity or is in some other way inconsistent with the Centres' affiliation to NNZ and any relevant Zone Entity (eg, the cluster's proposed role would clash with the Zone Entity's role), then the provisions would prohibit a Centre from participating in the cluster organisation.</p> <p>If a Centre cluster organisation is proposed by any Centres, the Centres should check the position with NNZ before proceeding.</p>
Rule 4 – Powers – Separate entities for Centre operations (Rule 4.1(t))	<p>Rule 4.1(t) provides that a Centre has the power to <i>“establish, maintain and have an interest in corporate or other entities to carry on and conduct all or any part of the affairs of the Centre and for that purpose, to utilise any of the assets of or held on behalf of the Centre;”</i>.</p>	<p>The provisions are intended to enable a Centre to use or participate in an entity such as a company, society, trust, or partnership to facilitate/enhance delivery of the Centre's operations.</p> <p>This might include, for example:</p>

Netball Centre Rule(s)	Questions	Answers
	What does this power enable a Centre to do, and what would be a practical example of a Centre using the power?	<ul style="list-style-type: none"> Establishing a company or partnership for a particular part of the Centre's operations, eg to run/manage the Centre's facility or part of the facility (eg, the facility café). Establishing a charitable trust for the Centre's facilities or for fundraising to support Centre facilities/operations that are charitable. <p>Use of the power under Rule 4.1(t) could involve a Centre working together with other Centres, eg to establish a Centre cluster organisation to facilitate and/or enhance delivery of the operations of participating Centres.</p> <p>In that case, a Centre would need to make sure that the cluster organisation complies with Rule 4.1(k) and the NNZ Constitution – see the previous answers to questions raised in relation to Rule 4.1(k) above.</p>
Rule 4 – Powers – Enforcement of rules (Rule 4.1(n) and (o))	<p>Rule 4.1(n) refers to a Centre enforcing the rules and regulations of INF, NNZ and the Zone Entity for the Zone (if any), and Rule 4.1(o) refers to a Centre enforcing the Rules of Netball.</p> <p>Is this a duplication, and should "INF" be "World Netball"?</p>	<p>Rule 4.1(n) and Rule 4.1(o) do not duplicate each other. Rule 4.1(n) is focused on corporate/governance rules and regulations; Rule 4.1(o) is focused on the rules of the game.</p> <p>"INF" is used because the international organisation's legal name is the International Netball Federation, even though it 'trades' as "World Netball".</p>
Rule 7 – Member Clubs and Member Schools – link to Zone (Rules 7.1 & 7.2)	<p>Rules 7.1 and 7.2 require a Member Club or Member School to be a club or school that <i>"administers, promotes and develops Netball ... in the Zone or the Centre's part of the Zone"</i>.</p> <p>Do those provisions prevent a club or school geographically situated in one Zone from becoming a member of a Centre in another Zone?</p>	<p>The original drafting of Rules 7.1 and 7.2 in the template Netball Centre Constitution would prevent a club or school geographically situated in one Zone from becoming a member of a Centre in another Zone.</p> <p>The template Netball Centre constitution has been amended to provide greater flexibility, because there are some situations where it makes sense, as a practical matter, for a club or school geographically situated in one Zone to becoming a member of a Centre in another, adjacent Zone (eg, because the Centre's facilities are the closest facilities for the club or school).</p> <p>Under the amended drafting, Rules 7.1 and 7.2 will require a Member Club or Member School to be a club or school that <i>"administers, promotes and develops Netball ... in the Zone or in an adjacent Zone, either within or in reasonably close proximity to or the Centre's part of the Zone"</i>.</p>
Rule 7 – consent to being a Member (Rule 7.3)	Are people currently consenting to be a Member?	<p>For those Centres using Sporty, the terms and conditions currently say "By completing this form, and by providing true and accurate information, you are consenting to become a member of [club/school], your Centre, Zone and Netball New Zealand, to the extent applicable."</p> <p>If you are not on Sporty and would like a copy of the terms and conditions developed with our legal advisors, please contact us.</p>

Netball Centre Rule(s)	Questions	Answers
Rule 7 – Member Clubs and Member Schools – membership details/consent (Rule 7.3)	<p>Rule 7.3 refers to Club or School becoming a member of a Centre by making written application to the Centre board, including the Club or School's consent to becoming a member of the Centre.</p> <p>How will this work in practice?</p>	<p>For ISA 2022 compliance purposes, a Centre will need to make sure that it collects a Club or School's consent to become a member of the Centre and the information required for the Centre's membership register (see Rule 11).</p> <p>For that purpose, in practice a Centre may:</p> <ul style="list-style-type: none"> • use Sporty to collect a Club or School's consent and other information; and/or • get a Club or School to complete a separate application/registration process or form to provide their consent and other information. <p>Dealing with these matters by electronic means meets the requirement for a written application. (Rule 28.2(g) specifically provides for references to writing or anything written to include email and other electronic means.)</p>
Rule 9 – Membership Fees	<p>Rule 9 refers to the determination of Centre membership fees payable by Centre members to the Centre.</p> <p>Is free membership of a Centre permitted, eg for umpires?</p>	<p>Yes, free membership of a Centres is permitted if free membership complies with NNZ Regulations and any Zone Entity Regulations in relation to membership fees.</p> <p>Free Centre membership for umpires and also others such as Centre officers/personnel and Club and School officials would be permitted.</p>
Rule 9 Membership Fees – NNZ/Zone Entity review (Rule 9.2)	<p>Rule 9.2 refers to a Centre board having to cooperate and comply with any NNZ or Zone Entity review of the Centre's fees and any consequent request to amend the Centre's fees to comply with NNZ and Zone Entity regulations.</p> <p>What is the purpose of this, and in what circumstance might it apply?</p>	<p>Rule 9.2 reflects existing provisions applicable to a Centre under the NNZ constitution (Rule 10.2), and under any applicable Zone Entity constitution (Rule 9.2 in the updated template Zone Entity constitution).</p> <p>The provisions are protective provisions to enable NNZ and a Zone Entity to review a Centre's fees if required, which is only likely to occur in exceptional circumstances, eg if there are reasonable grounds for considering that fees are unjustifiable and affecting participants and the reputation of Netball.</p> <p>For example, NNZ has in the past reviewed a Zone Entity's fees and requested that they be lowered, because they were out of line with other Zones and not justifiable.</p> <p>Rule 9.2 has been included in the template for clarity, as a reminder to a Centre and its board and members, so that they do not lose sight of the requirement for the Centre, as a member of NNZ and any relevant Zone Entity, to comply with NNZ Regulations and any applicable Zone Entity Regulations in relation to the setting of their fees.</p> <p>That approach of signalling/reminding the Centre and its board and members of potential overriding NNZ and Zone Entity requirements has been taken throughout the template – on the basis that, day-to-day, a Centre will be</p>

Netball Centre Rule(s)	Questions	Answers
		<p>working with and focused on its own constitution and regulations and may not remain mindful of potentially applicable NNZ and Zone Entity constitution and regulation requirements unless there is a prompt to do so.</p> <p>Nonetheless, a Centre could delete Rule 9.2 if preferred, and the Centre would still be required to comply with NNZ and Zone Entity regulations by virtue of its membership of NNZ and any Zone Entity in any event.</p>
Rule 11 – retention of former members data (Rule 11.1)	Does the 7 years retention of former members data (In Rule 11.1) apply after the constitution is passed?	<p>Incorporated societies will only need to comply with the requirement on a go-forward basis, once a Netball Centre has adopted its new constitution and has re-registered under the ISA 2022 (at which point the ISA 2022 and related regulations will start to apply to the Netball Centre).</p> <p>In other words, on day 1 of a Netball Centre’s re-registration under the ISA 2022 the Netball Centre only needs to have a register of its current members, not its past members. If Members on the register at Day 1 then cease to be members, the Netball Centre will need to record the date of cessation of their membership and keep them on the register until the 7 year period has expired.</p>
Rule 11 – Register of Members – Member addresses (Rule 11.2(b))	<p>Rule 11.2(b) refers to a member’s contact details on the Register having to include a postal address (including postcode), as well as an email address and at least one phone number.</p> <p>Is the inclusion of a postal address for each member mandatory?</p>	<p>The ISA 2022 requires membership register information for a member to include either a physical or an email address used by the person, but for NNZ research and data purposes, to support and grow the game (including supporting the Centres), NNZ considers it appropriate to require the inclusion of a postal address.</p> <p>Under this approach, there would still be the flexibility for the physical address used by the person to be a ‘care of’ address (eg, the address of a school team players’ school).</p>
Rule 11 – Register or Members – Format of register (Rule 11.3)	<p>Rule 11.3 requires a Centre to keep its Register in a format determined by NNZ, and to provide its Register/Register details to NNZ and any applicable Zone Entity from time to time.</p> <p>What is the purpose/reason for these requirements?</p>	<p>The purpose/reason for these requirements is two-fold:</p> <ul style="list-style-type: none"> First, individuals who are members of Centres and their Member Clubs/Schools are currently included as members of NNZ, so NNZ needs Centres’ Registers/Register details, in the same format, in order to maintain NNZ’s own Register. Secondly, NNZ and Zone Entity access to Centres’ Registers/Register details is important research and data purposes, to support and grow the game (including supporting the Centres), in accordance with NNZ and the Zone Entity’s objects.

Netball Centre Rule(s)	Questions	Answers
Rule 11 – Register of Members – Changes to Register information (Rule 11.4)	<p>Rule 11.4 requires a Centre member to provide written notice of any change to the member's details within 30 days, and requires a Centre to notify NNZ and/or any applicable Zone Entity of any such change within 30 days.</p> <p>What is the intention of this rule, and is it necessary?</p>	<p>The intention of Rule 11.4 is to ensure that members are constitutionally required to update their details with a Centre, and that the Centre then shares any such update with NNZ and/or its Zone Entity as appropriate.</p> <p>Written notice can be by email or other electronic means (as per Rule 28.2(g)), eg via Sporty, so this should make it practicable to comply with the requirements.</p>
Rule 12 – Termination of Membership	<p>Does a member need to give notice for their membership of a Centre to cease, or does their membership automatically cease if they do not play/re-register for the following season?</p> <p>Can a Centre specify in their registration process that membership is for a set term, eg one year?</p>	<p>Rule 12 of the template Netball Centre constitution provides that, for all categories of members, a person's membership (including the membership of an Individual Member or a Member Club or Member School) will be terminated if:</p> <ul style="list-style-type: none"> • The Centre board determines that the person has ceased to meet the requirements for the relevant category of membership. • The person resigns by giving notice of their resignation to the Centre or their club/school. • The person has not paid their Membership Fees or any other fees, in which case the person must be notified and given at least 7 days to pay before their membership is terminated. • The person's membership is terminated as a result of disciplinary proceedings. <p>The template constitution does not provide for a fixed term of membership (eg, a one year term or a term set by reference to a Netball season or a financial or calendar year).</p> <p>For those who become members of the Centre directly (individuals under Rule 6.2(b), clubs/schools under Rule 7), a specific term could be fixed by the Centre board under Centre regulations applicable to those categories of membership.</p> <p>The Centre board would then be able to terminate memberships under Rule 12 when the relevant fixed term expires.</p> <p>For other categories of membership (members of Member Clubs and Member School Netball Teams, Member Club/School Officials, Centre officers/personnel), the Centre would not fix a term of membership because the position would depend upon an individual's membership with a club/school or their appointment by a club/school or the Centre.</p>

Netball Centre Rule(s)	Questions	Answers
		<p>The Centre board would be able to terminate memberships under Rule 12 when the Centre is notified or otherwise becomes aware that a person no longer meets the requirements for those other categories of membership.</p>
<p>Rule 13 – President & Patron</p>	<p>Rule 13 provides for a Centre to have a Patron and a President, as positions outside of the Centre’s Board.</p> <p>Is it permissible for a Centre to have just a Patron and not a President?</p> <p>Is it permissible for a Centre to have a President who is on the Board, as the Chair of the Board?</p>	<p>The Patron and President provisions in Rule 13 of the template Netball Centre constitution are optional provisions. A Centre can choose to provide for both positions, one of them, or neither of them.</p> <p>For example, if a Centre would prefer to have only a Patron, Rule 13 can be amended to delete the references to the President.</p> <p>A Centre could also opt to provide for the chair of its Board to be the “President” of the Centre. If so, references to the “Chair” would need to be updated throughout the constitution, where appropriate.</p> <p>Note that under Rule 14 of the template Netball Centre constitution the Chair is appointed by the Board, rather than being elected to that position. If a Centre wishes to provide for the chair of its Board to be the “President” of the Centre, the Centre may also wish to provide for that specific position to be an elected position.</p>
<p>Rule 14 – Board - Term of Office of Board Members (Rule 14.6)</p>	<p>Rule 14.6(c) provides that a Board Member may serve a maximum number of consecutive terms (eg, 3 consecutive terms) and limits the duration of consecutive service (eg, to 9 years).</p> <p>Is this mandatory, or just best practice?</p> <p>Can Rule 14.6(c) be modified, eg to deal with a situation where there are no other available nominations/candidates or to enable a capable Board Member to stay on for an additional term or longer period?</p>	<p>Rule 14.6(c) is not mandatory, but some form of limitation on consecutive terms of office and/or period of service are recommended – to encourage refreshment of Board membership over time.</p> <p>If the suggested drafting of Rule 14.6(c) is considered to be too restrictive for a Centre, options that could be considered would include:</p> <ul style="list-style-type: none"> removing of the limitations altogether; making the limitations less stringent (eg, 4 consecutive terms, up to 12 or 15 years of service); introducing a mechanism for allowing exceptions, eg: <ul style="list-style-type: none"> unanimous Board approval; and/or membership approval (by way of resolution at a General Meeting); introducing one or more specified exceptions, eg allowing a person to serve another term or a longer period if there are no other nominations for the position at the time of the election or appointment. <p>The template Netball Centre constitution has been updated to include some drafting options/suggestions.</p>

Netball Centre Rule(s)	Questions	Answers
Rule 14 – list of roles the Board can employ	Can we add “Centre Manager” to the list of roles the Board can employ under Rule 14.9(d)?	Yes, fine to add if it fits your Centre better.
Rule 14 – Board – Functions and Powers of Board (Rule 14.9)	<p>The preliminary wording of Rule 14.9 refers to the powers of a Centre’s board being “<i>Subject to any overriding power vested in NNZ and the NNZ Board or in the Zone Entity for the Zone (if any) and the Zone Entity Board under the NNZ Constitution or the Zone Entity Constitution...</i>”.</p> <p>What is the purpose of this preliminary wording in Rule 14.9?</p>	<p>The purpose of the preliminary wording of Rule 14.9 is to signal that a Centre board’s powers as set out in Rule 14.9 are not unfettered.</p> <p>In relation to the relationship with NNZ, a Centre and its board are required to comply with the NNZ Constitution, Regulations and Board resolutions, and they are subject to the jurisdiction of NNZ.</p> <p>In relation to the relationship with any Zone Entity of which the Centre is a member, the Centre and its board are similarly required to comply with the Zone Entity Constitution, Regulations and Board resolutions, and they are subject to the jurisdiction of the Zone Entity.</p>
Rule 14.9 – Functions and Powers of a Centre’s Board	Can the list of specific powers be reduced if a Centre prefers?	<p>The list of specific powers in Rule 14.9 can be simplified/reduced if a Centre prefers, and in particular the specific powers in paragraphs (k), (l), (p) and (s) could be deleted if preferred. The deletion of those specific paragraphs would not detract from the core provisions relating to the functions and powers of the Centre’s board.</p> <p>If a Centre wanted to have a super-simplified provision regarding the functions and powers of its board, Rule 14.9 could read:</p> <p>14.9 Functions and Powers of the Board: <i>Subject to any overriding power vested in NNZ and the NNZ Board or in the Zone Entity for the Zone (if any) and the Zone Entity Board under the NNZ Constitution or the Zone Entity Constitution, the Board has all of the powers necessary to carry out its role as the governing body of the Centre, including the power to exercise, and to delegate and oversee the exercise of, the powers of the Centre and the Board in order to further the Centre’s Objects.</i></p> <p>A potential downside of that type of simplified provision is that, unlike the list of specific powers, the simplified provision does not give any steer or direction to the Centre board regarding the types of things it is able / expected to do.</p>
Rule 18 – financial audits (Rule 18.2)	Is NNZ forcing all Centres to get a financial audit under Rule 18.2?	<p>This clause reflects what was previously in the constitution and states “unless otherwise approved by the NNZ Board”</p> <p>We intend to take a pragmatic approach to this and have started drafting a flowchart to show whether Centres are required to have an audit/review/nothing without an administratively heavy approval process.</p> <p>Note that many Centres who receive funding may be required to get an audit no matter their size.</p>

Netball Centre Rule(s)	Questions	Answers
Rule 22 – Alterations to the Constitution/Rules Alterations Effective on Registration (Rule 22.6)	<p>Rule 22.6 provides for any alteration to the constitution/rules to take effect from the date of its registration under the ISA 2022.</p> <p>What does this mean in practical terms?</p>	<p>Rule 22.6 reflects the provisions of the ISA 2022 in relation to the time at which constitutional alterations come into effect.</p> <p>In practical terms, this means that:</p> <ul style="list-style-type: none"> • Generally any alteration to a Centre’s constitution cannot take immediate effect; it needs to be approved and then registered in order to take effect. • If it is intended that an approved alteration should apply as soon as possible, it should be registered as soon as possible following the approval (eg, the same day or the next day). • If it is intended that an approved alteration will come into effect at a future date, registration could be delayed until that date (but it will generally be better to specify an effective date in the approved alteration, and register the alteration as soon as possible).
Rule 22 – Minor alteration by the Board (Rule 22.3)	Do we have to keep Rule 22.3, minor alterations by the Board?	No, this is not a mandatory clause and can be removed. It was added to the template to allow for flexibility.
Rule 28 – Interpretation Provisions and Definitions	Should there be a definition of “commission”, which is used in various provisions of the template Netball Centre constitution that refer to commissions, committee or other groups?	The term “commission” has not been defined in Rule 28.3, because it just intended to have its general meaning. The same applies to the terms “committee” and “groups”.

Answers to questions relating to related aspects of the NNZ Constitution

NNZ Rule(s)	Questions	Answers
Rule 8 – Individual Members	<p>Rule 8 refers to individual members of NNZ as including individuals who are members of a “Club” or a “School Team”.</p> <p>In contrast, the template Netball Centre constitution refers to individual being members of a “Member Club” or a “Member School Team”.</p> <p>Should the NNZ constitution also use the terms “Member Club” and “Member School Team”?</p>	The terms “Member Club” and “Member School Team” have not been used in the NNZ constitution because the clubs and schools are not members of NNZ. Clubs and schools are only members of the Netball Centres.
Rule 31.3 – Definitions	<p>The definitions of “School” and “School Team” read:</p> <ul style="list-style-type: none"> • “School” means a school which administers, promotes and develops Netball in a Zone and is a member of a Netball Centre in the Zone. 	In order to ensure consistency with the template Netball Centre constitution, the definitions of “School” and “School Team” in the proposed NNZ constitution have been amended to read:

	<ul style="list-style-type: none">• “School Team” means a Netball Team representing a school in a Zone. <p>Are these definitions accurate and do they fit with the template Netball Centre constitution’s description of schools that are eligible to become Member Clubs?</p>	<ul style="list-style-type: none">• “School” means a school which administers, promotes and develops Netball in a Zone and is a member of a Netball Centre.• “School Team” means a Netball Team representing a School.
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