

FAQs (updated 13 March 2025)

Netball New Zealand Club Constitution template – ISA 2022 purposes

Topic(s)	Questions	Answers
GENERAL QUERIES		
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>
Template alterations	Can we alter the template?	<p>Designing one template to cover all situations that all Clubs might operate under is difficult and it's unlikely this constitution template will suit everyone. The template has many areas highlighted in yellow which are places where the Club needs to consider, and make adjustments, for their own situation. Hopefully comparing this with their current constitution will assist in some cases.</p> <p>If changing other parts of the template, we encourage you to take note of the comments made by Simpson Grierson which point to specific requirements under the new Act. While you can make changes to other sections, we are unable to guarantee that changes you make will be in accordance with the Act and note that it is the responsibility of the committee to ensure that the constitution is compliant with the Act.</p>

Template	Do we have to use this template?	<p>No, this is only one template which will meet the requirements, however it has been designed with the wider Netball system in mind. It therefore follows on from the constitutions of Netball New Zealand, the Zone entities and Netball Centres and is consistent with those.</p> <p>Other options available to you which we know of include a couple of club templates by Sport New Zealand (found here), and the constitution builder on the Incorporated Societies Website (found here).</p>
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 Club has finalised its constitution based on the updated template, how should it be adopted/approved and when will it come into effect?	<p>A Club 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 Club, it should be notified and approved in accordance with the Club's current constitution, at an AGM or SGM. The Club 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 Club's current constitution (and the ISA 1908).</p> <p>The new constitution will only come into effect once the Club 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 Club's reregistration date.</p>
Use of the term "Committee"	Why have you used the terminology committee to cover Officers?	<p>We considered that Committee was likely the most appropriate term in the case of clubs to represent the governing group of Officers.</p> <p>You may change committee to "executive committee" or "board" for example as relevant to your club, but please ensure that all references through the document are also changed.</p>

CONSTITUTION QUERIES		
Rule 5.1	Do we have to have a category for Life Members?	No, you can remove this if it is not relevant to your club. Please ensure you remove all other references to Life Members also though.
Rule 5.2	Why does the constitution talk to adult and junior membership?	This is to make it easier if a club determines that only adult members have certain rights, for example if only adult members can be on the committee (therefore holding responsibility under the Act), or hold voting rights at the AGM for example. As noted in the comments, you can alter the age of those considered juniors if you wish.
Rule 5.3	Are people already consenting to be a member of the club?	You will need to check the terms and conditions of registration with the club to ensure that individuals are agreeing to be a member. For Clubs using Sporty and taking registrations via the Netball New Zealand superform, the terms and conditions loaded onto the NNZ Superform say: <i>“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. You agree to abide by the Regulations and the Code of Conduct of these organisations, as published on their websites from time to time.”</i>
Rule 6.2	When do individuals become a member?	Rule 6.2 lays out the requirements which must be met before an individual is considered a Member. This includes confirming their consent to be a member (a requirement under ISA 2022). This is why registration of individuals is now very important. Unless they have registered, consented to be a member and/or agreed to abide by the rules and regulations of the club, Centre, Zone and Netball New Zealand, they are not captured.

Rule 8.1	What is fixed term membership and how might we apply it?	<p>Fixed term membership would be used to automatically terminate membership each year (therefore the individual does not need to formally “resign” from membership with your club, their membership instead is seen as seasonal).</p> <p>The constitution has been drafted assuming that clubs have regulations or some other bylaws where this could sit. If you don’t have these, you could adjust 8.1 to fit.</p> <p>You may wish to check with your local Netball Centre whether they too are implementing fixed term membership and follow their lead. We have recommended that what may be appropriate in many cases is to link fixed term membership to the superform year (as this makes running a register of members in Sporty easier). For example, we suggested that for many Centres an appropriate fixed term membership may be something like the following:</p> <p><i>“The Committee has determined that General Members (as described in the constitution) will have a fixed term applied to their membership. General Members who register within an annual period of 1 December to 30 November, will have their membership terminated on the 31st of December directly following”</i></p> <p>This ensures that those who register with your club for the season have their membership automatically terminated at the end of the year. It also covers the basis that some may take registrations for Spring/Summer netball played across Oct/Nov/Dec and therefore we want those individuals to be considered members until the competitions are complete. As above, if you’re unsure how your local Centre operates, we recommend touching base with them.</p>
Rule 10.2	Does the 7 years retention of former members data (In Rule 10.2) 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>

		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.
Rule 10.3(c)	<p>Rule 10.3(c) 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>	The ISA 2022 requires membership register information for a member to include either a physical <i>or</i> 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.
Rule 10.4	<p>Rule 10.4 requires a Club to keep its Register in a format which complies with the Centre, the Zone and 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 Clubs are possibly included as members of the Centre, so they need the Club Registers/Register details, in the same format, in order to maintain their own Register. • Secondly, access to Club's 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.
Rule 10.5	Does written notice include updating information electronically via a system?	Yes, this is covered of in the Interpretation section in Rule 24.3
Rule 12	Can we change the template for a different approach to electing/appointing committee members and/or particular positions	<p>Yes. However please take careful note the requirements of ISA 2022 e.g. that the constitution must provide for:</p> <ul style="list-style-type: none"> • the number of members that may or must be on a society's committee • the election or appointment of committee members • the terms of office of committee/members/officers