

New South Wales Darts Constitution

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Appendix 1

Application for Membership of Board

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Application for Membership of Executive

NEW SOUTH WALES DARTS (INC.)

CONSTITUTION

The name of the Association shall be “NEW SOUTH WALES DARTS INC.” (herein referred to as “the Council”) whose area of jurisdiction shall be the State of New South Wales.

Part 1 – Preliminary**1. 1. Definitions**

1.1 In this Constitution:

Chairperson means the Chairperson of the Board of Directors.

Director means a member of the Board of Directors who is not an office-bearer of New South Wales Darts Inc.

Secretary/Director of Administration means:

- (a) The person holding office under this constitution as Director of Administration, or
- (b) If no such person holds that office – the public officer of New South Wales Darts Inc.

Special General Meeting means a General Meeting of New South Wales Darts Inc other than an Annual General Meeting.

The Act means the *Associations Incorporation Act 2009*.

The Regulation means the Associations Incorporation Regulation 2010.

1.2 In this Constitution:

- (a) A reference to a function includes a function to power, authority and duty, and
- (b) A reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

1.3 The provisions of the *Interpretation Act 1987* apply to and in respect of this Constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

1.4 “W.D.F.” means the World Darts Federation.

1.5 “D.A.” means Darts Australia.

1.6 “Active Member” means all Active Members/Zones who hold the New South Wales Inc. Charter.

1.7 “Board” means the Board of Directors pursuant to Part 3, Composition and Membership of the Board.

1.8 “N.S.W.” means New South Wales Darts and is the trading name of New South Wales Darts Inc.

1.9 “Darts” means the game of Darts in all various forms including modified forms both Senior and Junior Players as administered by the Council, its Members, their affiliated Associations and Kindred Associations.

1.10 “Delegate to a General Meeting” means a Delegate of an Active Member/Zone.

1.11 “Financial Year” means the year ending 30 June of each year.

1.12 “Kindred Association” means an Association as such with the Council for the promotion and control of a specific part of the game of Darts in NSW.

- 1.13 "Junior Player" is defined as a player who has not attained the age of eighteen (18) years by the day after the completion of the Australian Junior Championships.
- 1.14 "Levy" means the amount other than affiliation and registration fees which affiliated may be called upon to pay the Council.
- 1.15 "Member" means a member of the Council, namely Active Member/Zone, Affiliate Member, Life Member and Representative Member.
- 1.16 "Month" means calendar month.
- 1.17 "Office Bearer" means a member of the Executive as defined in Part 3, Composition and Membership of the Board.
- 1.18 "Office" means any servant, agent, office or employee of the Council.
- 1.19 "Official" means an official as defined in Part 3, Composition and Membership of the Board.
- 1.20 "Player member" for the financial purpose, is any player who is due to pay the whole or part of an affiliation fee to a Club, a Sub Association, and an Association of an Active Member.
- 1.21 "Proxy Delegate" means a person who is properly and duly appointed for, and, who acts in the absence of a Delegate.
- 1.22 "Resolution" means an ordinary resolution passed by a majority in accordance with the Constitution of the Council.
- 1.23 "Special General Meeting" means a General Meeting of the Council requisitioned in accordance with this Constitution for the purpose of addressing pre-advised items of business only.
- 1.24 "Special Resolution" means a resolution passed by a majority of not less than seventy-five (75) per cent of those Members entitled under the Constitution to vote, and as may be present in person at any General Meeting of which notice specifying the intention to propose the resolution as a Specific Resolution was given in accordance with this Constitution.
- 1.25 "The Act" means the Incorporation, Association or Administering Act, including any amendments thereof for the State or Territory in which the Council is incorporated.
- 1.26 "Voting Delegates to a General Meeting" means any person or delegate from, or delegate representing, an Active Member/Zone who is entitled to vote at a General Meeting.
- 1.27 Unless the contrary intention appears, words of singular shall be deemed to include the plural and vice-versa.
- 1.28 With the exception of reference to gender specific competitions, committees and players, all reference to the masculine or the feminine shall be deemed to be gender neutral.

2. Objects of the Council

- 2.1 To foster the Sport of Darts and to encourage the playing of Darts competitions.
- 2.2 To continue to be a Member of Darts Australia and to deal with and participate in meetings of and cooperate with D.A.
- 2.3 To exercise jurisdiction over all Members in all matters pertaining to the Sport of Darts including, and without limiting the generality of the foregoing, to expel, suspend, disqualify, reprimand or otherwise deal with any Category of Member or individual.
- 2.4 To participate in International competition and to sustain a position as one of the highest ranking dart organisations in the world.
- 2.5 To develop talented identification programs for Coaches, Officials and Players.
- 2.6 To build and maintain a strong profile in the community at large as a popular and successful sport.

- 2.7 To increase the number of dart players in N.S.W. at all levels.
- 2.8 To establish and maintain financial security by obtaining funds from all sources, including grants, private, government and institutional sources and from Members through loans, levies and affiliation fees.
- 2.9 To maintain an efficient Administration at State level and between the Council and its Members.
- 2.10 To promote and/or conduct and/or arrange and/or control competitions including State competition at all levels.
- 2.11 To be non-political at all times.
- 2.12 To do such things as are indicated and/or conducive to the attainment of the above objects.
- 2.13 To settle disputes between Active Members, Member Associations and Sub Member Associations.
- 2.14 To promote and foster powers of equity and social justice within N.S.W.

Part 2 – Membership

3. Membership Generally

- 3.1 On approval of the Board, New South Wales Darts will financially support the court cost in any action against organisations or its Members or Servants.
- 3.2 **Constitution to Comply:**
 - 3.2.1 Members shall ensure that their respective Constitutions or rules are not in conflict with this Constitution and, where necessary, shall as soon as reasonably possible, amend their Constitution to eliminate any such conflict.
 - 3.2.2 Active Members shall ensure that their respective Constitutions or Rules provide (and where necessary shall as soon as reasonably possible amend to provide) that, as a condition of the venue being admitted as, or remaining, Members of their relevant Zone and thereby affiliated with the Council, the Constitution and Rules of such Associations shall provide (and where necessary shall as soon as reasonably possible amend to provide) that no person may be admitted to Membership of a local venue whilst under suspension or ban by any other local organisation affiliated with the Council in N.S.W. providing the Board has approved the suspension or ban.

4. Council Charter

- 4.1 No Darts management body shall be eligible for appointment as an Active Member of the Council without being awarded a Charter, on behalf of the Council, by the Board to the Administrator of a Zone.
- 4.2 Notwithstanding Section 4.3, the Council Charter shall only be issued covering each of the Constitutional Zones in the State of N.S.W.
- 4.3 Where there is a sound case based on geographic and economic grounds, the Board may approve specific areas to come under the Charter of an adjoining Active Member; such option shall only be where there is an agreement between the two Active Members affected.
- 4.4 The Board shall annually review the performance of the Charter holder and determine that the re-issue of such Charter is in the best interest of the sport.
 - 4.4.1 To undertake such review, the Board shall have the power to physically visit and inspect any aspect of the sport in that Zone. The cost of any such inspection shall be borne by the Council.
- 4.5 The awarding of a Charter and subsequent Active Membership is a privilege and not a right. Such Charter and Membership may be withheld, withdrawn or deferred by the Board at any time.

- 4.5.1 The withholding, withdrawal or deferment of approval to grant a Charter or appoint to Active Membership shall be determined by a seventy-five (75) percentage vote of Board Members present and entitled to vote at any specially convened meeting of the Board.
- 4.6 Applicants for initial Charter, or Review of Charter, shall submit to the Board such information and advice as required by the Board from time to time. Failure to supply such information or the incorrect supply of the required information shall cause the awarding or re-issue of the Charter to be declined.

Part 5 – Classes of Members

5. Members of New South Wales Darts (Inc.) shall consist of:

- 5.1 Active Members;
- 5.2 Life Members;
- 5.3 Representative Members;
- 5.4 Playing Members.

5.1 Active Members

- 5.1.1 (a) Active Membership shall be constrained to the respective Zone and Darts Management Organisations who hold a Council Charter. Such Charter shall be confined to administer the Sport of Darts within the venues of the respective Zones of NSW unless otherwise agreed by a majority decision of the Board.
- (b) Each Zone shall be required to have a Chartered /Executive (minimum of 3 persons).
- 5.1.2 To maintain their Active Member status, Zones/Venue Darts Organisations must have paid to the Council all affiliation fees, subscriptions and registration fees as determined by the Board.
- 5.1.3 Direct Registration is open to all Venues; no voting rights.

5.2 Life Members

Life Membership may be awarded to individuals who have provided long and meritorious service to the promotion and development of the Sport of Darts in NSW.

- 5.2.1 Life Membership may be conferred upon any person nominated by an Active Member who, in the opinion of the Annual General Meeting, has rendered outstanding service to the Council and to the game of darts in NSW. A pen picture must accompany the nomination.
- 5.2.2 The election of a Life Member must be agreed upon by seventy-five (75) percent of the Members attending the Annual General Meeting.
- 5.2.3 To be eligible for Life Membership, a person must have been a Member of the Council continuously, or in the aggregate, for a minimum of ten (10) years.
- 5.2.4 Active Members and Office Bearers shall be notified of all nominees for Life Membership not less than thirty (30) days prior to the Annual General Meeting.
- 5.2.5 Nominations for Life Membership will be accepted from Active Members only.
- 5.2.6 Nominations of Life Members will be forwarded to the Board of Directors (NSW) who will make their recommendation to all Active Members who will then vote at the next Annual General Meeting together with the Board of Directors (Yes or No).

5.3 Representative Members

- 5.3.1 Representative Members shall be comprised of:
- (a) Players who are selected to represent N.S.W. either in N.S.W./Australia or overseas.
 - (b) Team Officials who are appointed by the Board of Directors to support players representing N.S.W. internationally/interstate.

- 5.3.2 Unless otherwise determined by the Board, the duration of Representative Membership shall be for the period from selection until the following year's Team is selected.

5.4 Playing Members

For financial purposes, a Playing Member is any player who is due to pay the Membership levy as determined by the Board and endorsed by the Council.

Part 6 – Termination or Suspension of Membership

- 6.1 The Board reserves the right to terminate, suspend, expel or fine any class of Member. Such decision shall be determined by a seventy-five (75) percentage vote of Board Members present and entitled to vote at a specially convened meeting (or phone link up with the Board).

6.2 Membership Termination, Suspension, Expulsion or Fine

- 6.2.1 For any class of Member:

- (a) Who fails to comply with any of the provisions of this Constitution or Rules of the Council;
- (b) Condone conduct considered to be injurious and/or prejudicial to the character or interest of the Council;
- (c) In the event that a Notice of Charge is issued to a Member, the Board shall have the power to suspend that Member from all privileges of New South Wales Darts (Inc.) until the charge is heard and determined or for one (1) month, whichever is sooner. The Rules of Natural Justice do not apply to this short term suspension.

- 6.2.1 The Member concerned shall be given a full and fair opportunity of presenting his/her case to the Board, excluding costs.

- 6.2.2 If the Board resolves to terminate, suspend, expel or fine such Membership, the Board shall instruct the Secretary/Director of Administration to advise the member.

- 6.2.3 The Board may reinstate Membership where the term of suspension is concluded by:

- (a) The rectification as required by the Board of the misdemeanour or action which caused the Termination;
- (b) The fine levied is paid.

- 6.2.4 A Member whose application for Membership has been rejected, or whose Membership has been terminated or suspended, may, within fourteen (14) days of receiving notification thereof, lodge with the Secretary/Director of Administration written notice of his/her intention to appeal against the decision of the Board.

- 6.2.5 Appeals against the Decision of the Board in this regard shall be dealt with by special resolution at a General Meeting.

- 6.2.6 There shall be no appeal from such a resolution.

6.3 Self Termination of Active Membership

- 6.3.1 Any Active Member desiring to withdraw its affiliation with the Council shall give to the Secretary/Director of Administration not less than six (6) months in writing of such intention and, on the expiration of the period limited by such notice, shall cease to be a Member with the Council.

- 6.3.2 Notwithstanding such withdrawal of Membership, any such Member shall remain liable for, and shall, pay to Council all affiliation and other fees and levies which shall become payable to, or have been imposed by, the Council prior to such withdrawal of affiliation becoming effective.

6.4 No Transfer of Membership

Any rights, privileges or obligations of a Member, by reason of their Membership of the Council:

6.4.1 Shall not be transferred or transmitted to another body or person without the approval of New South Wales Darts (Inc.);

6.4.2 Shall terminate upon the cessation of such Membership whether by resignation or otherwise.

Part 7 – Register of Members

7.1 The Public Officer of the Council must establish and maintain a Register of Members of the Council specifying the name and postal or residential address of each person who is a Member of the Council together with the date on which the person became a Member.

7.2 The Register of Members must be kept in New South Wales:

7.2.1 At the main premises of the Council, or

7.2.2 At the address of the Public Officer.

7.3 The Register of Members must be open for inspection, free of charge, by any Member of the Council at any reasonable time.

7.4 A Member of the Council may obtain a copy of any part of the Register on payment of a fee of not more than \$1.00 for each page copied.

7.5 If a Member requests that any information contained on the Register about the Member (other than the Member's name) not be available for inspection that information must not be made available for inspection.

7.6 A Member must not use information about a person obtained from the Register to contact or send material to the person, other than for:

7.6.1 The purpose of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Council or other material relating to the Council, or

7.6.2 Any other purpose necessary to comply with a requirement of the Act or Regulation.

Part 8 – Fees and Subscriptions

8.1 Affiliation Fees

Each Affiliate/Active Member shall pay to the Council an equitable Annual Fee.

8.2 Fees

The amount of such Affiliation Fee for that particular year shall be as set out in the budget as adopted by the Board providing that the February Financial Meeting of the Council shall have the power to vary or amend the budget for that particular year including the amount of such Affiliation Fees.

8.3 Payment of Charter Fees

8.3.1 All fees are payable on or before the thirty-first (31st) day of December in each year. If not paid by the seventh (7th) day of January each year that Charter will not be eligible to vote at the A.G.M. following.

8.3.2 The Council shall not be obliged to render any invoices or accounts for any amount due for fees and any amount not paid by the due date herein specified shall be deemed in arrears.

Part 9 – Privileges of Membership

9.1 Active Members

- 9.1.1 Active Members shall have full voting rights and are expected to be involved in the sport development of darts on an Australia wide basis.
- 9.1.2 Notwithstanding Section 5.3, Active Members shall have the exclusive right to handle all matters pertaining to the domestic management of the Sport of Darts in the venues designated by their Charter.

9.2 Life Members

- 9.2.1 Life Members shall be entitled to attend, at their own cost, all Annual General Meetings of the Council and may speak on any matter being debated and have full voter rights (except those Life Members confirmed after A.G.M. 1998).
- 9.2.2 Life Members must have attended the February Finance Meeting to be eligible to vote at A.G.M.
- 9.2.3 Life Members receive a Life Member badge to be presented at the first possible N.S.W. Championships following the election. They have the right to wear the Council uniform in recognition of their status.

9.3 Representative Members

- 9.3.1 Representative Members shall be accountable to the Council/Board for all matters during the tenure of their Membership.
- 9.3.2 Representative Members shall be entitled to make any submissions or raise matters they deem to have an effect on the Sport of Darts directly with the Board who shall address such submissions or advice.
- 9.3.3 A Representative Member shall be entitled to wear the N.S.W. Representative Uniform of the type determined by the Board and in accordance with their category of representation.

9.4 Playing Members

- 9.4.1 Players, Officials and Coaches who are registered financial Members shall have the right to:
- (a) Compete in N.S.W. ranked or any Open tournament conducted by the Council, its Active Members or their affiliates.
 - (b) Represent their Active Member at New South Wales Darts (Inc.) Championships.
 - (c) Be eligible for selection for appointment to represent N.S.W.
 - (d) Be eligible for financial or other support by the Council or its Active Members.

Part 10 – Misconduct and Hearings

10.1 Misconduct: Active Members

- 10.1.1 Should the Council have reason to believe that an Active Member has failed to conduct an enquiry, or failed to make full enquiries, into any case of misconduct or any other matter within the jurisdiction of such Member, and calculated to bring discredit upon the game of Darts, the Council shall require such Member to conduct or complete such enquiry immediately.
- 10.1.2 Failing compliance with such request, it shall be the duty of the Council to obtain evidence and take such action as it deems fit. Any hearing required shall be before the Judicial Committee.

10.2 Life Member, Representative Member and Playing Membership Terminated or Suspended

- 10.2.1 If a Life Member, Representative Member or Playing Member:

- (a) Is convicted of an indictable offense, or
- (b) Fails to comply with any of the provisions of this Constitution or Rules of the Council, or
- (c) Conducts himself/herself in a manner considered to be injurious or prejudicial to the character or interests of the Council, the Board shall consider whether his/her case should be heard by the Judicial Committee.

10.2.2 The Member concerned shall be given a full and fair opportunity of presenting his/her case through the Judicial Committee. If the Judicial Committee recommends to the Board to terminate or suspend his/her Membership the Board shall instruct the Secretary/Director of Administration to advise, in writing, the individual Member and the Organisation of which the person is deemed to be a Member.

10.2.3 The Member whose Membership has been rejected or whose Membership has been terminated or suspended may, within fourteen (14) days of receiving written notification, lodge with the Secretary/Director of Administration written notice of his/her intention to appeal against the decision of the Judicial Committee.

10.2.4 Appeals against a decision of the Judicial Committee shall be to the Appeals Board.

10.3 Misconduct When Representing the Council

10.3.1 In all cases of misconduct by Playing Members, other persons or Teams while representing the Council or participating in Tournaments or Tours directly organised by the Council, the Judicial Committee, when requested by the Board, shall hold an enquiry and accord such decision, including suspension or other penalty, as it deems suitable.

10.3.2 The ruling of the Judicial Committee shall be observed by the Council and its Members.

10.3.3 The Council, through the Board, shall be the sole judge of what constitutes misconduct.

10.3.4 Appeals against a decision of the Judicial Committee shall be to the Appeals Board.

10.4 Right of Appeal

10.4.1 Any Member may appeal to the Council as set out herein.

10.4.2 Any Member may appeal to the Council on any decision whether affecting the interpretation of the Rules of Darts or otherwise.

10.5 Appeals Against New South Wales Darts (Inc.) Decisions

10.5.1 In such event the appeal shall be to the Council Appeals Board.

10.5.2 All appeals shall be lodged with the Secretary/Director of Administration within fourteen (14) days of the decision being appealed.

10.5.3 The decision of the Council Appeals Board shall be final in all cases.

10.5.4 No other appeals shall be accepted.

10.6 Judicial Committee/Appeals Board Quorum

10.6.1 The Judicial Committee shall consist of three (3) persons plus one (1) Executive/Board Member to offer guidance,

- (a) Appointed by the Board from time to time and approved by the Active Members.
- (b) Deputies for the Judicial Committee, if needed, shall be appointed by the Council and approved by the Active Members.

- 10.6.2 The Appeals Board shall consist of three (3) persons plus one (1) Executive/Board Member to offer guidance,
- (a) Appointed by the Board from time to time and approved by the Active Members.
 - (b) Deputies for the Judicial Committee, if needed, shall be appointed by the Council and approved by the Active Members.
- 10.6.3 The same Member of the Council Executive/Board cannot be on both the Judicial Committee and Appeals Board for the same case.

10.7 Judicial Committee/Appeals Board Voting

- 10.7.1 The Chairperson shall be elected from and by the Members of the Judicial Committee/Appeals Board as appropriate.
- 10.7.2 The Chairperson shall have a deliberate vote but not a second or casting vote at the hearings.

10.8 Judicial Committee/Appeal Board Minutes

The respective Chairperson shall ensure that minutes are kept of all hearings and meetings of the Judicial Committee and Appeals Board with a minute Secretary being appointed by the Active Members.

10.9 Judicial Committee/Appeals Board Decisions

The respective Chairperson shall be responsible for the decisions and the minutes from the hearings and meetings of the Judicial Committee/Appeals Board are sent to the Secretary/Director of Administration within three (3) days of the completion of the subject meetings.

10.10 Convening Appeals

- 10.10.1 Upon the receipt of the intention to appeal, the Secretary/Director of Administration shall convene within thirty (30) days of the date of receipt of such notice, a meeting of the Appeals Board to determine the appeal.
- 10.10.2 At any such meeting the appellant shall be given the opportunity to present his/her/their case and those Members, Board or Committees who, or which, instituted the decision which is being appealed may likewise have the opportunity of presenting its/his/their case. Either, or both, presentation shall be solely at the discretion of the Appeals Board.
- 10.10.3 **Hearings:** On the hearing of any enquiries, charges or appeals before the Judicial Committee or Appeals Board, any of the parties shall be entitled to be represented by an advocate only to prompt his/her client but not cross-examine. Under no circumstances shall such advocate be a person who is or has been a member of the legal profession.

Part 11 – Board of Directors

11.1 The Powers of the Board of Directors

The Board may exercise all the powers on New South Wales Darts (Inc.) including:

- 11.1.1 To borrow or raise money or secure the payment of money in such manner as the Members of the Council may think fit and secure the same or payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Council in any way and in particular by the issue of debentures, perpetual or otherwise charged upon all or any of the Council's property, both present and future, and to purchase, redeem or pay off any such securities.
- 11.1.2 To borrow money from Members at a rate of interest not exceeding interest at the rate for the time being charged by bankers at the city where the Treasurer resides, for overdrawn accounts on money lent, whether the term of the loan be short or long and to mortgage, or charge its property or any part thereof and to issue debentures and other securities, whether outright or as

security for any debt, liability or obligation of the Council, and to provide and pay off any such securities (subject to the approval of financial Active Members).

11.1.3 To invest the funds of the Council in such manner as the Board may from time to time decide.

11.1.4 The business affairs and affairs of the Council shall be under the control of a Board of Directors.

11.2 Composition and Membership of the Board

The Board of Directors shall consist of the Chairperson of Directors and 8 Directors nominated by each Active Member (total of 9); only 2 per Active Member.

NEW SOUTH WALES DARTS (Inc.) Structure

CHAIRPERSON	DIRECTOR OF ADMINISTRATION			DIRECTOR OF FINANCE	
Director	Director	Director	Director	Director	Director

11.2.1 The Office Bearers of the Council shall be:

- (a) Chairperson of Directors, Director of Administration and Finance Director who shall constitute the Executive of the Council.
- (b) The Executive shall be responsible to manage the day to day affairs in accordance with the established policy and procedures of the Council.
- (c) Commencing at the A.G.M. 2000, the Administrator was elected for three (3) years and thereafter for a three (3) year Term of Office.
- (d) Commencing at the A.G.M. 2001, the Chairperson was elected for three (3) years and thereafter for a three (3) year Term of Office.
- (e) Commencing at the A.G.M. 2001, the Finance Director was elected for a one (1) year term of office. The Finance Director was then elected for a three (3) year term of office at the A.G.M. 2002 and thereafter for a three (3) year Term of Office.
- (f) Commencing at the A.G.M. 2000, six (6) Directors were elected (three (3) highest votes for a Term of Office for two (2) years, three (3) lowest votes for a Term of Office for one (1) year. At the A.G.M. 2001, three (3) Directors of one (1) year were elected for a two (2) year Term of Office (with three (3) Directors alternating thereafter for a Term of Office for two (2) years).
- (g) At an Annual General Meeting the retiring Directors are eligible for re-election.
- (h) Commencing at the A.G.M. 2002, one (1) Executive and three (3) Directors stand for election, and at each subsequent A.G.M.
- (i) Directors' portfolios are allocated by the Executive at their first (1st) Board Meeting after elections are completed.

11.2.2 The Board of Directors will be required to head Tournaments, Publicity, State Squad, Country Liaison, Junior Darts, Senior Darts and other areas of responsibility as required from time to time for efficient organisational systems.

11.2.3 The State Coaching Director (subject to qualification) shall be appointed for a three (3) year Term of Office (as per 11.4).

11.3 Board of Directors

A full meeting of the Financial Active Members shall be determined by a seventy-five (75) percent majority vote.

11.4 Power to Co-opt

The Board of Directors may appoint other such Officers, Officials or Staff under such terms and conditions as it thinks fit.

11.5 Duties and Responsibilities

The functions of the Board of Directors shall be to do all things necessary to further the objectives of the Council including the appointment of any Sub Committee and to determine and police the activities to be undertaken in the framework of the Constitution.

The Board shall have the general control and management of the whole of the administration of the affairs, property and funds of the Council (except as otherwise provided by this Constitution), subject to resolutions of the Members of New South Wales Darts (Inc.) carried at any General Meeting,

The Board shall have the authority to interpret the meaning of this Constitution and any other matter relating to the Council on which this Constitution is silent.

11.6 Officials

The Officials of the Council shall be:

- 11.6.1 The Public Officer; appointed annually by the Board.
- 11.6.2 The Publicity Officer; appointed annually by the Board.
- 11.6.3 The Chairman of Selectors; appointed annually by the Board.
- 11.6.4 Any Member appointed to Darts Australia.
- 11.6.5 Such Delegate or Delegates to Darts Australia as may be required from time to time.
- 11.6.6 Such selection as the Council endorses annually by the Board as may be required from time to time.
- 11.6.7 Such Management and Coaches are appointed by the Board as may be required from time to time. State Team Captain is a nominated position and when elected is for a two (2) year Term of Office.
- 11.6.8 Members of the Judicial Committee comprising three (3) persons together with Deputies. The Deputies shall be appointed to act in the absence or incapacity of one or more of the Judicial Committee.
- 11.6.9 Members of the Appeals Board comprising three (3) persons together with Deputies. The Deputies shall be appointed to act in the absence or incapacity of one or more of the Appeals Board.

Part 12 – Election of Board of Directors

Office Bearers and other Members of the Board shall be elected by ballot at the Annual General Meeting of the Council in accordance with the procedure and conditions set out below:

- 12.1 For a position on the Executive/Board, nominations must be made in writing to the Active Member and, if approved, sent to New South Wales Darts (Inc.) and must be lodged with the Secretary/Director of Administration at least six (6) weeks before the date of the Annual General Meeting; it must be circulated to financial Active Members no less than four (4) weeks before the date determined for the Annual General Meeting. All Board Members and Zone Administrators have to hold Level 1 Sport & Rec Administration Certificate or complete within their Term of Office.

To stand for a position on the Board of Directors, the nominee must have been a Delegate to or a Delegate of an Active Member at N.S.W. Darts (Inc.) level for a period of no less than two (2) years.

To stand for a position on the Executive of the Board of Directors, the nominee must have been a Director for a period of no less than two (2) years.

- 12.2 The Secretary/Director of Administration shall prepare a list of Members nominated and furnish such list to Financial Active Members.
- 12.3 The election which shall be arranged with 12.1 shall be on the exhaustive vote system with three (3) Scrutineers; Nominees can, if they wish, have a Scrutineer to act on their behalf.
- 12.4 If the number of candidates nominated does not exceed the number of vacancies to be filled, an election shall not proceed and the candidates who have nominated shall be declared duly elected. Providing there are not more than two (2) Members from any Active Member (Zone), any Members may be elected to the Board (including the Executive) providing they do not exceed two (2) Members from any Active Member (Zone); ref 16.1.
- 12.5 If the number of candidates nominated is less than the number of positions to be filled, the Board of Directors shall be empowered to accept a nomination for a candidate at a later date.
- 12.6 In the event of the votes cast for two (2) or more candidates being equal in number, an exhaustive vote shall be conducted.
- 12.7 At a General Meeting it will be the Board of Directors, Life Members and Delegates that will have voting rights (subject to conditions as already expressed).

Part 13 – Secretary/Director of Administration

- 13.1 The Secretary/Director of Administration shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of all General Meetings to be entered in a book to be open for inspection at all reasonable times by any Financial Active Member who previously applied to the Secretary/Director of Administration. For the purpose of ensuring the accuracy of the recording of such minutes, the minutes of every Board Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding Board Meeting verifying their accuracy. Similarly, the minutes of every General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting providing that the minutes of any annual General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General or Annual General Meeting.

13.2 Duties of Secretary/Director of Administration

- 13.2.1 A list showing inward and outward correspondence is to be distributed to Active Members.
- 13.2.2 Copies of correspondence to be forward to all Affiliates will be the discretion of the Secretary/Director of Administration or as requested by any Active Member.
- 13.2.3 Executive correspondence to be forward to all Affiliates will be at the discretion of the Secretary/Director of Administration or as requested by any Active Member.

Part 14 – Funds and Accounts

- 14.1 The funds of the Council shall be banked in the name of the Council in such bank or building society as the Board may from time to time decide.
- 14.2 Proper books and accounts shall be kept and maintained in writing, or in printed form, in the English language showing correctly the financial affairs of the Council and the particulars shown in books of like nature.
- 14.3 All moneys shall be banked as soon as practicable after receipt thereof.
- 14.4 All amounts of two hundred and fifty dollars (\$250.00) or over shall be paid by cheque signed by any two (2) Members of the Executive (at the discretion of the Director of Finance).

- 14.5 Cheques shall be crossed "not negotiable" except those in payment of wages, allowances and petty cash.
- 14.6 The Board shall determine the amount of petty cash which shall be kept on hand.
- 14.7 All expenditure shall be approved or ratified at a Board Meeting.
- 14.8 As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing particulars of:
- 14.8.1 The income and expenditure for the financial year just ended, and
- 14.8.2 The assets, liabilities, charges and securities affecting the property of the Council at the close of that year.
- 14.8.3 To be in the hands of all Active Members thirty (30) days prior to an Annual General Meeting.
- 14.9 All such statements shall be examined by the Auditor who shall present his report upon such audit to the Treasurer/Director of Finance prior to the Annual General Meeting next following the financial year in respect of which audit was made; to be in the hands of all Active Members thirty (30) days prior to the Annual General Meeting.
- 14.10 The income of the Council whence so ever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividends, bonus or otherwise by way of profit to or among the Members of the Council provided that nothing herein contained shall prevent the payment in good faith of interest to any such Member in respect of moneys advanced by him/her of remuneration to any office or servants of the Council or to any Member of the Council or other person in return for any service actually rendered to the Council provided that nothing herein contained shall prevent the payment or repayment to any Member of out of pocket expenses, money lent to the Council; to be in the hands of all Active Members thirty (30) days prior to an annual General Meeting.
- 14.11 No Moneys whether in cash or by cheque shall be accepted during the course of a Meeting of the Council.
- 14.12 The funds of the Council are to be derived from game fees, annual registration of members, Zone Affiliation fees, donations and, subject to any resolution passed by the Council, such other sources at the Council determines.

Part 15 – Casual Vacancies

- 17.1 The Board shall have the power to fill a vacancy caused by any of the persons elected pursuant to this Constitution (for whatever reason) to hold office until the next A.G.M.
- 17.2 A person so appointed to fill a casual vacancy shall be subject to retirement at the same time as if he/she had been elected on the day on which the person in whose place he/she is appointed was last elected to office. This appointment shall be until the following A.G.M.

Part 16 – Removal of Board Members

16.1 Removal or Suspension

Any Office Bearer, any Member of the Board and any Officer may be suspended or removed from office by an ordinary resolution properly passed at a duly constituted meeting of the Board provided:

- 16.1.1 He/she has, in the opinion of the meeting suspending him/her or removing him/her from office, been guilty of misconduct or conduct adverse or hostile to the interests of the Council; and
- 16.1.2 The motion suspending him/her or removing him/her from office or being found guilty of misconduct or conduct hostile to the interests of the Council has been properly passed; and

16.1.3 He/she shall have been given at least fourteen (14) days previous notice in writing of the intention to move for his/her suspension or removal from office. Such notice shall invite him/her to attend a meeting and to speak to the motion.

16.2 Resignation

Members may resign from Membership of the Board at any time by giving notice in writing to the Secretary/Director of Administration but such resignation shall take effect at the time such notice is received by the Secretary/Director of Administration unless a later date is specified in the notice when it will take effect on that later date.

16.3 Vacancies

16.3.1 The office of an Officer, Official, Office Bearer or Member of the Board shall ipso facto become vacant if he or she:

- (a) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (b) Resigns their office by notice in writing to the Council; or
- (c) Is deceased.

16.3.2 The office of an Officer, Official, Office Bearer or Member of the Board shall ipso facto become vacant if he or she:

- (a) Becomes bankrupt or makes any arrangements or composition with their creditors generally; or
- (b) Is absent for more than six (6) months without permission of the Board from Meetings of the Board held during that period; or
- (c) If, in the opinion of the Board, after full disclosure by the Office Bearer or Board Member, a vested interest is determined in a particular transaction which the Board decided constituted a conflict of interest.

16.4 Deemed Casual Vacancies

Any such removal or vacating of office of an Official, Office Bearer, Member of the Board or Officer, as set out herein, shall constitute a casual vacancy.

Part 17 – Board Meetings and Quorums

17.1 The Board of Directors shall meet in ordinary meetings at such times and in such places as it may deem necessary for properly conducting the business and operations of the Council; provided always that the Board of Directors shall meet two (2) times per year with Skype meetings as required.

17.2 The Chairperson of Directors or, in his absence, the Administrator or, in the absence of both, a chairperson shall be elected from those Board Members present and entitled to vote, shall preside at each meeting of the Board.

17.3 The Chairperson and/or Director of Administration shall give to Members of the Board at least twenty-one (21) days notice of each ordinary meeting of the Board. They may call meetings at shorter notice to deal with matters which either of them deems urgent.

17.4 At all Board Meetings of the Council five (5) persons qualified to vote shall constitute a quorum provided there are two (2) persons, other than Office Bearers, present and qualified to vote. The Chairperson shall be deemed as a person qualified to vote.

17.5 At meetings of the Board, all Board Members present shall be entitled to move and/or second and speak to any motion; each Member shall be entitled to one (1) vote; in the event of an equality of votes, the Chairperson shall be entitled to exercise a casting vote only (providing he/she uses a primary vote).

17.6 The voting at meetings of the Board, unless otherwise decided by the meeting, shall be by a show of hands which shall be final and binding.

17.7 Any meetings of the Board of Directors/Council may be adjourned to such time and place as the meeting may decide.

17.8 Minutes

17.8.1 The Director of Administration shall cause full and accurate minutes of all questions and matters to be recorded.

17.8.2 For the purpose of ensuring the accuracy of the recording of such minutes, the minutes of every Board meeting shall be signed by the Chairperson of that meeting, or the Chairperson of the next succeeding Board meeting, verifying their accuracy.

17.8.3 One (1) copy of minutes shall be sent to all Board Members within thirty (30) days of a meeting.

Part 18 – Annual General or General Meetings

18.1 Subject to this Constitution two (2) General Meetings of the Council shall be held each calendar year; unless and until otherwise determined by the Board, the Finance meeting shall be the first (1st) Sunday in February and the annual General Meeting shall be the third (3rd) weekend in August of each year.

18.2 The business to be transacted at every Annual General Meeting shall be:

18.2.1 The receiving of minutes and business arising there from and the adoption of same;

18.2.2 The receiving of Directors' reports, Audited Financial report and Annual reports and the adoption of same;

18.2.3 Office Bearers, Affiliates and Officials reports.

18.2.4 Correspondence;

18.2.5 Dealing with Notices of Motion;

18.2.6 General Business (as notified and tabled in writing no less than four (4) weeks prior to the meeting);

18.2.7 The election of Life Members, if any;

18.2.8 The election of Executive Officers of the Council;

18.2.9 The appointment of an Auditor;

18.2.10 The election of Publicity Officer (if Board of Directors, they will appoint);

18.2.11 The appointment of Public Officer (if Board of Directors, they will appoint);

18.2.12 Appointment of Historian.

18.3 The business to be transacted at a General Meeting shall be:

18.3.1 The receiving of minutes and business arising there from and the adoption of same;

18.3.2 The receiving of reports and the adoption of same;

18.3.3 The receiving of Financial Statement;

18.3.4 Correspondence;

18.3.5 General Business.

- 18.4 The business to be transacted at a Special General Meeting shall only be the business for which the meeting has been convened to deal with.
- 18.5 A Special General Meeting may be called by the Board on requisition of not less than three (3) Active Members. The requisition must state the object of the meeting, must be signed by those requisitioning the meeting and forwarded to the Director of Administration; it may consist of several documents (in like form, each must be signed by one or more of those requisitioning the meeting). Those requisitioning the meeting must be members whose subscription to the Council is not in arrears at the date of the requisition.
- 18.6 On receipt of such request the Director of Administration shall, within twenty-eight (28) days, forward notice to all Members stating the purpose of the meeting and the date and venue. Should the Director of Administration fail to convene such a meeting those requisitioning the meeting may convene the meeting on giving a minimum of fourteen (14) days further notice to Members.
- 18.7 (a) No minors are entitled to vote at any General Meeting or Annual General Meeting.
- (b) Two (2) Delegates from each Active Member plus Board of Directors; Directors and Life Members shall have vote subject to this Constitution. Life Members who became Life Members prior to 1999 are eligible to vote provided they have attended two (2) meetings prior to this meeting.
- (c) Only one (1) vote per person.
- 18.8 At all General Meetings, and Annual General Meetings, representation for four (4) Active Members shall form a quorum.
- 18.9 No business shall be transacted at any General Meeting unless a quorum of Members is present at the time when the meeting proceeds to business.
- 18.10 If within half an hour from the time appointed for the commencement of a General Meeting a quorum is not present, the meeting, if convened upon requisition of Members of the Board, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place as the Board may determine and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.
- 18.11 The Chairperson may, with the consent of any meeting which a quorum is present (and shall be directed by the meeting), adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty (30) days or more, notice of adjourned meeting shall be given as in the case of the original meeting.
- 18.12 Unless otherwise provided by this Constitution, at every General Meeting:
- 18.12.1 The Chairperson of Directors shall preside as Chairperson of the meeting or if he/she is not present within ten (10) minutes after the appointed time for holding the meeting, Members may choose one of the Board members present to be Chairperson of the meeting.
- 18.12.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.
- 18.12.3 Every question, matter or resolution shall be decided by a majority vote of the Members present and entitled to vote.
- 18.12.4 Subject to the preceding paragraph every Member present shall be entitled to one (1) vote and, in case of an equality of votes, the Chairperson shall have a second or casting vote provided that no Member shall be entitled to vote at any General Meeting if his/her annual subscription is more than one (1) month in arrears at the date of the meeting.
- 18.12.5 Voting shall be by a show of hands or a division of Members, unless more than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot and the results of the ballot shall be deemed to be the resolution of the meeting at which such ballot was demanded.

18.13 New South Wales Darts (Inc.) Annual General Meetings and General Meetings shall be “dry”; no alcoholic beverages shall be consumed during meetings.

18.14 Unless agreed otherwise, Annual General Meetings will be held on a rotation basis and Affiliates shall be responsible for their fair arrangements.

18.15 Meeting Expenses

For all Board Meetings the members may receive the expenses as defined in the budget.

18.16 Meeting Procedure

The conduct of the procedure at Board/General/Special and Annual General Meetings shall be determined in accordance with this Constitution. In the event of dispute or when the Constitution is silent, the matter shall be determined by the Chairperson of the Meeting by reference to the latest edition of “The Law and Procedures at Meetings” by P.E. Joske, which shall be available at all meetings.

18.17 Special Resolution

If a decision on a Special Resolution is required urgently, the Director of Administration shall contact all Board Members and Delegates giving notice of the Special Resolution; members may submit their votes as Postal Votes via post or electronic mail.

Part 19 – Miscellaneous

19.1 Insurance

New South Wales Darts (Inc.) maintains insurance cover for members through premiums paid for the National Insurance Policy.

19.2 Inspection of Books

19.2.1 The following documents must be open to inspection, free of charge, by a Member of the Council at any reasonable hour:

- (a) Records, books and other financial documents of the Council;
- (b) This Constitution;
- (c) Minutes of all annual General Meetings and General Meetings of the Council.

19.2.2 A Member of the Council may obtain a copy of any of the documents referred to in 19.2.1 on payment of a fee of not more than one Dollar (\$1.00) for each page copied.

19.3 Safekeeping

Except as otherwise provided by this Constitution, the Public Officer must keep in his/her custody or under his/her control all records, books and other documents relating to the Council.

19.4 Meritorious Service Award

Meritorious Service Award may be awarded to individuals who have provided long and meritorious service to the promotion and development of the Sport of Darts in N.S.W.

19.4.1 Meritorious Service Award may be conferred on any person nominated by an Active Member who, in the opinion of the Annual General Meeting, has rendered outstanding service to the Council and to the game of Darts in N.S.W. A pen picture of the nominee must accompany the nomination.

19.4.2 The election as to the conferring of the Meritorious Service Award must be agreed upon by seventy-five (75) percent of the members attending the annual General Meeting and entitled to vote.

- (a) To be eligible for a Meritorious Service Award a person must have been a Member of the Council either continuously or in the aggregate for a minimum of ten (10) years.
- (b) Members and Office Bearers shall be notified of all nominees for Meritorious Service Award not less than thirty (30) days prior to the Annual General Meeting.
- (c) Nominations for Meritorious Service Award shall be accepted from Active members only.

19.5 Financial Year

The financial year of New South Wales Darts (Inc.) shall close on the thirtieth (30th) day of June each year.

19.6 Indemnity

19.6.1 Application

- (a) Every Member of the Board, every Office Bearer, Official and Servant of the Council shall be indemnified by the Council against losses and expenses which may occur or be liable to, by reason of any contract into, or act or deed done by such person as a Member of the Board, Office Bearer, Official or Servant, or in any way in the discharge of his duties. The amount for which such indemnity is provided shall immediately attach as lien on the property of the Council and have priority between Active Members over all other claims
- (b) It will be the duty of the Council to pay all costs out of the funds of the Council.

19.6.2 Limitation of Liabilities

No Member of the Board, Office Bearer, Official or Servant of the Council shall be liable for the accounts, receipts, neglect or default of any other Members of the Board, Office Bearers, Officials or Servants or for the joining in any receipt or other act of conformity or for any loss or expense happening to the Council through the insufficiency of any securities in or upon which any of the moneys of the Council shall be invested or for any loss or damage arising from the bankruptcy, insolvency, or tortious acts of any person with whom moneys, securities, or effects shall be deposited, or for any loss, damage or misfortune, whatever which may happen in the execution of the duties of his office or in relation thereto, unless the same happen through his own act of wilful default.

19.7 Dissolution and Distribution of Surplus Assets

The Council may be dissolved or wound up by a resolution at a Special convened Meeting or at a Special General Meeting called for such purpose. If upon the dissolution or winding up of the Council there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed among the Affiliates of the Council. It shall be given to some other Association, Institution or Body having objects similar wholly or part to the objects of the Council, provided that the Council, Institution, body or object shall prohibit the distribution of its income and property amongst its Members, or it shall be paid to or transferred to some charitable object, which Council, Institution approved by the Commissioner of Taxation as a fund referred to in Section 23 of the Income Tax Assessment Act 1936, body or object shall be determined by the Active members of the Council at or before the time of the dissolution or winding up. In default of any resolution such payment, transfer or distribution shall be determined by a Judge of the District Court.

19.9 Regulations

The Board of Directors is empowered to make, repeal and amend such regulations as it may from time to time consider necessary for the internal management of the Council. The making, rescission and amendment of such regulations shall be affected at an Annual General Meeting or Special Convened Meeting of the Council upon resolution being passed by a majority of the Members eligible to vote at such a meeting. Playing rules are excluded from the regulation of the Council.

All regulations of the Council shall be in force for a period of two (2) years then reviewed and either added to the Constitution or declared void at the cessation of that period.

Any proposed changes to the Constitution shall be made in writing with appropriate page and number quoted; a form shall be available from the director of Administration for this.

19.10 Amendments to the Constitution

Subject to the provisions of the Associations Incorporated Act this constitution may be amended, rescinded or added to from time to time by special resolution of which notice has been given and carried at any General Meeting; provided that no such amendment, rescission or addition shall be valid unless the same shall have been approved by the Chief Executive of the Department administering the Act.

19.10.1 Notice of Motion

Notice of any such motion by an Active member shall be signed by the President or Secretary in the absence of the President, of an Active member or by two (2) Members of the Board.

Notice of Motion shall be forwarded in writing to the director of Administration to reach him/her in the ordinary course of the post at least twelve (12) weeks prior to the meeting at which the Motion will be addressed.

The Director of Administration shall forthwith on receipt of such notice forward a copy to each Active Member.

19.11 Non Profit

The income of the Council shall be applied solely towards the promotion of the objects of the Council. No portion of the income shall be paid, transferred to, distributed directly or indirectly to the Active Members of the Council, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Council or to any person other than an Affiliate in return for services rendered to the Council.