

# NORTHERN TERRITORY POLOCROSSE ASSOCIATION

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## Amendment to Constitution

### PART 3 ADDITIONAL DETAILS

#### Composition of Committee (clause 24)

##### 2. Election of Coaching Director

- 5) The Coaching Director shall be elected at the same time and in the same manner as for the election of Council and Office Bearers pursuant to clause 5 of this Constitution. Any nominee for the position shall, in addition to being a financial member of the Association, also need to be at minimum accredited Level 1 Coach in accordance with the Polocrosse Association Coaching Accreditation Scheme.

**THIS IS THE ANNEXURE MARKED 'A' REFERRED TO IN THE STATUTORY  
DECLARATION OF**

**Greg Thompson**  
(Name of Public Officer)

**MADE ON THE                      DAY OF November 2012**

**BEFORE ME** \_\_\_\_\_

(signature of witness on statutory declaration)

# NORTHERN TERRITORY POLOCROSSE ASSOCIATION CONSTITUTION

## PART 1 - PRELIMINARY

### 1. Name

The name of the incorporated association ("The Association") is Northern Territory Polocrosse Association Incorporated.

### 2. Objects and purposes

The objects and purposes of the Association are as follows:

- (a) To control all polocrosse affairs within the Northern Territory of Australia subject to the Constitution and the Rules of the Polocrosse Association of Australia.
- (b) To promote the formation of Sub- Association for the purpose of localising the affairs of the Associations provided that any such Sub- Association agrees to affiliate with the Association and the Polocrosse Association of Australia.
- (c) To promote the formation of clubs for the purposes of playing polocrosse provided that all such clubs affiliate with the Association. It is a condition precedent to the affiliation that a club agrees to abide by the Constitution, Rules and By-Laws of the Association and of the Polocrosse Association of Australia.
- (d) To promote, teach, stimulate, encourage and further the interests of the game of polocrosse.
- (e) To deal with all matters which concern the betterment of the game of polocrosse and of the affiliated bodies.
- (f) To enforce uniform rules and by-laws for the control and betterment of the game of polocrosse.
- (g) To handicap and grade players and clubs from time to time should the Association deem it necessary and to register club colours.
- (h) To encourage, promote and hold polocrosse carnivals, exhibitions, games and matches.

- (i) To do all such acts and things as are incidental to the conducive attainment of the above objectives.

### 3. Minimum number of members

The Association must have at least five (5) members.

### 4. Definitions

In this Constitution, unless the contrary intention appears –

“Act” means the *Associations Act* and regulations made under that Act;

“Appointed Delegates” means those persons appointed to the Committee by their Club;

“Club” means a group of members who have formed an incorporated body, which is constituted, governed and affiliated as herein provided;

“Committee” means the Management Committee of the Association;

“Elected representative” means persons elected by ballot at the Annual General Meeting;

“Executive” means President, Vice-President, Junior Vice-President, Secretary and the Treasurer;

“financial institution” means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

“financial year” means the period of twelve months next following the 1<sup>st</sup> July;

“member” means a natural person who is either a registered financial playing member of a club or a non-playing financial member of a club;

#### "Misconduct"

- (a) (i) Means a breach other than a breach falling within paragraph (b) of this definition by a member, Club, Sub-Association or State Association of the Constitution of any of this Association, any State Association, any Sub-Association or Club or any rule or by-law made in pursuance of any such constitutions.

(ii) Means a breach of the rules of the game.

(iii) Means conduct prejudicial to the advancement and good name of the game of polocrosse.

- (b) (i) Means participation directly or indirectly by any member of a Club, any Club, any Sub-Association or any State Association in any game of polocrosse with any person or persons who are not members of a Club or with any unaffiliated Club, Body, Corporation, Organisation or Group excepting only:-
- a. Persons who have applied to become a member of the Club.
  - b. Any unaffiliated Club, Body, Corporation, Organisation or Group which has made application for affiliation as provided by these Articles.
  - c. Persons or teams visiting Australia at the invitation of this Association for the purpose of playing polocrosse.
- (ii) Participation direct or indirect by any member of a Club, any Club, Sub-Association or State Association in any activity related to the sport of polocrosse with any person or persons who are not members of a Club or with any unaffiliated Club, Body, Corporation, Organisation or Group except where such activity is in furtherance of the objects of this Association and all State Associations, Sub-Associations and Clubs directly or indirectly affiliated to this Association.

“register of members” means a register of the Association’s members established and maintained under section 34 of the Act;

“special resolution” means a resolution notice of which is in accordance with section 37 of the Act.

## **PART 2 - CONSTITUTION AND POWERS OF ASSOCIATION**

### **5. Powers of Association**

For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.

- (1) Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes.
- (2) Handicap and grade players, appointed umpires, conduct and control games, matches, tournaments, carnivals or exhibitions. Discipline the conduct of members of affiliated bodies associated therewith and to amend the constitution, objects, rules and by-laws.
- (3) Select and/or authorise any team, group or player to represent the association or any affiliated association in playing polocrosse outside the Northern Territory.
- (4) Act either alone or with any State Association, Sub-Association or Club with reference to inter-state, international or any other championships, carnivals or other matches pertaining to the game of polocrosse.
- (5)
  - i. The Association shall have the power to intervene in the affairs of any Sub-Association or Club if in the sole and initial opinion of the association it is desirable to do so for the purposes of the objects of the Association. In case of such intervention all books, papers and records of any such body shall be forthwith delivered by the persons having the custody of the same to the President of the Association or his or her authorised representative and the Association shall have all powers necessary to dismiss the Executive or Council of any such body and call elections to replace such Executive or Council.
  - ii. The Association shall have the power either by itself or by its nominee to require at all reasonable times and 24 hours notice been given in writing to the Secretary of and Club or Sub-Association for production of books, records and papers of the Club or Sub-Association to the Association or its nominee for inspection.

### **(6) By-Laws**

The Association has the power to make such Rules and By-Laws as it deems necessary provided that such Rules and By-Laws when made, do not conflict with the Rules or By-Laws of the Polocrosse Association of Australia.

**(7) Honorary Life Membership**

- i. The Association shall have the power to grant honorary life membership of the association to a person who in the opinion of the Council has given long and outstanding service to the Association.
- ii. Such a person shall be nominated by a majority of the Council members and any such nomination shall be ratified at the Annual General Meeting.
- iii. Life membership may be terminated if the life member brings discredit to the Council or the Association by his/her actions.

**6. Effect of Constitution**

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

**7. Inconsistency between Constitution and Act**

If there is any inconsistency between this Constitution and the Act, the Act prevails.

**8. Altering the Constitution**

- (1) The Association may alter this Constitution by special resolution but not otherwise.
- (2) If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

**PART 3 MEMBERS**  
***Division 1 - Membership***

**9. Application for membership**

To become a member of the Association a person must –

- (a) be a registered playing member of a Club; or
- (b) a non-playing financial member of a Club

**10. Annual membership fees**

- (1) The annual membership fee is the amount determined from time to time by resolution at a Committee meeting.
- (2) Each member must pay the annual membership fee to the Treasurer by the Annual General Meeting of each year or another date determined by the Committee from time to time.
- (3) Membership fees may be paid through club subscription to the Treasurer
- (4) A member whose subscription is not paid within 3 months after the due date ceases to be a member unless the Committee determines otherwise.

**11. Joining Fee**

There is no joining fee

**12. Clubs**

- (i) A club shall consist of not less than six playing members and shall have objects similar to those of the Association and shall have as part of its Constitution or rules a Rule to the effect that all members shall comply with the constitution, Rules and By-Laws of the Association
- (ii) An up to date copy of the Incorporation and Constitution or Rules of each club must be lodged with the secretary of the association
- (iii) Each club must be formed into a Committee consisting of a President, secretary, Treasurer and a committee of at least three persons
- (iv) A club must have access to a suitable playing field
- (v) Each affiliated club shall forward to the secretary of the association a complete alphabetical list of its playing members and other members at least quarterly and the list must be kept up to date. Any player not so recorded shall be deemed by the Association to be an unregistered player
- (vi) A club has the right to request a recession for a maximum period of two association financial years

- (vii) In the event of a club going into recession, all monies and other assets held by the club together with all books or records, register, accounts and papers shall be handed to the Northern Territory Polocrosse Association Inc. and be held until such a time as the Club resumes.
- (viii) In the event of a club being wound up, then in that event, all monies and assets held by the club, together with all books of records, register, accounts and papers shall be handed to the Northern Territory Polocrosse Association Inc. and be dealt with and applied in such a manner as it shall think fit

### *Rights of Members*

#### **13. General**

- (1) Subject to clause 14(2), a member may exercise the rights of membership when his or her name is entered in the register of members.
- (2) A right of membership of the Association –
  - (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates on the cessation of membership whether by death, resignation or otherwise.

#### **14. Voting**

- (1) Subject to subclause clause 18, each member has one vote at general meetings of the Association.
- (2) A member must be 16 years or older to vote.

### **15. Notice of meetings and special resolutions**

The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

### **16. Access to information on Association**

The following must be available for inspection by members:

- (a) a copy of this Constitution;
- (b) minutes of general meetings;
- (c) President reports and annual financial reports.

### **17. Raising grievances and complaints**

- (1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Association.
- (2) The grievance or complaint must be dealt with by the procedure set out in Clause 56 and 57

### **18. Associate members**

An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

## ***Division 3 - Termination, death, suspension and expulsion***

### **19. Termination of membership**

Membership of the Association may be terminated by –

- (a) a notice of resignation addressed and posted to the Association or given personally to the Secretary or another committee member;
- (b) non-payment of the annual membership fee within the time allowed under clause 12(3); or
- (c) expulsion in accordance with this Division.

### **20. Death of a member or whereabouts unknown**

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

## **21. Suspension or expulsion of members**

- (1) If the Committee considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Association, the Committee must give notice of the proposed suspension or expulsion to the member.
- (2) The notice must –
  - (a) be in writing and include –
    - (i) the time, date and place of the committee meeting at which the question of that suspension or expulsion will be decided; and
    - (ii) the particulars of the conduct; and
  - (b) be given to the member not less than 30 days before the date of the committee meeting referred to in paragraph (a)(i)
- (3) At the meeting, the Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.
- (4) The Committee may suspend or expel or decline to suspend or expel the member from the Association and must give written notice of the decision and the reason for it to the member.
- (5) Subject to clause 22, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

## **22. Appeals against suspension or expulsion**

- (1) A member who is suspended or expelled under clause 21 may appeal against that suspension or expulsion by giving notice to the Secretary 14 days after the receipt of the Committee's decision.
- (2) The appeal must be considered at a general meeting of the Association and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.
- (3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Committee to suspend or expel the member.
- (4) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel him or her is confirmed by a resolution of the members.

## **PART 4 - MANAGEMENT COMMITTEE**

### ***Division 1 - General***

#### **23. Role and powers**

- (1) The business of the Association must be managed by or under the direction of a Management Committee.
- (2) The Management Committee may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.
- (3) The Committee may establish one or more subcommittees consisting of the members of the Association the Committee considers appropriate.
- (4) Deal with members guilty of misconduct not involving a breach of the rules of the game as provided in clause 56
- (5) Determine from time to time the conditions on which and the times when members may use the Association premises and part or parts thereof, or use the property of the Association or any part or parts thereof.
- (6) Determine what persons, if any, who are not members of the Association may use the premises or any part or parts thereof and during what time or times and subject under what conditions

#### **24. Composition of the Committee**

- (1) The Management Committee consists of
  - (a) A President;
  - (b) A Vice-President;
  - (c) Junior Vice-President;
  - (d) A Secretary;
  - (e) A Treasurer;
  - (f) Chief umpire
  - (g) Five elected councillors and
  - (h) An appointed delegate from each club
  - (i) And non-voting members consisting of Coaching Director, Deputy Chief Umpire and any other elected positions as determined by time to time by the Management Committee
- (2) Unless elected directly as a separate office holder, the Committee must appoint one committee member to be the Association's Public Officer.

#### **25. Delegation**

- (1) The Committee may delegate to a subcommittee any of its powers and functions other than –
  - (a) this power of delegation; or
  - (b) a duty imposed on the Committee by the Act or any other law.

- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke wholly or in part the delegation.

### *Division 2 – Tenure of Office*

#### **26. Eligibility of Management committee members**

- (1) A Management committee member must be a member who is 18 years or over.
- (2) Management Committee members must be elected to the Management Committee at an annual general meeting or appointed under clause 33.

#### **27. Nominations for election to committee**

- (1) A member is not eligible for election to the Committee unless the Secretary receives a written nomination for that member by another member not less than 7 days before the date of the next annual general meeting.
- (2) The nomination must be signed by –
  - (a) the nominator and seconder; and
  - (b) the nominee to signify his or her willingness to stand for election.
- (3) A person who is eligible for election or re-election under this clause may –
  - (a) Propose or second himself or herself for election or re-election; and
  - (b) vote for him or herself.
- (4) No club shall be entitled to have more than five voting representatives on the Management Committee whether they are Appointed Delegates, Elected Representatives and/or Office Bearers.

## **28. Retirement of committee members**

- (1) A committee member holds office until the next annual general meeting unless the member vacates the office under clause 31 or is removed under clause 32.
- (2) Subject to subclause (3), at an annual general meeting the office of each committee member becomes vacant and elections for a new Committee must be held.
- (3) The President of the outgoing Committee must preside at the annual general meeting until a new member is elected as President.
- (4) Members may serve consecutive terms on the Committee unless otherwise provided in the Schedule.

## **29. Election by default**

- (1) If the number of persons nominated for election to the Committee under clause 27 does not exceed the number of vacancies to be filled, the presiding officer must declare the persons to be duly elected as members of the Committee at the annual general meeting.
- (2) If vacancies remain on the Committee after the declaration under subclause (1), additional nominations of committee members may be accepted from the floor of the annual general meeting.
- (3) If the nominations from the floor do not exceed the number of remaining vacancies, the presiding officer must declare those persons to be duly elected as members of the Committee.
- (4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 33.

## **30. Election by ballot**

- (1) If the number of nominations exceeds the number of vacancies on the Committee, ballots for those positions must be conducted.
- (2) The members chosen by ballot must be declared by the Presiding officer to be duly elected as members of the Committee.

### **31. Vacating office**

The office of a committee member becomes vacant if –

- (a) the member –
  - (i) is disqualified from being a committee member under section 30 or 40 of the Act;
    - (ii) resigns by giving written notice to the Committee;
    - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
    - (iv) ceases to be a member of the Association;
- (b) the member is absent from more than –
  - (i) 2 consecutive committee meetings without satisfactory explanation to the committee;
  - (ii) 3 committee meetings in the same financial year without satisfactory explanation to the committeeof which meetings the member received notice
- (c) in any of the circumstances provided for by the Schedule.

### **32. Removal of committee member**

- (1) The Association, through a special general meeting of members, may remove any committee member before the member's term of office ends.
- (2) If a vacancy arises through removal under subclause (1), an election must be held to fill the vacancy.

### **33. Filling casual vacancy on Committee**

- (1) If a vacancy remains on the Committee after the application of clause 29 or if the office of a committee member becomes vacant under clause 31, subject to clause 27.4, the Committee may appoint any member of the Association to fill that vacancy.
- (2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

### *Division 3 - Duties of committee members*

#### **34. Collective responsibility of Committee**

- (1) As soon as practicable after being elected to the Committee, each committee member must become familiar with the Act and regulations made under the Act
- (2) The Committee is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.

#### **35. President, Junior Vice President and Vice President**

- (1) Subject to subclauses (2) and (3), the President must preside at all general meetings and committee meetings.
- (2) If the President is absent from a meeting, the Vice-President must preside at the meeting.
- (3) The Junior Vice-President shall assist the Vice-President and President in the carrying out of their duties and in the absence of the Vice-President and President at the same time may act as the President.
- (4) If the President and the Vice-President are both absent, the presiding member for that meeting must be –
  - (a) A member elected by the other members present if it is a general meeting; or
  - (b) A committee member elected by the other committee members present if it is a committee meeting.

#### **36. Secretary**

The Secretary must –

- (a) coordinate the correspondence of the Association;
- (b) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;
- (c) maintain the register of members in accordance with section 34 of the Act;

- (d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association, other than those required by clause 37(5) to be in the custody of the Treasurer; and
- (e) perform any other duties imposed by this Constitution on the Secretary.

### **37. Treasurer**

- (1) The Treasurer must –
  - (a) Receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;
  - (b) Pay all moneys received into the account of the Association within 5 working days after receipt;
  - (c) Make any payments authorised by the Committee or by general meeting of the Association from the Association's funds; and
  - (d) Ensure cheques are signed by him or her and either the President or Secretary, or by any 2 other committee members authorised by the Committee.
- (2) The Treasurer must ensure the accounting records of the Association are kept in accordance with section 41 of the Act.
- (3) The Treasurer must coordinate the preparation of the Association's annual statement of accounts.
- (4) If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
- (5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.
- (6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

### **38. Public Officer**

- (1) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.
- (2) The public officer must keep a current copy of the Constitution of the Association.

## **PART 5 – MEETINGS OF MANAGEMENT COMMITTEE**

### **39. Frequency and calling of meetings**

- (1) The Committee must meet together for the conduct of business not less than 4 times in each financial year unless otherwise provided in the Schedule.
- (2) The President, or at least half the committee members, may at any time convene a special meeting of the Committee.
- (3) A special meeting may be convened to deal with an appeal under clause 22.

### **40. Voting and decision making**

- (1) Each committee member present at the meeting has a deliberative vote.
- (2) A question arising at a committee meeting must be decided by a majority of votes.
- (3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.
- (4) Proxies – Club Delegates may appoint in writing, another member of their club to attend and vote on behalf of the appointing member at any Management Committee Meeting.

### **41. Quorum**

For a committee meeting, one-half of the voting committee members constitute a quorum unless otherwise provided in the Schedule.

### **42. Procedure and order of business**

(1) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.

- (2) The order of business may be determined by the members present at the meeting.
- (3) Only the business for which the meeting is convened may be considered at a special meeting.

#### **43. Disclosure of interest**

- (1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.
- (2) The Secretary must record the disclosure in the minutes of the meeting.
- (3) The President must ensure a committee member who has direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

### **PART 6 - GENERAL MEETINGS**

#### **44. Convening general meetings**

- (1) The Association must hold its first annual general meeting within 18 months after its incorporation.
- (2) The Association must hold all subsequent annual general meetings within 5 months after the end of the Association's financial year.
- (3) The Committee –
  - (a) may at any time convene a special general meeting;
  - (b) must, within 28 days after the Secretary receives a notice under clause 22(1), convene a special general meeting to deal with the appeal to which the notice relates; and
  - (c) must, within 28 days after it receives a request under clause 45(1), convene a special general meeting for the purpose specified in that request.

#### **45. Special general meetings**

- (1) Half the number of members constituting a quorum for a general meeting may make a written request to the Committee for a special general meeting unless otherwise provided in the Schedule.
- (2) The request must –
  - (a) state the purpose of the special general meeting; and
  - (b) be signed by the members making the request.
- (3) If the Committee fails to convene a special general meeting within the time allowed –
  - (a) for clause 44(3)(b) – the appeal against the decision of the Committee is upheld; and
  - (b) for clause 44(3)(c) – the members who made the request may convene a special general meeting as if they were the Committee.
- (4) If a special general meeting is convened under subclause (3)(b), the Association must meet any reasonable expenses of convening and holding a special general meeting.
- (5) The Secretary must give to all club secretaries not less than 21 days notice of a special general meeting.
- (6) The notice must specify –
  - (a) when and where the meeting is to be held; and
  - (b) the particulars of and the order in which business is to be transacted.

#### **46. Annual general meeting**

- (1) The Secretary must give to all club secretaries not less than 30 days notice of an annual general meeting unless otherwise provided in the Schedule.
- (2) The notice must specify –
  - (a) When and where the meeting is to be held; and
  - (b) The particulars of and the order in which business is to be transacted.
- (3) The order of business for each annual general meeting is as follows:

- (a) first – the consideration of the accounts and reports of the Committee;
- (b) second – the election of new committee members;
- (c) third – any other business requiring consideration by the Association at the meeting.

#### **47. Special resolutions**

- (1) A special resolution may be moved at any general meeting of the Association.
- (2) The Secretary must give all club secretaries not less than 21 days notice of the meeting at which a special resolution is to be proposed unless otherwise provided in the Schedule.
- (3) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

#### **48. Notice of meetings**

The Secretary must give notice of meetings by serving it on club secretaries personally or by email, fax, or any other means deemed reasonable.

#### **49. Quorum at general meetings**

At a general meeting, twenty-five members present in person constitute a quorum.

#### **50. Lack of quorum**

- (1) If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –
  - (a) for an annual general meeting or special general meeting convened under clause 44(3)(a) – the meeting stands adjourned to the same time on the same day in the following week and to the same place;
  - (b) for a meeting convened under clause 44(3)(b) – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or
  - (c) for a meeting convened under clause 44(3)(c) – the meeting lapses.
- (2) If within 30 minutes after the time appointed by subclause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are

present in person or by proxy may proceed with the business of that general meeting as if a quorum were present.

- (3) The President may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that meeting from time to time and from place to place.
- (4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (5) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

#### **51. Voting**

- (1) Subject to clauses 14(2) and 18, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
- (2) At a general meeting --
  - (a) An ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and
  - (b) A special resolution put to the vote is passed with three-quarters of the members who are present in person or by proxy vote in favour of the resolution.
- (3) A poll may be demanded by the President or by 3 or more members present in person or by proxy.
- (4) If demanded, a poll must be taken immediately and in the manner the President directs.

#### **52. Proxies**

A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting.

## **PART 7 - FINANCIAL MANAGEMENT**

### **53. Financial year**

The financial year of the Association is the period of twelve month ending on the 30<sup>th</sup> June.

### **54. Funds and accounts**

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by the Association at a general meeting, the Committee may approve expenditure on behalf of the Association within limits of the budget.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 of the following committee members, President, Secretary and Treasurer.
- (4) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.
- (5) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

### **55. Accounts and audits**

The responsibility of the Committee under clause 34(2) for ensuring compliance with the Act include meeting the requirements of Part 5 of the Act and regulations made for that Part relating to –

- (a) the keeping of accounting records;
- (b) the preparation and presentation of the Association's annual statement of accounts;  
and
- (c) the auditing of the Association's accounts.

## PART 8 - GRIEVANCE AND DISPUTES

### 56. Misconduct

- (a) Any official or servant of the Association or of a Club or any registered player or a Club or any registered player or a Club or any umpire, who;
- i. uses abusive, threatening or insulting language to, or interferes with or assaults an umpire, Association Official or servant or player or any Club;
  - ii. wilfully refuses or fails to comply with any rules made or directions given by the Association or any of its officers in accordance with the powers conferred by this Constitution; or
  - iii. is guilty of any other conduct which is detrimental to the best interest of the Association or the game of Polocrosse,
- on or about any ground on which Competition matches are being played that day or at or in the vicinity of any meeting, hearing, or enquiry being conducted under the provisions of this Constitution, shall be guilty of an offence.
- (b) Any umpire or official of the Association or any President or Vice-President of a Club may report an offence specified in paragraph (a) to the Association by lodging with the Association Secretary, within seven (7) days of the offence occurring, written notice of the name of the person reported and the details of the matter reported.
- (c) Any officer or member of the Association, or any other official of the Association or of a Club, who fails or refuses to comply with any of the provisions of this Constitution is otherwise guilty of any conduct which is detrimental to the best interests of the Association shall be guilty of an offence.
- (d) Any officer or member of the Association may report an offence referred to in paragraph (c) by lodging written notice of the name of the offender and of the details of the offence with the Association Secretary.
- (e) Any official or servant of the Association or of an Association Club or any registered player of a Club or any umpire who, on or off the field, at any place or in any manner (including in a newspaper or other media) -

- i. While representing himself as such an official, servant, player or umpire, behaves in a criminal, offensive or unseemly manner;
- ii. Publicly criticise an umpire, the Association or its administration; or
- iii. Displays contumely behaviour towards, or assaults, threatens, abuses, insults or interferes with any other official or servant of the Association or of an Association Club or any registered player of a Club or any umpire.

shall be guilty of an offence.

- (f) Any member of the council or any umpire may report offences specified in paragraph (e), by lodging with the Association Secretary, within seven (7) days of the offence occurring, written notice of the name of the offender and of the details of the offence.
- (g) Any person who lays a charge in pursuance of this Constitution and does not appear at the hearing, or is summonsed in pursuance of this Constitution to appear before a person or body does not appear, shall be guilty of an offence. The penalty for the offence shall be such amount as is from time to time fixed by the Council. The Tribunal Commissioners before whom the person was expected to appear may impose the penalty without hearing the person alleged to have failed to appear. If that person wishes to offer an excuse, he may apply for a re-hearing.
- (h) On receipt of a complaint, pursuant to paragraphs 56(b), 56(d) and 56 (f) above, the Secretary shall refer the complaint to the Tribunal Commissioners within seven(7) days of receipt of the complaint for the determination of the Tribunal Commissioners pursuant to clause 57 of this Constitution. The Tribunal Commissioners shall thereafter consider the complaint and make a determination pursuant to clause 56 hereof save and except for subclause 56(h)(i) which shall not apply.
- (i) Any person, Club or Sub-Association that is guilty of Misconduct may be the subject of a complaint being laid against them or it, in a matter described in paragraph 56(f) above and any such complaint or charge shall thereafter be dealt with in accordance with paragraphs 56 and 57 of the Constitution.
- (j) The NTPA may align itself with the Polocrosse Association of Australia's constitution clause 34 –Discipline. Refer to the schedule

## **57. Tribunal Commissioners**

- (a) The Council shall, at or as soon as practicable after its first meeting after the Annual General Meeting each year, appoint a Chairman and two (2) other Tribunal Commissioners for the forthcoming year and may, at any time, appoint any number of persons as proxy Tribunal Commissioners.
- (b) No person shall be appointed a Tribunal Commissioner or proxy Tribunal Commissioner who holds any other office in the Association or who has been associated with any Club as an official or player or who has officiated as an umpire during the previous three (3) years.
- (c) The Chairman shall preside at all meetings of the Commission which he attends. Where the Chairman is absent from a meeting, the Commissioners or proxy Commissioners in attendance shall elect one of their number to be Acting Chairman.
- (d) Where one or more Commissioners are unable to attend a meeting, a proxy Commissioner or proxy Commissioners may attend in their place and shall be empowered to exercise all the powers of the Commissioners.
- (e) Two Commissioners (or proxy Commissioners) shall form a quorum and each Commissioner attending shall have a deliberative vote. In the event of any equality of votes on a question of guilt or innocence of a player charged with an offence, the question is to be resolved in favour of the player.
- (f) The Tribunal Commissioners:-
  - i. Shall enquire into, hear and determine any charge made against any person which is the subject of a report made pursuant to and for a breach of the Laws of the Game, or of a complaint referred by the Association Secretary pursuant to paragraph 56 hereof;
  - ii. May summon any person to appear and give evidence at the hearing of such charge;
  - iii. May at their discretion admit or reject any evidence given or tendered at the hearing of such charge;

- iv. Subject to this provision, may adopt and pursue any procedure which they think convenient and proper in the hearing of such a charge from time to time as may be convenient;
- v. May adjourn the hearing of such a charge from time to time as may be convenient;
- vi. May as they in their discretion think fit, punish summarily by censure, fine, suspension or disqualification any witness who, being a player or Club official, is found by them to have knowingly and with intent to mislead them, made any false statement relating to the hearing of any charge or any person who misconduct's themselves in any manner before the Commissioners or shows contempt of a Commissioner.
- vii. May dismiss any charge as being trivial or as not having been proved or upon finding the player charged not guilty of the offence charged.

(g) The Tribunal Commissioners shall be bound in their decision by the Constitutions of the Polocrosse Association of Australia and the Northern Territory Polocrosse Association, plus the Australian Polocrosse Rules, as in force from time to time.

(h) Subject to paragraph 56 and sub-paragraphs (j) and (g) of this clause no charge shall be enquired into, heard or determined by the Tribunal Commissioners unless the following conditions have been complied with:-

- i. Where the charge arises out of an initial umpire's report, the reporting umpire in charge of the match in which the alleged offence occurred, must have submitted a brief written report to a member of the Executive Sub-Committee not later than 7.00pm on the last day of the tournament in question.
- ii. The Secretary or a delegate of the reported player's Club has been informed by the Association Secretary, not less than 48 hours before the hearing of the charge, of the time and place that the Commissioners will be meeting to consider the report; provided however, that this condition shall be deemed to have been complied with where the Commissioners meet the same time and place each week when required and no variation has been made to that time and place.

- (i) A player shall continue to be eligible to participate in Association fixtures and events pending the hearing of the charge against them.
- (j) The Tribunal Commissioners may, if they deem fit in the interest of the Association or the game of Polocrosse, exercise all powers vest in them by this Constitution notwithstanding any irregularities in a report of non-compliance with the conditions specific in paragraph 56 (h) and may proceed to enquire into, hear and determine any charge having regard only as to whether the substance of the charge has been established or not; provided, however, that the Commissioners shall adjourn the hearing for so long as they think necessary in any case where they are satisfied that the interests of the person charged may be prejudiced if they proceed at once to exercise their powers under this paragraph.
- (k) The Council may appoint a non-legally qualified Council member to present charges to the Tribunal Commissioner and a person so appointed may call witnesses and question all persons who give evidence in relation to any charge. Where no such person has been appointed or the person appointed is not in attendance, the umpire who laid the charge under the constitution may give evidence on his/her own behalf, call witnesses and question any person who give evidence in relation to that charge.
- (l) A Club may, by notice in writing delivered to the Association Secretary, appoint one or more persons, each of who is not a barrister, a solicitor, a legal practitioner or the holder of a law degree, student of law, to be its player's representatives.
- (m) A person charged with any offence whether pursuant to paragraphs 56 and 57 hereof shall have the right to appear before the Commissioners and give evidence on his own behalf. He/she shall also have the right to be represented by a player's representative from his/her Club. The player or his/her representative may call witnesses and question any person who gives evidence in relation to the charge.
- (n) If a person or his/her representative does not attend a meeting of the Commissioners called to consider the charge laid against him/her the Commissioners are satisfied that the provisions of this Constitution relating to notifications of reports have been complied with, the Commissioners may proceed to enquire into, hear and determine the charge against that player or, at their discretion, may adjourn the hearing of that charge to a time and place specified by the Commissioners.

- (o) The Commissioners may, at their discretion, adjourn the hearing of any charge where satisfied that such an adjournment is desirable to ensure that no person or party to the charge is disadvantaged.
- (p) The Association Secretary or, if absence, a person appointed by the Committee shall attend all meetings of the Commissioners and record minutes of the proceedings and maintain a record of penalties imposed by the Commissioners. The Secretary, or person acting, shall, if requested by the Commissioners advise the Commissioners on any matter raised by them but shall not take any other part in the proceedings.

## **PART 9 - MISCELLANEOUS**

### **58. Common seal**

- (1) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.
- (2) The affixing of the common seal of the Association must be witnessed by any 2 of the following:
  - (a) the President
  - (b) the Secretary
  - (c) the Treasurer.
- (3) The common seal of the Association must be kept in the custody of the Secretary or another person on the Committee from time to time decides.

### **59. Distribution of surplus assets on winding up**

- (1) If, on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remain any assets, the assets must not be distributed to the members or former members.
- (2) The surplus assets must be given or transferred to another association incorporated under the Act that –
  - (a) has similar objects or purposes;
  - (b) is not carried on for profit or gain to its individual members; and
  - (c) is determined by resolution of the members.

**SCHEDULE  
TO THE CONSTITUTION**

**Clause 34 of the Polocrosse Association of Australia Inc.**

**DISCIPLINE**

**(a) POWERS**

(i) The power of cancellation, suspension or reinstatement of the affiliation of any body shall only be exercisable by:-

- i. The Council of this Association or
- ii. Subject to the appeal provisions of these articles by the Council of a State Association.

**(ii)**

- i. The Council or the judicial committee thereof shall have the power to fine, disqualify or suspend for a fixed period or during the pleasure of the Council or judicial committee thereof any member, Club or Sub-Association or State Association found guilty of misconduct.
- ii. A State Association shall have like power over any member, Club or Sub-Association found guilty of misconduct.
- iii. A Sub-Association shall have like power over its members and Clubs within its jurisdiction for misconduct within the meaning of sub-paragraph (a) of the definition of misconduct.
- iv. A Club shall have like power over its members for misconduct within the meaning of sub-paragraph (a) of the definition of misconduct.
- v. Any two councillors may fine suspend or disqualify any member for misconduct within the meaning of paragraph (a) (ii) or (a) (iii) of the definition of misconduct.

**(b) PROCEDURE (FORMAL COMPLAINTS)**

(i) In this paragraph complainant shall mean the person or body making a complaint and respondent shall mean the person or body the subject of the complaint.

(ii) Upon a complaint made to the Council by:-

- i. A member or
- ii. A Club or
- iii. Sub-Association or
- iv. A State Association or
- v. A Councillor or
- vi. An Umpire
- vii. Upon any ordinary resolution of the Council or Executive Committee thereof alleging misconduct on the part of a member, Club, Sub-Association or State Association.

The President shall refer the complaint herein to such of:-

The Council or

The Judicial Committee of Council (either of which shall constitute a Tribunal)

The Club, Sub-Association or State Association (any of which shall constitute a Tribunal)

he considers empowered and appropriate to deal with the complaint.

- (iii) Any complaint shall be in writing addressed to the secretary of this association and shall provide:-
- i. The sub-paragraphs of the definition of misconduct within which it is alleged the complaint falls.
  - ii. The facts which it is alleged constitute the misconduct.
  - iii. The full name and address of each of the complainant and the respondent and be legibly signed by or on behalf of the complainant.

- (iv) The secretary shall then transmit copies of the complaint to the Tribunal which shall:-

- i. Serve the respondent by registered post with a copy of the complaint and a notification of the time date and place of the hearing which shall not be earlier than 21 days from the date of posting.

Service at the last recorded address of the respondent in the books of this association shall be good service whether or not the complaint is in fact received.

(c) BREACH OF BY-LAW – DOPING

- (i) "Doping By-Law" means the By-law relating to doping as adopted by the Association from time to time.
- (ii) Notwithstanding any other provision hereof the provisions of the Doping By-Law shall apply to deal with the use of performance enhancing drugs and doping practices in sport.
- (iii) Upon the Council being notified in writing of a doping offence Council may in addition to any sanction applied call before it the member affected to answer a charge of misconduct.

(d) HEARING

- (i) The complainant and the respondent shall appear in person and in the case of a Club, Sub-Association or State Association by its President. Neither party shall be entitled to legal representation.
- (ii)
  - i. The Tribunal shall determine the manner in which the hearing is to be conducted and shall record its decision in writing.
  - ii. The Tribunal shall not be bound by the rules of evidence but shall endeavour to reach its decision with a minimum of formality consistent with natural justice.
  - iii. The Tribunal may impose such penalty as it considers fit and is empowered to impose.
  - iv. The Tribunal if it considers any complaint trivial unjustified or not proven shall dismiss the same and in its discretion award costs and expenses against the complainant. Any fine imposed or costs and expenses awarded shall be recoverable as a civil debt in any Court having jurisdiction to deal with civil debts in the place where the Tribunal heard the complaint.
  - v. Any penalty imposed shall subject to any appeal and these articles be binding on all members, Clubs, Sub-Associations, State Associations and this Association.
  - vi. The Tribunal shall notify in writing the secretary of this Association within 7 days of the terms of any penalty imposed.
  - vii. This Association in its discretion may notify all Clubs, Sub-Associations and State Associations of all suspensions, disqualifications, fines and cancellations of affiliation.

(e) INDEMNITY

- (1) Neither a complainant nor a respondent shall have any action against any member of a Tribunal for anything said or done by him in exercise of his powers as a member of the Tribunal.

(f) SUMMARY PROCEDURE

- (1) In the case of misconduct by a member falling within paragraph (a)(ii) of the definition of misconduct upon the verbal charge of any umpire or other official recognised by the rules of the game the Councillors may forthwith call upon the member to appear before them to answer the charge

or

- (2) In the case of misconduct by a member falling within paragraph (a)(iii) of the definition of misconduct the Councillors may forthwith verbally cite any member to appear before them to answer the charge and
- (3) In either of the above cases failing appearance by the member or the member failing to answer the charge or citation to the satisfaction of the Councillors they may proceed to penalise the member. Any penalty shall be recorded in writing and sent to this Association forthwith after the event.
- (4) The indemnity contained in sub-paragraph (d) hereof shall apply to Councillors acting under this sub-paragraph.

**(g) RIGHTS OF APPEAL**

**(1) CANCELLATION OF AFFILIATION**

Any Club or Sub-Association whose affiliation has been cancelled shall have a right of appeal to the Council of this Association.

**(2) FINES SUSPENSIONS AND DISQUALIFICATIONS**

An appeal shall lie from any penalty whether original or on appeal imposed:-

- i. By a Club to the Sub-Association to which that Club is affiliated.
- ii. By a Sub-Association to the Appeal Tribunal of the State Association to which that Sub-Association is affiliated.
- iii. By a State Association to the Judicial Committee of this Association.
- iv. By the Judicial Committee of this Association to the Council.
- v. By any two Councillors or this Association to the Judicial Committee of this Association.

(3) An appeal to the Judicial Committee of this Association shall lie:-

- i. From a finding by the Council of a breach of the doping By-Law, or
- ii. In any other case if and only if the Judicial Committee is satisfied that there are good and sufficient reasons disclosed in the Notice of Appeal for such appeal.

(4) An appeal to the Council of this Association shall lie if and only if the Council is satisfied that there are good and sufficient reasons disclosed in the notice of appeal for such appeal.

**(h) APPEAL PROCEDURE**

**(1) AN APPEAL AGAINST CANCELLATION OF AFFILIATION SHALL BE HEARD AND DETERMINED BY COUNCIL.**

(2) In the case of appeal to the Judicial Committee or Council of this Association written notice of the appeal must be in the hands of the Secretary of this Association (the Secretary) within 14 days of the decision giving rise to the appeal.

The notice of appeal must specify and provide:-

- i. The date and place of the imposition of the penalty appealed against.
- ii. The name of the tribunal which imposed that penalty.
- iii. Copies of any prior notices of appeal, the date time and place of the hearing of such appeal and the result of such appeal.
- iv. The grounds of appeal.
- v. The evidence to be furnished at the hearing.
- vi. A telegraphic address at which notification of the hearing of the appeal or other notice may be sent (his address for service).
- vii. The appellant shall pay to the Secretary the sum of \$500.00 or such other sums as may be determined by Council from time to time at the time of lodging the appeal which sum may be retained if the appeal is deemed frivolous by the Judicial Committee or Council or if leave to appeal is refused.
- viii. The Secretary shall notify the appellant by telegram at his address for service at least 3 clear days prior to the hearing of the date, time and place of the hearing. Such telegram shall be adequate notification whether or not the appellant receives or is notified of such telegram.
- ix. The fine suspension or disqualification appealed against shall upon lodgement of the appeal be suspended until the determination of the appeal. Except in the case of an appeal from a finding by the Council of a breach of the doping By-Law in which case the penalty imposed shall stand unless and until it is changed by the Judicial Committee.
- x. The appeal shall be by way of re-hearing and the Judicial Committee or Council shall have full power to confirm, increase, decrease, vary or modify the penalty appealed against, to dismiss the appeal, to allow the appeal wholly or in part and to award costs and expenses to or against any party to the appeal and any fine, costs and expenses shall be recoverable as provided in sub-paragraph (c)(2)(iv) hereof.
- xi. The indemnity provided by sub-paragraph (d) hereof shall apply to the members of the Judicial Committee or Council.
- xii. The appellant shall appear in person on the hearing of the appeal or in the case of a Club, Sub-Association or State Association by its President. An

appellant shall not be entitled at the hearing to legal representation. The Judicial Committee or Council shall determine the manner in which the appeal is to be conducted and where it shall be heard and shall record its decision on the appeal in writing. The Judicial Committee or Council shall not be bound by the rules of evidence but shall endeavour to reach its decision with the minimum of formality consistent with natural justice.

- xiii. The Judicial Committee or Council shall hear the appeal within 28 days of receipt by the secretary of the notice of appeal.

### REPLACEABLE DETAILS

Clause	Description of clause	Default detail	Replacing detail
28(4)	Consecutive terms of committee members	May serve consecutive terms	
39(1)	Frequency of committee meetings	at least 4 times each financial year	
41	Quorum for committee meeting	half the committee members	
45	Number of members who can request a special general meeting	Half the quorum of members for a general meeting	
46(1)	Notice of an annual general meeting	At least 28 days	
47(2)	Notice of special resolution	At least 21 days	

*[If no entry is inserted in the column headed "Replacing detail", the "Default detail" applies.]*

## **PART 3 ADDITIONAL DETAILS**

### **Composition of Committee (clause 24)**

In addition to the office holders specified in the Constitution, the Management Committee consists of –

- 1) Each Club affiliated with the Association and in the event of any Sub-Association being established, each Club affiliated with that Sub-Association shall appoint one (1) Appointed Delegate to serve on the Management Committee and such appointee shall be deemed to have been elected in accordance with paragraph 30 hereof.
- 2) Five (5) Elected Representatives shall be elected by ballot at the AGM of the Association.

In addition to the additional office holders the Association shall elect the following positions.

### **1. Election of Chief Umpire and Deputy Chief Umpire**

- 3) The Chief Umpire and Deputy Chief Umpire shall be elected at the same time and in the same manner as for the election of Council and Office Bearers pursuant to clause 30 of this Constitution. Any nominee for the position shall, in addition to being a financial member of the Association, also need to be an accredited umpire in accordance with the Polocrosse Association of Australia Umpires Accreditation Scheme.
- 4) On election the Chief Umpire automatically becomes an Elected Representative on the Council.

### **2. Election of Coaching Director**

- 5) The Coaching Director shall be elected at the same time and in the same manner as for the election of Council and Office Bearers pursuant to clause 5 of this Constitution. Any nominee for the position shall, in addition to being a financial member of the Association, also need to be at minimum accredited Level 1 Coach in accordance with the Polocrosse Association Coaching Accreditation Scheme.

### **3. Associate Members**

- 6) The Association shall have the power to grant Associate Membership to an organisation or body which in the opinion of the Association has similar aims and objects for promoting horse and horse-sports. Such Associate Membership shall be terminable at the will of the Association without any reason being assigned therefore.
- 7) Representatives from each organisation or body granted Associate Membership may attend Association meetings but shall not take part in the business of the meeting without permission from the Association. Such representatives shall not be entitled to vote on any matter.
- 8) The Association shall determine Associate Fees annually.

