

NEWCASTLE SQUASH RACKETS ASSOCIATION INC.  
CONSTITUTION

## 1. NAME

The Association shall be called The Newcastle Squash Rackets Association Incorporated, Incorporation number Y1433000, hereafter referred to as the Association.

## 2. OBJECTIVE

The objective of the Association is to promote the game of Squash Rackets within the boundaries of the Association.

## 3. MEMBERSHIP

### 3.1 Eligibility

A Squash Club is eligible to be a member of the Association if it has the use of a squash centre within the boundaries of the Association, except as specified in Clause 3.10. The boundaries of the Association are defined by straight lines successively joining Shoal Bay, Soldiers Point, Woodville, Branxton, Pokolbin, Bellbird, Mt. Vincent, Cooranbong, Tuggerah and Shelly Beach, plus the east coast of New South Wales between Shelly Beach and Shoal Bay.

### 3.2 Register of Members

The Association shall maintain a register of members specifying the name of each Club, names and addresses of the office bearers of that Club became a member, and those men's and women's pennants competitions in which the Club enters teams.

### 3.3 Application for Membership

Application for membership of the Association shall be made in writing, with a list of office bearers. The Council shall have the power to accept or reject any application for membership.

### 3.4 Membership Fee

Each Club shall pay a membership fee of \$1 upon becoming a member of the Association.

### 3.5 Annual Subscription

Each member shall pay an annual subscription of \$1 due on 1st January.

### 3.6 Members' Liability

The liability of a member of the Association for debts and liabilities of the Association is limited to any unpaid membership fee or annual subscription, and any unpaid moneys owing to the Association.

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**3.7 Creation and Suspension of Membership**

A club ceases to be a member of the Association when:

- (a) It gives notice in writing of its withdrawal from the Association, provided that all money owing to the Association is paid, or
- (b) It is expelled by resolution at a general meeting, or
- (c) It enters no teams in two successive pennants competitions conducted by the Association.

A Club's membership shall be suspended when any money owing to the Association is in arrears for more than three months. Membership shall be reinstated on payment of all overdue money. No refunds are payable to Clubs whose membership ceases or is suspended.

**3.8 Delegates to General Meetings**

Each club shall appoint a delegate to represent its female members and another delegate to represent its male members, provided that no male or female delegate shall be appointed if the Club has not entered teams in the two most recent men's or women's pennants competitions respectively.

Where a club or centre has less than twenty registered competitors playing in the competition at the time of the general meeting, one delegate may represent the male and female members of the club at that meeting. Each Club shall advise the Registrar of the names, addresses and telephone numbers of its delegates. Each delegate (or another member of that Club, appointed by that Club) shall attend all general meetings of the Association and shall be entitled to one vote only.

**3.9 Life Membership**

A person who has given exceptional service to the Association, above and beyond the call of duty, may be nominated for life membership (in writing with supporting evidence) by a Club, or the Council. Such person shall have been an officer, a committee member or subcommittee member of the Newcastle and District Squash Rackets Association, the Newcastle and District Women's Squash Rackets Association, or the Newcastle Squash Rackets Association over a reasonable number of years.

The person becomes a life member if the application is approved by the Council and passed by a two thirds majority at an Annual General Meeting. A life member will be presented with a badge signifying life membership, and will not be required to pay any competition fees to the Association. A life member is not entitled to vote in that capacity at a general meeting.

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**3.10 Initial Membership**

3.10.1 All Clubs which were members of the Newcastle and District Squash Rackets Association or the Newcastle and District Women's Squash Rackets Association at the time of their dissolution shall be initial members of the Association.

3.10.2 All life members of the Newcastle and District Squash Rackets Association and the Newcastle and District Women's Squash Rackets Association shall be life members of the Association.

**3.11 Disciplining of Members**

3.11.1 A complaint may be made by any member of the association that some other member of the association:

- (a) Has persistently refused or neglected to comply the provisions of these rules; or
- (b) Has persistently and wilfully acted in a manner prejudicial to the interests of the Association.
- (c) Has intimidated, threatened or physically assaulted another member.

3.11.2 **On receiving such a complaint, the Council:**

- (a) Must cause notice of the complaint to be served on the member concerned; and
- (b) Must give the member at least 14 days from the time the notice is served within which to make submissions to the Council in connection with the complaint; and
- (c) Must take into consideration any submissions made by the member in connection with the complaint.
- (d) Must consider if in terms of Duty of Care to all members a complaint under 3.11c warrants immediate suspension pending Council investigation. Consideration should also be made for referral to NSW Police.

3.11.3 The Council may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.

3.11.4 If the Council expels or suspends a member, the Registrar must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by Council for having taken the action and of the member's right of appeal under clause 3.11.6.

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3.11.5 The expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 3.11.7, whichever is the latter.

3.11.6 **Right of Appeal of Disciplined Member**

A member may appeal to the association in a general meeting against a resolution of the Council clause 3.11.4 within 7 days after notice of the resolution is served on the member, by lodging with the Registrar a notice to that effect.

The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

3.11.7 On receipt of a notice from a member under clause 3.11.6, the Registrar must notify the Council which is to convene a general meeting of the Association to be held within 28 days after the date on which the secretary received the notice.

3.11.8 At a general meeting of the Association convened under clause 3.11.7

- (a) No business other than the question of the appeal is to be transacted; and
- (b) The Council and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
- (c) The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

3.11.9 If at the general meeting the Association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

3.11.10 **Resolution of Internal Disputes**

Disputes between members (in their capacity as members) of the Association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the community justice centres act 1983.

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## 4. THE COUNCIL

### 4.1 Management of the Association

The Association shall be managed by the Council of the Association, hereafter referred to as the Council, subject to the constitution and resolutions adopted at general meetings of the Association. Council members shall be indemnified against risk and expense by the Association.

### 4.2 Powers of the Council

The Council shall have all powers appropriate to the management of the Association including the power to overrule all decisions of its committees and subcommittees, except those of the appeals subcommittee.

- (a) To assist with the introduction of a new recording system, Council will have the power to vary By-Laws without the need to convene a General Meeting for the 2017 Autumn Pennant competition only.
- (b) Council will be required to communicate any variations immediately in writing to all Clubs stating a “with effect date” to the variation. Council is also to introduce corresponding amendment Motions at the 2017 AGM which is already promulgated for June 6 2017.

### 4.3 Composition of the Council

The Council shall consist of:

- (a) The members of the executive, and
- (b) The chairperson of each of the committees.

The Council shall not at any time contain more than five people who are members of the same club, nor more than five people who have financial interest in a squash centre within the Association's boundaries (including employees). No person shall hold more than one position on the Council.

There is no maximum number of consecutive terms any office bearer may hold unless the incumbent resigns or is removed under paragraph 14.4.

### 4.4 The Executive

The executive of the Association (hereafter referred to as the Executive) shall consist of the following positions in decreasing order of seniority:

4.4.1 **The President**, who leads the association in the carrying out of its functions, represents the Association whenever appropriate and chairs all general meetings, Council meetings and Executive meetings.

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The President has the option of attending all committee and subcommittee meetings. In the absence of the President, the most senior member of the executive present shall carry out all functions of the President.

4.4.2           **The Vice President Administration**, who is responsible to the Council for the administration of the Association, with assistance from the administrative procedures subcommittee of which he/she is chairperson. These duties include supervision of all paid employees of the association.

The VP Admin is to assume the duties of “Public Officer” as defined by NSW Dept of Fair Trading requirements.

4.4.3           **The Vice President Promotion**, who is responsible to the Council for the promotion of squash, including communication with club members as well as with external people and groups. The Vice President Promotion shall be chairperson of the promotion committee.

4.4.4           **The Treasurer**, who is responsible to the Council for all matters concerning the finances of the Association, including:

- (a) Keeping proper records,
- (b) Preparation of list of accounts for payment and balance sheets for all council meetings,
- (c) Preparation and arrangement for auditing of financial statements for each annual general meeting.

The Treasurer shall be chairperson of the finance Subcommittee.

#### **4.5 Meetings**

Council meetings shall be held as determined by Council, with a minimum of six meetings per year. Each Council member shall receive at least seven days’ notice in writing of such meetings. Each committee shall submit written reports to each Council meeting. Each Council meeting shall consider the finance report and authorise expenditure.

The quorum for a Council meeting shall be half the number of members of the Council, plus one, and shall include at least two members of the executive. If a quorum is not present to start a meeting, the meeting shall be adjourned to a date and time to be fixed within one week. If no quorum is present then, the meeting shall be cancelled.

All Council members shall be entitled to vote.

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## 5. COMMITTEES

The following committees of the association shall exist. All committees may co-opt additional members as required.

### 5.1 Women's Pennants Competition Committee

The women's pennants competition committee shall consist of up to four people, the majority of whom shall be women, and the chairperson shall be a woman. This committee is advised by the President and shall be responsible to the council for the conduct of all women's pennants competitions conducted by the association.

The women's pennants competition committee shall have the following powers:

- (a) To call any club member to answer questions concerning the conduct of women's pennants competitions, and if such questions are not answered satisfactorily, to debar such person from women's pennants competitions,
- (b) To impose fines not exceeding an amount set by the council from time to time, and impose full or partial loss of points in women's pennants competitions for teams or clubs involved in breaches of the pennants competition by-laws, and
- (c) To suspend any player from women's pennants competitions for serious misconduct in the course of any women's pennants competition.

### 5.2 Men's Pennants Competition Committee

The men's pennants competition committee shall consist of up to four people, the majority of whom shall be men, and the chairperson shall be a man. This committee is advised by the President and shall be responsible to the council for the conduct of all men's pennants competitions conducted by the association.

The men's pennants competition committee shall have the following powers:

- (a) To call any club member to answer questions concerning the conduct of men's pennants competitions, and if such questions are not answered satisfactorily, to debar such person from men's pennants competitions,
- (b) To impose fines not exceeding an amount set by the council from time to time, and to impose full or partial loss of points in men's pennants competitions for teams or clubs involved in breaches of the pennants competition by-laws, and
- (c) To suspend any player from men's pennants competitions for serious misconduct in the course of any men's pennants competition.

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**5.3 Junior Development Committee**

The Junior Development Committee shall consist of the Junior Development Committee Chairperson plus up to two other members. This committee shall be advised by the Vice President Promotions and are responsible for evaluating and implementing development programs for stakeholders of the Hunter Junior circuit.

Additionally, they will provide advice and assistance to other organized junior events being run at member clubs as appropriate, with the aims of increasing awareness of squash in schools and boosting grass roots participation.

**5.4 Promotions Committee**

The promotions committee shall consist of the Vice President Promotions as chairperson plus two others, and shall be responsible to the council for the promotion of squash including communication with clubs and registered players and with external people and organisations. Committee meetings shall be held as required, and shall be convened by the chairperson.

**5.5 Quorum**

The quorum shall be a majority of members of the committee, excluding co-opted members. Co-opted members shall not be entitled to vote. If a quorum is not present to start a meeting, the meeting shall be adjourned to a date and time to be fixed within one week. If no quorum is present then, the meeting shall be cancelled.



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## 6. SUBCOMMITTEES

The council may appoint subcommittees as required. Subcommittees are responsible to the council for the task allotted to them and may be disbanded by resolution of the council. All subcommittees may co-opt additional members as required. The council shall appoint at least the following subcommittees.

- (a) The Appeals Subcommittee. The appeals subcommittee shall consist of the President, and the chair people of the Women's Pennants Competition Committee and the Men's Pennants Competition Committee. The appeals subcommittee shall decide all appeals against decisions made by the women's pennants competition committee, the men's pennants competition committee.

Subcommittee meetings shall be held as required, and shall be convened by the chairperson. The quorum shall be a majority of members of the subcommittee, excluding co-opted members. Co-opted members shall not be entitled to vote.

## 7. REGISTRAR

The Registrar may be a paid employee of the association or may be appointed by the Council. The Registrar is responsible to the Council through Vice President Administration for the day to day operation of the association, including:

- (a) Administration of competitions, and special events,
- (b) Correspondence,
- (c) Minutes of general meetings and council meetings,
- (d) Financial transactions, and
- (e) Supervision of other staff.

The Registrar reports to the Vice President Administration; is advised by the President on matters concerning the conduct of competitions, and special events; and is advised by the Vice President Promotion on matters concerning publicity and communications. All correspondence to the Association shall be addressed to the Registrar. The Registrar shall attend all council meetings, and shall have the right to speak on all matters, but shall not be entitled to vote.

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## 8. PATRON

A suitable person or persons may be elected as patron or patrons at each annual general meeting.

## 9. AUDITOR

The council shall engage a registered company auditor who shall have access to all books, documents and records of the association at all times, and who shall report the results of the audit at each Annual General Meeting.

No member of the council or the committees may be engaged as auditor.

## 10. FINANCE

### 10.1 Financial Year

The financial year of the association shall be from 1st January to 31st December.

### 10.2 Honorariums

Honorariums for service rendered may be paid to a member of the Council or the committee's or subcommittees of the association by resolution at a general meeting, following a proposal by the Council.

### 10.3 Money

The funds of the Association shall be derived from fees, subscriptions, donations, sponsorships, and subject to any resolution passed at a general meeting, such other sources as the Council determines. All money received by the Association shall be deposited, upon receipt, to the credit of the Association in a bank cheque account.

All payments shall be authorised by any two members of the executive. There are to be no petty cash floats and all money spent on behalf of the Association must be accounted for by receipts before reimbursement is authorised.

### 10.4 Investments

The Council may authorise the deposits of money at call to the credit of the Association at a bank and/or a building society. All other investments shall be made under the provisions of the Trustee Act of New South Wales.

### 10.5 Reports

A statement of receipts and payments and a balance sheet shall be presented to the members at the Annual General Meeting.

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## 11. BY-LAWS

The Council shall create by-laws to regulate each of the major functions of the Association, including:

- (a) Pennants Competitions
- (b) Championships
- (c) Financial Procedures

These by-laws may be altered by a simple majority at a General Meeting.

## 12. GENERAL MEETINGS

12.1 Notice of a meeting shall be sent at least eight weeks before the meeting to each club, club delegate, life member, council member, committee member, subcommittee member, court manager, patron and trustee.

12.2 The agenda shall be sent to the same people four weeks before the meeting.

12.3 A motion for consideration at any general meeting must be moved by a club and seconded by another club, or proposed by resolution of the Council. Due notice is given when the motion is received in writing by Registrar for inclusion in the agenda at least six weeks prior to the meeting.

12.4 No motion may be considered at any general meeting unless due notice has been given. Amendments to motions can be made at a general meeting if they are proposed and seconded from the floor. The amended motion can be then voted on under normal motion consideration. The quorum for a general meeting shall be two thirds of delegates.

12.5 Club delegates only shall be entitled to vote. All general meetings shall be open to all club members. The chairperson may allow any person to speak to the meeting.

### **12.4 Annual General Meetings**

The annual general meeting of the Association shall be held in the first half of the year on a date set by council. The annual report (Including audited statement of income and expenditure and balance sheet) shall be sent with the notice of meeting.

The following business shall be transacted at each annual general meeting:

- (a) Approval of minutes of the previous annual general meeting and any subsequent general meetings,
- (b) Business arising from such minutes,

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- (c) Presentation of the annual report, including audited financial statements for the previous financial year,
- (d) Election of the executive, committee chair people and committee members plus life members, and patrons if appropriate, the order of election being the order of listing in clause 14.2 of this constitution, except where no written nominations have been received for a position. Elections for these positions can be left until last,
- (e) Appointment of an auditor,
- (f) Fixing of honorariums,
- (g) Consideration of motions which can be properly brought before the meeting in accordance with the constitution, and
- (h) General business.

**12.5 Special General Meetings**

A special general meeting of the Association shall be called by the Council as soon as possible after:

- (a) Receipt by the council of a request to hold a special general meeting for a specified purpose, this request being signed by at least twenty percent of clubs, or
- (b) Resolution by the Council to hold a general meeting for a specified purpose.

A special general meeting shall consider only motions which can be properly brought before the meeting in accordance with the constitution. Elections for vacant positions on council or committees may also be held. General business may be conducted only if the chairperson so indicates on the agenda.

## **13. DECLARATION OF INTEREST**

Any person who has a vested interest in any matter under resolution by any meeting of the Association or its Council, committees or subcommittees shall declare such interest at the outset. In serious matters, where conflict of interest could influence the outcome the person declaring such vested, or the chairperson, may determine that the person shall not be present during discussion and resolution of the matter, providing that the person, prior to such absence, may state his/her views.

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## 14. ELECTIONS

### 14.1 Eligibility

To be eligible for election to a position on the Council or a committee a person must be a financial member of a club.

### 14.2 Nomination

Nominations for the following positions shall be submitted in writing to the Registrar at least four weeks prior to the annual general meeting, or the general meeting in the case of a vacancy occurring, for inclusion with the agenda.

Patron,  
President,  
Vice President Administration,  
Vice President Promotions,  
Treasurer,  
Chairperson Women's Pennants Competition Committee,  
Chairperson Men's Pennants Competition Committee,  
Junior Development Committee Chairperson,  
Three Women's Pennants Competition Committee Members,  
Three Men's Pennants Competition Committee Members,  
Two Promotions Committee Members, and  
Two Junior Development Committee Members

Should no written nomination be received for any position by the due date, oral nominations for such positions may be made at the Meeting.

Each club with a minimum of 20 registered players shall submit a written nomination for two of these positions and clubs with less than 20 registered players shall submit a written nomination for at least one of these positions at least six (6) weeks prior to the Annual General Meeting. (c)

### 14.3 Term of Office

All elected people shall hold office from the time of their election until immediately before the election for that position at the next annual general meeting or removed under paragraph 14.4.

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**14.4 Removal from Office**

A person ceases to be eligible for a position on council or a committee as soon as:

- (1) The person ceases to be a financial member of a club, or
- (2) Is absent without leave of absence from three consecutive meetings of the council, or the committee of which the person is a member, or
- (3) The person fails to discharge their accepted duties in the best interests of the Association, to the satisfaction of Council or NSW Dept of Fair Trading regulation and guidelines. Council, excluding the member under consideration, must approve by a 2/3 majority.

If a Council position becomes vacant, Council is to appoint a temporary incumbent who is not already a Council member and who is capable of discharging those duties until the next General meeting. A temporary Council incumbent does hold the right to vote on Council matters.”

If a committee position becomes vacant, the chairperson of that committee may appoint a replacement if required.

## 15. VOTING

**15.1 Method of Voting**

Voting shall be by a show of hands except:

- (a) Where a secret ballot is requested by at least two people entitled to vote, and
- (b) In contested elections and elections for life members, in which voting shall be by secret ballot.
- (c) Prior to proposing a Motion to the membership it is decided by Council that postal or electronic voting is appropriate.

Only one voting method may be used on a Motion.

**15.2 Deciding the vote**

A simple majority of those present and voting on the resolution will decide the vote except:

- (a) For alteration of the Constitution or expulsion of a club, in which cases a two thirds majority is required, and
- (b) In elections.

In the event of a tied vote on a motion, the motion is lost.

In elections for a single position the person receiving the most votes shall be declared elected. In elections for multiple positions (e.g. four pennant committee members) those people equal to

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the number of vacant positions who receive the most votes shall be declared elected. In the event of a tied vote in an election, a new vote shall be carried out and if the vote is still tied, the winner shall be determined by a draw from a hat.

## 16. ASSOCIATED ORGANISATIONS

The association shall liaise with any group or organisation if such liaison will advance the promotion of squash within the boundaries of the association, and shall liaise with the following body in particular.

- (a) NSW Squash Inc Referees

The association shall support and liaise with the NSW Squash Referees, or similar body as determined by council, through the President.

## 17. DISSOLUTION

### 17.1 Non-profit clause

The assets and income of the association shall be applied solely in the furtherance of its above mentioned objectives and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

### 17.2 Dissolution Clause

In the event of the association being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the committee in accordance with their powers to any fund, institution or authority which is a non-profit organisation, or to an organisation which is exempt from income tax under section 23 of the income tax assessment act.

## 18. AMENDING THE CONSTITUTION AND OBJECTS

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

## 19. INTERPRETATION OF THE CONSTITUTION

Interpretation of the constitution and by-laws shall rest with the Council, except for resolutions of general meetings of the association concerning interpretation of the constitution.

## 20. COMMON SEAL

- (a) The common seal of the association must be kept in the custody of the Public Officer,

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- (b) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the Public Officer or Registrar.

## 21. CUSTODY OF BOOKS

Except as otherwise provided by these rules, the Public Officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

## 22. INSPECTION OF BOOKS

The records, books and other documents of the association must be open to inspection, free of charge, by a member of the association at any reasonable hour.

**END**