

# Constitution

## The Constitution of the Illawarra District Squash Rackets Association Ltd

25/11/85 AND AS AMENDED 1/12/86, MARCH 1991, 27/11/95, 24/6/96  
23/6/97, 27/11/2000 CL's 7a & 7e, 27/5/2002 CL12, 26/11/2002.

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## 1. Name

The Association shall be called The Illawarra District Squash Rackets Association Ltd, hereinafter referred to as the Association.

## 2. Objects

The objects of the Association are to promote and regulate the game of squash rackets within the boundaries of the Association by whatever means that are in agreement with all the other clauses of this Constitution. Emphasis shall be placed on the furtherance of the game as an amateur sport and the needs of the amateur squash player.

## 3. Boundaries

The Boundaries of the Association shall be the same as those of the combined Wollongong, Kiama and Shellharbour Councils' areas.

## 4. Applications and Membership Provisions

- a. Organisations or persons desiring to enter the Association shall make written application for consideration at the next Council meeting. Organisations shall provide a list of their officials and upon request a copy of their constitution.
- b. Personal applicants with status and/or interests as defined in Clause 4 Item c) shall declare such with their application.
- c. Squash Court owners and their families or representatives, Professional Squash players, Professional Coaches and/or any person having or acquiring pecuniary interests in the game of squash rackets, shall declare such status and/or interests to the Association upon being nominated for, or if already holding any position whatsoever (Executive, Delegate etc.) within the Association. Persons whose only pecuniary interest(s) is/are in the form of an "honorarium" and/or "expenses" as paid by the Association shall be considered as exempt and not included in this definition.
- d. Persons as defined in Clause 4, Item c) -
  - i. Shall not hold any Executive position within the Association.
  - ii. Shall number no more than a total of four(4) persons who shall be accepted as delegates on the Council. Vacancies shall be filled by a Council ballot (draw) of any new applicants.
- e. No more than three (3) Member Clubs from any given squash court, centre or complex etc. shall be admitted to the Association.
- f. Council may accept or reject applications in any of the classifications as defined herein.
- g. Organisations shall be held liable for the conduct and responsibilities etc. of their members, except, if the organisation is disbanded then that organisation's members shall each become liable. Refer CL 7f.
- h. Teams in the Association's Pennant Competitions shall provide a court for their "home matches" and for any semi-final, final, grand-final or other pennant match as decided by the Association. Such courts shall be provided free of any charges or fees etc. to "visiting teams." If a visiting team has a junior or juniors, prevented by law from access to the court, then the visiting team shall inform the home team's captain at least seven (7) days prior to the match. The home team shall arrange an alternate venue for the rubber(s) affected which should be played within seven (7) days of the original date. Any court fees for such rubber(s) shall be paid by the visiting member club.

## 5. Memberships

- a. Member Club. Defined as organisations such as clubs, schools, centres and groups of people etc. whose members are playing squash and have the use of a squash court as required in Clause 4 Item h) and within the Boundaries of the Association. An organisation accepted as a member club shall be entitled to have no more than two (2) delegates present at any Council meeting and, subject to Clause 4 Items c) and d), any Individual Member of such Member Club may act as a Delegate on the Council.
- b. Individual Member. Defined as a person:
  - i. who is a financial or life member of an organisation that is currently a Member Club in the Association's latest pennant competition; and
  - ii. who is accepted by the association as a registered player in the Association's latest pennant competition; and
  - iii. whose membership of the Association is not suspended or terminated.

A person who satisfies Clause 5 items b) i, ii, and iii shall be an Individual Member for the period commencing on the starting date of the pennant competition in which the person is accepted as a registered player and ending on the starting date of the following pennant competition.

- c. Life Member. Defined as a person who has been approved as such by at least a two thirds (2/3rds) majority vote at an Association General Meeting. A Life Member shall be presented with a badge signifying such and will not be required to pay any subscriptions and/or fees to the Association and will be invited to all functions free of charge. All the rights and benefits of an Individual Member shall also apply to a Life Member.
- d. Associate Organisation. Defined as other organisations etc. who are accepted under such conditions etc. as may be decided by Council. Such organisations may be granted representation but shall have no voting rights at any Council or General Meeting.
- e. Associate Member. Defined as a person belonging to an Associate Organisation, or any other person who is accepted under such conditions etc. as may be decided by Council. Such persons may be granted representation but shall have no voting rights at any Council or General meeting.

## 6. The Constitution

This Constitution and/or any parts thereof etc, shall only be waived, altered or added to etc. at a special General Meeting as defined in other clauses of the Constitution, and no such waiving, alterations or adding to etc. shall be valid unless passed by not less than two thirds (2/3rds) majority of those in attendance who are entitled to vote at such Special General Meeting.

## 7. Financial Matters

- a. Organisations, Clubs and Persons (but not Association Life Members) entering the Association shall pay a subscription (ie affiliation, registration, competition and etc. fees) as determined by Council. Excepting "late entries" (eg late registrations) subscriptions are payable on acceptance to the Association and due on the starting date of the pennant competition entered. Excepting "late entries", subscriptions not fully paid before the Saturday of round seven (7) and the Saturday of round ten (10) of the competition will incur fines as previously decided by Council. Late entries applying after the competition starting date shall pay the subscription within such times as decided by Council and defaulters will be penalised by Council. Subscriptions, including late entry subscriptions and any subscription fines not fully paid before the Saturday of round twelve (12) will

incur immediate and automatic suspension of the organisation, club or person. Council may re-instate membership upon payment of these monies owed.

- b. Other fees, charges and fines etc. may be imposed or levied as shall be determined by Council.
- c. All monies received by the Association shall be paid into such financial institutions in the name of the Association as determined by Council. The account(s) shall be operated by cheque or withdrawal forms, signed conjointly by any two of three Executives who have been authorised by Council.
- d. No refunds are payable.
- e. Organisations shall be held liable for the financial responsibilities (eg. fees, fines etc.) of their members and/or proposed members. Refer CL's 4 g) h), 8, 17 &18.

## 8. Cessation and Suspensions of Membership etc.

- a. Membership and/or affiliation etc. of the Association shall cease when:
  - i. Written notice of withdrawal is received by the Association, provided that all monies owing to the Association are paid; or
  - ii. Expelled by resolution at a Special General Meeting.
- b. The membership and/or affiliation etc. of Member Clubs, Associate Organisations and Associate Members shall cease upon their failure to enter an Association Pennant Competition.
- c. The membership of an Individual Member (but not an Association Life Member) shall cease when such Individual Member –
  - i. fails to enter an Association Pennant Competition; or
  - ii. fails to become a Registered Player; or
  - iii. ceases to be a registered player; or
  - iv. is suspended or expelled by Council.
- d. Refer CL 7.
- e. The membership and/or affiliation of any Associate Organisation or Associate Member may be suspended or cancelled by the Council.

## 9. Notices and Communications

- a. Subject to any other clause requirements, the notification of decisions, meeting times and etc. of the Association are considered as official when:
  - i. A Club's Individual Member (Delegate) or the person concerned is in attendance at an official meeting when the decision etc. is resolved, or, is given a written notice; or
  - ii. An Executive or Registrar of the Association notifies the information personally or by telephone or by telephone message an Officer of the Club or the person concerned; or
  - iii. a written notice is delivered or posted to the last notified address of the club or person concerned.
- b. Where a written notice is sent through the post, it shall be deemed to have been received on the next postal working day following its posting.
- c. The accidental omission or non-receipt of any notice(s) shall not invalidate any proceedings and/or resolutions passed at any meeting.
- d. Organisations and persons shall communicate their current address and telephone number to the Association as required.

- e. Except as allowed in By-Laws, or as approved by Council, all correspondence shall be addressed to the Association Secretary.

## 10. Meetings

- a. At General Meetings and Council Meetings the President shall be the chairperson. If the President is absent then those in attendance and entitled to vote at such meetings shall elect a chairperson from any Executive present, or in their absence or refusal, from amongst themselves. At other meetings the appropriate Executive will be the chairperson, otherwise the meeting may elect one from amongst themselves.
- b. At General Meetings and Council Meetings minutes of all proceedings and resolutions etc. shall be entered in a book provided for that purpose.
- c. At all meetings the chairperson shall ensure that any required quorum is in fact present and that the meeting is conducted according to and in agreement with this Constitution, General Meeting resolutions and Council resolutions as applicable. If the required quorum is not present within thirty (30) minutes of the appointed time or during the meeting then the meeting shall be abandoned. Another such meeting may be convened as allowed by this Constitution.
- d. At all meetings, a poll of eligible voters may be demanded by five (5) persons present and shall be taken in such a manner as shall be decided by the meeting.
- e. At all meetings, interested persons although ineligible to vote may be allowed to be present and speak as shall be decided by the meeting.
- f. In elections for any positions within the Association, should the votes be equal then the chairperson shall have a second or deciding vote. In all other voting, the chairperson shall not have a second or deciding vote and shall declare the motion as lost or defeated if the required majority vote is not attained.

## 11. Special and Annual General Meetings

- a. Each Individual Member and each Life Member who is present at such meetings shall have one vote.
- b. At least fifteen (15) persons entitled to vote at General Meetings shall be present to constitute a quorum.
- c. Special General Meetings may be convened at the same time and venue as Council or Annual General Meetings provided the Special Meeting precedes the other meetings.

## 12. Special General Meetings

- a. Special General Meetings shall not be called to decide the playing position of any individual player nor the division playing position of any team. Excepting the foregoing proviso and providing that all the requirements of Clauses Six (6), Nine (9), Ten (10), Eleven (11) and Twelve (12) are complied with, and irrespective of anything stated or implied elsewhere, then a Special General Meeting shall make the final decision on any matters etc. pertaining to the Association. Such decisions shall be final and binding on all organisations and persons etc. of the Association and shall only be waived, altered or added to etc. by another Special General Meeting.
- b.
  - i. A Special General Meeting shall be called upon a majority vote at a Council Meeting;  
or

- ii. A Special General Meeting shall be called upon Council receiving a written request from five (5) Member Clubs or from twenty (20) Individual Members and / or Life Members.
- iii. Not less than ten (10) days written notice of a Special General Meeting shall be given to the Executive, Member Clubs and Life Members.
- iv. The notice shall state the purpose of the Special General Meeting and the wording of any motions and/or actions etc. that are to be considered.
- v. The motions and/or actions etc. as shown in the written notice shall not be amended, altered or added to etc. and no other motions and/or actions etc. shall be proposed or resolved at the meeting.
- vi. Except for that as shown in the written notice, no other business shall be transacted.

### 13. Annual General Meeting

- a. The Annual General Meeting of the Association may be held each year during the months of November or December or the following January as decided by Council or any three (3) Executives and not less than ten (10) days written notice shall be given to the Executive, Member Clubs and Life Members.
- b. Provided that no clauses of this Constitution are contravened the following business shall be transacted:
  - i. Approval of the previous Annual General Meeting minutes and consideration of matters arising therefrom etc.
  - ii. Consideration of Annual Reports, statements of accounts and Balance Sheet etc.
  - iii. Election and/or appointment of Executives, Registrars, Officials, Committees, Patron(s), Auditor(s) and others etc. as deemed necessary for the ensuing year. The Executive shall be elected first, and in the order of President, Secretary, Treasurer and then up to four Vice Presidents as deemed necessary. Nominations, in writing, for any position, proposed and seconded by Individual or Life Members may be lodged with the Association prior to the Annual General Meeting. Should no such written nominations be received then oral nominations shall be accepted at the Annual General Meeting. Except for the Executive, any positions not filled or subsequently becoming vacant or desirable may be filled by an election at any Council Meeting. Executive positions shall require that not less than five (5) days written notice of the proposed election by Council be given to the Executive, Member Clubs and Life Members. Refer also Clause 16.
  - iv. The time, date and venue of the next Council meeting shall be determined.
  - v. Subject to Clause 13 (b) consideration of any other business that the meeting deems necessary.

### 14. Trustees

- a. No less than three (3) and not more than four (4) Trustees shall be elected at a duly convened Special General Meeting and shall hold office until death, resignation or removal by resolution of a Special General Meeting. All Trustees shall be indemnified against risk and expense to the Association.
- b. All purchases, investments, leases, conveyances, securities or contracts for the purchase, sale, lease or exchange of any goods or property etc., by, to or on behalf of the Association, shall be made or taken or entered into in the names of the Trustees.
- c. The Trustees shall hold any Real Estate in trust for the Association, in accordance with the terms of a trust deed of a form approved by Council.
- d. The trustees shall deal with all the property as directed by the Council.

## 15. Council

- a. Irrespective of anything stated or implied elsewhere giving Council the power to decide and act etc., all such decisions and acts etc. shall be according to and in agreement with all the clauses of this Constitution and with the decisions and rulings etc. of any General Meeting.
- b. Subject to Clause 15 (a), Council is empowered to decide and act etc. in all matters etc. pertaining to the running and management etc. of the Association to further the Objects of the Association.
- c. Persons as defined in Clause 4 item (c) shall number no more than a total of four (4) persons who hold delegate positions on the Council.
- d. The Council shall consist of the Executive and two (2) delegates from each Member Club.
- e. At Council meetings, each Executive who is present, and no more than two (2) Delegates who are present from each Member Club shall have one (1) vote per person. An Executive who is a Delegate and vice versa shall have only one vote.
- f. At Council Meetings, at least seven (7) persons entitled to vote at Council Meetings shall be present to constitute a quorum.
- g. Council meeting times, dates and venues for the year shall be decided at the first meeting of the Council in the new year, and any changes shall require that five (5) days written notice be given to the Executive and Member Clubs.
- h. Special Council Meetings may be convened by any three (3) Executives, or by any five (5) Delegates. Not less than five (5) days written notice shall be given to the Executive and Member Clubs. The written notice shall state the purpose and/or intent of the meeting but the actual wording of any motions etc. need not be stated. The written notice may be posted by the convenors or shall be posted by Council upon request of the convenors at a Council Meeting.
- i. General meeting resolutions and By-Laws prefixed "GMC" (General Meeting Clause) shall only be waived, amended or deleted by Special General Meeting (refer Clause 12) however Council may:
  - i. Amend or delete other By-Laws and resolutions provided at least five (5) postal working days written notice is given to the Executive and Member Clubs.
  - ii. Under extenuating circumstances temporarily waive other By-Laws and resolutions.
  - iii. Subject to By-Law 107 (b) appoint another I.D.S.R.A. Executive to act for any unavailable Executive. see also Clause 16(g).

## 16. Executive, Officials, Committees etc.

- a. The Executive may consist of but be limited to:
  - i. President
  - ii. Four (4) Vice Presidents
  - iii. Secretary
  - iv. Treasurer
  - v. Registrar of Ladies competition highest divisions
  - vi. Registrar of Mens competition highest divisions
- b. The Executive shall all be Individual Members and/or Life Members.
- c. Persons as defined in Clause 4 item c) shall not hold any Executive position within the Association.

- d. No more than five (5) Executives shall be accepted from any one Court, Centre or Complex, etc.
- e. Other officials, such as Assistant Vice Presidents, Registrars, chairpersons and committees etc. may be approved and function as required by Council but all such Officials and Committees etc. shall be responsible to the Council through an Executive.
- f. The Executive is empowered to act in such matters as are approved by Council and General Meeting resolutions pertaining to the conduct and running etc. of the Association.
- g. In an emergency or when time does not allow for a Council Meeting, then the Executive may decide and act on behalf of the Council provided such decisions and acts etc. are:-
  - i. made according to and in agreement with all the clauses of the Constitution and with the rulings and decisions of any General Meeting AND
  - ii. approved by any three (3) members of the Executive. AND
  - iii. considered to be the most likely decision of a Council Meeting AND
  - iv. fully reported at the next Council Meeting for confirmation or otherwise by the Council.

## 17. Remuneration

The income and property of the Association wheresoever derived shall be applied solely towards the promotion of the objects of the Association as set out in this Constitution and no portion shall be paid or transferred directly or indirectly by way of profit to the Members of the Association provided that nothing herein shall prevent the payment in good faith of remuneration, honorarium, expenses etc. to any officers, servants or person employed by the Association or individual for services rendered to the Association. Any such payment may be authorised by the Council or General Meeting.

## 18. Dissolution

If upon the dissolution of the Association there remain any surplus assets after payment of all the Association's liabilities, and the expenses incurred in such dissolution, the same shall be given or transferred to some association or organisation having objects similar to the objects as described in this constitution as determined by a Special General Meeting or before the time of dissolution and in default of such determination such funds shall be paid in equal shares to the Individual and Life Members of the Association.

In the event of there being a shortfall in funds to meet any liabilities on dissolution, each members liability will be limited to five dollars (\$5.00).

## 19. Directors

The company's directors will consist of the executive as stated in clause 16.