

**CONSTITUTION INDEX**

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## **CONSTITUTION**

### **1. Name**

The name of this body shall be the DANDENONG AND DISTRICTS POOL LEAGUE INCORPORATED and shall be hereinafter referred to as the DDPL.

### **2. Interpretation**

In these rules, unless the contrary intention appears:

**2.1** "Committee" means the Committee of Management of the DDPL.

**2.2** "Financial Year" means the year ending 30th November.

**2.3** "General Meeting" means a general meeting of members convened in accordance with these rules.

**2.4** "Club" means a registered group of financial members of the DDPL.

**2.5** "Delegate" means a representative appointed to represent a Club.

**2.6** "Proxy" means a substitute for the "Delegate".

**2.7** "The Act" means the Associations Incorporation Act.

**2.8** "The Regulations" means regulations under the Act.

### **3. Objectives**

The objectives of the DDPL shall be to:

**3.1** Promote interest in Eight Ball Pool.

**3.2** Promote good fellowship amongst those interested in Eight Ball in the area of the DDPL.

**3.3** Educate, train, coach and encourage competitors and members of the DDPL in the advancement of the sport in general.

**3.4** Coordinate with other registered bodies for the advancement of Eight Ball Pool with the approval of the Executive Committee.

**3.5** Is to be Non-Sectarian, Non-Political, Non Sexist and Non-Racist.

### **4. Club Registration**

**4.1** The Executive Committee shall forward nomination forms for Club Membership one month or more prior to the Annual General Meeting. These forms should be sent to all Clubs who were members of the DDPL in that year or other Clubs as the Executive Committee may in their absolute discretion think fit.

**4.2** Any Club wishing to enter or re-join the DDPL must forward a written application to the Secretary of the DDPL prior to the Annual General Meeting. Provided that the Executive Committee may in its discretion admit for membership any Club whose application for membership is not received before the Annual General Meeting. All applications for Club Membership shall be approved by a majority of the Executive Committee present at the meeting at which the application is considered.

**4.3** In the event a part of a current affiliated Club wishes to break away and form a new club, then the new club will be required to seek membership with the DDPL noting:

**4.3.1** Approval of the existing Clubs Executive Committee.

**4.3.2** A full list of existing members wishing to transfer to the new club.

**4.4** Any Club may resign from the DDPL and such resignation must be in writing and forwarded to the Secretary of the DDPL.

**4.5** The Executive Committee may expel from the DDPL or otherwise punish or penalise any Club whose conduct in the opinion of the Executive Committee is discreditable or injurious to the character or interests of the DDPL.

**5. *Club Disbandment or Disqualification***

- 5.1** If any Club disbands or is disqualified from the DDPL members of such Clubs must apply to the DDPL Executive Committee for Clearances.
- 5.2** Dependent upon the circumstances the Executive Committee will use its discretion regarding approval of such Clearances.

**6. *Members Registration***

- 6.1** There is no entrance fee for members but an Annual Registration Fee will be charged.
- 6.3** The Executive Committee of the DDPL may request proof of age if deemed necessary for any new or existing members.
- 6.4** The number of members registered to any one Club shall be unlimited.
- 6.5** Members must register each year by paying a Registration Fee to the DDPL, the cost of such Registration Fee shall be determined by the Executive Committee and presented at the Annual General Meeting.
- 6.6** The Executive Committee shall consider each application for registration and shall at its discretion accept or reject each application.
- 6.6.1** A person who applies and is approved for membership as provided in these rules is eligible to be a member of the DDPL on payment of the Annual Registration Fee payable under these rules.
- 6.7** The Registration Fee is not refundable or transferable to another person.
- 6.7.1** Exception: Officers of the Executive Committee. See Rule (14.4).
- 6.8** Once registered a Member may transfer to another Club without paying an additional Registration Fee only a Transfer Fee.
- 6.9** The Constitution, By-Laws and Playing Rules of the DDPL bind all members upon admission.
- 6.10** The Secretary of the DDPL shall maintain a register of all members of the DDPL.
- 6.11** The Executive Committee may disqualify from the DDPL or otherwise punish or penalise any member whose conduct, in the opinion of the Executive Committee is discreditable or injurious to the character or interests of the DDPL.
- 6.11.1** Before any member is expelled or otherwise punished or penalised a Tribunal shall inquire into his conduct. The member shall be given the opportunity to defend himself and to justify or explain his conduct. Provided the majority of the Tribunal present when the matter is inquired into, is of the opinion that the member has been guilty of such conduct or action as aforesaid, then the Tribunal may expel or suspend from membership or otherwise punish or penalise him.
- 6.11.2** Should any member fail to appear at any inquiry conducted under Clause (6.11.2) or any adjournment thereof, the Tribunal may proceed in that members' absence to conduct the said inquiry and to make its findings herein before empowered made known.
- 6.11.3** If any member of the Tribunal is involved with the Club's concerned the Tribunal can, if required, select an arbitrator to replace him.

**7. *Unauthorised Use of Name***

- 7.1** No one individual member of the Executive Committee regardless of their status within the DDPL will make any communication or enter into any written or verbal negotiations involving the DDPL, without the prior consent and approval of at least two members of the Executive Committee. All official

correspondence is the concern of the President, Secretary, Administrator or Treasurer.

## **8. *Committee Meetings***

- 8.1** The Committee shall consist of the Executive Committee and at least one member from each Club.
- 8.2** Committee meetings will be held at least six times annually, usually the first Wednesday of each Month, at times and venues advised by the Secretary in writing before the start of the season.
- 8.3** All meetings shall start by 7:30 p.m. sharp unless otherwise agreed, provided there is a quorum of at least one Delegate from 50% plus one of the registered Clubs, plus three members of the Executive Committee.
- 8.4** Each Club shall nominate two Delegates per Club who should attend all the DDPL Committee Meetings. These Delegates along with the Club Officers must be listed on the Club Contacts Form.
- 8.4.1** If the Club Delegate is unable to attend a Committee Meeting then a Proxy can be appointed, by completing the DDPL Proxy Form.
- 8.4.2** Both the Delegate and the Proxy must be registered, financial members of the DDPL.
- 8.4.3** A player suspended or otherwise penalised by the Executive Committee cannot represent a Club as a Delegate for the duration of the suspension or penalty.
- 8.5** The Executive Committee, Delegates and Life Members only, have the power of voting and making motions and statements at any Meeting of the DDPL.
- 8.6** A Delegate of a Club cannot be a member of the DDPL Executive Committee.
- 8.7** Any member of the DDPL may attend any Committee Meeting but may only listen to the operations and procedures of the meeting.
- 8.8** At each Committee meeting the Agenda will be:
- 8.8.1** The Minutes of any previous meetings are to be read, if requested and confirmed.
- 8.8.2** All Correspondence received and sent since the last meeting is to be tabled (in point form), read, if requested and confirmed.
- 8.8.3** The Financial Statement detailing the transactions of the preceding month is to be read, if requested and confirmed.
- 8.8.4** General Business
- 8.9** At all meetings the Chairman's decision on points of order shall be final.
- 8.10** For any Motion, requiring a vote, to be carried a majority of those present, and eligible to vote, must be in favour.
- 8.10.1** An exception to Clause (8.10) is altering the Constitution when a  $\frac{3}{4}$  majority of those eligible is required.
- 8.11** The Chairman shall have a casting vote, if required, in addition to his deliberate vote.
- 8.12** In the absence of the President and Vice-President at a Committee Meeting a member of the Executive Committee shall be elected to take the chair. The Secretary or Treasurer shall cast the deciding vote, if required, on a tied issue.

## **9. *General Meeting***

- 9.1** The Executive Committee may call a general meeting of all members by written or verbal notification to all Clubs.
- 9.2** A general meeting may be called if the Executive Committee receives written notification from  $\frac{3}{4}$ 's of all its members.

**10. Annual General Meeting**

- 10.1** The Annual General Meeting of the members shall be held in the month of December each year. Delegates of each Club shall be given written notice at least fourteen days prior to such meeting. This notice is to be placed on notice boards at Clubs so that all members are advised.
- 10.2** All Members shall endeavour to attend the Annual General Meeting.
- 10.3** At each Annual General Meeting the following will be the Agenda:
- 10.3.1 Presidents Report**
- 10.3.2 Secretaries Report** including:
- 10.3.2.1** Minutes of the previous Annual General Meeting are to be distributed, read if requested, discussed if required and confirmed.
- 10.3.2.2** Any Correspondence sent or received since the last Committee Meeting is to be noted in point form, read if requested, discussed if required and confirmed.
- 10.3.3 Treasurers Report** including:
- 10.3.3.1** The Financial Statement detailing the transactions of the proceeding financial year is to be distributed, read, if requested, discussed and confirmed.
- 10.3.4 Election of Office Bearers**
- 10.3.4.1** At this point those Executive Committee positions available for election will be vacated.
- 10.3.4.2** All nominations for Executive Committee positions is to be in accordance with Rule (14.0).
- 10.3.5 General Business:**
- 10.4** The president of the DDPL shall be Chairman at the Annual General Meeting. Should he not be present then a Vice-President shall be elected to the chair, if there is no Vice-President present the members shall elect an Executive Member to take the chair.
- 10.5** At all meetings the Chairman's decision on points of order shall be final.
- 10.6** The Chairman shall have a casting vote in addition to his deliberate vote.
- 10.7** The quorum of the Annual General Meeting shall be at least one Delegate from 50% plus one of the registered Clubs, plus three members of the Executive Committee. If there is no quorum within thirty minutes of the time appointed to commence then the meeting shall be adjourned for a period not exceeding fourteen days.
- 10.8** The Annual General Meeting may be attended by any financial member, where he has a right to nominate, second or vote a person to the Executive Committee.
- 10.9** A suspended, disqualified or otherwise disciplined player is a non-member and along with non-members has no rights.
- 10.10** A member is financial for a period of twelve months from receipt of payment up to the first game of the next home and away season.

**11. Special, Extraordinary or Emergency Meetings**

- 11.1** If such a meeting is to be called the Secretary shall advise members either by telephone or if time permits – in writing.
- 11.2** No minutes shall be read at Special, Extraordinary or Emergency Meetings and no business other than that for which the meeting was called will be discussed.
- 11.3** Business transacted at such meetings shall be minuted and read together with those from the previous Committee Meeting, at the next Committee Meeting.

**12. *Executive Committee***

- 12.1** The Executive Committee shall consist of the following: President, Vice-President, Secretary, Assistant Secretary, Treasurer, Administrator and a maximum of two Ordinary Executive Members.
- 12.2** The Executive Committee has the full power to do the following:
- 12.2.1** Manage the affairs of the DDPL.
  - 12.2.2** Make by-laws for the management of their own proceedings and management of the DDPL consistent with the Constitution.
  - 12.2.3** Confirm minutes of the Annual General Meeting or Special General Meeting.
  - 12.2.4** Interpret these Rules and their decision on the construction of them shall be final.
  - 12.2.5** Make rules of play for the game of eight ball (in accordance with the Australian Eight Ball Federation Rules).
  - 12.2.6** Arrange matters in connection with tournaments.
  - 12.2.7** Impose fines and/or reprimand, suspend or disqualify any Member or Club who, in their opinion has been guilty of a breach of any provision of the Rules of the DDPL or injurious to the character or interests of the DDPL.
  - 12.2.8** Appoint any sub-committee with the necessary powers to manage matters arising out of the special purposes for which the sub-committee is appointed.
  - 12.2.9** Fill any casual vacancy among officers.
- 12.3** The President, Secretary, Treasurer or Administrator shall call meetings when they consider it necessary.
- 12.4** The quorum for any meeting of the Executive Committee shall be three members of the Committee.

**13. *Sub - Committees***

- 13.1** The Executive Committee shall appoint such sub-committees, refer Rule (12.2.8) and shall decide the duties of such sub-committee.
- 13.2** The elected members of the sub-committee will appoint a Chairman, Secretary and Treasurer before business by the said committee commences.
- 13.3** The Secretary of the sub-committee will record the business transacted for presentation of minutes at the next Committee Meeting.
- 13.4** Members of the Executive Committee are automatically ex-officio members of all sub-committees.

**14. *Election of Officers and Vacancy***

- 14.1** Nominations for all vacant positions of the Executive Committee shall be called for at the Annual General Meeting. Nominations shall include a brief description by the applicant of their qualities on offer and shall be made in writing, submitted and seconded in the usual way and the vote will be taken individually by the show of hands or written ballot if requested.
- 14.2** To be eligible to hold a position, vote or nominate at the Annual General Meeting a person must:
- 14.2.1** Either be a financial registered member at the time of the Annual General Meeting or,
  - 14.2.2** Be a Life Member of the DDPL.
- 14.3** Officers of the DDPL shall hold office for a period of two years, which shall be staggered between the members.

- 14.4** All officers elected to the Executive Committee shall not pay any fees to the DDPL during their period of office, providing they perform the duties required of the office elected for.
- 14.5** For the purposes of these rules, the office of an officer of the DDPL or of an ordinary member of the Committee becomes vacant if the officer or member:
- 14.5.1** Ceases to be member of the DDPL.
  - 14.5.2** Either through illness or death is unable to carry out his duties.
  - 14.5.3** Either by way of words or actions causes injury or discredit to the DDPL.
  - 14.5.4** Resigns his office by notice in writing given to the Secretary.

## **15. *Duties of Officers***

- 15.1 **President**** - Shall be the Senior Executive Officer and he will lead and coordinate the overall activities of the DDPL in accordance with the Constitution, By-Laws and Playing Rules. He shall represent the DDPL at all Public Functions and sign all official public statements issued in the name of the DDPL. He shall also be responsible for seeing that:
- 15.1.1** Meetings are correctly convened.
  - 15.1.2** The Business of the meetings is conducted in accordance with the agenda, and in an orderly fashion.
  - 15.1.3** The minutes are distributed, read, if requested, and confirmed.
  - 15.1.4** A quorum is present.
  - 15.1.5** Motions and amendments are clearly stated.
  - 15.1.6** All points of view are given a fair hearing.
- 15.2 **Vice-President**** - Shall be a Senior Executive Officer and shall act as Chairman in all absences of the President. Act as President at any meeting if for any reason the President has to vacate the chair.
- 15.3 **Administrator**** - Shall be a Senior Executive Officer and will liaise and coordinate with the President in all activities of the DDPL in accordance with the constitution.
- 15.4 **Secretary**** - Shall be a Senior Executive Officer and shall be responsible for all official correspondence and his duties shall include:
- 15.4.1** Summoning of all meetings and advising each Club (either by phone or mail) the dates and venues of the meetings of the DDPL.
  - 15.4.2** Preparation of all agenda for meetings.
  - 15.4.3** Record and safeguard all DDPL minutes.
  - 15.4.4** Be responsible for the safe custody of all correspondence, documents and securities of the DDPL.
  - 15.4.5** Shall keep a register of all members of the DDPL.
  - 15.4.6** Shall keep a register of Life Members.
  - 15.4.7** Be responsible for the safe custody of the Tribunal Book.
  - 15.4.8** Be responsible for the safe custody of the Common Seal, which will only be used, with the authority of the President, Secretary or Treasurer.
- 15.5 **Assistant Secretary**** - Shall be responsible for the following:
- 15.5.1** Official player's statistics and progressive games tally.
  - 15.5.2** The drawing up of the playing fixture annually. This "Fixture" is to be presented to the "Committee", for approval, before being adopted.
  - 15.5.3** Issue at the completion of all matches a "ladder" to each Club.
- 15.6 **Treasurer**** - Shall be a Senior Executive Officer and shall be responsible for collecting all Income applicable to the DDPL and distributing all Expenditure incurred by the DDPL. All Income must be receipted and all Expenditure must

be by DDPL Cheque or Electronic Transfer. All monies received shall be paid into a bank account bearing the DDPL name, at least once per month.

**15.6.1** The Treasurer shall present at each Committee Meeting a balance of the finances of the DDPL and shall keep proper books to account for all monies received and disbursed and generally perform all such duties as are directed by the Committee.

**15.6.2** The accounts and books referred to in Rule (15.6.1) shall be available for inspection to all registered members, by the making of an appointment with the Treasurer.

**15.6.3** All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two members of the Executive Committee.

**15.7 Public Officer** - A Public Officer shall be appointed annually by the Committee at the Annual General Meeting.

**15.7.1** The Public Officer shall ensure all matters in relation to Corporate Affairs are attended to annually or whenever there is a requirement to do so.

**15.7.2** Shall ensure all official notices and business documents shall show the name of the Dandenong and Districts Pool League Incorporated and our registration number.

**15.7.3** Shall ensure that the Registrar of the Office of Fair Trading and Business Affairs is aware of our current Business Address.

## **16. Delegates**

**16.1** Each Club must elect two responsible Delegates, who are registered financial members of the DDPL. Delegates' addresses and phone numbers must be given to the Secretary of the DDPL. Each Delegate should:

**16.1.1** Attend all Committee Meetings. Non-attendance by at least one Delegate per Club is subject to a fine. This fine will be levied on the Club.

**16.1.2** Receive and distribute all notices from the DDPL to his Club Officers, Team Captains and Members.

**16.1.3** Report any information deemed relevant from his Club to the DDPL Committee Meetings or from the DDPL Committee Meetings to his Club.

## **17. Alterations to Constitution**

**17.1** This Constitution of the DDPL shall not be added to, altered, repealed or rescinded except at the Annual General Meeting or a Special General Meeting convened for that purpose.

**17.2** No motion for alteration or addition shall be submitted to a vote of the DDPL unless notice hereof, together with the proposed alteration or addition in writing, signed by the proposer and seconder, shall have been handed to the DDPL Secretary.

**17.2.1** This notice must be in the hands of the Secretary of the DDPL at least twenty-one days before the date of the Annual General Meeting or Special General Meeting at which the alteration or addition is proposed to be made.

**17.3** This notice must be forwarded, by the Secretary, to all Delegates, Committee and Life Members at least fourteen days before the date of the proposed meeting.

- 17.4** Any proposed alteration, addition or amendment shall be carried by at least a  $\frac{3}{4}$  majority of those entitled to vote.
- 17.5** All alterations to the Constitution shall be recorded at the rear of the Constitution in Appendix 1. This Appendix shall record all the Rules by number and subject and the date of their inception or change.

## **18. *Life Members***

- 18.1** Any registered member of the DDPL may nominate, in writing, for the consideration of the Executive Committee, any person who has rendered outstanding service and is deemed a fit and proper person to be granted Life Membership in the DDPL.
- 18.1.1** A Member that has rendered outstanding service as a member of the Executive Committee for a continuous period of not less than six years could be considered a fit and proper person to be granted Life Membership.
- 18.2** The recommendation for Life Membership shall be based upon the services rendered to the DDPL by the member nominated.
- 18.3** The Executive Committee shall discuss Life Membership, annually, at one of their Executive Committee Meetings.
- 18.5** If the Executive Committee accepts the nomination for Life Membership it shall be tabled at a General Committee Meeting before the next Annual Presentation Dinner for ratification.
- 18.6** No more than two Life Memberships can be awarded in any one year.
- 18.7** Life Members will be awarded with a badge and plaque and their names will be placed on the Honour Roll and will be admitted at no cost to all DDPL functions.
- 18.8** A Life Member will pay no annual registration but will complete a registration form annually.
- 18.9** A Life Member is eligible to vote at any meeting of the DDPL.

## **19. *Disbandment***

- 19.1** The DDPL may be disbanded with consent of  $\frac{3}{4}$ 's of those eligible to vote at Special General Meeting called for that purpose.

## **20. *Dissolution***

- 20.1** In the event of the DDPL being dissolved, the amount, which remains after such dissolution and the satisfaction of all debts and liabilities, shall be in accordance with the powers of the Executive Committee distributed to any fund, institution or authority, which is a non-profit organisation with like objectives.

## **21. *Debts***

- 21.1** All registered Clubs shall not be liable for the debts and liabilities of the DDPL.
- 21.2** Debts – either individual or Club, owed to the DDPL shall be recovered as the Executive Committee sees fit.
- 21.3** If a club or member owes to the DDPL at the end of the DDPL financial year any monies besides those that are current, then that club or member are not eligible to register the following year until such time as all monies are paid.

**22. *Source of Funds***

**22.1** The funds of the DDPL shall be derived primarily from annual subscriptions of Members, and secondly from other legitimate sources as the Executive Committee sees fit. Example: Donations, Advertising and Fines.

**23. *Non - Profit***

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

**24. *Disputes and Mediation***

**24.1** The grievance procedure set out in this rule applies to disputes under these rules between:

**24.1.1** A member and another member, or

**24.1.2** A member and the DDPL

**24.2** The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

**24.3** If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend the meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

**24.4** The mediator must be:

**24.4.1** A person chosen by agreement between the parties, or

**24.4.2** In the absence of agreement-

**24.4.2.1** In the case of a dispute between a member and another member, a person appointed by the Executive of the DDPL; or

**24.4.2.2** In the case of a dispute between a member and the DDPL, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).

**24.5** A member of the DDPL can be a mediator.

**24.6** A mediator cannot be a member who is a party to the dispute.

**24.7** The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

**24.8** The mediator, in conducting the mediation, must -

**24.8.1** Give the parties to the mediation process every opportunity to be heard, and

**24.8.2** Allow due consideration by all parties of any written statement submitted by any party; and

**24.8.3** Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

**24.9** The mediator must not determine the dispute.

**24.10** If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

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