

DARTS AUSTRALIA INCORPORATED



CONSTITUTION

APPROVED BY DEPT. OF COMMERCE WA

5TH APRIL 2018

**DARTS AUSTRALIA INCORPORATED
CONSTITUTION**

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1. NAME

The name of the Association shall be "**DARTS AUSTRALIA INCORPORATED**" whose area of jurisdiction shall be the continent of Australia.

2. INTERPRETATION

In Darts Australia Incorporated documents unless the contrary intention appears:

- 2.1 **Active Member** means a State or Territory administering the Sport of Darts and who hold the Darts Australia Incorporated Charter.
- 2.2 **Kindred Member** means an Association affiliated as such with Darts Australia Incorporated for the promotion and control of a specific part of the sport of Darts in Australia as defined in clause 7.4 of this constitution.
- 2.3 **Affiliated Association** shall mean a darts Association /Club or similar organisation affiliated with Darts Australia Incorporated but without voting rights on the Board.
- 2.4 **A.C.C.** means the Australian Coaching Council Inc.
- 2.5 **A.I.S.** means the Australian Institute of Sport Inc.
- 2.6 **A.S.C.** means the Australian Sports Commission Inc.
- 2.7 **Annual General Meeting** is the meeting held within six Months (6) following the close off of Darts Australia Incorporated Incorporated's financial year.
- 2.8 **Board** means the Board of Management appointed pursuant to Section 15, Membership of Darts Australia Incorporated Management.
- 2.9 **BDO** Shall mean British Darts Organisation
- 2.10 **By-Law** means a standing rule considered necessary for the internal management of Darts Australia Incorporated.
- 2.11 **Charter** means the grant of the privilege of administering the sport of darts on behalf of Darts Australia Incorporated.
- 2.12 **Darts** means the game of Darts in all various forms including modified forms for both Senior and Junior Players as administered by Darts Australia Incorporated, its Active Members, their Affiliated Association and Affiliate member bodies.
- 2.13 **Delegate to a General Meeting** means any person representing an Active Member, who is entitled to vote at a General Meeting.
- 2.14 **Director/s** is a group of Directors and/or Executive Directors appointed by the Board of management for the purpose of conducting the business of Darts Australia Incorporated.
- 2.15 **Expulsion** means the Act of terminating membership in its various forms and deeming that a member is ineligible to regain membership of Darts Australia Incorporated.
- 2.17 **Financial year** means the year ending 30th June each year.
- 2.18 **Gender** means with the exception of reference to gender specific competitions, committees and players, all references to the masculine or the feminine gender shall be deemed to be gender neutral.
- 2.19 **General Meeting** means the meeting held after the Annual General Meeting Darts Australia Incorporated.
- 2.20 **Junior Player** is defined as a player who has not attained the age of eighteen (18) years prior to the day following the event in question.
- 2.21 **Kindred Association** means an Association affiliated as such with Darts Australia Incorporated for the promotion and control of a specific part of the game of darts in Australia.
- 2.22 **Levy** shall mean the amount other than affiliation and registration fees, which affiliates may be called upon to pay to Darts Australia Incorporated.
- 2.23 **Member** means a Member of Darts Australia Incorporated namely Active Member, Affiliate Member, Life Member, Representative Member and Player Member.
- 2.24 **Minor** is defined as a player who has not attained the age of eighteen (18) years.
- 2.25 **Misconduct** Any conduct by any Member of any kind that brings the game into disrepute, or acts against Darts Australia Incorporated
- 2.26 **Month** shall mean calendar month.
- 2.27 **N.C.D.** means the National Coaching Director.
- 2.28 **Office Bearer** means a member of Darts Australia Incorporated as defined in Section 15.
- 2.29 **Officer** means any servant, agent or employee of Darts Australia Incorporated.
- 2.30 **Official** means an Official as defined in Section 15.
- 2.31 **Player Member** means any player who is a financial member of a Club, a Sub Association, or an Association of an Active Member.
- 2.32 **Proxy Delegate** shall mean a person who is properly and duly appointed for, and who acts in the absence of a delegate.

- 2.33 **Quorum** - At all Board meetings of Darts Australia Incorporated representation of more than 50% of Active Members shall form a quorum.
- 2.34 **Resolution** means an ordinary resolution passed by a simple majority in accordance with the Constitution and/or By-laws of Darts Australia Incorporated.
- 2.35 **Special General Meeting** means a Special General Meeting of Darts Australia Incorporated requisitioned in accordance with this Constitution for the purpose of addressing pre-advised specific items of business only.
- 2.36 **Special Resolution** means a resolution passed by a majority of not less than seventy-five (75) percent of Board members present and entitled to vote at the General meeting.
- 2.37 **Suspension** means the Act of suspending - to exclude for a time some privilege, usually a punishment: to suspend membership, suspend from a meeting.
- 2.38 **Termination** means the Act of terminating; to bring to an end; to end membership.
- 2.39 **The Act** means the Incorporation, Association, or Administering Act including any amendments thereto or re-enactment thereof for the State or Territory in which Darts Australia is Incorporated.
- 2.40 **Singularity** means, unless the contrary intention appears, words of singular shall be deemed to include the plural and vice-versa.
- 2.41 **W.D.F** shall mean the World Darts Federation.

3. OBJECTIVES

The objects of Darts Australia Incorporated are:

- 3.1 To encourage and foster the Sport of Darts, for all ages and to encourage the playing of Darts competitions.
- 3.2 To continue to be a member of the W.D.F. Deal with and participate in meetings of and co-operate with the W.D.F. and to deal with the recognised national darts controlling body of the various countries of the world for the advancement and control of darts in the world without limitation of place.
- 3.3 To exercise jurisdiction over all members in all matters pertaining to Sport of Darts including and without limiting the generality of the foregoing to expel, terminate, suspend, disqualify, reprimand or otherwise deal with any category of Member.
- 3.4 To participate in International competition and to sustain a position as one of the highest ranking dart nations in the world.
- 3.5 To develop talent identification programs for coaches, officials, and players.
- 3.6 To build and maintain a strong profile in the community at large as a popular and successful sport.
- 3.7 To increase the number of dart players in Australia at all levels.
- 3.8 To establish and maintain financial security by obtaining funds from all sources, including grants, private, government and institutional sources and from Members through loans, levies and affiliation fees.
- 3.9 To maintain an efficient administration at a national level and between Darts Australia Incorporated and its members.
- 3.10 To promote, conduct, arrange and control competitions at all levels.
- 3.11 To be non-political at all times.
- 3.12 To establish a process to minimise disputes arising within, and between Active and Affiliate members.
- 3.13 To promote and foster equity and social justice within the Australian Dart community.
- 3.14 To take necessary steps to ensure all competitions conducted under the auspices of Darts Australia Incorporated are drug free.
- 3.15 To do all such things as are incidental and/or conducive to the attainment of the above objects.
- 3.16 The income and property of Darts Australia Incorporated shall be applied solely towards the promotion of the objects of Darts Australia Incorporated. No portion of the income or property shall be paid, transferred to, distributed directly or indirectly to the active members and or Board of Directors unless adopted by the Board of Management of Darts Australia Incorporated. Provided that nothing shall prevent the payment in good faith of remuneration, to any officer or employee of Darts Australia Incorporated or to any person other than an affiliate in return for services rendered to Darts Australia Incorporated

4. POWERS

The powers of Darts Australia Incorporated shall be:

- 4.1 To establish and conduct the business of Darts Australia Incorporated through the Active Members.
- 4.2 To promote the standardisation of playing areas, playing rules and equipment and associated statistical recording in the sport of darts.
- 4.3 To ensure the Rules of Play for the games of darts, as amended from time to time by the W.D.F or BDO., are adopted where appropriate by Darts Australia Incorporated.
- 4.4 To the extent of this Constitution and in accordance with the By-Laws, Darts Australia Incorporated may impose fines and/or other penalties on a Member, Director or Official.
- 4.5 To co-ordinate National Championships and, in association with W.D.F. and its affiliates, International matches.

- 4.6 To be affiliated with the World Darts Federation and any other Sporting Bodies with similar objects as the Board deems is desirous.
- 4.7 To take such steps as may from time to time, be deemed expedient to raise funds by subscriptions, affiliation fees, registration fees, levies, loans, other receipts or accepting donations of real or personal property. Seek and accept sponsorships in money and/or kind and conduct or organise other fund raising ventures not inconsistent with the intention of this Constitution
- 4.8 To subscribe to, become a member of and co-operate with any other association, club or organisation whose objectives are similar to those of Darts Australia Incorporated, provided that Darts Australia Incorporated shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members.
- 4.9 In furtherance of the objects of Darts Australia Incorporated to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of Darts Australia Incorporated or persons frequenting Darts Australia Incorporated's premises.
- 4.10 To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal; any rights or privileges which may be requisite for the purposes of or capable of being conveniently used, in connection with any of the objects of Darts Australia Incorporated. Provided that in the case Darts Australia Incorporated shall take or hold any property, which may be subject to any trusts, Darts Australia Incorporated shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- 4.11 To take any gift of property whether subject to any special trust or not, for any one or more of the objects of Darts Australia Incorporated but subject always to the proviso in Section 4.10 hereof.
- 4.12 To enter into arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of Darts Australia Incorporated. To obtain from any such Government or Authority any rights, privileges and concessions which Darts Australia Incorporated may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- 4.13 To appoint, employ, remove, suspend or terminate such appointment to employment of such managers, clerks, secretaries, servants, staff, workers and other persons as may be necessary or convenient for the purpose of Darts Australia Incorporated whether they be in a paid or voluntary capacity.
- 4.14 To remunerate any person or body corporate for services rendered or, to be rendered. Whether by way of brokerage or otherwise in placing, or assisting to place, or guaranteeing the placing of any unsecured notes, debentures or, other securities of Darts Australia Incorporated, in or about Darts Australia Incorporated or promotion of Darts Australia Incorporated or in the furtherance of its objects.
- 4.15 To borrow or raise money either alone or jointly with any other person or legal entity, in such manner as may be thought proper.
- 4.16 To borrow money from members at a rate of interest not exceeding interest at the rate for the time being charged by bankers in the State or Territory of Incorporation for overdrawn accounts.
- 4.17 To invest and deal with the money of Darts Australia Incorporated not immediately required in such manner as may from time to time be directed by Darts Australia Incorporated or by the Board.
- 4.18 To take or otherwise acquire, and hold shares debentures, or other securities of any company or body corporate.
- 4.19 In furtherance of the objects of Darts Australia Incorporated to lend and advance money or give credit to any person or body corporate. Guarantee and give guarantees or indemnities for the payment of money in the performance of contracts or obligations by any person or body corporate and otherwise to assist any person or body corporate.
- 4.20 To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- 4.21 In furtherance of the objects of Darts Australia Incorporated, to sell, improve, manage, develop, exchange, lease, dispose of, or otherwise deal with all or any part of the property and rights of Darts Australia Incorporated.
- 4.22 To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of Darts Australia Incorporated's property of whatsoever kind sold by Darts Australia Incorporated, or any money due to Darts Australia Incorporated from purchasers and others.
- 4.23 To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of Darts Australia Incorporated in the shape of donations, annual subscriptions or otherwise.
- 4.24 To publish or join with any other person or persons or legal organisation in publishing any newspaper, journal, periodical, book or other literary production relating to the Sport of Darts or calculated directly or indirectly to benefit the Sport of Darts.
- 4.25 In furtherance of the objects of Darts Australia Incorporated to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated Associations with which Darts Australia Incorporated is authorised to amalgamate.

- 4.26 In furtherance of the objects of Darts Australia Incorporated to transfer all or any part of the property, assets, liabilities and engagements of Darts Australia Incorporated to anyone or more of the Associations with which Darts Australia Incorporated is authorised to amalgamate.
- 4.27 To arrange activities for the purpose of making donations for patriotic, charitable or community purpose.
- 4.28 To arbitrate a dispute arising within and between Active and Affiliate members also affiliated Associations/Clubs as per the Member Protection Policy.
- 4.29 To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of Darts Australia Incorporated.

5. INCOME AND PROPERTY OF DARTS AUSTRALIA INCORPORATED

- 5.1 **Solely for Darts Australia Incorporated use.** The income and property of Darts Australia Incorporated whence so ever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein. No portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst persons including bodies corporate or unincorporated who are members of Darts Australia Incorporated.
- 5.2 **Interest Payments, Remuneration.** Nothing herein contained shall, prevent the payment in good faith of interest to any such member in respect of moneys advanced by him or, remuneration to any officers and servants of Darts Australia Incorporated or, to any member of Darts Australia Incorporated in return for any services actually rendered to Darts Australia Incorporated.
- 5.3 **Other Payments.** Nothing herein contained shall be construed so as to prevent the payment or repayment to any member of, out of pocket expenses, money lent, reasonable and proper rent for premises, let to Darts Australia Incorporated.
- 5.4 **Transfer of Money to Active Members.** Nothing herein contained shall be construed so as to prevent the transfer to Active Members of moneys including profits earned by Darts Australia Incorporated to be expended solely on the control or promotion of Darts.

6. LIAISON WITH FEDERAL GOVERNMENT

- 6.1 **Principal Means of Contact.** The President of Darts Australia Incorporated shall be the principal means of contact with the Australian Sports Commission or other Departments of the Federal Government in respect of all matters associated with Darts.
- 6.2 **Contacts.** Such contacts shall be made through the President or in the absence of the President, the Vice-President or the Secretary or in the absence of both, or when so requested, such persons as may be delegated by the President or Vice- President.

7. CLASSES OF MEMBERS

- 7.1 **Members of Darts Australia Incorporated shall consist of:**
 - 7.1.1 Active Members
 - 7.1.2 Life Members
 - 7.1.3 Affiliate Members
 - 7.1.4 Representative Members
 - 7.1.5 Player Members
- 7.2 **Active Members**
 - 7.2.1 Active Membership shall be the State/Territory Darts Management Organisation who holds a Darts Australia Incorporated Charter unless otherwise agreed by a majority decision of the Board.
 - 7.2.2 Each State or Territory shall be required to have a Chartered Organisation.
 - 7.2.3 The name or change of name, of any Active Member shall be subject to approval of Darts Australia Incorporated.
 - 7.2.4 To maintain their Active Member status, State and Territory Darts Organisations must have paid to Darts Australia Incorporated all affiliation fees, levies, subscriptions and registration fees as determined by the Board from time to time.
 - 7.2.5 Active Members are responsible to Darts Australia Incorporated for the effective management of the Sport of Darts within their Charter Area.
- 7.3 **Life Members**

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

 - 7.3.1 Life Membership may be conferred upon any person nominated by an Active Member who in the opinion of the Annual General Meeting has rendered outstanding service to Darts Australia Incorporated and to the Sport of Darts in Australia. A "pen picture" of the nominee's achievements must accompany the nomination.
 - 7.3.2 In accordance with the Darts Australia Incorporated Selection Criteria for Life Membership, the election as a Life Member must be agreed upon by seventy-five (75) per cent of the Board Members attending the Annual General Meeting.

- 7.3.3 To be eligible for Life Membership a person must have been a member of Darts Australia Incorporated either continuously or in the aggregate for a minimum of ten years.
- 7.3.4 Active Members and Executive Officers shall be notified of all nominees for Life Membership not less than thirty days prior to the Annual General Meeting.
- 7.3.5 Nominations for Life Members to be accepted from Active Members.
- 7.4 **Affiliate Members**
 - 7.4.1 Associations or Organisations who manage alternative variations of the Sport of Darts other than that traditionally managed by Darts Australia Incorporated and its Members may be admitted as Affiliate Members of Darts Australia Incorporated.
 - 7.4.2 Affiliate Membership shall have no vote and other conditions and fees determined by the Board on a case by case basis.
 - 7.4.3 The principles covering such admissions shall be:
 - 7.4.3.1 The activity is seen as compatible with, or not detracting from, the traditional darts format managed by Darts Australia Incorporated.
 - 7.4.3.2 Australia wide controlling bodies may be admitted directly to Darts Australia Incorporated.
- 7.5 **Representative Members**
 - 7.5.1 Representative Members are:
 - 7.5.1.1 Player Members who are selected to represent Australia internationally both in Australia and overseas.
 - 7.5.1.2 Team Officials who are appointed by Darts Australia Incorporated to support players representing Australia internationally.
 - 7.5.2 Unless otherwise determined by the Board the duration of such Representative Memberships shall be for a period from selection until the Representative Members return to Australia and have fully discharged their responsibilities to Darts Australia Incorporated.
- 7.6 **Player Members**

Is any player who is a financial member of an organisation affiliated to an Active Member.
- 7.7 Kindred Association/Club
 - 7.7.1 Be a dart Association/Club organisation or other group who have specifically joined together for the Specific purpose of conducting National and Regional darts competitions and tournaments.
 - 7.7.2 Register with your State/Territory all dart players within your organisation.

8. PRIVILEGES OF MEMBERSHIP

- 8.1 **Active Members**
 - 8.1.1 Active Members shall have full voting rights and are expected to be involved in the development of the Sport of Darts on an Australia wide basis.
 - 8.1.2 Notwithstanding Section 7.2 above, Active Members have the exclusive right to handle all matters pertaining to the domestic management of the Sport of Darts in their Charter.
- 8.2 **Life Members**
 - 8.2.1 Life Members shall be entitled to attend at their own cost all meetings of the Board and may speak on any matter being debated but shall not be entitled to move or second or amend motions.
 - 8.2.2 Life Members shall not have voting rights at such meetings.
 - 8.2.3 Life Members shall receive a Life Member badge to be presented at the first possible Australian Championships following election. They have the right to wear Darts Australia Incorporated uniform in recognition of their status.
- 8.3 **Affiliate Members**
 - 8.3.1 A National Governing Body who has been admitted as an Affiliate Member of Darts Australia Incorporated shall be entitled to attend all Board Meetings at their own cost for the purposes of integrating their needs with the overall needs of the Active Members.
 - 8.3.2 An Affiliate Member shall not have voting rights.
- 8.4 **Representative Members**
 - 8.4.1 Representative Members shall be accountable to the Board for all matters during the tenure of their membership.
 - 8.4.2 Representative Members shall be entitled to make any submissions or raise matters that they deem to have an effect on the Sport of Darts directly with the Board who shall address all such submissions or advice.
 - 8.4.3 A Representative Member shall be entitled to wear the Australian Representative Uniform.
 - 8.4.4 A Representative Member shall not have any voting rights.
- 8.5 **Player Member**

Player Members shall have the right to:

- 8.5.1 Compete in Australia ranked or any open tournament conducted by Darts Australia Incorporated, Active Members, or their affiliates.
- 8.5.2 Represent their Active Member at Australian Championships.
- 8.5.3 Be eligible for selection or appointment to represent Australia.
- 8.5.4 Be eligible for financial or other support by Darts Australia Incorporated or its Active Members.
- 8.5.5 Except with the approval of Darts Australia Incorporated a player shall be a member of only one Active Member at any one time.
- 8.5.6 A Player Member shall not have any voting rights.

9. MEMBERSHIP GENERALLY

9.1 Court Costs

On approval, Darts Australia Incorporated may financially support the court costs incurred in any action against organisations or its members or servants.

9.2 Constitutions to comply

- 9.2.1 Active and Affiliate Members shall ensure that their respective constitutions or rules are not in conflict with this Constitution, and where necessary, shall as soon as reasonably possible amend their Constitution to eliminate any such conflict.
- 9.2.2 Active Members shall ensure that their respective constitutions or rules provide (and where necessary shall as soon as reasonably possible be amended to provide) that, as a condition of local associations being admitted as or remaining members of their relevant State/Territory Dart Management Organisation and thereby affiliated with Darts Australia Incorporated. The constitution or rules of such local associations shall provide that no person may be admitted to membership whilst under suspension, or ban by Darts Australia Incorporated, or any other local association affiliated with Darts Australia Incorporated in Australia.

10. DARTS AUSTRALIA INCORPORATED CHARTERS

- 10.1 No darts management body shall be eligible for appointment as an Active Member of Darts Australia Incorporated without being awarded a Charter by Darts Australia Incorporated to administer, on behalf of Darts Australia Incorporated, a dart organisation structure in any State or Territory.
- 10.2 Notwithstanding Section 10.3, Darts Australia Incorporated Charters shall only be issued covering each of the Constitutional States and Territories of the Commonwealth of Australia or as otherwise agreed by a majority decision of the Board.
- 10.3 Functional Charters may be issued to cover the activities of Affiliate Members as provided for under Section 7.4 above.
- 10.4 Where there is a sound case based on geographic and economic grounds the Board may approve specific areas to come under the Charter of an adjoining Active Member. Such approval shall only be where there is agreement between the two Active Members affected.
 - 10.4.1 If no agreement is reached then the full Board can arbitrate and resolve
- 10.5 Darts Australia Incorporated shall annually review the performance of each Active Member and determine that the re-issue of its Charter is in the best interests of the sport.
- 10.6 To undertake such reviews Darts Australia Incorporated shall have the power to appoint an investigator(s) to physically visit and inspect any aspect of the sport in that State or Territory. The costs of any such inspection shall be borne by Darts Australia Incorporated.
- 10.7 The awarding of a Charter and subsequent Active Membership is a privilege and not a right. Such Charters and Membership may be withheld, withdrawn or deferred by the Board at any time.
- 10.8 The withholding, withdrawal or deferment of approval to grant a Charter or appoint to Active Membership shall be determined by a seventy five percentage vote of the Board members present and entitled to vote at any legally constituted meeting of the Board.
- 10.9 Applicants for the initial Charter or a review of the Charter shall submit to Darts Australia Incorporated such information and advice as required by the Board from time to time. Failure to supply such information or the incorrect supply of the required information may cause the awarding or re-issue of the Charter to be declined.

11. REGISTER OF MEMBERS

11.1 Register

- 11.1.1 The Secretary shall, on behalf of Darts Australia, comply with section 27 of the Act by keeping and maintaining a Register of the names and postal or residential addresses of Active Members, Life Members and Affiliate Members admitted to membership of Darts Australia Incorporated and the dates of their admission.
- 11.1.2 Active Members are required to comply with the Act to keep a Register of all Player Members within their Charter.
- 11.1.3 The Secretary shall maintain a register of the names and addresses of all representative members and year of representation.

11.2 Particulars of Members

Darts Australia Incorporated shall maintain a Register of withdrawals, disqualifications, suspensions and reinstatements, of membership and any further particulars as the Board may require from time to time.

12. MEMBERSHIP FEES

12.1 Charter Fees

Each Active Member shall pay to Darts Australia Incorporated an equitable Annual Charter Fee.

The amount of such charter fee, for that particular year, shall be as set out in the Budget as adopted by the Board. Provided that the Annual General Meeting of Darts Australia Incorporated shall have the power to vary or amend the budget for that particular year including the amounts of such affiliation fees.

12.2 Member Registration Fees

The amount of such registration fee for that particular year, shall be set out in the Budget as adopted by the Board of Management Provided that the Annual General Meeting of Darts Australia Incorporated shall have the power to vary or amend the budget for that particular year including the amounts of such registration fees.

12.2 Payment of Fees

12.2.1 All fees are payable before the thirty-first (31st) day of March in each year or as agreed by the majority decision of the Board at the AGM.

12.2.2 Darts Australia Incorporated shall raise an invoice for any amount due for fees. Any amount not paid by the due date shall be deemed in arrears.

12.2.3 A late fee is chargeable for unpaid affiliation fees, at the rate of 3% of the outstanding amount per month. By failing to pay all amounts within three (3) months from the thirty-first (31st) March, Active Members would be deemed ineligible to participate in that year's championships and subsequent championships until the outstanding financial commitment is paid, or as determined by the Board.

12.3 Unpaid Fees

12.3.1 Unfinancial Active Members and their Playing Members shall not be allowed to compete in any activities of Darts Australia Incorporated during the period that such fees remain unpaid.

12.3.2 Upon the subsequent paying of such fees and associated penalties the Board shall cancel those restrictions imposed on the Active Member(s).

13. TERMINATION, SUSPENSION, EXPULSION OF MEMBERSHIP OR FINE

The Board reserves the right to appoint a Judicial Committee to Terminate, Suspend, Expel or Fine any class of member. Such decision shall be determined by a seventy-five percent vote of Board members present and entitled to vote at any legally constituted meeting of the Board.

13.1 Membership, Termination, Suspension, Expulsion or Fine.

13.1.1 Any class of Member other than a Player Member who:

13.1.1.1 Is convicted of an indictable offence, or

13.1.1.2 Fails to comply with any of the provisions of this Constitution or any By-Laws or Rules of Darts Australia Incorporated, or

13.1.1.3 Has membership fees or levies in arrears and/or other money owing for a period of three calendar months or more, or

13.1.1.4 Condone conduct considered to be injurious and/or prejudicial to the character or interests of Darts Australia Incorporated.

Then the Board may consider whether such Membership may be Terminated, Suspended, Expelled or a Fine imposed.

13.1.2 The Member concerned shall be given a full and fair opportunity of presenting their case to the Board. All costs incurred are to be met by the Member concerned.

13.1.3 If the Board resolves to terminate, suspend, expel or fine such Membership, the Board shall instruct the Secretary to so advise the Member within fourteen (14) days.

13.1.4 The Board may reinstate membership when:

13.1.4.1 The term of suspension is concluded

13.1.4.2 The rectification as required by the Board of the misdemeanour or actions which caused such Termination, Suspension or Expulsion of Membership.

13.1.4.3 The fine levied is paid.

13.1.5 A member, other than a playing member, whose application for membership has been rejected or whose membership has been terminated or suspended may within fourteen days of receiving written notification thereof lodge with the Secretary written notice of his/her intention to appeal against the decision of the Board.

13.1.6 Appeals against the decisions of the Board in this regard shall be dealt with by special resolution at a General Meeting or by Postal Vote.

13.1.7 There shall be no appeal from such a special resolution.

13.2 Player Members

Any Termination, Suspension, Expulsion or Fine of player members will generally but not exclusively be the responsibility of the Active Member in respect to their member. Darts Australia Incorporated may also terminate or suspend membership or impose a monetary fine.

13.3 Self Termination of Active or Affiliate Membership

13.3.1 Any Active or Affiliate Member, desiring to withdraw their affiliation with Darts Australia Incorporated shall give to the Secretary not less than six months' notice in writing of such intention and, on the expiration of the period limited by such notice, shall cease to be a member with Darts Australia Incorporated.

13.3.2 Notwithstanding such withdrawal of membership any such member shall remain liable for and shall pay to Darts Australia Incorporated all affiliation and other fees and levies which shall become payable to, or been imposed by Darts Australia Incorporated prior to such withdrawal of affiliation becoming effective.

13.4 No Transfer of Membership

Any rights or privileges of Active or Affiliate Members by reason of their Membership of Darts Australia Incorporated shall not be transferred to another Body or person, without the approval of the Board and shall terminate upon the cessation of such membership whether by resignation or otherwise.

14. MISCONDUCT AND HEARINGS

14.1 Misconduct Player and Representative Members.

14.1.1 All cases of misconduct as determined by the Board, by a Player or Representative member, whilst representing Darts Australia Incorporated or participating in tournaments or tours directly organised by Darts Australia Incorporated shall, be investigated by the Judicial Committee.

14.1.2 The ruling of the Judicial Committee shall be observed by Darts Australia Incorporated and by its members.

14.1.3 Appeals against a decision of the Judicial Committee shall be to the Appeal's Board.

14.1.4 The Board shall be the sole judge of what constitutes misconduct.

14.2 Active or Affiliate Members

14.2.1 Should Darts Australia Incorporated have reason to believe that an Active or Affiliate Member has failed to conduct an inquiry, or failed to make full inquires into any case of misconduct, or any other matter within the jurisdiction of such member which may bring discredit upon the game of Darts. Darts Australia Incorporated may require such member to conduct or complete such inquiry immediately.

14.2.2 Failing compliance with such request, it shall be the duty of Darts Australia Incorporated to obtain evidence and take such action, as it deems fit. Any hearing required shall be before the Judicial Committee.

14.2.3 The Active or Affiliate member concerned shall be given a full and fair opportunity of presenting their case through the Judicial Committee.

14.2.4 The ruling of the Judicial Committee shall be observed by Darts Australia Incorporated and by its members.

14.2.5 The Secretary shall, within seven (7) days of the Judicial decision, advise the Active or Affiliate member in writing, of the Judicial decision and of an appeal date if necessary.

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

14.2.7 Darts Australia Incorporated through the Board shall be the sole judge of what constitutes misconduct.

14.3 Life Member, Representative Member and Player Members Membership Terminated, Suspended, Expelled or Fined.

14.3.1 If a Player, Life or Representative Member:

14.3.1.1 Is convicted of an indictable offence, or

14.3.1.2 Fails to comply with any of the provisions of this Constitution or any By-Laws or Rules of Darts Australia Incorporated, or

14.3.1.3 Conducts himself or herself in a manner considered to be injurious or prejudicial to the character or interests of Darts Australia Incorporated, then the Board shall consider whether his or her individual membership shall be terminated, suspended, expelled or fined.

14.3.2 The member concerned shall be given a full and fair opportunity of presenting his or her case through the Judicial Committee.

14.3.3 The ruling of the Judicial Committee shall be observed by Darts Australia Incorporated and by its members.

- 14.3.4 The Secretary shall, within seven (7) days of the Judicial decision, advise in writing, the individual member and the organisation of which the person is deemed to be a member of, of the Judicial decision and of an appeal date if necessary.
- 14.3.5 Appeals against a decision of Judicial Committee shall be heard by the Appeals Board.
- 14.3.6 Darts Australia Incorporated through the Board shall be the sole judge of what constitutes misconduct.
- 14.4 Powers of the Judicial Committee, Appeals Board and other Hearings**
- 14.4.1 The Board, the Judicial Committee and the Appeals Board, shall have the power to call upon any member of Darts Australia Incorporated to attend any meeting of Darts Australia Incorporated, Judiciary, Appeals Board or Investigation Committee to reply to any relevant questions that may be put, at Darts Australia Incorporated's cost.
- 14.4.2 The Board and its Judiciary Committee, Appeals Board or Investigating Committee may demand the production of any relevant letters, papers, books or other evidence considered relevant.
- 14.4.3 Should the said person, or member fail to comply without reasonable excuse or make misleading statements the said person, body or member may be suspended, expelled or otherwise dealt with at the discretion of the Board.
- 14.5 Right of Appeal**
- Where the offence occurred at an event or function under the auspices of Darts Australia Incorporated or whilst a Representative Member; the following Members have a right of appeal to the Appeals Board.
- 14.5.1 Affiliate Members
- 14.5.2 Life Members
- 14.5.3 Representative Members
- 14.5.4 Player Members participating in an Australian Championships event where the offence has occurred.
- 14.6 Appeals Against Darts Australia Incorporated Decisions**
- 14.6.1 Appeals that meet the conditions above shall, be heard by Darts Australia Incorporated's Appeal Board.
- 14.6.2 All appeals shall be lodged with the Secretary within fourteen (14) days of the decision appealed against. An appeal fee to be included when lodging an appeal. This to be reimbursed if appeal upheld.
- 14.6.3 The decision of the Appeals Board in all cases shall be final.
- 14.6.4 No other appeals will be accepted.
- 14.7 Judicial Committee/Appeals Board Quorum**
- 14.7.1 The Judicial Committee shall consist of three (3) persons appointed by the Board of Management. Deputies for the Judicial Committee, if needed, will be appointed by the Board of Management.
- 14.7.2 The Appeal Board shall consist of three (3) persons appointed by the Board of Management Deputies for the Appeal Committee, if needed, will be appointed by the Board of Management.
- 14.7.3 The same appointee cannot be on both the Judicial Committee and Appeals Board for the same case.
- 14.8 Judicial Committee/Appeals Board Voting**
- 14.8.1 The Chairperson shall be elected from and by the members of the Judicial Committee/Appeal Board as appropriate.
- 14.8.2 The Chairperson shall have a deliberate vote but not a second or casting vote at the hearings.
- 14.9 Judicial Committee/Appeals Board Minutes**
- The respective Chairperson shall ensure that minutes are kept of all hearings and meetings of the Judicial Committee and Appeals Board. Darts Australia Incorporated Secretary shall record minutes of all hearings, where this is not practicable the Board may appoint another minute secretary.
- 14.10 Judicial Committees/Appeals Board Decision**
- 14.10.1 The respective Chairperson shall be responsible for forwarding decisions and the minutes of hearings and meetings of the Judicial Committee/Appeals Board to the Secretary within seven [7] days of the completion of the subject meetings.
- 14.10.2 The ruling of the Judicial Committee shall be observed by Darts Australia Incorporated and by its members.
- 14.10.3 Appeals against a decision of Judicial Committee shall be to the Appeals Board.
- 14.10.4 The decision of the Appeals Board in all cases shall be final.
- 14.11 Convening Appeals**
- 14.11.1 Upon receipt of a notification of the intention to appeal, the Secretary shall convene within thirty days of the date of receipt of such notice, a meeting of the Appeals Board to determine the appeal.
- 14.11.2 At any such meeting the appellant shall be given the opportunity to present its/his/her/their case. Members, Boards or Committees who or which instituted the decision, which is being appealed,

may likewise have the opportunity of presenting their case either or both presentations shall be solely at the discretion of the Appeals Board.

14.11.3 The appeal shall be determined by the majority vote of the members of the Appeals Board.

14.12 **Legal Representation**

On the hearing of any enquires, charges or appeals before the Judicial Committee or Appeal Board any of the parties shall be entitled to be represented by an advocate only to prompt his or her client and not to cross-examine. Under no circumstances shall such advocate be a person who is or has been a member of the legal profession.

15. **MEMBERSHIP OF DARTS AUSTRALIA INCORPORATED MANAGEMENT**

The business affairs of Darts Australia Incorporated shall be under the control of a Board of Management. The following areas of responsibility shall be allocated to the members of the Board of Management.

15.1 **Board of Directors.**

The Board of Directors shall be:

15.1.1 The President, Secretary, Finance, National Coaching Director, Events Controller, National Marketing/Promotional, and Legal – Governance Compliance Directors who shall constitute the Directors of Darts Australia Incorporated.

15.1.2 The Directors shall be responsible to manage the day-to-day affairs in accordance with the established Polycys and Procedures of Darts Australia Incorporated.

15.1.3 The Board of Management shall consist of seven (7) Directors and two (2) delegates nominated by each Active Member.

15.1.4 The President, Event Controller, National Marketing/Promotional, and Legal – Governance Compliance Directors shall be elected for a period of two (2) years, with the positions being declared vacant on even years.

15.1.5 The Secretary, Finance, and National Coaching Director Directors being declared vacant on odd years.

15.1.6 *All Directors must be a member of DA upon appointment and appointed on skills and knowledge*

15.2 **Functions and Powers of the Directors.**

The Directors is empowered to manage the day to day affairs of Darts Australia Incorporated as follows.

15.2.1 The President of Darts Australia Incorporated shall chair meetings.

15.2.2 The Directors shall meet, including by any means of electronic media hook-up when necessary to deal with the business arising.

15.2.3 Darts Australia Incorporated Secretary shall provide an agenda to the Directors prior to meetings.

15.2.4 Directors to conduct the majority of business by phone "hook-up", Skype, Email and Facsimile Transmission, because of geographical location and cost.

15.2.5 At any meeting of the Directors, four (4) Directors must be present to form a quorum. The quorum to consist of the President, Secretary and at least two (2) others i.e. the, Treasurer, National Coaching Director, Events Controller, National Marketing/Promotional, or Legal – Governance Compliance Directors. In the absence of the President, the Secretary to represent Darts Australia Incorporated. In the absence of the Secretary, a proxy may be appointed by the Board of Directors.

15.2.6 Minutes of Executive meetings to be sent, within fourteen (14) days, to all Active Members.

15.2.7 At all meetings of the Executive the order of business shall be as follows:

- Minutes of previous meeting/business arising/adoption
- Financial Report and approving of all expenditure
- Correspondence
- Agenda Items held in abeyance
- General Business

15.2 **Directors Duties and Responsibilities**

Detailed Position Description can be found in By-Laws.

15.12 **Power to Co-opt**

The Board of Directors may appoint other such officers, officials or staff under such terms and conditions, as it thinks fit.

15.13 **Duties and Responsibilities**

15.13.1 The functions of the Board of Directors shall be to do all things necessary to further the objectives of Darts Australia Incorporated including the appointment of any sub-committees and to determine and police activities to be undertaken in the framework of the Constitution.

- 15.13.2 Develop proposals and administer agreements for financial assistance, sponsorships and of any activity undertaken by Darts Australia Incorporated.
- 15.13.3 Advise upon and carry out approved programs of publicity and education in respect of Darts Australia Incorporated's activities and the sport in general.
- 15.13.4 Establish and review duties for all Directors, Official and Officer positions.
- 15.13.5 The Board of Directors, at a Special Meeting called for the purpose, may remove the President, , Secretary, Treasurer or any Darts Australia Incorporated Official from office summarily without notice, for any cause for which summary dismissal is permitted and dispense with his/her services for any reason whatsoever.

15.14 **Officials**

The Officials of Darts Australia Incorporated Board of Management shall be:

- 15.14.1 The Chairman of Selectors to be elected for a period of two (2) years, such election to be held on the even years, i.e. between World Cups.
- 15.14.2 Such Delegate or delegates to the World Darts Federation as may be required and elected from time to time.
- 15.14.3 Such Selectors as endorsed annually by the Board.
- 15.14.4 Captains to be elected for a period of two (2) years, such election to be held in even years, i.e., between World Cups.
- 15.14.5 A Chaperone / Manager to be elected by the Board as and when required.
- 15.14.6 Members of the Judicial Committee consist of three (3) persons together with deputies. The deputies shall be appointed to act in absence or incapacity of one or more of the Judicial Committee.
- 15.1.7 The members of the Appeal Board consist of three (3) persons together with deputies. The deputies shall be appointed to act in absence or incapacity of one or more of the Board.

16. **ELECTION OF OFFICE BEARERS AND OFFICIALS**

Directors and other Officials of the Board of Directors, who must be a financial member of an Active Member, shall be elected by ballot at the Annual General Meeting of Darts Australia Incorporated. All nominations for Directors and Officials shall be in accordance with the procedure and conditions set out below:

- 16.1 Nomination forms and advice of positions coming up for election to be sent to all Active Members before the first (1st) of May each year. Nominations for election of Directors and Officials close 1st June and must be in writing on the official nomination form and sent to the Secretary six (6) weeks prior to the Annual General Meeting or the Mid Year General Meeting.
 - 16.1.1 Persons can only nominate for one (1) position on the Board of Directors at any given time.
- 16.2 The Secretary shall prepare a list of members thus nominated and furnish such list to all members of Darts Australia Incorporated no less than four (4) weeks before the date determined for the Annual General Meeting or Mid Year General Meeting.
- 16.3 Any election required shall be by secret ballot. The election shall be arranged by the Secretary and supervised by the Chairperson who shall declare in numerical order the number of votes for each candidate to the Meeting. Voting shall be by simple majority.
- 16.4 If the number of candidates nominated is not in excess of the number of vacancies to be filled, an election shall not proceed and the candidates who have been nominated shall be declared duly elected if, such nominees are deemed suitable by the Board.
- 16.5 If the number of candidates nominated be less than the number of positions to be filled, the Board shall be empowered to accept nominations from the floor for the remaining positions only.
- 16.6 In the event of the votes cast for two or more candidates being equal in number, the Chairperson shall exercise casting vote/s as necessary to determine election amongst candidates.

17. **VACANCIES ON THE BOARD OF MANAGEMENT**

17.1 **Casual Vacancies**

- 17.1.1 The Board shall have the power to fill a casual vacancy caused by any of the persons elected pursuant to this Constitution and/or By-Laws ceasing (for whatever reason) to hold office.
- 17.1.2 In the case of a casual vacancy of an Active Member delegate, the Board shall request that particular Active Member to appoint a person to fill the vacancy.
- 17.1.3 A person so appointed to fill a causal vacancy shall be subject to retirement at the same time as if he or she had been elected on the day on which the person in whose place he or she is appointed was last elected to office.

18. **FUNCTIONS OF THE BOARD OF MANAGEMENT**

18.1 **Control and Management**

- 18.1.1 Except as otherwise provided by this Constitution and Rules and subject to resolutions of the members of Darts Australia Incorporated carried at any General Meeting, the Board shall have the

general control and management of the whole of the administration of the affairs, property and funds of Darts Australia Incorporated.

18.1.2 The Board shall have authority to interpret the meaning of this Constitution and Rules and any matter relating to Darts Australia Incorporated on which this Constitution and Rules are silent.

18.1.3 The Board may exercise all the powers of Darts Australia Incorporated.

18.2 **Board Meetings**

18.2.1 The Board shall meet in ordinary meetings at such times and in such places as it may deem necessary for properly conducting the business and operations of Darts Australia Incorporated, provided always that the Board shall meet at least twice per year.

18.2.2 The President or in his/her absence, the Vice President, or in the absence of both, a Chairperson elected from those members present and entitled to vote, shall preside at each meeting of the Board.

18.3 **Notice of Meeting**

The Secretary shall give, to Members of the Board, at least twenty-one (21) days notice of each general meeting of the Board. Provided that the President or Vice President in the absence of the President may at his/her discretion call meetings at shorter notice to deal with matters which he/she deems urgent.

18.4 **Quorum**

At all Board Meetings of Darts Australia Incorporated, shall be four (4) Directors and representation of more than 50% of Active Members shall form a quorum.

18.5 **Proxy**

18.5.1 Members of the Board of Management shall be empowered to accept proxies, if Active Members notify Darts Australia Incorporated in writing the name of the proxy prior to the meeting.

18.5.2 Members of an Active Member are not permitted to act as a proxy, delegate for another Active Member.

18.6 **Moving and speaking to Motions**

At any meeting of the Board, each Board Member present except the Chairperson shall be entitled to move and/or second any motions. The Chairperson and Board Members present may speak to any motion.

18.7 **Adjournment of Meetings**

Any meeting of the Board may be adjourned to such time and place as the Meeting may decide.

18.8 **Minutes**

18.8.1 The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of Board meetings. Such minutes are to be available for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection

18.8.2 Any appointed Minute Secretary provided by the Host State or Territory shall record the minutes only and liaise solely with the Secretary. The compilation and distribution of minutes is to be the responsibility of the Secretary.

18.8.3 One copy of minutes to be forwarded to each Director, Active Members and Life Members within thirty (30) days of meeting.

18.8.4 Any required amendment to minutes of meetings by the Active Members shall be reported to Darts Australia Incorporated Secretary within two (2) weeks of receiving the minutes. The Executive shall be empowered to confirm amendments after considering any such reports within 30 days thereof and ratified by Active Members at the next meeting.

18.9 **Appointments**

The Board, may at any time, appoint persons, other Boards, Committees and/or Sub-Committees, whether members of the Board or not, to exercise from time to time, such of its powers as it may deem fit, and may, at any time, terminate such appointment.

18.10 **Delegation of Powers**

The Board may delegate to Active and Affiliate Members such powers as shall be necessary to meet the aims and objectives of Darts Australia Incorporated.

18.11 **Resignations**

The Directors and Officials may resign from membership of the Board at any time by giving notice in writing to the Secretary. Such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.

18.12 **Meeting Expenses**

For all Board meetings the President, Vice President, Secretary, Treasurer and other appointed positions may receive expenses as approved and defined in the Budget.

18.13 **Meeting Procedure**

The conduct of the procedure at Board meetings shall be determined in accordance with this Constitution. In the event of dispute or where the Constitution is silent, the matter shall be determined by the Chairperson

of the meeting by reference to the latest edition of "The Law and Procedure at Meetings " by P.E. Joske, or the equivalent publication, which shall be available at all meetings.

18.14 Suspension or Removal from Office

Any Director, any member of the Board, any official or any officer guilty of misconduct, may be suspended or removed from office by an ordinary resolution properly passed at a duly constituted meeting of the Board provided that no Director shall be suspended or removed from office unless:

18.14.1 He/she has, in the opinion of the meeting suspending him/her or removing him/her from office, been guilty of misconduct or conduct prejudicial to the interests of Darts Australia Incorporated; or In the opinion of the Board or the President failed to carry out the duties as required or failed to carry out a lawful directive of the President or the Board;

18.14.2 The motion suspending him/her or removing him/her from office has been properly passed; and

18.14.3 Except for summary dismissal without notice as provided for under clauses 15.3.6 and 15.8.5. He/she shall have been given at least, fourteen days previous notice, in writing of the intention to move his/her suspension or removal from office. Such notice shall invite him/her to attend at the meeting and to speak to the motion.

18.15 Vacancies

The office of an Officer, Official, Director or member of the Board shall ipso facto become vacant if he/ she:

18.15.1 Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or

18.15.2 Resigns their office by notice in writing to Darts Australia Incorporated; or

18.15.3 Has a motion of no confidence passed by seventy five percent (75%) of the Board Members present; or

18.15.3 Is deceased.

18.16 The office of Director shall ipso facto become vacant if he or she:

18.16.1 Becomes bankrupt; or

18.16.2 If, in the opinion of the Board, after full disclosure by the Director a vested interest is determined in a particular transaction, which the Board decides constitutes a conflict of interest.

18.17 Deemed Casual Vacancies

Any such removal or vacating of office of an Official, Director, Member of the Board, or Officer as set out in Section 18.15 or Section 18.16 shall be deemed to constitute a casual vacancy.

18.18 Representation

18.18.1 Where Darts Australia Incorporated is to be represented, the President should represent Darts Australia Incorporated as required at all functions.

18.18.2 Where the President is unavailable then the Vice President or another Delegate appointed by Darts Australia Incorporated shall deputise.

19. ANNUAL GENERAL OR GENERAL MEETINGS

19.1 Subject to these Rules an Annual General Meeting and two (2) general meetings of Darts Australia Incorporated shall be held each financial year, [unless and until otherwise determined by the Board of Management].

- The Annual General Meeting to be held within 6 months following the close off of Darts Australia Incorporated's financial year.
- The first General Meeting will follow immediately after the closure of the Annual General Meeting.

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

- The receiving of minutes and business arising there from and the adoption of same;
- President's Report
- Treasurer's Annual Report
- Audited financial Report
- Secretary's Report
- Vice President's Report
- Notices of Motion
- The election of Life Members (if any)
- The election of Directors of Darts Australia Incorporated
- The election/appointment of Darts Australia Incorporated Officials
- The appointment of an Auditor
- The appointment of a Public Officer

19.3 **The business to be transacted at Ordinary Meetings (General Meeting) shall be:**

- The receiving of minutes and business arising there from and the adoption of same;
- President's Report (Mid Year)
- Secretary's Report (Mid Year)
- Treasurer's Report
- Current Statement of Income & Expenditure
- Forward Budget
- Reports
- Active Members

- Officials
 - Correspondence
 - General Business
- DA annual report by the Board of directors Report tabled at AGM
- 19.4 The business to be transacted at a Special General Meeting shall be only the business for which the meeting has been convened.
- 19.5 A Special General Meeting may be called by the Board on requisition of not less than three, (3) Active Members. The requisition must state the object of the meeting and must be signed by the requestors and deposited with the Secretary of Darts Australia Incorporated and may consist of several documents in like form each signed by one or more of the requestors. The requestors must be Active Members whose subscriptions to Darts Australia Incorporated are not in arrears at the date of the requisition.
- 19.6 On receipt of such request the Secretary shall within twenty-eight (28) days forward notice of the meeting to all members stating the purpose of the meeting and the date and venue. Should the Secretary fail to convene such meeting then the requestors may convene the meeting on giving a minimum of fourteen (14) days further notice to all Directors and active members.
- 19.7 No persons under the age of eighteen (18) years are entitled to vote at any General Meeting.
- 19.8 A quorum for ordinary meetings shall be the same as provided in these Rules for a quorum in respect of meetings of the Board.
- 19.9 No business shall be transacted at any General Meeting unless a quorum of Board members is present at the time when the meeting commences.
- 19.10 If within half an hour, from the time appointed for the commencement of a General Meeting, a quorum is not present, the meeting, if convened upon the requisition of members of the Board, shall lapse. Such meeting shall be deferred until the first day of the next General Meeting. If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.
- 19.11 The Chairperson may, with the consent of any meeting at which a quorum is present, (or if so directed by the meeting shall), adjourn the meeting from time to time and from place to place. No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.
- 19.12 Unless otherwise provided by these Rules at every General Meeting:
- 19.12.1 The President shall preside as Chairperson, or if there is no President, or if he/she is not present within ten minutes after the time appointed for holding the meeting, the Vice-President shall be Chairperson. If the Vice President is not present at the meeting, then members may choose one of their number to be Chairperson of the meeting.
- 19.12.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.
- 19.12.3 Every question, matter or resolution shall be decided by a majority of votes of the members present. Provided that at the Annual General Meeting and the Mid Year General Meeting of Darts Australia Incorporated, Active Members shall be represented by a maximum of two delegates at the meeting who shall each be entitled to vote.

20. VOTING POWERS AT MEETINGS

20.1 Board of Management Meetings

- 20.1.1 At Board of Management meetings each Active Member is entitled to two (2) votes at each meeting provided that both Delegates are in attendance when the motion is put unless agreed otherwise by the Board.
- 20.1.2 All Directors shall have a deliberate vote.
- 20.1.3 The President [Chairperson] shall have a deliberate vote. In the case of an equality of votes the President shall have a second or casting vote.
- 20.1.4 No member shall be entitled to vote at any general meeting if their annual subscription is more than one month in arrears at the date of the meeting. Unless prior approval granted by the Board.

20.2 Method of Voting at Meetings

Voting shall be by show of hands unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot and the result of the ballot shall be deemed to be the resolution of the meeting at which such ballot was demanded.

21. POSTAL, TELEPHONE, FACSIMILE or E-MAIL VOTING

- 21.1 Any resolution may be submitted to a postal, telephone, facsimile or e-mail vote.
- 21.2 Any such resolution shall be forwarded to the Secretary in writing, signed by an authorised Executive Officer of the Active Member.
- 21.3 **Advice of Notice**
The Secretary shall, on receipt of such notice, forthwith forward by post, facsimile or e-mail a copy of such notice to each Active Member of the Board and any other person who is entitled to vote at a Board General Meeting.
- 21.4 **Receipts of Notices**

All notices, posted by the Secretary, shall be deemed delivered to their correct addresses, in the ordinary course of the post two (2) days after posting.

21.5 Voting Rights

Persons entitled to vote shall, be those persons entitled to vote at a Board Meeting of Darts Australia Incorporated.

21.6 Voting

Votes on the resolution contained in such notice shall be posted, facsimile or e-mailed to the Secretary to reach him/her not more than two (2) weeks after the date of such notice.

21.7 Results of Voting.

21.7.1 The secretary shall, at the expiration of two (2) weeks as aforesaid examine the votes received, and shall convey by post, facsimile or email to each Member of the Board who is entitled to vote at a General Meeting of Darts Australia Incorporated the result of the voting so received.

21.7.2 A vote upon any resolution so taken by post, facsimile or e-mail shall be as valid and binding in all respects, as if the same had been taken in proper manner at a duly convened Board Meeting. Provided that more than fifty (50) percent of those entitled to vote, register their vote.

22. FUNDS AND ACCOUNTS

22.1 The funds of Darts Australia Incorporated shall be banked in the name of Darts Australia Incorporated in such bank or building society as the Board may from time to time direct.

22.2 Proper books and accounts shall be kept and maintained either in written, printed or electronic form in the English language showing correctly the financial affairs of Darts Australia Incorporated and the particulars usually shown in books of a like nature.

22.3 All moneys shall be banked within seven [7] days after receipt thereof.

22.4 Amounts in excess of an amount set by the Board shall be paid by cheque signed by any two of:

- President
- Secretary
- Treasurer
- Vice President
- or other member authorised from time to time by the Board

or by Credit Card authorised by Darts Australia Incorporated.

22.5 Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupment which may be open.

22.6 The Board shall determine the amount of Petty Cash, which shall be kept.

22.7 All expenditure shall be approved or ratified at a Board meeting.

22.8 As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing particulars of:

22.8.1 The income and expenditure for the financial year just ended, and

22.8.2 The assets and liabilities and all mortgages, charges, and securities affecting the property of Darts Australia Incorporated at the close of that year.

22.9 All such statements shall be examined by the auditor who shall present his report upon such audit to the Secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which such audit was made.

22.10 The income and property of Darts Australia Incorporated when derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein. No portion thereof, shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of Darts Australia Incorporated. Provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him or her to Darts Australia Incorporated, or otherwise owing by Darts Australia Incorporated, to him or her of remuneration to any officers or servants of Darts Australia Incorporated or to any member of Darts Australia Incorporated or other person in return for any services actually rendered to Darts Australia Incorporated. Provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by Darts Australia Incorporated or reasonable and proper rent for premises let to Darts Australia Incorporated.

22.11 No moneys whether in cash or by cheque shall be accepted during the course of the meeting of Darts Australia Incorporated.

23. FINANCIAL YEAR

The financial year of Darts Australia Incorporated shall close on the 30th day of June each year.

24. MERITORIOUS SERVICE AWARD

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

- 24.1 Meritorious Service Award may be conferred upon any person nominated by an Active Member who in the opinion of the Annual General Meeting has rendered outstanding service to Darts Australia Incorporated and to the Sport of Darts in Australia. A “pen picture” of the nominee must accompany the nomination.
- 24.2 The election as to the conferring of the Meritorious Service Award must be agreed upon by seventy-five per cent of the members attending the Annual General Meeting.
- 24.3 Members and Office Bearers shall be notified of all nominees for Meritorious Service Award not less than thirty days prior to the Annual General Meeting.
- 24.4 Nominations for Meritorious Service Awards shall be accepted from Active Members only.

25. DOCUMENTS

Safekeeping

The Board shall provide for the safe custody of books, documents, instruments, of title and securities of Darts Australia Incorporated.

26. INDEMNITY

26.1 Application

26.1.1 Every Member of the Board and every Director of Darts Australia Incorporated shall be indemnified by Darts Australia Incorporated, against losses and expenses which they may incur by reason of any contract entered into, or act or deed, done by such persons in the proper discharge of their duties.

26.1.2 Darts Australia Incorporated shall pay all costs out of the funds of Darts Australia Incorporated.

26.2 Limitation of Liabilities

No Member of the Board, Director, Official, Officer or Servant of Darts Australia Incorporated shall be liable for the accounts, receipts, neglect or default of any other member of the Board, Director, Official, Officer or Servant. Or for the joining in any receipt or other act of conformity, or for any loss or expense happening to Darts Australia Incorporated through the insufficiency or deficiency of the title to any property acquired by order of Darts Australia Incorporated for or on account of Darts Australia Incorporated. Or for the insufficiency or deficiency of any securities in or upon which any of the moneys of Darts Australia Incorporated shall be invested. Or for any loss or damage arising from the bankruptcy, insolvency, or fortuitous acts of any person with whom any moneys, securities, or effects shall be deposited. Or for any loss, damage or misfortune whatever which shall happen in the execution of the duties of his/her office or in relation thereto, unless the same happen through his/her own act of wilful default.

27. DISSOLUTION AND DISTRIBUTION OF SURPLUS ASSETS

27.1 Darts Australia Incorporated may be dissolved or wound up by a special resolution at a Special Meeting called for such purpose. If upon the dissolution or winding up of Darts Australia Incorporated there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed among the members, Directors, Officials, or Affiliates of Darts Australia Incorporated. It shall be given or transferred:

- (a) To some other organisation, institution or body having objects similar to the objects of Darts Australia Incorporated and incorporated under the act or:
- (b) For Charitable purposes which incorporated association or purposes, as the case requires shall be determined by the resolution of the members when authorising and directing the Board of Management under section 33 (3) of the Act to prepare a distribution plan of the surplus property of Darts Australia Incorporated

27.2 In the event of the winding up or dissolution of Darts Australia Incorporated, the Commissioner of Taxation shall be notified of the date of dissolution within 30 days of the dissolution.

28. BY-LAWS

Darts Australia Incorporated is empowered to make, repeal and amend such by-laws as it may, from time to time, consider necessary for the internal management of Darts Australia Incorporated. The making, rescission and amendment of such By-Laws shall be effected at a general meeting of Darts Australia Incorporated upon a resolution being passed by a majority of the members eligible to vote at such a meeting. (Player rules are excluded from the By Laws of Darts Australia Incorporated.)

29. POLICIES

Darts Australia Incorporated is empowered to make, repeal and amend such Policies as it may, from time to time, consider necessary for the internal management of Darts Australia Incorporated. The making, rescission and amendment of such Policies shall be effected at a General Meeting of Darts Australia Incorporated upon a resolution being passed by a majority of the members eligible to vote at such a meeting. Policies are excluded from the By Laws of Darts Australia Incorporated.

30. PLAYING RULES

Darts Australia Incorporated is empowered to make, repeal and amend such Playing Rules, as it may from time to time consider necessary for the internal management of Darts Australia Incorporated. The making, rescission and amendment of such Playing rules shall be affected at a general meeting of Darts Australia Incorporated upon a resolution being passed by a majority of the members eligible to vote at such a meeting.

31. AMENDMENTS TO THE CONSTITUTION

31.1 Notice of Motion

31.1.1 Notice of any such motion shall be signed by;

- the President of an Active Member; or
- the Secretary of an Active Member in the absence of the President; or
- by two members of the Board of Management.

31.1.2 Notices of Motion shall be forwarded in writing to the D.A. Secretary to reach him/her in the ordinary course of the post, at least six (6) weeks prior to the meeting at which the motion will be addressed.

31.1.3 The D.A. Secretary shall on receipt of such notice forward a copy to each active member.

31.2 Amendments Approved

Subject to the provisions of the Associations Incorporation Act this Constitution may be amended rescinded or, added to from time to time by special resolution carried at any General Meeting. Provided that no such amendment, recession or addition shall be valid unless the same shall have been approved by the Chief Executive of the Department administering the Act and in accordance with item 31.1.

32 COMMON SEAL

32.1 The Board shall provide for a Common Seal on which its corporate name shall appear in legible characters.

32.2 The Common Seal of Darts Australia Incorporated shall not be used without the express authority of the Board of Management and every use of the Common Seal shall be recorded in the minutes of Darts Australia Incorporated.

32.3 Any two of the Chairperson, Secretary and the Treasurer shall witness the affixing of the Common Seal of Darts Australia Incorporated.

32.4 The Common Seal of Darts Australia Incorporated shall be kept in the custody of the Secretary or of such other person as the Board of Management from time to time decides.

33. INSPECTION OF RECORDS OF DARTS AUSTRALIA INCORPORATED

A member may at any reasonable time inspect without charge the books, documents, records and securities of Darts Australia Incorporated.