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## **NAME**

1. The name of the Association shall be " **The VICTORIAN DARTS COUNCIL INC.**" (hereinafter referred to as " the Council " ) whose area of jurisdiction shall be the State of Victoria.

## **INTERPRETATION**

2. In this constitution unless the contrary intention appears :-
  - 2.1 **Active Member** means all active members who hold the Victorian Darts Council inc Charter.
  - 2.2 **Affiliate Member** shall mean an Association affiliated as such with the Council for the promotion and control of a specific part of the sport of Darts in Victoria as defined in clause 7.4 of this constitution.
  - 2.2 **Affiliated Association** shall mean a "Kindred Association" or similar organisation affiliated with Council but without voting rights.
  - 2.3 **Executive** means the Executive Council appointed pursuant to Section 15, Membership of the Council Executive.
  - 2.4 **By-Laws** means any By-Laws of the Council for the time being adopted by the Council.
  - 2.5 **Charter** means the grant of the privilege of administering the sport of darts within a defined geographic area for and on behalf of the Victorian Darts Council Inc.
  - 2.6 **V.D.C.** means Victorian darts Council inc.
  - 2.7 **Darts** means the game of Darts in all various forms including modified forms for both Senior and Junior Players as administered by the Council, its Active Members, their Affiliated Association and Affiliate member bodies.
  - 2.8 **Delegate to a General Meeting** shall mean a delegate of an Active Member.
  - 2.9 **Expulsion** - The Act of terminating membership in its various forms and deeming that a member is ineligible to regain membership of the Council.
  - 2.10 **Council** means the Victorian Darts Council Inc.
  - 2.11 **Financial year** means the year ending 31st December each year.
  - 2.12 **Junior Player** is defined as a player who has not attained the age of eighteen (18) years on the day following the event in question.
  - 2.13 **Levy** shall mean the amount other than affiliation and registration fees, which affiliates may be called upon to pay to the Council.
  - 2.14 **Member** means a Member of the Council namely Active Member, Affiliate Member, Life Member, Representative Member and Player Member.
  - 2.15 **Minor** is defined as a player who has not attained the age of eighteen (18) years.
  - 2.16 **Month** shall mean calendar month.
  - 2.17 **Office Bearer** means a member of the Executive Council as defined in Section 15, Membership of the Council Management.
  - 2.18 **Officer** means any servant, agent, officer or employee of the Council.
  - 2.19 **Official** means an Official as defined in Section 15, Membership of the Council Management.
  - 2.20 **Player Member** for financial purposes any player who is due to pay the whole or part of an affiliation fee to a Club, a Sub Association, or an Association of an Active Member.

- 2.22 Quorum** - At all Executive meetings of the Council representation from five [5] Active Members shall form a quorum. The Chairperson shall be deemed as a person qualified to vote.  
At all **Delegates** meetings representation from 70% of active members will constitute a quorum.
- 2.23 Resolution** means an ordinary resolution passed by a simple majority in accordance with the Constitution and/or By laws of the Council.
- 2.24 Special General Meeting** means a General Meeting of the Council requisitioned in accordance with this Constitution for the purpose of addressing pre-advised specific items of business only.
- 2.25 Special Resolution** means a resolution passed by a majority of not less than seventy five (75) per cent of those members entitled under this Constitution to vote, and as may be present in person at any General Meeting of which notice specifying the intention to propose the resolution as a Special Resolution was given in accordance with this Constitution.
- 2.26 Suspension** - Act of suspending - to exclude for a time some privilege, usually a punishment : *to suspend membership, suspend from a meeting.*
- 2.27 Termination** - Act of terminating; to bring to an end; *to end membership.*
- 2.28 The Act** means the Incorporation, Association, or Administering Act including any amendments thereto or re-enactment thereof for the State or Territory in which the Council is Incorporated.
- 2.29 Singularity** - Unless the contrary intention appears, words of singular shall be deemed to include the plural and vice-versa.
- 2.30 Voting Delegate to a General Meeting** means any person or any delegate from, or delegate representing an Active Member, who is entitled to vote at a General Meeting.
- 2.31 W.D.F** shall mean the World Darts Council.
- 2.32 Gender** - 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.
- 2.33 D.F.A.** shall mean the Darts Federation of Australia.
- 2.34 V.D.C** shall mean the Victorian Darts Council Inc.

## **OBJECTIVES**

### **3. The objectives of the Council are :-**

- 3.1 To foster the Sport of Darts and to encourage the playing of Darts competitions.
- 3.2 To continue to be a Member of the D.F.A. and to deal with and participate in meetings of and co-operate with the D.F.A. and to deal with the Darts Associations of the states And territories of Australia 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, suspend, disqualify, reprimand or otherwise deal with any category of Member or individual.
- 3.4 To participate in National and International competition and to sustain a position as one of the highest ranking dart States in the country.
- 3.5 To develop talent identification programmes 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 Victoria 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 both at a State level and between the Council and its members.
- 3.10 To promote and/or conduct and/or arrange and/or control competitions including State and national competition at all levels.
- 3.11 To be non-political at all times.
- 3.12 To do all such things as are incidental and/or conducive to the attainment of the above objects.
- 3.13 To establish a process to minimise disputes arising within, and between Active and Affiliate members.
- 3.14 To promote and foster the powers of equity and social justice within the Victorian Dart community.
- 3.15 To ensure that all competitions conducted under the auspices of the Council are drug free.
- 3.16 To develop,review and implement a five year strategic plan commencing in year 2000 for implementation during year 2001.  
The Strategic plan shall include but not be limited to the following.

Short/Long term Financial forecasts and planning.

The development of a Victorian Champion Team Competition.

The development of an annual presentation/awards event.

Review of Constitution and Bye-laws and its effectiveness for the operational activities of the V.D.C.

The development of standard operating procedures for all events ( rules of play, minimum standards etc).

Review of State representative selection process.

Review of ranking system.

Review of Executive Council and roles and responsibilities.

Development of P.R.O position and strategies aimed at raising the profile of the V.D.C. within local and state media groups, state gov't , potential major sponsors etc ,including the development of databases and profiles of prospective short and long term sponsors.

#### **4. POWERS**

##### **The powers of the Council shall be:-**

- 4.1 Subject to these Rules, the Council shall exercise the following powers, functions and duties with respect to darts in the Council's area of jurisdiction.
- 4.2 To establish and conduct the business of the Council through the Active Members.
- 4.3 To standardise within the Council playing area, rules, equipment in respect to the Sport of Darts and associated statistical recording.
- 4.4 To ensure the Rules of Play for games of darts as amended from time to time by the D.F.A. and/or W.D.F. are adopted where appropriate by the Council.
- 4.5 To the extent of this Constitution and in accordance with the By-Laws, the Council may impose fines or other penalties on an Active, Affiliate, Representative or Life Member for the time being under its control.
- 4.6 To arrange National Championships and, in association with D.F.A. and its affiliates, International matches.
- 4.7 To be affiliated with the D.F.A. and any other Sporting Bodies with similar objects as the Council deems is desirable.
- 4.8 To take such steps as may from time to time be deemed expedient to raise funds by subscriptions, affiliation fees, registration fees, levies, loans, or other receipts, accepting donations of real or personal property to be applied for the purposes of the Council, seeking and accepting sponsorships in money and/or kind and by conducting or organising other fund raising ventures not inconsistent with the intention of this Constitution.
- 4.9 To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Council provided that the Council 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 to an extent at least as great as that imposed on the Council under or by virtue of Section 22.10 of this Constitution.
- 4.10 In furtherance of the objects of the Council to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Council or persons frequenting the Council's premises.
- 4.11 To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and 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 the Council provided that in the case the Council shall take or hold any property which may be subject to any trusts, the Council shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- 4.12 To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Council but subject always to the proviso in Section 4.11 hereof.
- 4.13 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 the Council, to obtain from any such Government or Authority any rights, privileges and concessions which the Council may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

- 4.14** 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 the Council whether they be in a paid or voluntary capacity.
- 4.15** To remunerate any person or body corporate for services rendered, or to be rendered, and 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 the Council in or about the Council or promotion of the Council or in the furtherance of its objects.
- 4.16** To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or part of the Council's property or assets present or future and to purchase, redeem or pay-off any such securities.
- 4.17** 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 on money lent, whether the term be short or long, and to mortgage or charge its securities whether outright or as security for any debt, liability or obligation of the Council and to provide and pay off any such securities.
- 4.18** To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Council's interests and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
- 4.19** To invest and deal with the money of the Council not immediately required in such manner as may from time to time be directed by the Council or by the Executive.
- 4.20** To take or otherwise acquire, and hold shares, debentures, or other securities of any company or body corporate.
- 4.21** In furtherance of the objects of the Council to lend and advance money or give credit to any person or body corporate, to 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.
- 4.22** To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- 4.23** In furtherance of the objects of the Council, to sell, improve, manage, develop, exchange, lease, dispose of, or otherwise deal with all or any part of the property and rights of the Council.
- 4.24** 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 the Council's property of whatsoever kind sold by the Council, or any money due to the Council from purchasers and others.
- 4.25** 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 the Council in the shape of donations, annual subscriptions or otherwise.
- 4.26** 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.
- 4.27** To arrange activities for the purpose of making donations for patriotic, charitable or community purpose.
- 4.28** To settle disputes arising within and between Active and Affiliate members.

**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 the Council.

## **5. INCOME AND PROPERTY OF COUNCIL**

### **5.1 Solely for Council use.**

The income and property of the Council whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and 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 the Council.

### **5.2 Interest Payments, Remuneration**

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 remuneration to any officers and servants of the Council or to any member of the Council in return for any services actually rendered to the Council.

### **5.3 Other Payments**

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 rent for premises let to the Council.

### **5.4 Transfer of Money to Active Members**

Furthermore nothing herein contained shall be construed so as to prevent the transfer to Active Members of moneys including profits earned by the Council to be expended solely on the control or promotion of Darts.

## **6. LIAISON WITH STATE GOVERNMENT**

### **6.1 Principal Means of Contact**

The Council shall be the principal means of contact with the Victorian Sports Commission or other Departments of the State 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 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 the Council 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 constrained to the respective Victorian Leagues and/or Organisations who hold a Council Charter. Such Charters shall be confined to administer the Sport of Darts within the Victorian constitutional boundaries of the State of Victoria unless otherwise agreed by a majority decision of the Council.

Each League or Association shall be required to have a Chartered Organisation.

- 7.2.2 To maintain their Active Member status League and Associations/ Organisations must have paid to the Council all affiliation fees, levies, subscriptions and registration fees as determined by the Council from time to time.

- 7.2.3 Active Members are responsible to the Council 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 Victoria.

- 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 the Council and to the Sport of Darts in the Victoria. A "pen picture" of the nominee's achievements must accompany the nomination.

- 7.3.2 The election as Life Member must be agreed upon by seventy-five per cent of the members attending the Annual General Meeting.

- 7.3.3 To be eligible for Life Membership a person must have been a member of the Council either continuously or in the aggregate for a minimum of ten years.

- 7.3.4 Active Members and Office Bearers 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 only.

### **7.4 Affiliate Members**

- 7.4.1 Affiliate Membership shall have no vote and other conditions and fees shall be determined by the Council on a case by case basis.

- 7.4.2 The principles covering such admissions shall be:-

7.4.2.1 The activity is seen as compatible with or not detract from the traditional darts format managed by the Council.

7.4.2.2 Australia wide controlling bodies may be admitted directly to the Council.

7.4.2.3 State controlling bodies [or Regional in the absence of a State body] may be admitted as conditional affiliates to the respective Affiliate Members of the Council. Such Members would represent that variation of the sport at Council Meetings.

### **7.5 Representative Members**

- 7.5.1 Representative Members are:

7.5.1.1 Player Members who are selected to represent Victoria in State and in National and/or International Levels.

7.5.1.2 Players selected by their Active Member and approved by the Council to represent Victoria as a recognised Victorian Player.

7.5.1.3 Team Officials who are appointed by the Council to support players representing Victoria and/or Australia.

7.5.2 Unless otherwise determined by the Council the duration of such Representative Memberships shall be for a period from selection until the Representative Members return to Victoria and has fully discharged their responsibilities to the Council.

## **7.6 Player Members**

7.6.1 Is any player who is due to pay the whole or part of an affiliation fee to a Club, Sub-Association, Association, Council or Affiliate.

7.6.1 Players, officials and coaches who are registered financial members of an Affiliated Association or Zone of an Active Member.

## **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 State wide basis.

8.1.1.1 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 the geographic area defined 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 Council and may speak on any matter being debated and shall be entitled to move or second or amend motions.

8.2.2 Life members shall be entitled to vote on matters of Life membership.

8.2.3 Life Members shall receive a Life Member badge to be presented at the first possible Australian Championships following election or at the Presentation night or A.G.M. They have the right to wear the Council uniform in recognition of their status (at own cost ).

8.2.4 Life members are exempt from subscription fees and competition entry fees.

### **8.3 Affiliated Members**

8.3.1 A National Governing Body who has been admitted as an Affiliate Member of the Council shall be entitled to attend all Council 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 Executive Council 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 Executive who shall address all such submissions or advice.

8.4.3 A Representative Member shall be entitled to wear the Victorian representative Uniform of the type determined by the Council and in accordance with their category of representation. [See Section 7.5.1 above]

### **8.5 Player Member**

8.5.1 Player Members who are registered financial members of an Affiliated Association or Zone of an Active Member shall have the right to:

8.5.1.1 Compete in Victorian and/or Australia Ranked or any open tournament conducted by the Council, it's Active Members or their affiliates.

8.5.1.2 Represent their Active Member at Victorian Championships.

8.5.1.3 Be eligible for selection or appointment to represent Victoria.

8.5.1.4 Be eligible for financial or other support by the Council or its Active Members.

## **9. MEMBERSHIP GENERALLY**

**9.1 Court Costs** - On approval of the Council 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 Council and thereby affiliated with the Council. The constitution or rules of such local associations shall provide (and where necessary shall as soon as reasonably possible be amended to provide) that no person may be admitted to membership of a local association whilst under suspension or ban by any other local association affiliated with the Council in Australia.

## **10. COUNCIL CHARTERS**

**10.1** No darts management body shall be eligible for appointment as a Active Member of the Council without being awarded a Charter by the Council to administer, on behalf of the Council, a dart organisation structure in any League or Association.

**10.2** Notwithstanding Section 10.3 Council Charters shall only be issued within the State of Victoria.

**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 Council 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.

**10.5** The Council 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 the Council shall have the power to appoint investigator[s] to physically visit and inspect any aspect of the sport in that League or Association. The costs of any such inspection shall be borne by the Council.

**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 Council 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 Council members present and entitled to vote at any legally constituted meeting of the Council.

**10.9** Applicants for the Initial Charter or a Review of the Charter shall submit to the Council such information and advice as required by the Council 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**

The Executive Council shall cause a Register to be kept in which shall be entered the names and addresses of all Active Members, Life Members and Affiliate Members admitted to membership of the Council and the dates of their admission.

### **11.2 Particulars of Members**

The Council shall maintain a Register of withdrawals, disqualifications, suspensions and re-instatements of membership and any further particulars as the Council may require from time to time.

**11.3 Register** - Active Members are required to keep a Register of all Player Members within their Charter.

## **12. MEMBERSHIP FEES**

### **12.1 Affiliation Fees**

Each Active Member shall pay to the Council an equitable Annual Affiliation Fee .

### **12.2 Fees**

The amount of such affiliation fee for that particular year shall be as set out in the Budget as adopted by the Council provided that the Annual General Meeting of the Council shall have the power to vary or amend the budget for that particular year including the amounts of such affiliation fees.

### **12.3 Payment of Fees**

12.3.1 All fees are payable before the thirty first (31st.) day of March in each year.

12.3.2 The Council shall not be obliged to render any invoice or account for any amount due for fees and any amount not paid by the due date herein specified shall be deemed in arrears.

12.3.3 A late fee is chargeable for unpaid affiliation fees at the rate of 10% of outstanding amount per month. By failing to pay all amounts within three (3) months from the thirty first (31st.) March, affiliates would be deemed ineligible to participate in that year's events and subsequent events until the outstanding financial commitment is paid.

## **13. TERMINATION, SUSPENSION, EXPULSION OF MEMBERSHIP OR FINE**

**13.1** The Council reserves the right to Terminate, Suspend, Expel or Fine any class of member. Such decision shall be determined by a seventy five percentage vote of Council members present and entitled to vote at any legally constituted meeting of the Council.

### **13.2. Membership Termination, Suspension, Expulsion or Fine.**

13.2.1 Any class of Member other than a Player member, who are not Officers or Officials of Active Members who:

13.2.1.1 Is convicted of an indictable offence, or

13.2.1.2 Fails to comply with any of the provisions of this Constitution or any By-Laws or Rules of this Council, or

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

13.2.1.4 Condones conduct considered to be injurious and/or prejudicial to the character or interests of the Council.

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

13.2.2 The Member concerned shall be given a full and fair opportunity of presenting their case to the Council. All costs shall be met by the Member concerned.

13.2.3 If the Council resolves to terminate, suspend, expel or fine such Membership, the Council shall instruct the Secretary to so advise the Member.

13.2.4 The Council may reinstate membership when

13.2.4.1 The term of suspension is concluded

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

13.2.4.3 The fine levied is paid.

13.2.5 A 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 intention to appeal against the decision of the Council.

13.2.6 Appeals against the decisions of the Council in this regard shall be dealt with by special resolution at a General Meeting .

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

### **13.3 Other Player Member**

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

### **13.4 Self Termination of Active, Affiliate or Representative Membership**

13.4.1 Any Active or Affiliate Member desiring to withdraw their affiliation with the Council 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 the Council.

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

13.4.3 Representative Members who withdraw their membership may be called upon to show cause to the Council why they should not be fined or, expelled from the Council and its member bodies.

### **13.5 No Transfer of Membership**

13.5.1 Any rights or privileges of Active or Affiliate Members by reason of their Membership of the Council,

13.5.1.1 Shall not be transferred or transmitted to another Body or person, without the approval of the Council and

13.5.1.2 Shall terminate upon the cessation of such Membership whether by resignation or otherwise.

## **14. MISCONDUCT AND HEARINGS**

### **14.1 Misconduct when Representing the Council.**

14.1.1 In all cases of misconduct by a Player member, other persons or teams while representing the Council or participating in tournaments or tours directly organised by the Council, the Judicial Committee, when requested by the Council, shall hold an inquiry and accord such decision, including expulsion or other penalty as it deems suitable.

14.1.2 The ruling of the Judicial Committee shall be observed by the Council and by its members.

14.1.3 The Council and/o the Executive Council shall be the sole judges of what constitutes misconduct.

14.1.4 Appeals against a decision of the Judicial Committee shall be to the Appeals Council.

#### **14.2 Misconduct Active or Affiliate Members**

14.2.1 Should the Council and/or Executive Council have reason to believe that an Active or Affiliate Member has failed to conduct an inquiry or failed to make full inquiries into any case of misconduct or any other matter within the jurisdiction of such member, and calculated to bring discredit upon the game of Darts the Council 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 the Council to obtain evidence and take such action as it deems fit. Any hearing required shall be before the Judicial Committee.

14.2.3 The Council and the Executive Council shall be the sole judges of what constitutes misconduct.

14.2.4 Appeals against a decision of Judicial Committee shall be to the Appeals Council.

#### **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 the Council, or

14.3.1.3 Conducts himself or herself in a manner considered to be injurious or prejudicial to the character or interests of the Council, then the Council 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. If the Judicial Committee recommends to the Council to terminate, suspend, expel or fine his or her membership the Council shall instruct the Secretary or Director of Administration to advise the individual member and the organisation of which the person is deemed to be a member in writing accordingly.

14.3.3 The member whose application for membership has been rejected or whose membership has been terminated, suspended, expelled or fined may within fourteen days of receiving written notification thereof lodge with the Secretary written notice of his intention to appeal against the decision of the Judicial Committee.

14.3.4 Appeals against a decision of Judicial Committee shall be to the Appeals Council.

#### **14.4 Judicial Committee, Appeals Council and other Hearings**

14.4.1 The Council including the Judicial Committee and the Appeals Council shall have the power to call upon any member of the Council other than the member appealing to attend any meeting of the Council or investigation by a Committee of the Council to reply to any relevant questions that may be put.

14.4.2 The Council 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 Council including through the Judicial Committee and Appeals Council.

#### **14.5 Right of Appeal**

Where the offence occurred at an event or function under the auspices of the Council or whilst a Representative Member; the following Members have a right of appeal to the Appeals Council of the Council.

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 Council Decisions**

14.6.1 Appeals that meet the conditions above shall be heard by the Council's Appeal Council.

14.6.2 All appeals shall be lodged with the Secretary within fourteen (14) days of the decision appealed against.

14.6.3 The decision of the Council Appeals Council in all cases shall be final

14.6.4 No other appeals will be accepted.

#### **14.7 Judicial Committee/Appeals Council Quorum**

14.7.1 The Judicial Committee shall consist of three (3) persons appointed by the Council from time to time and approved by the Active Members. Deputies for the Judicial Committee if needed will be appointed by the Council and approved by the Active Members.

14.7.2 The Appeal Council shall consist of three (3) persons appointed by the Council from time to time and approved by the Active Members. Deputies for the Appeal Committee if needed will be appointed by the Council and approved by the Active Members.

14.7.3 The same member of the Council Executive cannot be on both the Judicial Committee and Appeals Council for the same case.

#### **14.8 Judicial Committee/Appeals Council Voting**

14.8.1 The Chairperson shall be elected from and by the members of the Judicial Committee/Appeal Council 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 Council Minutes**

The respective Chairperson shall ensure that minutes are kept of all hearings and meetings of the Judicial Committee and Appeals Council with a minute secretary being appointed by the host Active Member.

#### **14.10 Judicial Committees/Appeals Council Decision**

The respective Chairpersons shall be responsible for forwarding decisions and the minutes of hearings and meetings of the Judicial Committee/Appeals Council to the Secretary within three days of the completion of the subject meetings.

#### **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 Council 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 and those members, Councils 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 Council.

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

#### **14.12 Hearings**

On the hearing of any enquires, charges or appeals before the Judicial Committee or Appeal Council 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 THE EXECUTIVE COUNCIL**

15.1 The business affairs and affairs of the Council shall be under the control of the Executive Council.

15.2 The following areas of responsibility of the Executive Council shall be allocated to the members of the Council.

15.3.1 The Office Bearers of the Executive Council shall be:

15.3.1.1 President, Vice President, Secretary, Treasurer, Men's Contest Director, Ladies Contest Director, Public Relations Officer and Assistant Secretary who shall constitute the Executive of the Council.

15.3.1.2 The Executive shall be responsible to manage the day to day affairs in accordance with the established Policy and Procedures of the Council.

15.3.3 The President and Secretary shall be elected for a period of two (2) years.

15.3.4 The Vice President and Treasurer shall be elected for a period of two (2) years.

15.3.5 The Remainder of the Executive council shall be elected annually.

15.3.6 The C'DS shall be elected for a period of two (2) years.

#### **15.4 Power to Co-opt**

The Council or the Executive Council may appoint other such officers, officials or staff under such terms and conditions as it think fits.

#### **15.7 Duties and Responsibilities**

15.7.1 The functions of the Council and/or the Executive Council shall be to do all things necessary to further the objectives of the Council including the appointment of any sub-committees and to determine and police activities to be undertaken in the framework of the Constitution.

15.7.2 The President may be an Ex Officio member of all portfolio committees.

## **15.8 Officials**

### **The Officials of the Council shall be:-**

15.8.1 The Public Officer elected by the Council.

15.8.2 The Public Relations Officer elected annually by the Council.

15.8.4 Any member elected to the D.F.A..

15.8.5 Such delegate or delegates to the D.F.A. as may be required and elected from time to time.

15.8.6 Such selectors as the Council endorses annually by the Council as may be required from time to time.

15.8.7 Such Captains, Managers and Coaches for National Teams elected by the Council as may be required from time to time.

15.8.8 Members of the Judicial Committee comprising 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.

15.8.9 The members of the Appeal Council comprising three (3) persons together with deputies. The deputies shall be appointed to act in absence or incapacity of one or more of the Council.

15.8.10 No person who is elected to the Judicial Committee shall be eligible to be a member of the Appeal Council.

**16.5** If the number of candidates nominated be less than the number of positions to be filled, the Council 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 EXECUTIVE COUNCIL**

### **17.1 Casual Vacancies**

17.1.1 The Council 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 Council 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 COUNCIL**

### **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 the Council carried at any General Meeting, the Council shall have the general control and management of the whole of the administration of the affairs, property and funds of the Council.

18.1.2 The Executive Council shall have the authority to interpret the meaning of this constitution and rules and any matter relating to the Council on which his Constitution and rules are silent.

18.1.3 The Council may exercise all the powers of the Council.

## **18.2 Meetings**

18.2.1 The Council 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 the Council, provided always that the Council shall meet at least four times per year .

18.2.2 The Executive Council 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 the Council, provided always that the Executive Council shall meet at least Six (6) times per year.

18.2.3 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 Council.

## **18.3 Notice of Meetings**

The Secretary shall give to Members of the Council at least twenty one (21) days' notice of each ordinary meeting of the Council, provided that the President, or Vice President in the absence of the President or, may at his discretion call meetings at shorter notice to deal with matters which he deems urgent.

## **18.4 Quorum**

At all Executive Council Meetings representation from five (5) Active Members shall form a quorum shall constitute a quorum. The Chairperson shall be deemed as a person qualified to vote.

18.5 At all Council meetings representation from 70% of active members shall constitute a quorum.

## **18.6 Moving & Speaking to Motions**

At any meeting of the Council, each Council Member present except the Chairperson shall be entitled to move and/or second and speak to any motion.

## **18.7 Adjournment of Meetings**

Any meeting of the Council 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 Council meetings to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection.

18.8.2 For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Council meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding Council meeting verifying their accuracy.

18.8.3 Any appointed Minute Secretary 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 .

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

## **18.9 Appointments**

The Council, may at any time, appoint persons, other Councils, Committees and/or Sub-Committees, whether members of the Council 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 Council may delegate to Active and Affiliate Members such powers as shall be necessary to meet the aims and objectives of the Council.

**18.11 Resignations**

Members may resign from membership of the Council at any time by giving notice in writing to the Secretary but 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 Council meetings the Council Members may receive expenses as defined in the Budget.

**18.13 Meeting Procedure**

The conduct of the procedure at Council 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, which shall be available at all meetings.

**18.14 Suspension or Removal from Office**

Any Office Bearer, any member of the Council, any Official or any Officer may be suspended or removed from office by an ordinary resolution properly passed at a duly constituted meeting of the Council provided that no Office Bearer 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 the Council; and
- 18.14.2 The motion suspending him/her or removing him/her from office or being found guilty of misconduct or conduct prejudicial to the interests of the Council has been properly passed; and
- 18.14.3 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**

18.15.1 The office of an Officer, Official, Officer Bearer or member of the Council shall ipso facto become vacant if he or she:-

- 18.15.1.1 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
- 18.15.1.2 Resigns their office by notice in writing to the Council; or
- 18.15.1.3 Has had a motion of No Confidence passed by 75% of the Council Members present.
- 18.15.1.4 Is deceased.

**18.16.** The office of an Officer Bearer or member of the Council shall ipso facto become vacant if he or she:-

- 18.16.2.1 Becomes bankrupt; or
- 18.16.2.2 Is absent for more than two meetings without permission of the Council from meetings of the Council held during that period; or
- 18.16.2.3 If, in the opinion of the Council, after full disclosure by the Office Bearer or Council Member, a vested interest is determined in a particular transaction which the Council decides constitutes a conflict of interest.

### **18.17 Deemed Casual Vacancies**

Any such removal or vacating of office of an Official Office Bearer, Member of the Council 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 the Council is to be represented the President or Vice President should represent the Council as required at all functions.

18.18.2 Where the President or Vice President is unavailable then the secretary or another delegate appointed by the Executive Council shall deputise.

## **19. ANNUAL GENERAL OR GENERAL MEETINGS**

19.1 Subject to these Rules one Annual general meeting of the Council shall be held each financial year, [unless and until otherwise determined by the Council]. The first meeting should be held within 3 months following the close off of the Council's financial year.

### **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;
- The receiving of Executive Council reports, Audited financial report and annual reports, and adoption of same;
- Office Bearers, Active Members, Affiliates, Official's Reports
- Correspondence
- Dealing with notices of motion;
- General Business;
- The election of Life Member/s if any
- The election of Public Relations Officer;
- The election of Executive Officers of the Council;
- The appointment of an Auditor;
- The appointment of Public Officer
- The appointment of contest directors
- The appointment of assistant secretary

### **19.3 The business to be transacted at Ordinary Meetings shall be:-**

- The receiving of minutes and business arising there from and the adoption of same;
- The receiving of reports and adoption of same;
- The receiving of financial statement
- Correspondence
- General Business

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 Council 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 requisitionists and deposited at the registered Office of the Council and may consist of several documents in like form each signed by one or more of the requisitionists. The requisitionists must be Active Members whose subscriptions to the Council are not in arrears at the date of the requisition.

19.6 On receipt of such request the 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 requisitionists may convene the meeting on giving a minimum of fourteen (14) days further notice to all office bearers and active members.

19.7 No minors are entitled to vote at any General Meeting.

19.8 A quorum for Annual meetings shall be the same as provided in these Rules for a quorum in respect of ordinary meetings of the Council.

**19.9** No business shall be transacted at any General Meeting unless a quorum of Council 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 Council, shall lapse. Such meeting shall be deferred until 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 but 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 or 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 at the Annual General Meeting and the General Meetings of the Council, Active Members shall be represented by two delegates at the meeting who shall each be entitled to vote.

## **20. SECRETARY**

The minutes of every General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting provided that the minutes of any Annual General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting or Annual General Meeting.

### **20.1 Duties of Secretary**

20.1.1 A list showing inward and outward correspondence shall be distributed to Active Members.

20.1.2 Copies of correspondence to be forwarded to all affiliates will be at the discretion of the Secretary or as requested by any Active Member.

20.1.3 Executive correspondence which impacts on Policy, costing and income be registered with the Secretary.

## **21. VOTING POWERS AT MEETINGS**

### **21.1 EXECUTIVE COUNCIL MEETINGS**

21.1.1 At Executive Council meetings each officer shall be entitled to one vote. In the case of an equality of votes the Chairperson shall have a second or casting vote.

21.1.2 No member shall be entitled to vote at any general meeting if his or her annual subscription is more than one month in arrears at the date of the meeting.

### **21.2 Council Meetings**

21.2.1 At Council 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.

21.2.2 In the case of an equality of votes the Chairperson shall have a second or casting vote.

21.2.3 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.

### **21.3 Method of Voting at Meetings**

Voting shall be by show of hands or a division of members, 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.

## **23. FUNDS AND ACCOUNTS**

**23.1** The funds of the Council shall be banked in the name of the Council in such bank or building society as the Council may from time to time direct.

**23.2** Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Council and the particulars usually shown in books of a like nature.

**23.3** All moneys shall be banked as soon as practicable after receipt thereof.

**23.4** Amounts in excess of an amount set by the Council shall be paid by cheque signed by any two of:

- President
- Secretary
- Treasurer
- Vice President

or by Credit Card authorised by the Council.

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

**23.6** The Council shall determine the amount of petty cash which shall be kept on the imprest system.

**23.7** All expenditure shall be approved or ratified at a Council meeting.

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

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

23.8.2 The assets and liabilities and all mortgages, charges, and securities affecting the property of the Council at the close of that year.

**23.9** 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.

**23.10** The income and property of the Council 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 the members of the Council 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 the Council or otherwise owing by the Council to him or her of remuneration to any officers or servants of the Council or to any member of the Council or other person in return for any services actually rendered to the Council 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 the Council or reasonable and proper rent for premises let to the Council.

**23.11** No moneys whether in cash or by cheque shall be accepted during the course of the meeting of the Council.

## **24. COMMISSION BASED EMPLOYMENT**

An officer or employee of the Council may not be paid by way of commission calculated by reference to the quantity of liquor sold or supplied by the Council or the receipts of the Council for such liquor.

## **25. FINANCIAL YEAR**

The financial year of the Council shall close on the 31st day of December each year.

## **26. MERITORIOUS SERVICE AWARD**

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

**26.1** 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 the Council and to the Sport of Darts in the Victoria. A "pen picture" of the nominee must accompany the nomination.

**26.2** 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.

**26.3** 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.

**26.4** Nominations for Meritorious Service Awards to be accepted from Active Members only.

## **27. DOCUMENTS**

### **27.1 Safekeeping**

The Council shall provide for the safe custody of books, documents, instruments, of title and securities of the Council.

## **28. INDEMNITY**

### **28.1 Application**

28.1.1 Every Member of the Council, and every Office Bearer, Official, Officer and Servant of the Council shall be indemnified by the Council against losses and expenses which any Member of the Council, Office Bearer, Official, Officer or Servant may incur or be liable to, by reason of any contract entered into, or act or deed done by such person as a Member of the Council, Office Bearer, Official, Officer or Servant, or in any way in the discharge of his duties. The amount for which such indemnity is provided shall immediately attach as a lien on the property of the Council and have priority between the Active Members over all other claims.

28.1.2 It will be the duty of the Council to pay all costs out of the funds of the Council.

### **28.2 Limitation of Liabilities**

No Member of the Council, Officer Bearer, Official, Officer or Servant of the Council shall be liable for the accounts, receipts, neglect or default of any other member of the Council, Office Bearer, Official, Officer or Servant or for the joining in any receipt or other act of conformity, or for any loss or expense happening to the Council through the insufficiency or deficiency of the title to any property acquired by order of the Council for or on account of the Council, or for the insufficiency or deficiency of any securities in or upon which any of the moneys of the Council shall be invested, or for any loss or damage arising from the bankruptcy, insolvency, or tortious 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 office or in relation thereto, unless the same happen through his own act of wilful default.

## **29. DISSOLUTION AND DISTRIBUTION OF SURPLUS ASSETS**

The Council may be dissolved or wound up by a resolution at and General Meeting or at a Special General Meeting called for such purpose. If upon the dissolution or winding up of the Council 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 affiliates of the Council. It shall be given to some other Association, institution or body having objects similar wholly or in part to the objects of the Council, provided that the Council, institution, body or object shall prohibit the distribution of its income and property among its members, or it shall be paid to or transferred to some charitable object, which Council, institution approved by the Commissioner of Taxation as a fund referred to in Section 23 of the Income Tax Assessment Act 1936., body or object shall be determined by the active members of the Council at or before the time of the dissolution or winding up. In default of any resolution such payment, transfer or distribution shall be determined by a Judge of the District Court.

## **30. BY-LAWS**

The Executive Council and/or Council is empowered to make, repeal and amend such By-Laws as it may from time to time consider necessary for the internal management of the Council. The making, rescission and amendment of such By-Laws shall be effected at a general meeting of the Council 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 the Council.

## **31. PLAYING RULES**

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

## **32. AMENDMENTS TO THE CONSTITUTION**

### **32.1 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.

### **32.2 Notice of Motion**

32.2.1 Notice of any such motion shall be signed by the President or Secretary in the absence of the President and the Secretary of an Active Member or by two members of the Council.

32.2.2 Notices of Motion shall be forwarded in writing to the Secretary to reach him in the ordinary course of the post, at least four (4) weeks prior to the meeting at which the motion will be addressed.

32.2.3 The Secretary shall forthwith on receipt of such notice forward a copy to each active member.

## **33. COMMON SEAL**

### **33.1 Provision and Safekeeping**

The Council shall provide for a Common Seal and for its safe custody.

### **33.2 Use Authority**

The Common Seal shall only be used on the authority of the Executive Council and/or Council and every instrument to which the seal is affixed shall be signed by the President of the Council and shall be countersigned by the Secretary of the Council .

#### **34. NON-PROFIT**

The income and property of the Council shall be applied solely towards the promotion of the objects of the Council. No portion of the income or property shall be paid, transferred to, distributed directly or indirectly to the active members of the Council, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of the Council or to any person other than an affiliate in return for services rendered to the Council.