

# Ice Racing New South Wales Inc

## CONSTITUTION



Amended: 26th February, 2011 at AGM held at Sports House, Sydney Olympic Park.

Amended: 16th February 2013 at AGM held at Western Suburbs Australian Football Club, Croydon Park

### ARTICLE 1 - NAME

The name of this organisation shall be Ice Racing New South Wales Inc. (abbreviated title: IRNSW Inc) hereinafter called "The Association".

### ARTICLE 2 - OBJECTS OF THE ASSOCIATION

The objects of the Association shall be:

- To encourage, advance, promote, improve and control Ice Racing throughout New South Wales.
- To affiliate with other organisations whose objects and interests are in accord with those of this Association.

### ARTICLE 3 - MEMBERSHIP

Membership of the Association will be annual, commencing on APRIL first each year and ending on MARCH thirty first of the next year. There shall be no discounts available for Member Clubs, or their capitated members, should they become members of the Association part way through a year.

(a) Membership of the Association has the following classifications: -

- within the state and territorial boundaries of New South Wales, for the promotion, development and management of Ice Racing may, upon application, become affiliated clubs to the Association. The Constitution and Rules of such Clubs must not be in conflict with the Association, or that of the Australian Ice Racing Inc (AIR Inc) or that of the International Skating Union (ISU). A Club wishing to become an affiliated Club must furnish the Association a copy of its Constitution and Rules, and give assurances that it has at least ten (10) active members who will actively compete in Club and Association Ice Racing events as organised from time to time.

Should a Club not be able to sustain at least a minimum of ten active members who will compete during a season of Ice Racing, such Club may be required to show cause why it should remain as an Affiliated Club. Affiliated Clubs will be required to pay an affiliation fee to become and remain a member of the Association, and this affiliation fee will be determined annually by the Council of the Association.

#### i) **Active Skating Members**

Active Skating members of the Association are Speed Skaters who are members of an Affiliated Club and who participate in events organised by the Association and have been capitated with the Association as active skating members, by that Club. All active skating members are entitled to attend General Meetings of the Association, speak to motions being considered, and to exercise a vote for or against motions being considered forward at those meeting with the proviso that active skating members who have not attained the age of sixteen (16) on July 1 of the relevant financial year of which the meeting is being held, may not vote.

The Capitation fee paid by Clubs for their Active Skating Members includes a contribution for Insurance of the Active Skating Member, and it is mandatory that this shall have been paid before any Active Skating Member may participate in Ice Racing Races or in Practice Sessions. Active Skating Members shall be eligible skaters as defined by the Regulations from time to time.

#### ii) **Non-Skating Members**

Non Skating Members are members of the Association who do not actively skate in races, or participate in practice sessions, but who wish to be a part of an Affiliated Club, thereby supporting the aims of that Club. Clubs will be levied a Capitation Fee for Non Skating members which will be set annually by the Council of the Association. This Capitation Fee shall reflect the lack of need for insurance for on ice activities.

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**iii) Direct Members**

Direct Members of the Association are those persons, who wish to serve the interests of the Association and its members, by performing such official duties as Coaching, Referee, Starter, or other racing official, but who do not wish to be seen as affiliated to any particular Club. They shall pay to the Association a fee of the same magnitude as the Capitation Fee levied for active skating members, if their duties cause them to be on the ice at any time while performing those duties. If they are not required to be on the ice for their duties, then they will pay a fee of the same magnitude as the Capitation Fee levied for Non Skating Members. Direct Members may attend General Meetings of the Association and speak to motions being considered, and exercise a vote for or against such motions. They may not, however, be appointed as a Club Delegate by an Affiliated Club. They may be elected to an executive position on the Council of the Association.

**iv) Life Members**

Life membership of the Association is an Honorary Status, to be conferred on those persons, who have made an outstanding contribution to the sport of Ice Racing over a period of not less than ten (10) years.

A Life Member does not have to be, or have been, a member of a Member of Ice Racing New South Wales Inc, but shall conform to the eligibility status as determined by the ISU.

The Association may confer Life Membership once each two years, with the proviso that a three-fourths majority of the Members meeting, and entitled to vote, to review the conferring of Life Membership, shall agree to the proposal, and that the Council has recommended the election of the Life member. Life Members shall be entitled to attend all meetings of the Association, and the Council of the Association, to speak to motions before the Association, but unless the Life Member is also a delegate of a Member, or holds an elected office as a member of the Council of the Association, he/she is not entitled to vote on any motions being considered by the meeting. A Life Member shall be presented with a badge or a medallion of a type that may be determined from time to time by the Association.

**v) Skate School Members**

Skate School Members are those skaters who are not members of the Association under any other category and who are participants in a Skate School program, managed by any of the Ice Rinks within New South Wales. Skate School members may participate only in Skate School sponsored competitions, known at this time as 'Skate School' competitions. Skate School Members are required to pay a membership fee to join the Skate School Membership List, and an insurance contribution to entitle them to participate in Aussie Skate competitions (this is a different insurance policy from that organised by AIR Inc which covers full skating members). These fees are due and payable in the same time frame as the fees of other members of the Association, and shall be determined annually by the Council of the Association.

Skate School Members may not participate in Club training, or competitions organised by the Association or its member clubs, without first becoming members of the Association as listed in Article 3, paragraphs of (a) (v) of this Constitution.

Skate School Members may attend General Meetings of the Association, but they may not vote or have any of the other privileges enjoyed by other categories of membership of the Association.

**(b) Affiliated Clubs and Associations:**

- (i) Affiliated Clubs and Associations are bodies, which have become and remain, affiliated to the Association.
- (ii) Any Club or Association formed for the promotion of Ice Racing may, upon application to the Council of this Association, be constituted an affiliated Club or Association.
- (iii) The Council, however, shall not entertain any application under this rule, unless it has received from the Applicant Club or Association a copy of its Constitution and/or Rules.
- (iv) Subject to those Rules, and such By-laws of the Council, as shall apply, an affiliated Club or Association shall be free to determine its own Constitution and Government, providing that it does not conflict with this Constitution, but a copy of any alteration in the rules of the affiliated Clubs or Association shall forthwith be sent to the Secretary of the Association.
- (v) Each Member Club is entitled to appoint one (1) delegate, who may attend meetings of the Council of the Association, speak to motions being considered, and exercise a vote for or against such motions. A delegate appointed by a Club shall be a member of that Club, and shall have attained the

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age of eighteen (18) years by May 1st of the year in which he/she is appointed as a delegate. No Club may, however appoint as a delegate, any person who is a Director, Manager of a Rink, or of a company which controls or operates a Rink, or who derives any remuneration or benefits from or in connection with a Rink, or skating thereat, or the control or management thereof. This regulation does not apply to the ownership of shares or debentures in a company which owns or operates a Rink.

- (vi) The Council of the Association shall have the power, if it considers it is desirable in the interests of the Association, that any Club or Association, being an affiliated Club or Association, should cease to be a member of this Association, always provided that the said Club or Association shall be given an opportunity of being heard before the Council by Representatives, to resolve that such Club or Association shall be no longer affiliated.

**ARTICLE 4 - WITHDRAWAL OF MEMBERSHIP**

A member may resign his/her membership at any time by giving notice in writing or by email to the Secretary of the Association of his/her intention to do so; however, resignation shall not relieve a member of his/her liability to pay any subscription that may be due by him/her.

**ARTICLE 5 - SUSPENSION OR EXPULSION OF MEMBERS**

- (a) Any member violating the provisions of the Constitution, By-laws, or rules of the Association, or refusing to abide by any decision of the Council or of a majority of the members of the Association may be suspended, or expelled by a majority vote of the Council of the Association.
- (b) By a like vote such member may be again re-instated or re-admitted with or without modification of his/her former standing.

**ARTICLE 6 - POWERS AND OBLIGATIONS OF AFFILIATED CLUBS**

- (a) All active skating members of affiliated Clubs of this Association shall be composed of skaters and non-skaters.
- (b) All suspensions by an affiliated Club shall be recognised by all other affiliated Clubs.
- (c) All affiliated Clubs shall adopt Article 9 of this Constitution, relating to eligible skaters as part of their Constitution.

**ARTICLE 7 - GOVERNMENT**

- (a) The Government of this Association shall be vested in a Council, which shall, subject to this Constitution, have power to take such steps and to apply the funds of the Association in such a manner as they deem expedient for the promotion of its objects and the provision in this Constitution conferring specified powers on the Council shall not be read as limiting in any way, the powers conferring by this Rule on the Council.
- (b) No non-eligible sports person shall be eligible to hold any elected office in the Association.
- (c) If, in the opinion of the Council of the Association, it is desirable in the interests of the Association, that a person should cease to be a member of the Association, the Council, after giving such member an opportunity of being heard before them, may request such member to resign within twenty one (21) days; after such request, the Council shall have the power to expel such member from the Association. A person resigning or being expelled under this rule shall be disqualified from again becoming a member of the Association except with the consent of the Council.

Proceedings of the Council under this rule shall be Special Business, but it shall not be necessary in giving notice of such business to specify the name of the member with reference to whom such proceedings are to be taken.

- (d) Right of Appeal: Members dealt with under this or any other ruling of the Council shall always have the right of appeal to:
- (i) A General Meeting of the Association.
- (ii) The Controlling Body of Ice Racing in Australia in that order.

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- (e) At the Annual General Meeting of the Association there shall be elected from among the members of the Association the following Office Bearers:

President; Vice President; Secretary; Treasurer; Event Coordinator; Publicity Officer and Auditor. These Office Bearers, with the exception of the Auditor, shall be known as the Executive Committee of the Association. The Auditor shall not be a member of the Council, or in any way participate in the day-to-day management of the Association.

A Nomination Form is to be used for nominating for a position as an Office Bearer of the Association. The outgoing Executive Office Bearers shall approve the final format of the Nomination Form.

To be a valid nomination, the form must be signed by the nominee, and two members of the Association who are supporting the nomination. The names of the supporting Nominators shall be recorded in the minutes of the Annual General Meeting.

Each nominee should prepare a brief statement of the qualifications, which they possess, that will enable them to satisfactorily carry out the duties of the office sought. This should be submitted with the Nomination Form. The completed Nomination Form must be submitted to the President or the Secretary of the Association at least seven (7) days before the date of the Annual General Meeting.

Nominations for position on the Executive Committee will not be accepted from the floor of the meeting on the day of the meeting.

If positions are not filled at the time of the meeting, it is then incumbent on the incoming Committee to arrange for suitably qualified persons to be co-opted to the Committee to fill the positions left vacant.

A Returning Officer for the Ballots, who is not standing for election to the Executive Committee, is to be appointed by the Committee, at least seven (7) days before the Annual General Meeting. The Returning Officer shall prepare ballot papers according to the numbers of nominations for each position. Ballot Papers for the elections shall be issued to those members attending the Annual General Meeting and entitled to vote, upon their arrival at the meeting, after their attendance has been duly noted and confirmed in the attendance register.

The elections for Office Bearers shall be conducted by secret ballot, and upon completion of the ballots, the Returning Officer shall upon passage of an appropriate motion, arrange for the destruction of the ballot papers.

The elections shall be conducted in such a manner as to allow the nominated persons to be able to cast their own votes.

Voting shall be on the basis of voting for one(1) person per position per ballot paper, and if a voter purports to place two (2) or more votes on each ballot paper, that ballot paper shall be deemed void, and shall be destroyed by the Returning Officer.

If there is a tied vote for any position then the following will occur:

- (i) The Position shall be the subject of a further vote.
  - (ii) Any candidate receiving less than the votes obtained by the tied candidates shall not renominate for the position at such further vote, nor will the Returning Officer accept any such purported nomination.
- (f) The Council shall have the power to elect from among the members of the Association, an additional two (2) members to Council if it so desires.
- (g) The Council of the Association shall then consist of the following members: -
- The President, Vice President, Secretary, Event Coordinator, Treasurer, and Publicity Officer.
  - One Delegate from each affiliated Club Member.
  - Additional Members of the Council appointed by them under Article 7 Paragraph (f).

Each Club or Association affiliated with the Association, shall advise the Secretary of this Association of their delegate's name not later than fourteen (14) days after the Annual General Meeting.

- (h) A person holding any of the offices listed in Article 7 paragraphs (e) and (f) shall cease to hold such office if he/she ceases to be a member of the Association, but, subject to the foregoing provision, a

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person elected to any such office shall hold office until he/she resigns, or until the election of his/her successors.

- (i) An **Auditor** shall not be a member of, or act on the Council in any way and should, if possible, be a chartered or public accountant.
- (j) Any Council member who fails to attend two (2) Council meetings without reasonable excuse shall forfeit his/her position on the Council thus creating a casual vacancy.

The committee may appoint any person to fill a casual vacancy in any of the offices listed in Article 7 paragraphs (e) and (f).

- (k) The President of this Association shall be ex officio chairperson of the Council.
- (l) The Council shall meet every month during the skating season, and at other times when necessary.
- (m) A meeting of the Council may be convened at any time by the President of the Association, or by requisition in writing to the Secretary by four (4) members of the Council.

If the President does not convene a meeting within seven (7) days after the receipt of such requisition, a meeting of the Council may be convened by the persons making such requisition.

(n) **Meetings**

- (i) **A meeting of the Council** shall be convened by distributing notice thereof to each member of the Council at least four (4) days clear prior to such meeting, specifying the time, the place, and so far as is practicable, the business to be transacted.
  - (ii) **Annual General Meetings of the Association** shall be held at least once in each calendar year and within the period of four (4) months after the expiration of each financial year of the Association, with at least twenty eight (28) days notice to all members. Notice is to be sent to the affiliated clubs for distribution to members.
  - (iii) **A quorum for an AGM** of the Association shall be 25 % of eligible voting members and for a Special General Meeting it is 20 % of eligible voting members, in person. Eligible voting members are as defined in Article 3.
- (o) Business, other than special business, may with the consent of a majority of the members of the Council present, be transacted at the meeting of the Council, notwithstanding that such business may not have been mentioned in the notice covering the meeting:

**Special Business** shall be:

- (i) Proceedings under Article 7 paragraph (c).
  - (ii) Proceedings with reference to competitors and amateur status.
- (p) The quorum of the Council shall be fifty percent (50%) of the total number of council members plus one (1), rounded down to the next whole number.
- (q) Subject to this Constitution all questions arising at a meeting of the Council shall be decided by a majority vote of those Council members present, and voting on the questions, provided that in the event of an equality of votes, the Chairman shall have a second or Casting vote.
- (r) The Council shall have the power to deal with any matter pertaining to Ice Racing, not provided for in these rules, Constitution or By-laws.
- (s) Meetings of the Council are open to all members, but only Council Members may vote, move and speak to motions or amendments. The Chairman may give permission for a non-Council member to address the meeting. The Council has the authority to hold any portion of its meeting in camera.

“The Provisions of this rule may not apply in the case of any meeting of the Association during which business is conducted as defined in Article 5; Article 7 (c), (d), (o); Article 9 and Article 10.”

“In such a case, if business conducted at such a meeting is as defined in the above named articles and paragraphs, and affects any individual affiliated member then the Council may require that member to be not present at that Council meeting at which such business is conducted. Any member who is affected by this provision is to be notified, in writing, at least four (4) days in advance of the meeting from which the Council requires him or her to be absent, that the Council requires him not to be present at such meetings.”

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"All business, affairs, dealings, records, proceedings and any other matters conducted on behalf of, under the auspices of, or in any manner concerning the Association or its members shall be fully and freely available and reported to all affiliated members of the Association. This provision includes all race times for any race conducted by the Association; Referee's rulings on all matters, and the justification for such rulings, and the opinion and comment of all Referees on any rulings; selections made by selection panels acting under the auspices of the Association; all details of the Association's business, past, present and future; all financial and business dealings of the Association; all plans and projected business of the Association; and any other affairs whatsoever pertaining to or connected in any way with the Association. Any affairs of the Association are to be reported to the members of the Association in advance of the conduct of such business, or if this is not possible, at the first Council meeting after the conduct of such business. Approval for the conduct of the Association's business shall be subject to endorsement by a majority vote of Council members present at the meeting at which such business is voted upon. This means of report of Association business to the members shall be via the Association's Council meetings."

Exceptions to these provisions are as follows:

Racing times shall be known only to the Event Coordinator and any official handicappers as may be appointed by the Council; these persons shall not communicate handicap times to any person.

Selections of selection panels prior to the official release of the choice of the selection panel.

(t) **By-laws:**

By-laws of the Association are rules and regulations that may be made from time to time by majority vote of members. By-laws may be made or amended at an Annual General Meeting or a Special General Meeting or a Council Meeting; making or amending of By-laws is subject to the same provisions as making amendments or additions to this Constitution, as outlined in Article 13 "except that By-laws may be changed at a Council Meeting." By-laws shall in no way conflict with any part of this Constitution.

(u) **Racing Rules:**

Racing rules are rules and regulations governing the conduct of ice racing conducted under the auspices of the Association. Racing rules may be made or modified at a Special General Meeting or an Annual General Meeting or a Council Meeting of the Association and are subject to the same provisions as By-laws, as outlined in Article 7 (t) of this Constitution. Racing rules shall in no way conflict with this Constitution or the By-laws of the Association or ISU.

(v) Any rules, regulations or resolutions made at meetings of the Association shall not conflict in any way with the Constitution of the Association, its By-laws or racing rules, unless such rules, regulations or resolutions are made at an Annual General Meeting or Council meeting of the Association so as to supersede that part of the Constitution, By-laws or racing rules with which it conflicts, and such rules, regulations or resolutions are made subject to the provisions of Article 7 paragraphs (n), (o), (p), (q), (r), (t), (u) and Article 12 as appropriate.

(w) When any rule, regulation or resolution, or any other matter, must be voted upon at a Council meeting or an Annual or Special Meeting any Council member may request that such voting be by secret ballot; the Council must always grant such a request. Such a secret ballot shall be conducted, and returns counted, by an affiliated member of the Association who is present at the meeting in question, and who is not a member of the Council of the Association.

(x) **Drugs in sport**

The Association shall adopt the policy in use by the National Controlling body of the Sport in Australia in respect of a Drugs in Sport policy. This body at the time of writing is 'Australian Ice Racing Inc.' (AIR Inc)

(y) **Members Protection Officer**

The Council of the Association shall adopt a policy which may be amended from time to time, to ensure that all members of the Association are protected as required by the Laws of the State of New South Wales.

### ARTICLE 8 - FINANCES

a) All monies received on behalf of the Association by any person other than the Treasurer of the Association, shall forthwith be transmitted to the Treasurer.

b) The Treasurer shall keep such banking accounts as may be sanctioned by the Council. Such banking accounts are hereinafter referred to as "The Association's banking accounts".

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- c) All monies received on behalf of the Association by the Treasurer shall as soon as practicable be paid into the Association's banking accounts.
- d) All payments on behalf of the Association shall be made out of the Association's banking accounts by order of the Council; the Council shall further arrange that such accounts be not drawn on save by cheque signed and countersigned by any two of the following officer Bearers: President, Secretary, Treasurer, Vice President.
- e) The Treasurer shall pay all monies received into the Association's banking accounts and shall keep full account of all monies received, or paid by the Treasurer. He shall close each account to October 31st in each year and as soon as possible submit it for audit to the auditors of the Association, together with proper vouchers and documents connected therewith. The auditors shall complete the Audit of such accounts before the ensuing November 30th and the account duly audited shall be presented at the ensuing Annual General Meeting of the Association.

**ARTICLE 9 – ELIGIBLE PERSONS IN SKATING**

- a) The eligibility of skaters as recognised by the Association shall be consistent with the ISU definition of an eligible skater.

(b) Expenses

(i) **Travelling Expenses:**

In all cases where a skater received money to cover travelling expenses from any source whatever he/she shall immediately upon return, have sent to the Secretary of the Association, a signed statement, with receipts showing the amount received, from whom, and an itemised account of his/her expenses. When any money is paid to a skater for travelling expenses, the organisation or person or committee making such payment shall take a receipt therefore in duplicate, containing an itemised statement of such expenses and forward immediately one copy to the Secretary of the Association. A skater failing to forward promptly the statement with receipts as required above, shall be liable to suspension, and any organisation failing to secure and forward the receipt as above provided shall be liable to suspension or refusal of future sanction, in the discretion of the Council.

(ii) **Other Expenses:**

Any skater who receives money to cover any expenses associated with the practice of ice racing or training, other than travelling expenses, shall also comply with the requirements for accountability of such funds as set out in Article 9 paragraph (i) of this Constitution.

(iii) **Expenses:**

An eligible skater who has received money from the Council or any other source, such money having been utilised by that eligible skater in any way for the practice of ice racing or training in this or any other country, shall, as soon as practicable after the utilisation of such money, present to the Council evidence, such as receipts, and a signed statement and summary of expenditure, showing all such money has been utilised by that skater on expenses associated with the practice of ice racing or training; the Council must be satisfied that all such expenditure is directly connected with ice racing or training. Any money that has been granted to a skater from any source to be utilised by that skater for the practice of ice racing or training, which has not been utilised by that skater for the practice of ice racing or training for which the grant was made, must be returned to the source which made the grant; the Council, at its discretion, may waive this provision.

Travelling expenses shall be covered by both this paragraph and paragraph (b) (i) of Article 9. Any skater who has been granted money and who contravenes the provisions of this paragraph or paragraph (b) (i) of this Article, or who, in the Council's opinion, does not forward to the Council as soon as practicable, evidence of expenditure of a grant as outlined in this paragraph, may be liable to have his/her eligibility status temporarily or permanently suspended by the Council.

**ARTICLE 10 - PARDONING POWER**

The Council shall have the power to relieve a person of the effects of his/her commission of any of the acts by reason of which he/she would cease to be an eligible skater, when it is shown to its satisfaction that such act was committed through ignorance of the character of (not consequence of), inadvertence, or excusable error, or was committed in a sport in which there was at the time of commission no general competition for eligible sportspersons, or was made obligatory by Military Authority.

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**ARTICLE 11 - FEES**

- (a) The Annual Fees for all members of the Association shall be due and payable **on a date set by the AIR Inc board or within one month of that date**. The amounts of these fees will be determined annually and set at the first Council Meeting after the Annual General Meeting. As mentioned in Article 3, Membership is annual, and there shall be no discounts available for Member Clubs or their Capitated Members, or for Direct Members, should they become Members part way through a year.
- (b) Each Affiliated Member Club may be assessed weekly a per capita practice fee, which if applied, shall be set by the Council.
- (c) If the fees of any Club or Direct Member are unpaid on the date set by AIR Inc in each year, that Club or Member may be suspended from membership of the Association. This suspension shall cause automatic forfeiture of attendance at Race Meetings, Practice Sessions, meetings of the Association or its Council, and ability to vote at such meetings.
- (d) The payment of arrears will result in re-instatement of membership.
- (e) The receipts from fees and all other sources shall be used to pay the expenses of the Association.
- (f) Payment of fees shall be deemed to be an acceptance of and submission to the Constitution, By Laws and Rules of the Association.
- (g) A member of the Association shall, upon admission to membership of the Association, pay to the Association a fee of \$1.00, or where some other amount is determined by the Council, that other amount. Similarly, in addition to the amount payable above, the member of the Association shall pay to the Association an annual membership of \$2.00, or where some other amount is determined by the Council, that other amount, except as provided in paragraph (b), on or before the date set by AIR Inc in each calendar year or, where the member becomes a member after the date set by AIR Inc in any calendar year, upon becoming a member, and on or before the date set by AIR Inc in each succeeding year.

**Members' liabilities:**

The Liability (if any) of members of the Incorporated Association to contribute towards the payment of the debts and liabilities of the Incorporated Association, is limited to the amount, if any, unpaid by the member in respect of Membership of the Association as required by Articles 11 and 3 of this Constitution."

**ARTICLE 12 - AMENDMENTS TO THIS CONSTITUTION**

This Constitution may be altered or amended at any Annual or Special General Meeting of the Association at which a quorum is present, provided that a notice setting forth the proposed alteration or amendment, shall have been distributed to the Secretary of each affiliated Club at least two (2) weeks prior to the date of such meeting and notice of motion to alter or amend the Constitution has been given at the Council meeting immediately preceding the Annual or Special General Meeting at which the alteration or amendment to this Constitution is to be voted upon.