

**DARTS WESTERN AUSTRALIA INCORPORATED**

# **CONSTITUTION**



As revised 12/10/2014.

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## **DEFINITIONS**

AGM means the Annual General Delegates Meeting of the Council

BOARD OF MANAGEMENT Officers as appointed by the members at the AGM

CHAIRPERSON (Normally the President) is the person in control of the meeting

COUNCIL means Darts Western Australia Incorporated.

DELEGATE means a representative of an Affiliated Association or the Council

D.A. Inc. means the Darts Australia Incorporated.

HEADQUARTERS means the main office of the Council

MEMBER means an Ordinary Member off an Association affiliated with the Council

OBJECTS are the purposes for which the Council is formed

OFFICER means a member of the Board of Management of the Council.

POWERS are the powers of the Council and Board of Management

PRESIDENT means the President of the Council

SECRETARY means the Secretary of the Council

TREASURER means the Treasurer of the Council

WDF means The World Darts Federation.

**1. NAME**

The name of the Council is “Darts Western Australia Incorporated” herein after called the Council.

**2. HEADQUARTERS**

The headquarters of the Council shall be in such place in the State of Western Australia, as the Board of Management shall from time to time determine.

**3. OBJECTS**

The Council is formed for the following purposes.

3.01 To foster and encourage the Sport of Darts in Western Australia and to control and improve the game as a Sport.

3.02 To maintain an efficient administration at State level and between Affiliated Associations and their members.

3.03 The control and management of the Sport of Darts as played by members of the Council.

3.04 To establish a code of rules to govern the different games played on dartboards organized by the Council.

3.05 To arrange and carry out tournaments and Championships in conjunction with such games.

3.06 To participate in National and International competition and sustain a position as one of the highest-ranking Dart States in the Nation.

3.07 The identification and development of programs for Coaches, Officials and Players.

3.08 To build and maintain a strong profile in the community as a popular and successful Sport.

3.09 To be non-political at all times.

3.10 To promote and foster the powers of equity and social justice within the Western Australian Dart Community.

3.11 To ensure that all competitions conducted under the auspice of the Council are Drug free.

3.12 To do all such things as are incidental and/or conducive to the attaining of the above objectives.

#### **4.00: POWERS OF THE COUNCIL**

The Council shall have the following powers:

- 4.01 Subject to these rules, the Council shall exercise the following powers, functions and duties with respect to darts in the Council area of jurisdiction.
- 4.02 To establish and conduct the business of the Council through the Associations affiliated with the Council.
- 4.03 To the extent of this Constitution and By-laws, the Council may impose fines or other penalties on an Affiliated Association, or Member of an Affiliated Association, whilst under its control.
- 4.04 To arrange State Championships and, in association with the D.A. Inc., the WDF, and their Affiliates. National and International Championships or Matches.
- 4.05 To affiliate with the D.A. Inc. and or any other sporting bodies with similar objects, if the Board of Management of the Council deems it desirous.
- 4.06 To take such steps as may from time to time be deemed expedient to raise funds by subscription, affiliation fees, registration fees, levies, loans, other receipts, or excepting 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 inconstant with the intention of this Constitution.
- 4.07 To subscribe to, become a member of and co-operate with any other Association, Club or organization, 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 Organization 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 this Constitution.
- 4.08 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 premises.
- 4.09 To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements, property real and personal, and any rights or privileges which may be requisite for the purposes of or being 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 the law having regard to such trust.
- 4.10 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 .09 hereof.

**POWERS OF THE COUNCIL: continued.**

- 4.11 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 carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- 4.12 To appoint, employ, remove, suspend or terminate an 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.
- 4.13 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 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.
- 4.14 To borrow or raise money, either a loan or jointly with any other person or legal entity in such manner as maybe thought proper, and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any monies 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.
- 4.15 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 Councils interests and contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
- 4.16 To invest and deal with the money of the Council not immediately required in such a manner as may from time to time be directed by the Council or the Board of Management.
- 4.17 To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- 4.18 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.

**POWERS OF THE COUNCIL: continued.**

- 4.19 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 whatever kind sold by the Council, or any money due to the Council from purchases and others.
- 4.20 To publish or join with any other person or persons or legal organization in publishing any newspaper, journal, periodical, book or other literary productions relating to the sport of Darts or calculated directly or indirectly to benefit the sport of Darts.
- 4.21 In furtherance of the objects of the Council to transfer all or part of the property, assets, liabilities and engagements of the Council to any one or more of the Associations with which the Council is authorized to amalgamate.
- 4.22 In furtherance of the objects of the Council to purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated Associations with which the Council is authorized to amalgamate.

**5.0: BOARD OF MANAGEMENT**

- 5.1 The Board of Management in General to consist of an Executive of five (5), which comprises of the President, Senior Vice President, Junior Vice President, Secretary and Treasurer. Plus 12 additional Officers, being an equal number of six (6) Male and six (6) Female Officers where possible.
- 5.2 With the exception of the positions of Secretary and Treasurer or Secretary/Treasurer, each vacant office shall be appointed for a period of two (2) years. Retiring office holders shall be eligible for re-election. Any person eligible to nominate for any vacant position on the Board of Management may nominate for any or all of the positions vacant.
- 5.3 Elections shall be conducted by postal vote, to be opened and counted before those present at the Annual General Delegates Meeting. The Board of management shall appoint a Returning Officer for the return and counting of postal votes.
- 5.4 The Board of Management shall appoint a Secretary, Treasurer or Secretary/Treasurer for two (2) years, from applications received and should the appointed person be a member of the Board of Management the vacancy thus created shall be filled as in laid down in Rule 6.12  
The Secretary will be appointed on odd calendar years and the Treasurer on even calendar years, should the position be that of a Secretary/Treasurer the appointment shall be made on the odd calendar years.
- 5.5 The Board of Management shall meet once in each calendar month, the Executive shall meet as required. A quorum of nine (9) shall form a Board of Management meeting. A quorum of three (3) shall form an Executive meeting.

## **6 POWERS OF THE BOARD OF MANAGEMENT**

The Board of Management shall have the power to:

- 6.1 Elect sub committees as the occasion demands.
- 6.2 To create By Laws on any matter, provided that such By Law is not in conflict in any way with this Constitution
- 6.3 Decline the nomination or expel any person or Association without assigning reason. The person or Association shall have the right of appeal.
- 6.4 Decline to accept the renewal of membership of any person and thereupon such person shall cease to be a member. The person shall have the right of appeal.
- 6.5 Decline to accept the renewal of Affiliation of any Association and thereupon the Association shall cease to be affiliated to the Council. The Association shall have the right of appeal.
- 6.6 Appoint a Protest and Disputes Committee for appeals; this Committee shall be made up from the Executive of Affiliated Associations not involved with such appeal.
- 6.7 Hear and determine all applications relating to refused transfers.
- 6.8 Grant or refuse a transfer to any player on the appeal of such player.
- 6.9 To receive nominations for the electing of Selectors, State Captains and State Managers.
- 6.10 Hear and determine any questions relating to the right of qualification of any Player to play with any particular Association.
- 6.11 Draw up the fixtures and rules of play for games to be played under the control of the Council and allocate venues for such matches.
- 6.12 Fill a vacancy on the Board of Management before the next election of officers by ballot at the next Delegates Meeting or at the discretion of the Board of Management. The member elected shall hold office for the same period, as the ex-member replaced would have done.
- 6.13 Any position on the Board of Management shall be declared vacant if any office holder fails to attend meetings and give reasonable service to the Board of Management, unless leave of absence has been granted.
- 6.14 Manage the funds of the Council. Cheques may be signed by any two of the following officers. President, Secretary, Treasurer or nominee.
- 6.15 Pass accounts for payment at Board of Management meetings. A financial report and covering Bank statement to be submitted by the Treasurer at Board of Management meetings and Annual General Delegates Meetings.
- 6.16 Hear all disputes, protests, expulsions, disqualifications and charges against Players, Officials and Teams.
- 6.17 The President and Secretary shall hold the position of Delegate to the D.A. Inc. where possible. If the President or Secretary is unable to attend any D.A. Inc. meeting the Board of Management shall appoint a Delegate to take their place.  
(AGM 20/10/2013)
- 6.18 The President and Other Delegate or Appointed Delegates shall be reimbursed for any expenses incurred whilst on Council Business.



## **POWERS OF THE BOARD OF MANAGEMENT: continued.**

6.19 Pass expenses for Players and Representatives of the Council.

6.20 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.

## **7 MEMBERS**

The Council shall consist of the following classes of members:

Ordinary Members.

Life Members.

Affiliated Associations.

### **7.1 Ordinary Members**

7.1.1 Are those persons who are registered financial members of an Association affiliated to the Council. Ordinary members shall have the right to:

7.1.2 Compete in all events organised by the Council.

7.1.3 Compete in State and Australian Ranked events or any open tournament conducted by the World Darts Federation and its affiliates.

7.1.4 Represent the Council at Australian Championships.

7.1.5 Be eligible for selection or appointment to represent Australia.

7.1.6 Be eligible for financial and/or other assistance, to represent the Council and Australia.

7.1.7 Any Member registered with the Council may play in more than one association provided he/she obtains a Permit from his/her Parent (Number One) Association, such member shall only represent his/her Parent (Number One) Association in Council run Competitions. Such member must abide by each individual Associations Constitution.

### **7.2 Life Members**

7.2.1 The Board of Management may by motion submit to the Annual General Delegates Meeting a recommendation for the appointment of any Ordinary Member, as a Life Member.

7.2.2 Life Membership may be conferred upon any member nominated by an Association affiliated with the Council, or the Board of Management of the Council who in the opinion of the Annual General Delegates Meeting has rendered outstanding service to the Council and the Sport of Darts in Western Australia.

7.2.3 To be eligible for Life Membership the Member must have given outstanding service as an Administrator or Player for a continuous period of at least ten (10) years.

7.2.4 A three quarter majority of those present and entitled to vote at the Annual General Delegates Meeting shall be necessary to pass a motion for the appointment of a Life Member.

7.2.5 A Life Member may attend all meetings of the Board of Management, the Annual General Delegates Meeting or Special General Delegates Meeting. A Life Member may enter into discussions on all matters put before these meetings. A Life Member may vote at an AGM only.

### **Life Members: continued.**

- 7.2.6 A pen picture of the nominee must accompany the nomination.
- 7.2.7 All Life Membership Badges shall be presented at the first Championship Event at which the member is present.
- 7.2.8 Life members of DWA Inc. are exempt from paying the DWA Inc. registration fee. The life Members Association should mark the member as a DWA Inc. Life member when submitting their player list each year.
- 7.2.9 All Life Members are traditionally invited to any and all Official DWA Inc. functions along with their spouse/partner at no cost.
- 7.2.10 All Life members are liable to pay any event fees for events that they attend and play in i.e. Team Championship Events and Ranked Events.
- 7.2.11 Being a DWA Inc. Life member does not exclude the member from paying his/her Association Fee's.

### **7.3 An Affiliated Association.**

- 7.3.1 An Affiliated Association is an Association who manages the Sport of Darts their respective areas.
- 7.3.2 An Affiliated Association must apply for Affiliation with the Council, by completing a Nomination for Affiliation Form and lodging it with the Council Secretary by the 31<sup>st</sup> March each year. Any Association having difficulty in paying the deposit must make suitable arrangements with the Board of Management of the Council.
- 7.3.3 An Affiliated Association must pay a deposit of 25% of affiliation fees, when lodging their Nomination for Affiliation Form, with the balance due and payable by the 30<sup>th</sup> June each year. Any Association having difficulty in paying the balance of fees due must make suitable arrangements with the Board of Management of the Council.
- 7.3.4 An Affiliated Association shall keep a register of all Members registered in their Association.
- 7.3.5 An Affiliated Association shall be required to collect a registration fee on behalf of the Council from all members registered in their Association.
- 7.3.6 An Affiliated Association must agree to abide by the Constitution, By-Laws and Rules of the Council at all times.
- 7.3.7 An Affiliated Association shall appoint one (1) Delegate and one (1) proxy Delegate to attend the Annual General Delegates Meeting and advise the Secretary of the Council of their names and addresses.
- 7.3.8 Any Association applying for Affiliation under these rules must satisfy the Board of Management of the Council, that their Association is regularly constituted and supply the Secretary of the Council with a copy of such constitution.

## **An Affiliated Association: continued.**

- 7.3.9 Affiliated Associations 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 Associations being admitted as or remaining members of the Council the Constitution or Rules of such Association shall provide (and where necessary shall as soon as reasonably possible be amended to provide) that, no person may be admitted to Membership of the Association whilst under suspension or ban by any other Association affiliated with the Council. The signing of the Application for Affiliation Form will be taken that the Association will abide by the above rule and amend their Constitution or Rules of such Association as soon as reasonably possible.

## **8.0 PUBLICITY OFFICER**

The Board of Management will appoint a Publicity Officer annually.

## **9.0 FINANCIAL YEAR**

The Financial Year of the Council shall commence on the 1<sup>st</sup> July in one year and conclude on the 30<sup>th</sup> June the following year. (A.G.M. 23/11/03)

## **10.0 THE ANNUAL GENERAL DELEGATES MEETING**

10.1 The Annual General Delegates Meeting shall be held in the month of October each year.  
(S.G.M. 24/04/05)

10.2 Fourteen (14) days' notice in writing shall be given to each Affiliated Association of every Annual General Delegates Meeting and Special General Meeting.

10.3 The order of business shall be as follows;

- Minutes,
- Correspondence,
- Reports,
- Financial Report,
- Elections,
- Notices of Motion,
- General Business.

10.4 One (1) Delegate and one (1) Proxy Delegate may represent each Affiliated Association. Only one vote allowed on each voting matter.

## **11.0 SPECIAL GENERAL MEETING**

11.1 A Special General Delegates Meeting shall be held at the discretion of the Board of Management.

11.2 The President or Secretary shall have the power to convene a Board of Management or Special General meeting.

11.3 A Special General Delegates Meeting may be called by a written request signed by the Secretary of Seven (7) Affiliated Associations of the Council.

## **12.0 PROCEDURES**

To maintain good order at all meetings the following rules shall be observed;

- 12.1 A financial Association giving notice of a motion shall give a copy in writing to the Secretary at least twenty-eight (28) days prior to the meeting at which it is intended such motion shall be moved.
- 12.2 No motion shall be proceeded with unless the mover who has given such motion is present when the business is called to order. Notices not so proceeded with shall be struck out. Any motion not seconded shall not be further debated, but shall lapse.
- 12.3 If after two (2) speakers have spoken successively on the same side of the question and no speaker follows on the other side, the Chairperson shall submit the motion or amendment to the meeting after affording the mover the right of reply. As soon as the debate on a question is concluded, the Chairperson shall put the question.
- 12.4 The question being put, the result shall be determined by voice or show of hands. At the request of two (2) members, a division shall decide the question.
- 12.5 A motion, having been proposed, may be amended by the addition or omission of words. Such amendments shall be determined by the majority vote.
- 12.6 When the amendment is carried, it shall take the place of the original motion. Any further amendments may be proposed until the question is finally decided.
- 12.7 It shall take two thirds (2/3) of the members present at a Delegates Meeting to suspend standing orders.
- 12.8 If any case should arise not provided for in these standing orders, the same shall be decided in accordance with the standing orders in practice in the Legislature of the State.

## **13.0 ORDER OF DEBATING**

The order of debating shall be as follows;

- 13.1 Any person wishing to move a motion or amendment or discuss any matter under consideration must rise and address the meeting through the Chairperson. A member speaking shall not be interrupted unless called to order whereupon they shall sit down and the person calling order shall have preference over all others. The Chairperson shall then decide on the point of order before the subject is further discussed or any other subject entered upon.
- 13.2 No member shall speak on a question after it has been put by the Chairperson and has been voted on. When two (2) members wish to speak the Chairperson shall decide who arose first. In the discussion, no member shall be permitted to speak more than once except in explanation. The mover of the original motion shall have the right of reply whereupon the question shall be put.
- 13.3 Any member speaking must confine their remarks to the subject under discussion. The member shall at all times avoid using discourteous language, personalities or reflections on any member during the debate.

## **Order of Debating: Continued.**

13.4 Any member dissatisfied with the decision given by the Chairperson on any point of order may appeal to the members present providing there is a seconder. In case of such appeal a temporary Chairperson shall be appointed and the question put “shall the decision of the Chairperson stand.” This shall be decided on a vote without debate.

## **14.0 ALTERATIONS TO CONSTITUTION**

No alteration, revision or additions shall be made to these rules unless twenty-eight (28) days' notice of motion is given in writing and such alterations, revisions or additions are carried by a three quarter (3/4) majority at a Delegates Meeting. The Council Secretary shall forward copies of such notices of motion to all Affiliated Association Secretaries for their perusal.

## **15.0 SUBSCRIPTIONS**

The Board of Management will recommend registration fees each year to the Delegates at the Annual General Delegates Meeting.

## **16.0 COMMON SEAL**

The Common Seal of the Darts Western Australia Incorporated shall be in the hands of the Secretary of the Council, or any such other office bearer the Board of Management may determine. The seal shall not be affixed to any deed, document or instrument except under and by virtue of a resolution of the Board of Management.

(16/10/2011)

## **17.0 DISSOLUTION**

The Council may be dissolved or wound up by a resolution at any General Meeting or at a Special General Meeting called for such purpose, providing that the consent of 75% of members voting at such General Meeting or Special General Meeting approve The Council be dissolved or wound up.

If upon the winding up or dissolution of The Council there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, or distributed among the members, or former members. The surplus property must be given or transferred to another Association Incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which Association shall be determined by resolution of the members. (24/04/05)

## **18.0 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 members of the Council, provided that nothing shall prevent the payment in good faith off remuneration to any officer or employee of the Council or to any person other than a member, in return for services rendered to the Council.

## **19.0 LIABILITY**

All members taking part in the activities of the Council shall do so at their own risk and shall indemnify the Executive and all other members of the Council against any claims whatsoever that they may lodge, or may be lodged on their behalf.

Any point not covered under this Constitution shall be referred to the Board of Management whose decision shall be final, subject only, to the right of appeal.