

CONSTITUTION



**RYDE ATHLETICS CENTRE
INC**

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1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

The following definitions apply in this Constitution, unless the context otherwise requires.

ANSW means Athletics NSW Limited

Act means the Associations Incorporation Act, 2009

Board means the Board of Directors formed under Clause 7.1.

Centre means Ryde Athletics Centre Incorporated.

Committee Member means a member of the Executive or a Senior's or Junior's Committee Member and includes any person acting in that capacity from time to time appointed in accordance with this Constitution.

Director means a person appointed as a Director under Clause 7.1.

Division means each of the Juniors (as a single group) and the Seniors (as a single group).

Executive means an executive committee formed under Clause 8.1.

'Intellectual Property' means all rights subsisting in copyright, business names, names, trade marks (or signs), logos, designs, equipment including computer software, images (including photographs, videos or films) or service marks relating to the Centre or any activity of or conducted, promoted or administered by the Centre in New South Wales.

Juniors means athletes registered with LAANSW and associated members.

Juniors Executive means the Executive formed under Clause 8.1 to manage Juniors.

LAANSW means Little Athletics New South Wales Inc.

Life Member means an Individual appointed as a Life Member of the Centre under clause 6.

Office means Office of Fair Trading

Regulation means the Associations Incorporation Regulation, 2010.

Rules means Rules made under clause 8.19.

Ryde Little Athletics Centre means the Centre in so far as it relates to Juniors.

Secretary of Juniors means the Secretary of the Juniors Executive.

Secretary of Seniors means the Secretary of the Seniors Executive.

Seniors means any member registered with ANSW and associated members.

Seniors Executive means the Executive formed under Clause 8.1 to manage the Seniors.

Special General Meeting means a general meeting other than the Annual General Meeting

1.2 Interpretation

The following rules of interpretation apply unless the context requires otherwise.

- (a) The singular includes the plural and conversely.
- (b) A gender includes all genders.
- (c) Where a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- (d) A reference to a function includes a reference to a power, authority and duty.
- (e) A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
- (f) Mentioning anything after **include, includes** or **including** does not limit what else might be included.
- (g) A reference to a **member** is to a member of the Centre.
- (h) A reference to a **Clause** is to a clause of this Constitution.
- (i) a reference to persons includes corporations and bodies politic.
- (j) a reference to a statute, ordinance, code or other law includes Regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction).
- (k) a reference to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail and the completion of online forms.
- (l) any body which no longer exists or has been reconstituted, renamed, replaced, or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the first mentioned body.
- (m) The provisions of the Interpretation Act, 1987, apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under the Act.
- (n) A **year** is a period of twelve months, commencing on 1 April and ending on 31 March.

1.3 Severance

If any provision of this Constitution or any phrase contained in it is invalid or unenforceable, the phrase or provision is to be read down if possible, so as to be valid and enforceable, and

otherwise shall be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions of this Constitution.

1.4 The Act

Except where the contrary intention appears, in this Constitution, an expression that deals with a matter under the Act has the same meaning as that provision of the Act. The model provisions of the constitution under the Act are expressly displaced by this Constitution.

2. NAME

The Centre shall be known as RYDE ATHLETICS CENTRE INCORPORATED.

3. OBJECTIVES

The objectives of the Centre shall be:

- (a) To provide a high standard of athletic training, coaching and competition for its members.
- (b) To promote the ideal of children, teenagers and adults competing for personal satisfaction through improved performance.
- (c) To organise and conduct championships for athletic events.
- (d) To use all available means to place athletics before the public.
- (e) To establish the basic requirements and rules for competition.
- (f) To provide the means for children and their parents to jointly participate in recreational activities

4. STRUCTURE

The above Objectives will be achieved through the powers vested by this Constitution in:

- (a) the Board;
- (b) the Juniors Executive;
- (c) the Seniors Executive; and

an affiliation of RLAC with LAANSW and the Seniors with ANSW, together with any other athletic body that the Juniors Executive, Seniors Executive and the Board may agree from time to time.

5. POWERS

- (a) The Centre shall have all the powers vested in an incorporated association by the Act. In particular, the Centre shall have the following powers.
 - (i) To own and manage the assets of each Division.
 - (ii) To borrow money and give security if such action is specifically approved by a special resolution of the members.
 - (iii) To be the final arbiter of disputes, if any, between any member and Juniors or Seniors, or between Juniors and Seniors.

- (iv) To ensure that the Centre is at all times in compliance with the requirements of the Act and the Regulation.
 - (v) To employ such persons as may be required to achieve the Objectives set out in Clause 3.
 - (vi) To appoint the Public Officer.
 - (vii) To collect monies from Juniors and Seniors to be applied in meeting expenditures which have common benefit to the Junior and Senior constituencies.
- (b) The powers of each Executive shall be (in respect of the relevant Division) as follows.
- (i) To accept, as provided for herein, members and to register athletes.
 - (ii) To establish rules relating to registration of athletes, and the cancellation and suspension of such registration.
 - (iii) To organise and control the conduct of athletic training and competition.
 - (iv) To select teams of registered athletes to represent the Centre in competitions.
 - (v) To appoint delegates to represent the Centre at any meetings or discussions promoting athletics.
 - (vi) To act with other Little Athletic centres and Senior Athletic clubs in the interests of athletics.
 - (vii) To suspend, disqualify or otherwise deal with any affiliated body or member, executive, official, parent, guardian or athlete which or whom has committed any breach of this Constitution which, in the opinion of the relevant Executive Committee, is unbecoming or contrary to the interests of athletics.
 - (viii) To impose and collect levies, subscriptions, fees and other charges or to raise money for the carrying out of this Constitution or for matters connected with it.
 - (ix) To enter into unsecured financial liability to achieve the Objectives in Clause 3 but only to the extent set out in a financial budget approved by the Board.
 - (x) To seek the assistance of members, athletes and other interested persons to carry out the activities described above, with such persons being covered by the insurances of the Centre, Juniors, Seniors and their respective State Associations, but not limited thereto, at all times whilst carrying out the requests of the Centre.
 - (xi) To apply the income, property and intellectual property of the Juniors and Seniors to the promotion of the objectives of the Centre. Nothing contained in these powers shall infer that the Executive of one Division will have any authority over the other Division. That is, Juniors will have no power over the Seniors and the Seniors will have no power over Juniors.

6. MEMBERSHIP

6.1 Existing membership

- (a) The initial members of the Centre shall be those persons who were members of Ryde Little Athletics Centre Inc, and Ryde Athletic Club Inc immediately prior to the incorporation of the Centre.
- (b) A person who was a non-voting member of Ryde Little Athletics Centre Inc, or a non-voting member of Ryde Athletic Club Inc, shall be a non-voting member of the Centre.
- (c) The Secretary of the Board shall determine which Division each of the initial members represents. A member may represent more than one Division.

6.2 Qualifications for membership

The persons qualified for membership of the Centre shall be:

- (a) any parent or guardian who is shown on the registration form (maximum of two parents and/or guardians) of an athlete under the age of eighteen (18) years who is registered with Juniors or Seniors;
- (b) all athletes and officials registered with Seniors and ANSW;
- (c) persons who have a genuine interest in the activities of Juniors or Seniors, who fail to qualify for membership in accordance with Clause 6.2(a), and
- (d) (d) all athletes registered with LANSW.

6.3 Application for membership

- (a) Any person who is qualified for membership under Clause 6.1 may make application for membership of the Centre using the appropriate form.
- (b) Such application shall be lodged with the Secretary of the Board.
- (c) As soon as practicable after receiving an application for membership, the Secretary of the Board shall decide whether the applicant represents or constitutes a Junior or Senior, and shall refer such application to the relevant Executive, which shall determine whether to approve or reject the application.
- (d) After the relevant Executive has made a decision concerning an application for membership, the Secretary of the Board shall, as soon as practicable after that determination, notify the applicant of such decision and request payment of the entrance fee and annual subscription fee determined by the relevant Executive within 21 days of the date of the notice.
- (e) Upon payment of the entrance fee and annual subscription fee, the Secretary of the Board shall arrange for the Registrar of the relevant Division to enter the applicant's name in the register of members representing that Division and, upon the name being so entered, the applicant becomes a member of the Centre, and represents the Division as shown in the register.
- (f) All persons under eighteen (18) years of age who are accepted as members shall be non-voting members.
- (g) Members (other than Life Members) must renew their membership annually in the manner prescribed from time to time by the Centre.

6.4 Cessation of Membership and Creation of Casual Vacancies

- (a) A person ceases to be a member of the Centre, an Executive, and of the Board, if the person:
 - (i) dies;
 - (ii) (in the case of a voting member) ceases to be of full legal capacity;
 - (iii) ceases to qualify for membership in accordance with Clause 6.1;
 - (iv) resigns that membership (in the case of an Executive member - by notice in writing to the appropriate Secretary and in the case of a Director - by notice in writing to the Chairperson);
 - (v) is expelled from Juniors or Seniors by resolution of the relevant Executive;
- (b) A person ceases to be a Director or Executive member (creating a casual vacancy) if the person:

- (i) commits an act of bankruptcy; or
- (ii) makes a composition with or assignment of his property in favour of creditors,

(c) but may continue as a member of the Centre.

6.5 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member:

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates on cessation of the person's membership.

6.6 Register of Members

- (a) The Registrar of each Division shall establish and maintain a register of members for that Division specifying the name and address of each person who is a member, whether that member represents or constitutes a Junior or Senior (or both), and whether each person is a voting member or a non-voting member.
- (b) The register of members shall normally be kept at the principal place of administration of the Centre and shall be open for inspection of their own information free of charge, by any member by appointment.
- (c) Members shall provide notice of any change of required details to the Division within one month of such change.

6.7 Subscriptions

Each Executive shall determine the amount of fees and subscriptions to be paid by members and for the registration of athletes with the relevant Division.

6.8 Membership Liabilities

The liability of a member to contribute towards the payment of the debts and liabilities of the Centre or the costs, charges and expenses of the winding up of the Centre is limited to the amount, if any, unpaid by the member as required by Clause 6.6.

6.9 Discipline

Neither Division will have any express or implied authority under this Clause over the members, officials or Executive of the other Division. That is, Juniors will have no power over the Seniors and Seniors will have no power over Juniors.

- (a) Disputes between members (in their capacity as members) of the Centre and disputes between members and the Centre, may be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.
- (b) Where an Executive is of the opinion that one of their constituency:
 - (i) has persistently refused or neglected to comply with a provision of this Constitution; or
 - (ii) has persistently and wilfully acted in a manner prejudicial to the interest of the Division;
- (c) the Executive may by resolution:

- (i) expel the member; or
 - (ii) suspend the member from membership of the Centre for a specified period.
- (d) Where an Executive passes a resolution under Clause 6.9(c), the Secretary of the relevant Executive shall, as soon as practicable, cause a notice in writing to be served on the member:
- (i) setting out the resolution of the Executive and the grounds on which it is based;
 - (ii) stating that the member may address the Executive at a meeting to be held not earlier than fourteen (14) days and not later than twenty eight (28) days after service of the notice;
 - (iii) stating the date, place and time of that meeting; and
 - (iv) informing the member that the member may do either or both of the following:
 - (A) attend and speak at the meeting;
 - (B) submit to the Executive Committee at or prior to the date of that meeting written representations relating to the resolution.
- (e) At a meeting of the Executive Committee held as referred to above, the Executive shall:
- (i) give to the member an opportunity to make oral representations;
 - (ii) give due consideration to any written representations submitted to the Executive Committee by the member at or prior to the meeting; and
 - (iii) by resolution determine whether to confirm or to revoke the previous resolution.
- (f) Where the Executive Committee confirms a resolution under Clause 6.9(b), the appropriate Secretary shall, within seven (7) days after that confirmation, by notice in writing, inform the member of the fact and of the member's rights under Clause 6.10 (**Right of Appeal of Disciplined Members**).
- (g) A resolution confirmed by an Executive under Clause 6.9(b) does not take effect -
- (i) until the expiration of the period within which the member is entitled to appeal against the resolution, where the member does not exercise the Right of Appeal within that period; or
 - (ii) where within that period the member exercises the Right of Appeal, unless and until the Centre confirms the resolution pursuant to Clause 6.10.

6.10 Right of Appeal of Disciplined Members

- (a) A member may appeal to the Centre in a General Meeting against a resolution of an Executive which is confirmed under Clause 6.9(e) within seven (7) days after notice of the resolution is served on the member by lodging with the Secretary a notice to that effect.
- (b) Upon receipt of a notice from a member under Clause 6.10(a), the Chairperson shall convene a General Meeting of the Centre to be held within twenty eight (28) days after the date on which the Chairperson received the notice.
- (c) At a General Meeting convened under Clause 6.10(b):
 - (i) no business other than the question of the appeal shall be transacted;
 - (ii) the relevant Executive and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (iii) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (d) If at the General Meeting the members pass a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

6.11 Life Membership

- (a) All existing life members of Ryde Little Athletics Centre Inc and Ryde Athletic Club Inc are life members of the Centre from the time of incorporation of the Centre.
- (b) Existing service to Ryde Little Athletics Centre Inc and Ryde Athletic Club Inc will be recognised as service to Ryde Athletics Centre Inc.
- (c) Members who have actively served the Centre for ten (10) years are eligible for nomination for life membership by another member. Exceptions to this period of service may be considered and agreed by both the Junior and Senior Executive.
- (d) Life membership shall only be conferred after due consideration and a resolution passed by both the Junior and Senior Executive.
- (e) No more than three (3) life memberships may be conferred in any one year.
- (f) The Board shall determine the rights and privileges accorded to life members.

7. CONTROL OF THE CENTRE

7.1 Board of Directors

- (a) Subject to Clause 8, the control of the Centre shall be vested in a Board of Directors.
- (b) The number of Directors shall be five (5), one of whom shall be appointed Secretary and one of whom shall be appointed Treasurer (by resolutions of the Board). Three (3) Directors will be appointed by a resolution of the Juniors Executive or Seniors Executive whichever has the larger number of registered athletes at 31 March each year. Two (2) Directors will be appointed by a resolution of the Juniors Executive or Seniors Executive whichever has the lesser number of registered athletes at 31 March each year. Where the number of registered athletes is the same, the Juniors Executive shall appoint three (3) Directors for that year. An Executive may remove a Director appointed by it and appoint a replacement Director by notice to the Secretary of the Board.
- (c) The first order of business of the newly appointed Executive at its first Executive meeting following the Annual General Meeting is to ensure the representation of directors is as required by (b) above.
- (d) Directors will hold office until they resign or cease to qualify as a Director under Clause 6.4 or until they are notified in writing of a resolution of the Executive of the Division that appointed them that they have been replaced.
- (e) The Directors will elect from amongst their number a Chairperson.
- (f) Minutes of the proceedings of the Board must be signed by the Chairperson.

7.2 Powers of the Directors

The powers of the Centre appearing in Clause 5(a) are vested in the Board appointed in accordance with Clause 7.1, to act in the best interest of all members.

7.3 Duties of the Secretary

The Secretary of the Board shall keep minutes of:

- (a) all appointments of members of the Board;
- (b) the names of Board members present at any Board meeting or General Meeting;
- (c) all proceedings at Board meetings and General Meetings.

7.4 Duties of the Treasurer

The Treasurer of the Board shall ensure:

- (a) that all money due to the Centre is collected and received and that all payments authorised by the Centre are made; and
- (b) that correct books and accounts are kept showing the financial affairs of the Centre, including full details of all receipts and expenditure connected with the activities of the Centre.

8. MANAGEMENT AND DUTIES

8.1 Management of Juniors and Seniors

The general management of each Division shall be vested in an executive committee for that Division (an Executive) each of which shall consist of:

- (a) President;
- (b) Vice President;
- (c) Secretary;
- (d) Treasurer; and
- (e) Registrar,

together with any other management positions the Executive may deem necessary from time to time for the efficient management of its activities.

8.2 Election of Executive

- (a) Each President, Secretary and Treasurer of the Junior Committee shall hold no other positions on the same Executive. Members of the Senior Committee and all other members of the Junior Committee Executive may hold more than one position on that Executive.
- (b) Each Executive shall be elected at the Annual General Meeting by voting members who represent or constitute each Division and shall take office immediately.
- (c) Each member of an Executive shall, subject to this Constitution, hold office until the announcement that all positions are vacant at the next Annual General Meeting but is eligible for re-election.
- (d) Nomination to an Executive shall be administered by the relevant Secretary. Nominations shall be lodged with the relevant Secretary at least seven (7) days prior to the commencement of the Annual General Meeting. Such nomination is to include the Executive position for which the nominee is being nominated and be signed by two (2) members from the Division, which that Executive will represent.
- (e) If no nominations are received to fill a position on the Executive, nominations shall be received at the Annual General Meeting.

- (f) If no further nominations are received, any vacant positions remaining on the committees shall be deemed to be casual vacancies.
- (g) Voting for the persons nominated for the positions on the Executive shall take place by secret ballot when the number of nominations for any position exceeds one.
- (h) Two persons shall be appointed by the Chairperson of the meeting prior to the election to act as scrutineers. Such scrutineers will examine each valid vote and record one vote for each nomination that has been indicated. At the completion of such count the persons with the greatest number of votes shall be deemed the elected members of the Executive.
- (i) In the event of an equal number of votes being cast for two or more nominees in first place, a second election for the position will immediately be held with only those with equal numbers of votes for first place in the first count being included.

8.3 Casual Executive Vacancies

- (a) In the event of insufficient nominations being received for the Executive of each Division at the Annual General Meeting or in the event of a vacancy during the year, the relevant Executive shall have the power to appoint a person to fill the vacancy until the next Annual General Meeting.
- (b) Where Executive positions are created by changes to the Constitution (for the improvement of the management of each Division), the Executive shall have the power to appoint a person to fill such position until the next Annual General Meeting.
- (c) A vacant position may be filled by advertising the position in the newsletter of the Centre (or the relevant Division) or by co-opting a person to fill that position.

8.4 Powers of the Executive

- (a) The Juniors Executive shall have the powers set out in Clause 5(b) in respect of Juniors.
- (b) The Seniors Executive shall have the powers set out in Clause 5(b) in respect of Seniors.

8.5 Delegation to sub-committees

- (a) Each Executive may, by instrument in writing, delegate to one or more subcommittees (consisting of such member or members of the Centre as the committee thinks fit) the exercise of such of the functions as are specified in the instrument, other than:
 - (i) this power of delegation; and
 - (ii) a function which is a duty imposed on the Executive by the Act or by any other law.
- (b) A function the exercise of which has been delegated to a sub-committee under this Clause may, while the delegation remaining unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (c) A delegation under this Clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (d) Despite any delegation under this rule, the relevant Executive may continue to exercise any function delegated.

- (e) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this Clause has the same force and effect as it would have if it had been done or suffered by the relevant Executive.
- (f) The Executive making any delegation under this Clause may, by instrument in writing, revoke a delegation wholly or in part.
- (g) A sub-committee may meet and adjourn as it thinks proper.

8.6 Insurance

- (a) Each Executive shall effect and maintain insurance in respect of the activities of the Division it manages.
- (b) In addition to the insurance required above, each Executive may effect and maintain any other insurances it considers appropriate.

8.7 Funds - Source

The funds of each Division shall be derived from entrance fees and annual subscriptions of members, donations, sponsorships, sale of uniforms, clothing and other items and (subject to any resolution passed in General Meeting), such other sources as the Board and the relevant Executive determine.

8.8 Funds - Management

- (a) Subject to any resolution passed in General Meeting, the funds of each Division shall be managed separately and shall be used in pursuance of the Objectives in such manner as the Executive for that Division determines.
- (b) All money received by each Division shall be deposited as soon as practicable and without deduction to the credit of the bank account maintained by the Executive of that Division.
- (c) Each Division shall, where appropriate and as soon as practicable after receiving any funds, issue an appropriate receipt.

8.9 Responsibility of each Executive

Each member of each Executive shall have the responsibility to plan the details of a section of the activities of the Division managed by that Executive (as determined by resolution of the relevant Executive) and shall:

- (a) present such plans to each meeting of the Executive for its consideration and approval or otherwise;
- (b) have power to act on behalf of the Division to implement such plans if approved; and
- (c) form sub-committees of members representing that Division, any other Division or from other affiliated clubs when deemed necessary to assist in the preparation and implementation of approved plans.

8.10 President

The President of each Executive shall:

- (a) chair each meeting of that Executive;

- (b) be informed of all areas by the Secretary of that Executive;
- (c) be available to be called upon for whatever duties the Division may require;
- (d) in the case of a tied decision of a meeting of the Executive, shall have the casting vote;
and
- (e) represent the Division at all functions, meetings and other occasions requiring the presence of a representative of the Division either personally or by delegation to a member of the Executive or any other person deemed appropriate by the President.

8.11 Vice President

The Vice President of each Executive shall:

- (a) assist and act in all areas in the absence of the President; and
- (b) be responsible for all keys and stock of the Division and conduct an annual stocktake, and
- (c) hold one of the Management positions on the committee.

8.12 Secretary

The Secretary of each Executive shall:

- (a) compile agendas for Executive meeting with the assistance from other members of that Executive, take detailed minutes of the business from all Executive meetings and distribute copies to all Executive and Management members;
- (b) assist all members of the Executive where required;
- (c) keep on file all correspondence received and a copy of all correspondence forwarded on behalf of the Division by each member of the Executive;
- (d) forward notices of Executive meetings to its Executive members and Management members at least seven (7) days prior to the date of the meeting;
- (e) keep on file, all material that may assist the organisation of the Division's activities;
- (f) file all results of athletic competitions conducted by the Division;
- (g) act on behalf of the Division as directed by the Executive; and
- (h) handle all correspondence in and out as directed by the Executive.

8.13 Treasurer

The Treasurer of each Executive shall:

- (a) keep full details of all receipts and payments transacted on behalf of the Division;
- (b) arrange for all officers to issue receipts for all money they receive;
- (c) present at each meeting of the Executive, a full summary of receipts and expenses for ratification;

- (d) present to each meeting of the Executive, accounts received by the Division since the previous meeting;
- (e) pay on invoice or as directed by the Executive, all accounts approved by the Executive for payment or in accordance with any annual budget approved by the Board;
- (f) collect all competition and miscellaneous fees owing to the Division and bank as early as possible;
- (g) plan and implement all financial arrangements for championships, special meetings and any other promotions organised by the Division;
- (h) present to the Board a detailed budget of receipts and expenditure for each year. Such budget shall include methods of raising funds and shall be approved by the Executive;
- (i) arrange for all insurance policies required for the Division's athletes and equipment as directed by the Executive;
- (j) establish an account or accounts with a suitable financial institution;
- (k) arrange for the President, Secretary, Treasurer and any other persons approved by the Executive, to act as signatories on the account referred to in paragraph (j), with any two to sign on all cheques (except where two may be members of the same household); and
- (l) prepare a financial report for each year to the Annual General Meeting with an audited report to be forwarded to the respective associations affiliated with the Centre by the due dates.

8.14 Registrar

The Registrar of each Division shall:

- (a) obtain and distribute registration forms (if appropriate) to former and prospective members and athletes, for completion in accordance with the Division's rules;
- (b) receive each correctly completed registration form (if appropriate) accompanied by the fee and proof of age (if appropriate) of all new members joining;
- (c) distribute registration and age numbers (if appropriate) and achievement book (if appropriate) to each athlete as registered;
- (d) forward all registrations, together with the appropriate fee, as early as possible, to the LAANSW or ANSW; and
- (e) keep a complete register of each member representing that Division, and registered athlete showing appropriate details which may include registration number, name, age group, date of birth, proof of age, plus re-registration or new or transfer registration.

8.15 Public Officer

The Committee must appoint a person as Public Officer from time to time who must ensure compliance with the requirements of the regulatory body overseeing regulation of incorporated associations under the Act.

8.16 Other Management Positions

The duties of all other positions on each Executive may be determined by the relevant Executive from time to time. Each Executive may, at its discretion, adopt the descriptions and duties of positions contained in Clause 13 (Management Positions). Appointment to Management Positions shall be made under the same rules specified for the election of members of the Executive as defined in Clauses 8.2 and 8.3.

8.17 Committee May Act

In the event of a casual vacancy or vacancies in the office of a Committee Member or Committee Members, the remaining Committee Members may act but, if the number of remaining Committee Members is not sufficient to constitute a quorum at a meeting of the Committee, they may act only for the purpose of increasing the number of Committee Members to a number sufficient to constitute a quorum.

8.18 Conflict of Interest

A Committee Member shall declare his or her interest in any contractual, selection, disciplinary, or financial matter in which a conflict of interest arises or may arise. He shall, unless otherwise determined by the Committee, absent himself from discussions of such matters and shall not be entitled to vote in respect of such matters. If the Committee Member casts a vote, the vote shall not be counted. In the event of any uncertainty as to whether it is necessary for a Committee Member to absent himself from discussions and refrain from voting, the issue should be immediately determined by vote of the Committee. If this is not possible, the matter shall be adjourned or deferred.

8.19 Committees to Formulate Rules

- a) The Committees may formulate, issue, adopt, interpret and amend Rules for the proper advancement, management and administration of the Centre, the advancement of the purposes of the Centre, Little Athletics and Athletes in the local community as it thinks necessary or desirable. Such Regulations must be consistent with the Constitution and those of LAANSW for the Juniors and ANSW for the Seniors and any policy directives of the Committees.
- b) All Regulations are binding on the Centre and all Members.
- c) All clauses, rules, by-laws and regulations of the Centre in force at the date of the approval of this Constitution insofar as such clauses, rules, by-laws and regulations are not inconsistent with, or have been not replaced by, this Constitution shall be deemed to be Regulations and shall continue to apply.
- d) Amendments, alterations, interpretations or other changes to Regulations shall be advised to Members by means of bulletins approved by the Committee and prepared and issued by the Centre. The Centre shall take reasonable steps to distribute information in the bulletins to Members. The matters in the bulletins are binding on all Members

8.20 Indemnity

- (a) Every Committee Member and employee of the Centre will be indemnified out of the property and assets of the Centre against any liability incurred by them in their capacity as Committee Member or employee in defending any proceedings, civil or criminal, in

which judgement is given in their favour or in which they are acquitted or connected with any application in relation to any such proceedings in which relief is granted by the Court.

- (b) The Centre shall indemnify its Committee Members and employees against all damages and losses (including legal costs) for which any such Committee Member or employee may be or become liable to any third party in consequence of any act or omission, except wilful misconduct:
 - i) in the case of a Committee Member, performed or made while acting on behalf of and with the authority, express or implied, of the Centre; or
 - ii) in the case of an employee, performed or made in the course of, and within the scope of, their employment by the Centre.

9. MEETINGS

9.1 Meetings of the Directors and the Executive Committees

- (a) The Board and each Executive shall meet at such times and at such places as they may individually determine from time to time.
- (b) The quorum for a meeting of the Board shall be three Directors.
- (c) The quorum for a meeting of each Junior Executive shall be five, two of whom shall hold positions listed at paragraphs (a) to (e) of Clause 8.1.
- (d) The quorum for a meeting of the Senior Executive shall be four, two of whom shall hold positions listed at paragraphs (a) to (e) of Clause 8.1.
- (e) Each Executive shall be responsible for the conduct of each meeting of members representing the Division it manages. At such meetings each member of the Executive (except the Chairperson) shall be entitled to one vote only notwithstanding that such member may hold more than one Executive position. The Chairperson shall only cast a deciding vote in the event of an equal ballot.
- (f) Any member of an Executive who is absent for two (2) consecutive Executive meetings without any acceptable apology or leave of absence may forfeit his or her place on the Executive Committee, subject to a resolution of the Executive Committee.
- (g) An apology from any member of the Executive for inability to attend any Executive meeting, shall be with the Secretary as soon as practicable in order that it may be ascertained whether a quorum will be in attendance.
- (h) The Secretary of each Division shall give the Executive members at least seven (7) days notice of each meeting of the Executive, either orally or in writing.
- (i) Questions arising at a meeting of the Board, each Executive and of any subcommittee appointed by the Executive shall be determined by a majority of the votes of members of the Board, Executive or sub-committee present at the meeting.

9.2 Annual General Meeting

- (a) The Annual General Meeting of the Centre shall be held in accordance with the requirements of the Office and the relevant State Associations and shall be organised by

the Board and each Executive in a manner best suited to members and friends and the promotion of athletics.

- (b) The Annual General Meeting shall be convened on such date and at such place and time as the Board may determine.
- (c) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:
 - (i) to confirm the minutes of the preceding Annual General Meeting and of any Special General Meeting held since that meeting;
 - (ii) to receive from each Executive reports on the activities of the Division managed by each Executive during the preceding financial year;
 - (iii) to receive and consider the statement which is required to be submitted to members pursuant to Section 26(6) of the Act.
 - (iv) to elect the Executive of each Division for the coming year in accordance with Clause 7.
- (d) An Annual General Meeting shall be specified as such in the notice convening such meeting.

9.3 Special General Meeting - Power to convene

- (a) The Board may, whenever they think fit, convene a Special General Meeting of members.
- (b) Each Executive may, whenever they think fit, convene a Special General Meeting of their respective Divisions.
- (c) The Board shall, on the requisition in writing of not less than five (5) percent of the total number of members, convene a Special General Meeting of members.
- (d) Each Executive shall, on the requisition in writing of not less than five (5) percent of the members representing the Division it manages, convene a Special General Meeting of those members.
- (e) A requisition for a Special General meeting:
 - (i) shall state the purpose or purposes of the meeting;
 - (ii) shall be signed by the members making the requisition;
 - (iii) shall be lodged with the Secretary of the Board or the Secretary of the Division (as the case may be) or Public Officer and
 - (iv) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (f) If the Board or Executive fails to convene a Special General Meeting to be held within one (1) month after that date on which a requisition of members for the meeting is lodged with a Secretary or Public Officer, any one or more of the members who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date.
- (g) A Special General Meeting convened by a member or members as referred to in Clause 9.3(f) shall be convened as near as is practicable in the same manner as General Meetings are convened by the Board.

9.4 Notice

- (a) Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution, the relevant Secretary shall cause notice of such meeting to appear in one of:
- i. the Handbook;
 - ii. the Newsletter to members or relevant Division; or
 - iii. by notice to each member at the member's address appearing in the register of members; or
 - iv. by notice to each member at the member's email address appearing in the register of members
- as appropriate at least fourteen (14) days before the date fixed for the holding of the General Meeting. Such notice shall specify the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (b) Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution, the relevant Secretary shall, at least twenty one (21) days before the date fixed for the holding of the General Meeting, cause notice to be advised to each member or relevant constituency in the manner provided for in Clause 9.4(a), the intention to propose the resolution as a special resolution.
- (c) A member desiring to bring any business before a General Meeting may give notice in writing of that business to the relevant Secretary who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the member.

9.5 Procedure

- (a) No item of business shall be transacted at a General Meeting unless a quorum of members entitled under this Constitution to vote is present during the time the meeting is considering that item.
- (b) At least twelve (12) members present in person (being members entitled under this Constitution to vote at a General Meeting) constitute a quorum for the transaction of business of a General Meeting of members of the Centre.
- (c) At least eight (8) members representing the relevant Division constitute a quorum for the transaction of the business of a General Meeting of a Division.
- (d) If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (e) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (if they include three of the Directors if a meeting of the Centre or half the relevant Executive if a meeting of a Division) shall constitute a quorum.
- (f) No business other than that specified in the notice convening a General Meeting shall be transacted at such meeting.

9.6 Presiding Member

- (a) The Chairperson of Directors or, in the Chairperson's absence another Director shall preside over all meetings of the Centre.
- (b) The President of the relevant Executive, or in the President's absence, the Vice President shall preside as Chairperson at each General Meeting of a Division.
- (c) If the Chairperson of Directors and the President and the Vice-President are absent from a General Meeting or unwilling to act, the members present shall elect one of their number to preside as Chairperson at the meeting.

9.7 Adjournment

- (a) The Chairperson of a General Meeting at which a quorum is present may with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (b) All resolutions passed prior to the adjournment of a meeting shall not be affected by such adjournment and shall stand as effective from the time such resolution was passed.
- (c) Notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

9.8 Making of Decisions

- (a) A question arising at a General Meeting shall be determined by a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a majority or lost, or an entry to that effect in the Minute Book is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (b) At a General Meeting, a poll may be demanded by the Chairperson or by not less than three (3) members present in person or by proxy at the meeting.
- (c) Where a poll is demanded at a General Meeting, the poll shall be taken:
 - (i) immediately in the case of a poll which relates to the election of the Chairperson of the meeting or to the question of an adjournment; or
 - (ii) in any other case, in such manner and at such time before the close of the meeting as the Chairperson directs and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

9.9 Special Resolution

A resolution of the Centre or a Division is a special resolution if:

- (a) it is passed by a majority which comprises not less than three quarters of such persons present at the Meeting, being entitled under this Constitution to vote in person or hold the proxy of a member entitled to vote at a General Meeting of which not less than twenty one (21) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with this Constitution; or

- (b) where it is made to appear to the Office that it is not possible or practicable for the resolution to be passed in the manner specified in Clause 9.9(a), the resolution is passed in a manner specified by the Office.

9.10 Voting Rights

- (a) Members who represent Juniors and are aged eighteen (18) years and over shall be entitled to vote at all General Meetings of Juniors.
- (b) Members who represent Seniors and are aged eighteen (18) years and over shall be entitled to vote at all meetings of Seniors.
- (c) Members aged eighteen (18) years and over, including Life Members shall be entitled to vote at all meetings of the Centre.
- (d) Upon any question arising at a General Meeting a member has one vote only notwithstanding that a person may qualify for membership under more than one sub-clause of Clause 6.1.
- (e) All votes shall be given personally or by proxy but no member may hold more than five (5) proxies.
- (f) In the case of an equality of votes on a question at a General Meeting, the Chairperson of the meeting is entitled to exercise a casting vote.
- (g) A member or proxy is not entitled to vote at any Annual General Meeting unless all monies due and payable by the member have been paid, other than the amount of the annual subscription payable in respect of the then current year.
- (h) A member or proxy is not entitled to vote at any General Meeting unless all monies due and payable by the member have been paid.

9.11 Appointment of proxies

- (a) Each member shall be entitled to appoint a proxy by notice given to the relevant Secretary no later than twenty four (24) hours before the time of the meeting in respect of which the proxy is appointed.
- (b) The notice appointing the proxy shall be in the form set out in Appendix 1 to this Constitution.

9.12 Electronic meetings of the Committee

- (a) A resolution in writing that has been signed or assented to by electronic communication by all the Committee Members for the time being present in Australia shall be as valid and effectual as if it had been passed at a meeting of Committee Members duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the Committee Members.
- (b) Without limiting the power of the Committee to regulate its meetings as it thinks fit, a meeting of the Committee may be held where one or more of the Committee Members is not physically present at the meeting, provided that:

- i) All persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or other form of communication.
- ii) Notice of the meeting is given to all the Committee Members entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Committee or this Constitution. The notice will specify that Committee Members are not required to be present in person.
- iii) If a failure in communications prevents clause 9.12(b)(i) from being satisfied by the number of Committee Members which constitutes a quorum, and none of such Committee Members are present at the place where the meeting is deemed by virtue of the further provisions of this rule to be held, then the meeting shall be suspended until clause 9.12(b)(i) is satisfied again. If such condition is not satisfied within fifteen minutes from the interruption, the meeting shall be deemed to have been terminated or adjourned.
- iv) Any meeting held where one or more of the Committee Members is not physically present shall be deemed to be held at the place specified in the notice of the meeting, provided a Committee Member is there present. If no Committee Member is there present, the meeting shall be deemed to be held at the place where the chairperson of the meeting is located.

10. WINDING UP (DISSOLUTION)

- (a) The Centre or a Division may be wound up and dissolved if a special resolution is passed by three quarters (75%) of the members present and entitled to vote at a Special Meeting called for the purpose of dissolving and winding up after twenty one (21) clear days notice in writing is given to the members at their last known address.
- (b) In the event of the Centre not having functioned for a period of two (2) consecutive years, dissolution shall be compulsory and the last available list of Directors shall be used to give effect to the provisions of this Clause.
- (c) If Clauses 10(a) and 10(b) apply to the Centre then any and all assets remaining after full settlement of all debts and liabilities incurred by the Centre, shall be disposed of by transfer in full to LAANSW and/or ANSW as approved for the use of such body or bodies as determined at a Special Meeting of members convened to consider such dissolution.

11. GENERAL

11.1 Common Seal

- (a) The Common Seal shall be kept in the custody of the Public Officer.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the Common Seal shall be attested by the signatures of any two (2) Directors.

11.2 Books and Records

- (a) Except as otherwise provided by this Constitution, the Public Officer shall keep in his custody or under his control all records, books and other documents relating to the Centre.

- (b) The records, books and other documents of the Centre shall be open to inspection, free of charge, by a member at a reasonable hour having made an appointment to do so.

11.3 Service of Notices

- (a) For the purpose of this Constitution, a notice may be served by or on behalf of the Centre upon any member by publishing such notice in the Newsletter of each Division, unless the notice is in relation to Clauses 6.9 and 6.10, in which case such notice must be served either personally or by sending it by post to the member at the member's address shown in the register of members or electronically to the member's email address shown in the register of members.
- (b) Where a document is sent to a person by properly addressing, prepaying and posting to a person, a letter containing the document, the document shall unless the contrary is provided, be deemed for the purposes of this Constitution to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

12. AMENDMENTS TO THIS CONSTITUTION

Amendments to this Constitution shall:

- (a) be made only at an Annual General Meeting or a Special General Meeting of the Centre;
- (b) be considered if motions to change this Constitution signed by two (2) members and be received by the Public Officer or the Secretary of the Board at least twenty eight (28) days before a General or Special Meeting;
- (c) become an effective resolution, if passed by an official resolution as defined in Clause 9.9;
- (d) be specific in a proper notice of Meeting and shall refer to the Clause or Clauses concerned specifying the deletion, insertion or addition of words that are required and followed by the Clause as it would appear if amended;
- (e) not become effective until approval has been received from ANSW and LAANSW; and
- (f) be notified to:
 - (i) the Office of Fair Trading by the Public Officer;
 - (ii) LAANSW by the Secretary of Juniors; and
 - (iii) ANSW by the Secretary of Seniors.

13. MANAGEMENT POSITIONS

The Executive of each Division may establish roles and set responsibilities for positions within the Centre. The following positions and suggested responsibilities are provided for guidance.

13.1 Officers for Coaching

The Officers for Coaching shall plan and implement:

- (a) a coordinated panel of coaches to organise the coaching of athletes;
- (b) coaching squads;
- (c) the coaching of teams in the Division for representing carnivals; and

- (d) submit a report to the Annual General Meeting.

13.2 Officers for Championships

The Officers for Championships shall plan and implement:

- (a) the fixtures, programs and timetables for all events conducted by the Division;
- (b) the preparation of Entry Forms for the Division's championship events;
- (c) the collating of entries for the Division's championships and Special Meetings and the organisation of printed programs;
- (d) the purchase of trophies with the assistance of the Secretary of the Division and any other member of the Executive;
- (e) the presentations of the Division's championships and Special meetings;
- (f) a Special Meeting as soon as possible after the Division's championships and/or end of season competition with the Executive to determine the awards to be made at the Annual General Meeting or presentation night;
- (g) selection of the athletes on performance and reliability for representative carnivals such as Relays and Zone Championships; and
- (h) submit a report to the Annual General Meeting.

13.3 Officers for Officials

The Officers for Officials shall:

- (a) Plan and implement the organisation of officials to conduct weekly competition, Championships and Special Meetings;
- (b) check that officials are carrying out their position in the best manner to assist the athletes and not slow down the program;
- (c) report to the Executive on the availability and standard of officials and submit a list of officials present at Championships;
- (d) be responsible for the organisation of officials for attendance at Zone, Region and State Championships on behalf of Juniors/Seniors;
- (e) ensure that all officials sign the weekly sign-on register; and
- (f) submit a report to the Annual General Meeting.

13.4 Officers for Publicity

The Officers for Publicity shall:

- (a) Plan and implement the maximum local press coverage of the Division's activities and results and arrange press coverage through local business displays;
- (b) prepare and distribute a newsletter regularly to all competitors and officials highlighting past and future events and acknowledge Sponsors;
- (c) keep sponsors informed of the Division's activities where possible; and

- (d) submit a report to the Annual General Meeting.

13.5 Officers for Equipment

The Officers for Equipment shall:

- (a) Plan and implement the layout of the track and field for all competition;
- (b) recommend the purchase and/or repair of equipment as required;
- (c) ensure all equipment is properly maintained and keep inventory of same;
- (d) give a list of equipment to the Secretary of the Division for insurance purposes when required;
- (e) organise the placement and return to store of equipment for competitions; and
- (f) submit a report to the Annual General Meeting.

13.6 Officers for Catering

The Officers for catering shall:

- (a) plan and implement the management of all activities in the catering whenever competition is held at Juniors;
- (b) be responsible for all ordering of stock within the canteen, with financial arrangements as decided upon by the Executive and the Board;
- (c) arrange a cash float for the weekly running of the canteen;
- (d) arrange for suitable help and replacement in the absence of the Officer for Catering;
- (e) present a menu and price list for ratification by the Executive;
- (f) count proceeds daily with the Treasurer (or Secretary); and
- (g) present a report at the Annual General Meeting.

13.7 Officers for Social Activities

The Officers for Social Activities shall:

- (a) plan and implement the raising of funds for social activities when required;
- (b) arrange a program of social events;
- (c) arrange for entertaining and/or accommodation for any visitors to the Division; and
- (d) ensure that during fund raising activities, monies raised are handed promptly to the Treasurer (or Secretary) and receive a receipt for the same.

13.8 Officers for Track and Field

The Officers for Track and Field shall:

- (a) ensure that all of the equipment is in the correct areas prior to commencement of the competition and that it is in an acceptable condition;
- (b) ensure that there are sufficient officials in designated areas and that they know their duties as well as how to use the equipment;
- (c) ensure that all records are brought to the Officer for Track and Field's attention or to that of another track and field officer or to the Officer for Championships and that they are properly recorded;
- (d) ensure that there are no delays with events in your area. If so, this should be discussed with the officer for championships, after competition, for possible alteration of the program; and
- (e) submit a written report to the Annual General Meeting.

13.9 Officers for Results

The Officers for Results shall:

- (a) enter data from registration forms, season's program and the weekly results of athletes performances into the centre's computer;
- (b) investigate and record all records created in centre competition into the computer and in a record register;
- (c) prepare details of records for publicity purposes including the annual report;
- (d) prepare ranking lists at the completion of the season for presentation day; and
- (e) submit a written report to the Annual General Meeting.

13.10 Officers for First Aid

The Officers for First Aid shall:

- (a) hold a current first aid certificate;
- (b) maintain a first aid kit including asthma inhalers;
- (c) administer first aid as deemed necessary;
- (d) record all injuries on:
 - (i) the Association's first aid record sheet;
 - (ii) the injury report form; and
 - (iii) sports injury report form;
- (e) submit the Association's first aid record sheet to committee meetings, the Secretary to forward same to the Association;
- (f) advise the president of any serious injuries that may occur; and
- (g) submit a written report to the Annual General Meeting.

13.11 Delegates

The Delegates shall:

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- (a) attend meetings and conferences as directed by the Executive;
- (b) assist in all areas of the Division as required; and
- (c) submit a written report at Executive meetings.

13.12 Officers for Uniforms

The Officers for Uniforms shall:

- (a) be responsible for purchasing, maintaining supplier relationships and keeping stock of all uniforms;
- (b) recommend the items to be supplied and their sale price to the committee for ratification at the start of each new season;
- (c) organise the sale of uniforms at registration days and normal Saturday competition;
- (d) co-ordinate any uniform changes, including the preparation of samples and coordination with the Senior Division, LAANSW and ANSW; and
- (e) submit a written report to the Annual General Meeting.