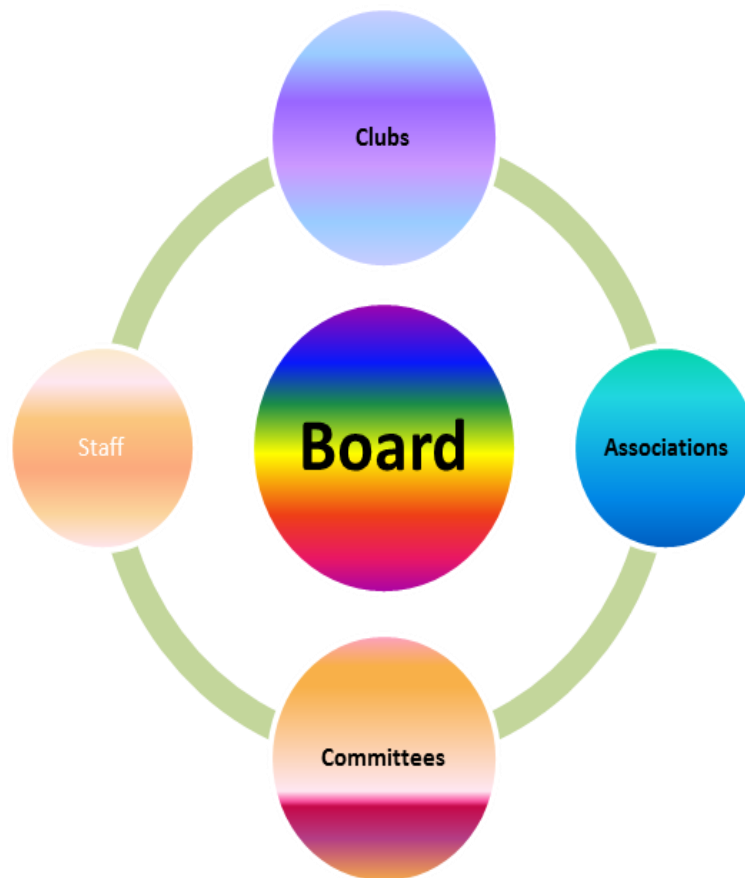




RULES of SQUASH ACT

(Australian Capital Territory Squash Rackets Association Incorporated)





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These Rules were originally accepted at the Squash ACT AGM held 31 March 2014 and re-accepted with amendments requested by the ACT Government at the AGM of 23 March 2015. They have been approved by the ACT Government 10 June 2015.



Objectives of Squash ACT

Our broad goal is to promote Squash in the ACT

Our objectives are:

1. To efficiently and effectively administer squash in the ACT & defined surrounding areas (eg: Queanbeyan).
2. To grow squash participation in the area.
3. To improve & grow the number of squash facilities.
4. To improve the standard of squash playing.
5. To improve the status of squash as a sport to the community (potential players), Governments (potential assistance & support), schools (potential players), the sporting community (potential support) & business (potential sponsorship).



1. Definitions

In these Rules:

1. The name of the Association is registered as the 'Australian Capital Territory Squash Rackets Association Incorporated', but will operate and be known as 'Squash ACT'.
2. The Act means the Associations Incorporation Act 1991 (ACT) or a later amended Act.
3. The regulation means the Associations Incorporation Regulation 1991 (ACT).
4. Any reference to 'writing', 'written' or 'notice' in these Rules includes by electronic means such as email or other electronic transaction method as accepted by the Board. Notices sent to a person or bodies last known address, whether postal or electronic such as email, are deemed to have been served to that person.
5. Squash ACT is affiliated with Squash Australia with the entitlements and obligations that affiliation entails.
6. Financial year means the year ending on 31 December.
7. The terms 'Association', 'Club', 'Member', 'Board' and other abbreviations used in these documents, have the same meaning as defined in these Rules.

2. Powers and Responsibilities

The ultimate management of Squash ACT will be by the Board.

The Board either directly or as delegated to Squash ACT staff and officials, will:

- a. Oversee the running and administration of squash competitions and tournaments in its area, including the setting of fees.
- b. Employ such persons as is necessary to administer Squash ACT and any activity. All staff, permanent or temporary, shall be considered to be ultimately responsible to the Board through the President.
- c. Acquire and maintain any property, premises or goods considered necessary or advantageous for the promotion of squash.
- d. In regards to any premises or property owned by Squash ACT, have authority to sublet, lease or hire such property or the rights to operate such property.
- e. Arrange for a liquor or other licence where appropriate for any event and on any premises.
- f. Keep accurate financial records and make appropriate financial decisions in accordance with the aims of Squash ACT and with Board endorsement.
- g. Otherwise endorse staff and officials to administer the day to day activities of Squash ACT in an effective and lawful fashion.
- h. In the event of Squash ACT being dissolved or wound up, distribute remaining funds and assets firstly to Member clubs and if not applicable to appropriate non-profit organisations.
- i. Make any other legitimate decisions to further the objectives of Squash ACT.
- j. To do all things usually expected of and reasonably required for the proper functioning and operation of an incorporated Association operating under the Act.



3. Geographic Area

Squash ACT shall operate within the ACT and any other local areas as agreed.

4. Ordinary Membership

Any current member of a Member Club will normally be considered as an Ordinary Member of Squash ACT, with any rights or privileges to be decided by the Board. Any Ordinary Member may stand for a position on the Board or be on any committee.

5. Member Clubs

- a. Member Clubs are those squash clubs who apply to and are endorsed by the Board for membership of Squash ACT. The applying Club must lodge proof of being incorporated including lodging the Rules or Constitution of the Club. The purpose of the Club must be acceptable to the Board as being compatible with the objective of Squash ACT and the Board shall resolve to endorse, or not endorse, the application for membership within 60 days of the application for membership being made to the Board.
- b. Members Clubs may be affiliated with other bodies, such as a sponsoring body.
- c. A club or organisation may also be endorsed as affiliated with Squash ACT rather than as a Member Club. Any Body (club, association, group etc), apart from a subcommittee of Squash ACT, may apply to be affiliated with Squash ACT. The Board may from time to time determine any benefits or conditions attached to affiliation. Affiliated bodies will not take part in Board meetings except if invited for any particular discussion.
- d. Entrance fees and annual fees will be at least \$1 or an amount as determined by the Board.
- e. The annual membership fee is payable:
 - i. Before 1 July in each calendar year; or
 - ii. If the date of approved membership is on or after 1 July in any calendar year, before 1 July in each succeeding calendar year.

6. Membership and affiliation entitlements not transferable

A right, privilege, obligation or affiliation that a person or club has because of being a member of or affiliated with Squash ACT:

- a. Cannot be transferred or transmitted to another person or body, and
- b. Terminates on cessation of the person's or Club's membership or affiliation.

7. Honorary Life Member and Patrons

A person may be granted honorary life membership in recognition of services rendered to squash and/or accepted as a Patron of Squash ACT:

- a. If a recommendation is made in writing to the Board and has received the support of the majority at a meeting of the Board; and



- b. The nominee has consented, the nominee will be considered an Honorary Life Member and/or Patron of Squash ACT.
- c. An Honorary Life Member or Patron will have the right to attend any match, tournament or exhibition arranged by the Association without payment of admission; and
- d. Attend General Meetings of the Association and may speak but may not vote in that capacity.

8. Cessation of membership

- a. The Board may suspend from membership, expel from membership or preclude from membership, competitions and activities an ordinary member on the vote of the Board members.
- b. These actions may be taken against a member convicted of engaging in unlawful activities, after judiciary committee proceedings or for any other reason that is prejudicial to the interests of squash.
- c. The member must be accorded natural justice in the proceedings against them.
- d. Member Clubs or affiliated bodies may be suspended, disaffiliated or expelled if they cease to be effectively operating or for similar reasons outlined above for members, on the vote of at least 60% of the current Board members, at a Board meeting or General Meeting.

9. Member liabilities

The liability of a member to contribute towards the payment of any debts and liabilities of Squash ACT or the costs, charges and expenses of the winding up of Squash ACT is limited to the amount (if any) unpaid by the member in relation to any membership of Squash ACT as required by section 7 of the Act or \$1, whichever is the greater.

10. Squash ACT Financial Matters

- a. Responsibility: Squash ACT will not be liable for any debts, obligations or commitments incurred by a Board member, Club or Ordinary Member that has not been approved by the Board prior to the occurrence.
- b. Association funds will be derived from revenue from events, membership and annual fees of members, donations, revenue from trading, grants and, subject to any resolution passed by the Board in general meeting and subject to the Act section 114, any other source that the Board decides.
- c. All monies received by the Association shall be deposited as soon as practical and without deduction to the associations bank account(s).
- d. The Association will, as soon as practical, issue a receipt for all monies received.
- e. Subject to any resolution passed at a general meeting, the funds of the Association must be used for the objects of the association in the way that the Board decides.
- f. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two Board members or employees of the Association as authorised by the Board.



11. Board members

- a. President.
- b. Vice President.
- c. Directors, who will be allocated a portfolio and duties by the President and may be Chair of a Board committee. The number of Directors will be determined by the Board but no less than 4.
- d. Board members do not have to be ordinary Members or a member of a Member Club.
- e. Board members represent the interests of both Squash ACT and members and should be willing to take on specific responsibilities and duties.
- f. The duty statements of Board members will be determined by the President in consultation with the Board and the Board member.
- g. There will also be a Public Officer appointed by the Board as required under the Incorporation rules. This person may be a Board member, but the position is not a Board position.

12. Director-Removal and Vacancies

- a. Directors may be removed by the Board if they are deemed to be unsuitable such as if convicted of a criminal activity, for not satisfactory performing their agreed duties or for being absent from 3 consecutive Board meetings without the leave of the President and/or the Board.
- b. Removal will be subject to an assenting vote by at least 60% of the members of the current Board preferably at a Board meeting specifically called for this discussion and vote.
- c. If there is a vacancy in the membership of the Board, for any reason, the Board may appoint a person to fill the vacancy and the person so appointed holds office, subject to these Rules, until the next annual general meeting after the date of the appointment.

13. Board meetings

- a. The Board should meet at least 5 times a year at dates decided by the Board at or immediately after the AGM, but may meet more frequently if considered necessary.
- b. Board decisions should preferably be made by consensus. If a vote is necessary, all Board members will have a single vote on issues at Board meetings, with the Chair at the relevant meeting having a casting vote in the event of a tied vote.
- c. Decisions shall normally be decided by a majority vote of Board members present (over 50%), unless a different percentage is required under another part of these Rules.
- d. The President or nominee or in the President's absence the Vice President, will chair the meeting. If none of these are present, the meeting may elect a Chair.
- e. Four members shall constitute a quorum for a Board meeting unless a different number or percentage is required under another part of the Rules.
- f. Board Minutes will normally be taken and distributed by a Squash ACT official. Minutes should be made available for ordinary members to read, although any references to a commercial in confidence or similar matter may be omitted by a Board decision.



- g. Committees may be convened for specific purposes such as organising an event, tournament or for development but will normally include standing committees for finance, Pennant competition and juniors.
- h. Committees should present a report to each Board meeting, unless they have not been active. Representatives of committees, if not Board members, may be asked or may themselves request, to present their report at the meeting.

14. Elections

- a. The President, Vice President and Directors will be elected at the Annual General Meeting (AGM) for a two year term with half the Directors being elected every alternative year. The President and Vice President will also be elected every alternate year.
- b. The AGM will be held as soon as practical after the end of the financial year, but no later than 3 months after the end of the financial year.
- c. The financial year shall be from 1 January to 31 December.
- d. Notice of the AGM and a call for nominations for positions to be elected shall be sent out at least 28 days prior to the AGM. The notice shall go to all Member Clubs and where practical, to all Ordinary Members.
- e. The AGM will be chaired by the outgoing President or their nominee. For the Board election, the President or nominee will act as Returning Officer if he/she is not a candidate for any position, or otherwise appoint a Returning Officer. If a new President is elected at the AGM or the current President is re-elected, they will take over as Chair for the remainder of the meeting.

15. Nominations for Election

- a. Nominations for Board positions must be received by Squash ACT, in writing, at least 14 days prior to the AGM. They must be endorsed (nominated and seconded) by two persons who are either Ordinary Members or Board members.
- b. Nominees for Board positions do not have to be current Ordinary Members and may be nominated by current Board members or any Ordinary Member.
- c. If there are insufficient nominations received prior to the AGM, nominations are to be called for at the AGM. If there are vacancies on the Board after the AGM, the Board may appoint a person to fill the vacancy. The Board may also appoint persons to any vacancies that occur during the term of the Board.

16. Voting rights at AGM

- a. Member Clubs will have 1 vote per Pennant team (teams counted as in the current Pennant, or if there is not a current Pennant as at the AGM date, as at the last completed Pennant competition) to a maximum of 10 votes.
- b. Member Clubs will nominate a representative to attend and to exercise their voting rights.
- c. Board members are entitled to 1 ordinary vote each, except the Chair.



- d. The member Club representative and Board member must be present to vote – proxy voting is not allowed.
- e. Voting for positions will be by secret ballot (unless there is a single eligible candidate where the person will be declared elected). Any other matter may be decided by a show of hands. In the event of tied votes for any matter, the Chair of the meeting will have a casting vote.
- f. Two member Clubs and four Board members shall constitute a quorum for an AGM.
- g. In the event of tied votes for any matter, the Chair of the meeting will have a casting vote.

17. Business of the AGM

- a. The primary business is for the Board to present a Presidents Report, an audited Financial Report and any other reports felt necessary by the President or Board.
- b. The secondary purpose is the election of Board members.
- c. The third purpose is to decide on any motion presented to the meeting in the form of a formal motion. The motion must have been received by Squash ACT and circulated at least 14 days prior to the meeting, by Squash ACT. Notwithstanding this requirement, a motion may be put to the meeting if the meeting agrees to accept its putting forward for discussion and voting.

18. General Meetings (GM)

- a. A GM may be called by the Board, by at least three members of the Board or by a request by at least 3 Member Clubs. The meeting shall discuss and decide on the business that was stated in the notice of the meeting and no other business. The notice may contain motions or motions on the topic may be moved at the meeting.
- b. Two Member Clubs and four Board members shall constitute a quorum for a GM.
- c. Voting rights shall be the same as an AGM.
- d. There shall be 28 days notice of any GM, with the same notification conditions as for the AGM.

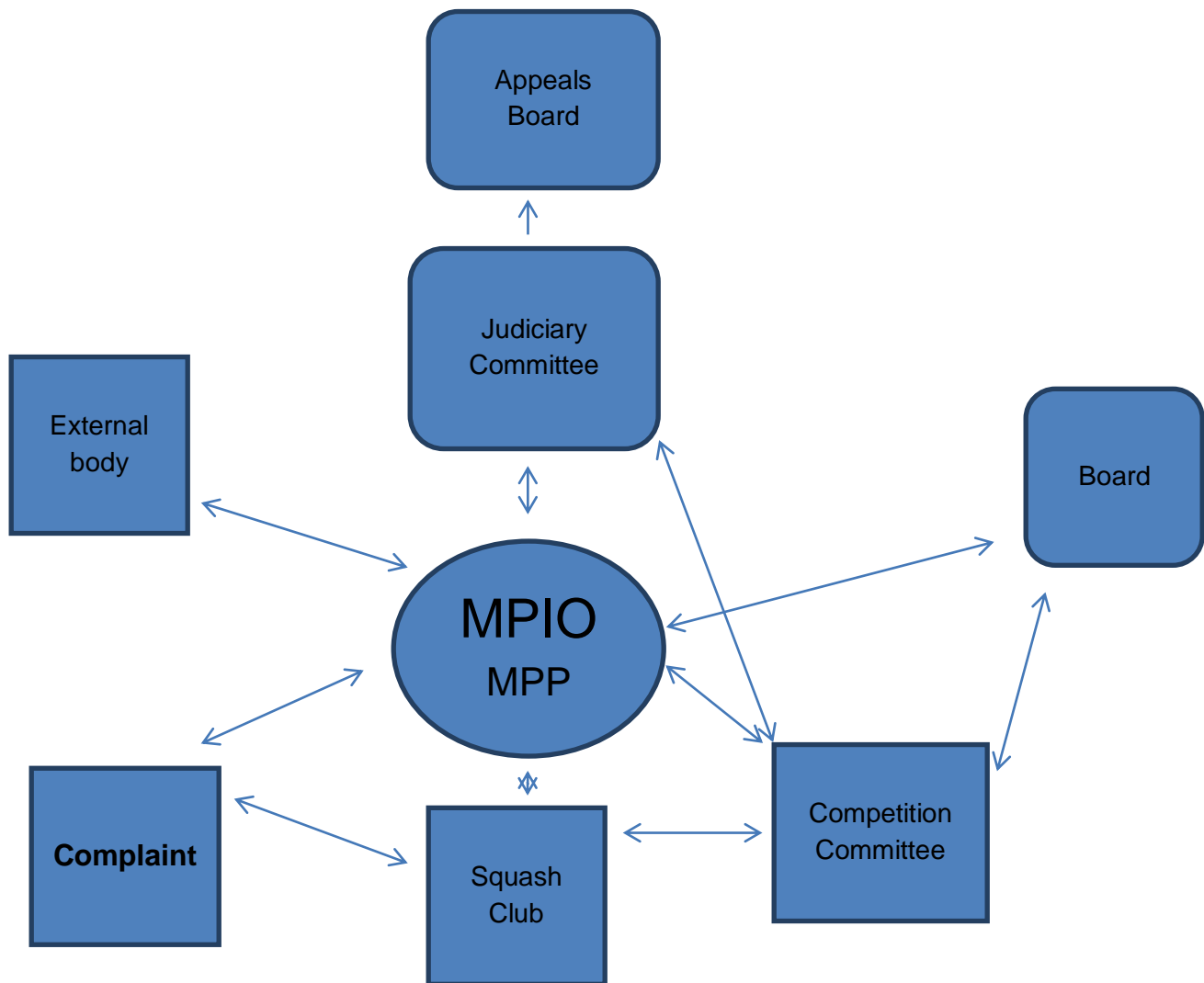
19. By-Laws, Policies, Procedures, Miscellaneous

- a. The Board may endorse any By-laws, policies or procedures (or similar) for the administration of Squash ACT, for example for competitions, expenses and travel.
- b. The Common Seal shall be kept securely at the offices of the association or in the custody of a Board member as approved by the Board. The Seal of the association shall not be affixed to any instrument except by the authority of a resolution of the Board. Two officers, consisting of at least one Board member and another suitable officer as appointed by the Board will sign every instrument to which the Seal of the association is affixed.
- c. All books, documents and securities of the association shall be kept in a secure place normally at the offices of the association or other place as authorised by the Board.



- d. The records, books and other documents of the association must be open to inspection at the association's offices, free of charge, by a member of the association at any reasonable hour. It is noted that there may be some restrictions to members on documents that are protected under other laws or by privacy provisions, such as commercial in confidence or documents associated with matters under the Members Protection Policy.
- e. The association does not hold a club licence but will obtain this licence or any necessary licence such as to sell liquor or hold raffles, as legally required for the activity.
- f. If the association does apply for and is granted a club licence, rules pertaining and relevant to any club licence may be altered by the Board following a direction from the ACT Gambling & Racing Commission, without a vote be members.

20. Association Member Protection Policy, Disciplinary and Appeal Process



- Squash ACT has adopted a Member Protection Policy (MPP), which shall be the primary document for resolution of any disciplinary measures. This document shall be made readily available to any member or person (this requirement may be satisfied by electronic means such as posted on the Squash ACT web site).
- The Board will appoint a Member Protection Information Officer (MPIO). The MPIO will normally be the first point of contact for a complaint or enquiry regarding the MPP. All matters that are received by any other person such as a squash official, that may be considered to breach the MPP, should be referred in strictest confidentiality to the MPIO. These may include, but not confined to, Code of Conduct breaches, racist comments and sexual misconduct.

Note that matters concerning breaches of the Squash ACT Bylaws, Squash Rules or similar matters should be referred to the Competition Committee through the person's Squash Club representative.



- c. In accordance with the MPP, the MPIO may decide to use;
 - i. Mediation, or,
 - ii. Investigate, or,
 - iii. Refer the matter to the Competition Committee or the Judicial Committee depending in the MPIO's initial opinion, on the correct method to handle the matter in hand - for example matters on dissent or bad behaviour in a squash match it may first be directed to the Competition Committee, but if it is considered that the matter involves breaches of the MPP it should be dealt with under the MPP or through both avenues,
 - iv. If the matter may involve a criminal matter such as child abuse or sexual misconduct, must be referred to the appropriate government authorities (Police etc).
- d. All matters raised with the MPIO should be broadly reported at the next Board meeting, although confidentiality of the persons concerned should be maintained at this stage.
- e. There may be matters brought to the attention of the MPIO or other official that are not raised by a person directly involved. The MPIO or the President may decide to investigate and start a process without the matter being raised by any person(s) involved.
- f. The President or his nominee may convene two committees to hear and adjudicate upon disciplinary and associated matters on behalf of the Association. The President will nominate the Chairs of these committees. These committees are the Judicial Committee and the Appeals Board.
- g. The **Judicial Committee** shall comprise;
 - i. The President or his nominee, who shall be Chairperson and Convenor of the Committee,
 - ii. Four other persons who will be appointed as a standing Committee or if this is not practical or Committee members are no longer available, as necessary when a matter arises. Committee members do not need to be current members of Squash ACT,
 - iii. If considered appropriate by the Chairperson for the issue at hand, the Member Protection Information Officer.

An **Appeal Board** will comprise of three individuals not previously involved in the matter, nominated by the President and affirmed by the Board.

In appointing persons to both the Judicial Committee and the Appeals Board, it should be endeavoured to appoint persons who have the relevant skills and experience to carry out those functions appropriately and who will endeavour to act in accordance within the principles of Natural Justice.

- h. The Board may, from time to time, pass By-Laws and/or approve Guidelines for the proper operation of both the Judicial Committee and the Appeals Board.
- i. The objectives of the Judicial Committee are to;
 - i. Adjudicate on all complaints made in writing to the Association relating to inappropriate conduct of members, officials, volunteers, any player competing in Association recognised competitions, spectators and parents,



- ii. It is considered that all those persons mentioned above in point a) will be subject to the provisions of the Member Protection Policy and to the relevant Codes of Behaviour contained therein.
- j. The Judicial Committee is empowered to;
 - i. Adjudicate on any matter referred to it regarding the conduct of a Player, official or any other person taking part or attending an Association sanctioned or organised tournament, competition or event,
 - ii. Impose warnings,
 - iii. Withhold or amend awards, results or prize money from a Player,
 - iv. Recommend to the Board and/or Squash Australia the banning or other action of a Player,
 - v. Recommend to the Board and/or Squash Australia such action as may be necessary to uphold the objectives of the Committee,
 - vi. Ban or impose other restrictions on any other person from attending an Association sanctioned or organised tournament, competition or event,
 - vii. Take any other appropriate action in a matter or refer the matter to a more appropriate body or person,
 - viii. Make any recommendations to the Board or other appropriate squash body on improvements to procedures.
- k. A person shall not be a member of a panel convened to hear a matter referred to either the Judicial Committee or the Appeals Board where the Chair considers a conflict of interest may exist. It is the responsibility of an appointee to either the Judicial Committee or the Appeals Board to declare to the Chair where a conflict of interest may exist or has a potential to exist.
- l. A person shall not sit as a member of both the Judicial Committee and the Appeals Board considering or adjudicating on the same matter.
- m. Those persons entitled to be present at a hearing of the Judicial Committee will normally include;
 - i. The members of the panel convened,
 - ii. The person lodging the report and representatives of that person if requested or required,
 - iii. The person who is the subject of the report and representatives of that person if required,
 - iv. Any person who in the opinion of a majority of the Committee or Board as the case may be, believes can assist in its deliberations,
 - v. This does not preclude the Committee also meeting separately, without any other persons or with specified persons, to consider the matter,.
 - vi. Persons involved may waive their right to appear and may submit a written report or response. However, in this case, they must be made fully aware of their right to appear.
- n. All persons involved in the matter are entitled to Natural Justice. The Natural Justice principles are that;
 - i. The person who is the subject of the complaint must be fully informed in writing of the allegations against them,
 - ii. The person must be given full opportunity to respond to the allegations and raise any matters in their defence – it will be the person's choice if they respond in person, in writing or both. This



means that the process basically involves 3 steps – the 'complaint', the response and the right of reply,

- iii. Juniors must be represented by a parent or other nominated adult,
- iv. All parties involved need to be heard and all relevant submissions considered,
- v. Any real, perceived or potential conflict of interests must be declared by committee members,
- vi. The person must be fully informed of the reasons for the decision and the consequences of the decision for them,
- vii. All further avenues of appeal are spelt out,
- viii. Parties have the right to be represented by a third party or have a third party present.
- o. The decision of the Committee may be conveyed verbally but must also be advised in writing to the person who is the subject of the report within fourteen (14) days of the completion of the hearing. The advice must contain an offer to meet the Chair or MPIO, whichever is appropriate to the matter, to further explain the decision. The advice must also explain fully their appeal rights.
- p. All records involved in any matter raised, including statements and minutes, must be kept in a locked and secure location, administered by the Association's General Manager.

21. Judicial Committee Appeal Process and Appeal Board

- a. A person may appeal against the decision of the Judicial Committee but must do so within 30 calendar days of the date of the notice being sent, in writing to the General Manager, President or MPIO.
- b. An Appeal Board shall hear such appeals. The conditions relating to real, perceived or potential conflict of interest for the Judicial Committee will also apply to members of the Appeals Board.
- c. Members of the Judicial Committee who conducted the initial hearing will not be eligible for appointment to the Appeal Board.
- d. At any appeal meeting, the appellant will be given the opportunity to fully present their case.
- e. The appeal will be determined by majority vote of the members of the Appeal Board and may confirm the decision of the Judicial Committee, or uphold the appeal, or impose a less severe penalty than that determined by the Judicial Committee at first instance, but it cannot increase the severity of that penalty.

22. Alteration of these Rules

The Rules may only be altered by a resolution passed:

- a. By at least 75% of the Board members and Member Clubs present and voting at a General Meeting or AGM,
- b. With voting entitlements as set out for General Meetings, and
- c. By a notice of motion setting out the proposed change(s), with the notice to call the meeting sent in writing to Member Clubs at least 28 days prior to the meeting.