

# New South Wales Wrestling Association



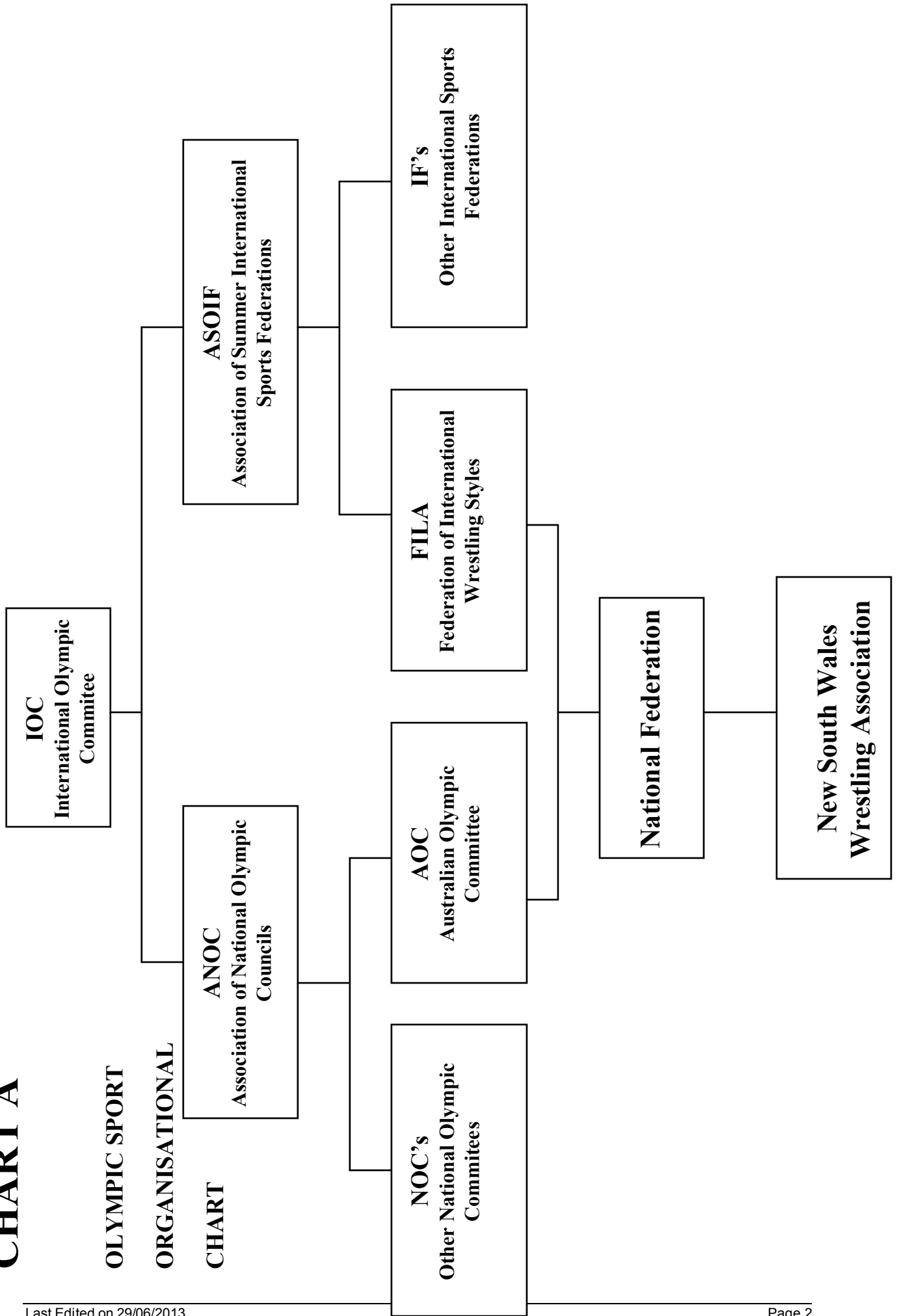
# *CONSTITUTION*

# CHART A

## OLYMPIC SPORT

## ORGANISATIONAL

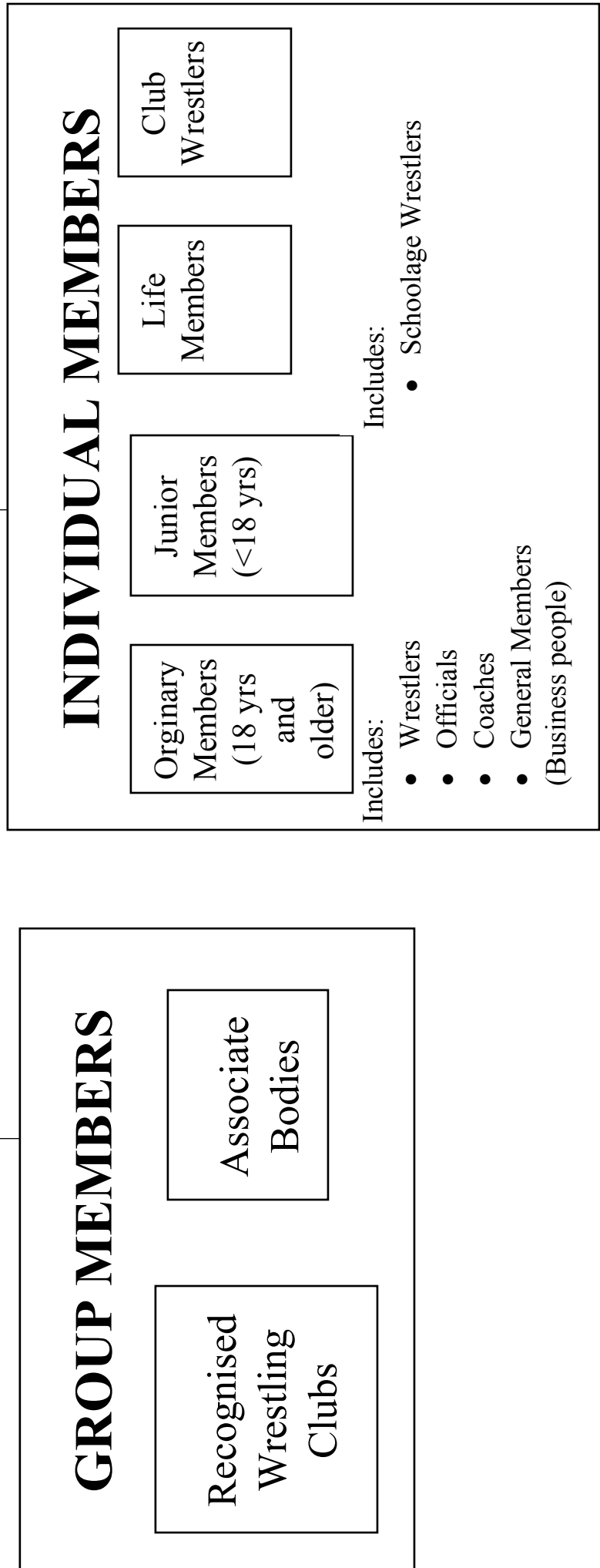
## CHART



# CHART B

## New South Wales Wrestling Association MEMBERSHIP OF ASSOCIATION

All registered members of the Association (group and indivisua)



# CHART C

## VOTING RIGHTS OF MEMBERS

Voters

### 2 DELEGATES

*from each Recognised  
Wrestling Club and the  
elected Athlete  
Representative*

### Other Members

being:

- Associate Bodies
- Ordinary Members
- Life Members

(NB Junior Members and Club  
Wrestlers have no voting rights)

### Issues

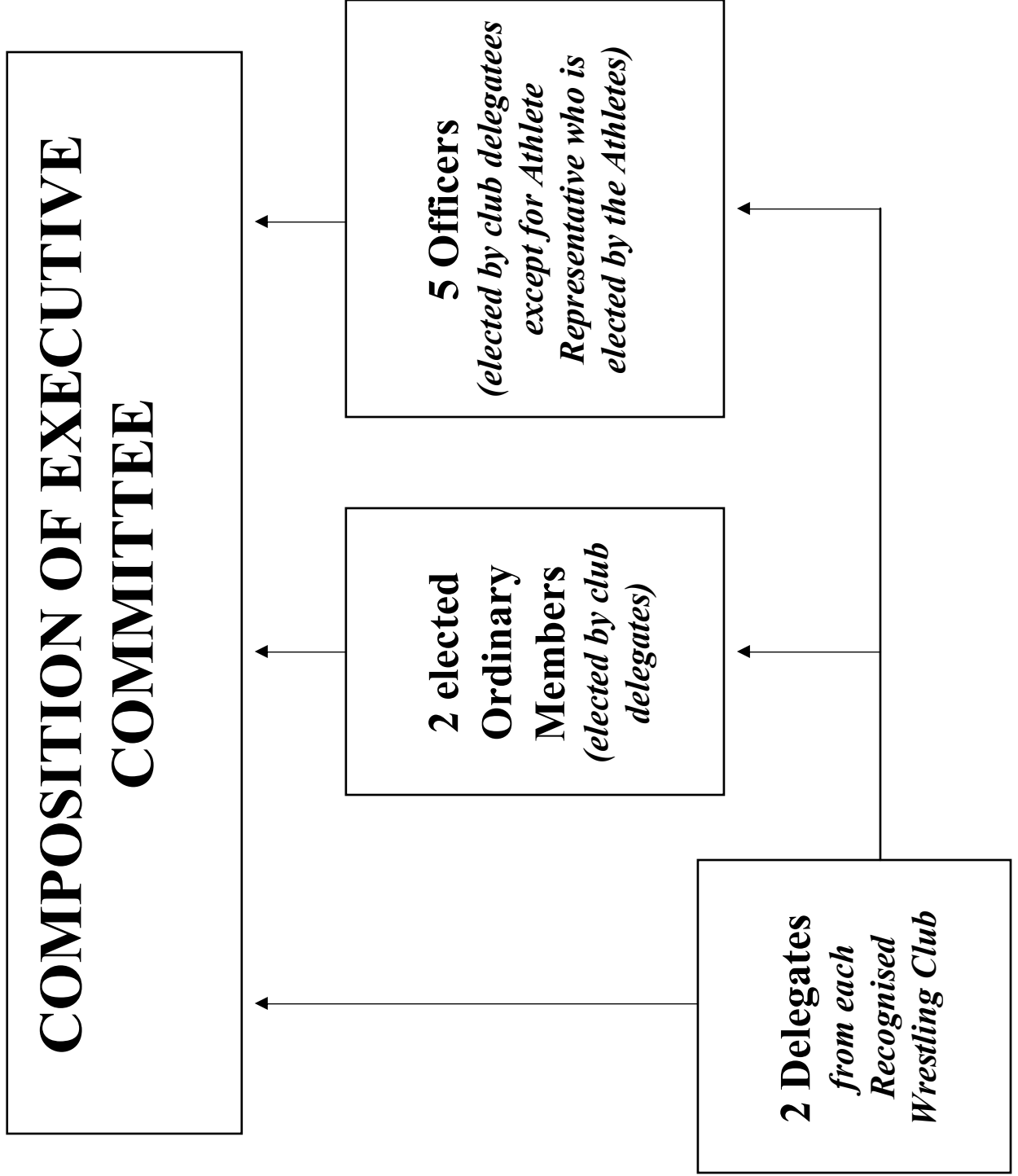
Appointment of delegates to  
National Body

Constitutional Issues

Elections  
of Officers and elected Ordinary members  
of the Executive Committee

All Other Issues

# CHART D



# TABLE A

## SUMMARY OF MEETING REQUIREMENTS

(Clauses 6.1, 6.2 and 6.3)

<b>TYPE</b>	<b>MIN. NO. REQUIRED PER CALENDAR YEAR</b>	<b>MINIMUM NO. OF DAYS WRITTEN NOTICE REQUIRED</b>	<b>CUT-OFF DATE FOR INCLUSION OF AGENDA ITEMS</b>	<b>TYPE OF BUSINESS</b>
<b>COMMITTEE MEETINGS</b>  CLAUSE 6.1	3	14 DAYS	7 DAYS PRIOR TO MEETING	NO LIMITATION
<b>EMERGENCY BUSINESS OF COMMITTEE</b>  CLAUSE 6.1(b)	WHEN NEEDED	NO NOTICE REQUIRED – MIN OF 4 COMMITTEE MEMBERS FOR QUORUM	NOT APPLICABLE	NO LIMITATION
<b>AGM</b>  CLAUSE 6.2	1  MUST BE HELD PRIOR TO 1 <sup>ST</sup> MARCH	21 DAYS	7 DAYS PRIOR TO MEETING	CLAUSE 6.2(f) BUSINESS TAKES PRECEDENCE
<b>SPECIAL GENERAL MEETING</b>  CLAUSE 6.3	WHEN NEEDED	14 DAYS	NOT APPLICABLE	AGENDA INCLUDED IN WRITTEN NOTICE

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## PART 1

### DEFINITIONS AND INTERPRETATION

#### 1.1 Name

The name of the incorporated association is the New South Wales Wrestling Association, Incorporated (in this Constitution called "the Association").

#### 1.2 Definitions

In this Constitution, unless the contrary intention appears:

**"Annual General Meeting"** means a meeting held by the Association in accordance with clause 6.2;

**"Associate Body"** means an incorporated body associated with the sport of Wrestling and that has a legitimate interest in the activities of the sport of wrestling and is entitled to one (1) vote on any issue which does not fall within clause 3.2(a);

**"Athlete Representative"** means a former or current wrestler that has competed in the National Body nationals at the junior or senior level within the last ten years and is eighteen (18) years of age or older;

**"AOC"** means the Australian Olympic Committee;

**"Calendar Year"** means the year commencing on the first day of January and ending on the thirty-first day of December in each calendar year;

**"Club Wrestlers"** means the club wrestlers as defined in clause 3.5;

**"Executive Committee"** means the Executive Committee of the Association responsible for managing the business and affairs of the Association - see clause 4.1;

**"FILA"** means the Federation Internationale Des Luttes Associees, being the International Federation for Wrestling and any name that it takes in the future;

**"Junior Member"** means a person who is under the age of eighteen (18) years and has no voting rights in the Association whatsoever;

**"Life Member"** means Members elected to the Association in accordance with clause 3.3;

**"Member"** means a Member of the Association;

**"National Body"** means the national Australian wrestling body recognised by both FILA and the AOC, currently being the Australian Wrestling Union Incorporated ARBN "A13442Z";

**"Officers"** means Officers of the Executive Committee as set out in clauses 4.3 and 4.4;

**"Ordinary Member"** means a person who is eighteen (18) years of age or older and who is entitled to one vote on any issue which does not fall within clause 3.2(a);

**"President"** means the President of the Association;

**"Recognised Wrestling Club"** means a recognised wrestling club as defined in clause 3.4 and is entitled to two (2) votes on all issues of the Association (clause 3.2(a) and (b) issues);

**"Secretary"** means the Secretary of the Association, who also fulfills the functions of the Public Officer as required under the Associations Incorporation Act 1984; and

**"Special General Meeting"** means a meeting held by the Association in accordance with clause 6.3.

### **1.3 Interpretation**

In this Constitution, unless the context otherwise requires:

- (i) headings and underlinings are for convenience only and do not affect the interpretation of this Constitution;
- (ii) words importing the singular include the plural and vice versa;
- (iii) words importing a gender include any gender; and
- (iv) a reference to a part, clause, annexure or schedule is a reference to a part and clause of, and an annexure, exhibit and schedule to, this Constitution and a reference to this Constitution includes any annexure, exhibit and schedule.

## **PART 2**

### **OBJECTS**

#### **2.1 Association**

The Association is an incorporated association of members established to operate in a manner consistent with the objects set out in clause 2.2.

#### **2.2. Objects**

The objects of the Association shall be:

- (i) To control, integrate and foster participation of wrestling at the State level;
- (ii) To promote recognition of wrestling as a leading participative sport;
- (iii) To act in the interests of sport, and wrestling in particular; and
- (iv) To observe all applicable rules and decisions of FILA and the AOC.

#### **2.3 Relationship with other Olympic sporting bodies**

A chart setting out the relationship of the Association to other Olympic sporting bodies is attached as Chart A.

## PART 3

### MEMBERSHIP OF ASSOCIATION

#### **3.1 Who are Members**

Membership of the Association will consist of:

- (i) Recognised Wrestling Clubs (as defined in clause 3.4);
- (ii) Associate Bodies (as defined in clause 1.2);
- (iii) Life Members (as defined in clause 3.3);
- (iv) Ordinary Members (as defined in clause 1.2);
- (v) Junior Members (as defined in clause 1.2); and
- (vi) Club Wrestlers (as defined in clause 3.5).

A chart illustrating the membership structure of the Association is attached as Chart B.

#### **3.2 Voting rights of Members**

- (a) Two (2) delegates of each Recognised Wrestling Club and the elected Athlete Representative (being an Officer on the Executive Committee) are exclusively entitled each to one vote on issues that involve the Association's:
  - (i) Constitution;
  - (ii) Election of the Association's delegate(s) to the National Body; and
  - (iii) Election of Officers and two Ordinary Members to the Executive Committee.

Any dispute as to whether an issue falls within clause 3.2(a) is to be determined solely by the Executive Committee.

- (b) All eligible voting Members of the Association (being Recognised Wrestling Clubs, Associate Bodies, Life Members and Ordinary Members) are entitled to vote on all matters other than those listed in clause 3.2(a).
- (c) A Recognised Wrestling Club is entitled to exercise two (2) votes on any issue involving the Association and must nominate two delegates in its Application for Membership form (see Annexure B) who each must be eighteen (18) years of age or older and who are each entitled to one vote.
- (d) An Associate Body is entitled to exercise one (1) vote on issues which do not involve those listed in clause 3.2(a) and must nominate one (1) delegate in its Application for Membership form (see Annexure C) who must be eighteen (18) years of age or older.
- (e) Junior Members and Club Wrestlers have no voting rights in the Association whatsoever.
- (f) A chart illustrating the voting rights of members is attached as Chart C.

### **3.3 Life Membership**

- (a) Life membership of the Association may be conferred by the Members at an Annual General Meeting upon any individual who has provided meritorious services to the Association and the sport of wrestling, provided that:
  - (i) not more than two Life Members shall be elected in any one year;
  - (ii) notice to elect a Life Member shall be given in writing to the President not less than seven (7) days prior to the date of the meeting;
  - (iii) the election of a Life Member shall require a special majority of three-quarters of the Members entitled to vote;
  - (iv) a Life Member shall be a permanent Member of the Association who can vote on any issue other than those listed in clause 3.2(a) of this Constitution; and
  - (v) a Life member elected as an Officer on the Executive Committee shall be entitled to vote as part of the Executive Committee.
- (b) All Members that were granted Life Membership of the Association prior to the commencement of this Constitution (29 September 1999) continue to be Life Members of the Association under this Constitution and their rights are solely governed by this Constitution.

### **3.4 Recognised Wrestling Clubs**

- (a) A Recognised Wrestling Club must:
  - (i) be an organisation, one of whose purposes is to conduct activities that relate to participation in the sport of wrestling at the club level;
  - (ii) have a membership, the majority (greater than 50 %) of which is made up of wrestlers who are regularly involved in wrestling training and regularly compete at wrestling competitions for that club;
  - (iii) demonstrate its involvement (as evidenced with draw and bout sheets) in competitive wrestling either through competitions organised by the Association or through independently organised competitions; and
  - (iv) demonstrate that its members are provided with training facilities or be involved generally in the training of wrestlers at club level.
- (b) Where there are less than three (3) Recognised Wrestling Clubs in the Association, a three (3) person committee must determine whether the relevant wrestling club meets the criteria set out in clause 3.4(a). This committee must comprise a representative who currently sits on the Executive Board of the State Olympic Council, a representative who currently sits on the Executive Board of the Australian Olympic Committee and the President of the Association.
- (c) Where there are three (3) or more Recognised Wrestling Clubs in the Association, the Executive Committee must determine whether it is satisfied that the relevant wrestling club meets the criteria set out in clause 3.4(a).
- (d) In making this determination, the 3 person committee or the Executive Committee, as the case may be, must have regard to appropriate written evidence of the club's purpose, membership structure and activities.

- (e) The three person committee or the Executive Committee, as the case may be, reserves the right to reassess all Recognised Wrestling Clubs from time to time to determine whether each club continues to meet the criteria set out in clause 3.4(a).

### **3.5 Club Wrestler**

A Club Wrestler means any person:

- (i) of any age who participates in the sport of wrestling, including wrestlers, coaches and teachers;
- (ii) who is not an Ordinary Member (includes Senior Wrestlers), Junior Member or Life Member;
- (iii) who may or may not compete in wrestling competitions;
- (iv) who may or may not be a financial member of the Association; and
- (v) who participates in any organised group including:
  - (A) Recognised Wrestling Clubs;
  - (B) wrestling clubs which are not Recognised Wrestling Clubs;
  - (C) any training squad organised by the Association; and
  - (D) schools, colleges and universities and other organisations who include wrestling in their sport and development programs,

and all such persons have no voting rights in the Association whatsoever.

### **3.6 Nomination forms**

A nomination of:

- (i) a person for membership of the Association must be in writing in the form set out in Annexure A and lodged with the Secretary;
- (ii) a wrestling club as a Recognised Wrestling Club of the Association must be in writing in the form set out in Annexure B and lodged with the Secretary; and
- (iii) a body as an Associate Body of the Association must be in writing in the form set out in Annexure C and lodged with the Secretary.

### **3.7 Executive Committee to determine nomination**

With the exception of athletes, who are automatically accepted into membership, within six weeks of the receipt of the nomination, the Secretary shall refer the nomination to the Executive Committee. The Executive Committee must determine, by majority (greater than 50%) whether to approve or reject the nomination in accordance with this Constitution.

### **3.8 Notification of Nominee**

With the exception of athletes, who are automatically accepted into membership, the Secretary shall, upon the Executive Committee's approval of a nomination, notify the nominee that he, she or it is approved for

membership and request payment of the entry fee (if applicable) and the annual subscription fee within 28 days. These fees are determined in accordance with clause 3.12.

### **3.9 Nominee becomes Member**

Upon payment of the amounts specified in clause 3.12, the Secretary must enter the nominee's name in the register of Members and upon entry in the register the nominee shall become a Member. In respect of Recognised Wrestling Clubs and Associate Bodies, the Secretary will also enter in the register the name(s) of the delegate(s) representing the club or body.

### **3.10 Recognised Wrestling Clubs and Associate Bodies - Delegate(s)**

- (a) Each Recognised Wrestling Club and Associate Body must advise the Secretary annually in writing the name(s) of its delegate(s), on or before 1 February each Calendar Year. After 1 February, the delegate(s) will not be eligible to vote until this written notice is handed to the Secretary.
- (b) This written notice, which must be in the form set out in Annexure D, can be sent to the Secretary at the same time as the annual subscription fees, which are also due on or before 1 February each Calendar Year (see clause 3.12).
- (c) Each Recognised Wrestling Club and Associate Body may change its delegate(s) at any time providing that appropriate written notice is delivered to the Secretary. The Secretary must note any changes in the register of members.
- (d) A delegate may, at any time, authorise in writing any person to be his or her substitute for any period of time specified in the notice and to vote on his or her behalf at any meetings of the Association, providing that person is also a member of the same Recognised Wrestling Club or Associate Body. This written authority must be handed to the Secretary prior the substitute being eligible to vote.
- (e) In the case of a dispute within the Recognised Wrestling Club or Associate Body as to who should be the delegate, the Executive Committee must refer the dispute to a Community Justice Centre for mediation in accordance with clause 8.7. Until this dispute is resolved, the existing delegate(s) who are listed on the register of members remain as delegates.

### **3.11 Rights of Members**

A right, privilege or obligation of a Member of the Association:

- (i) is not capable of being transferred or transmitted to another person; and
- (ii) terminates upon the cessation of his or her membership whether by death or resignation or otherwise.

### **3.12 Fees**

- (a) The entry fee and the annual subscription fees, shall be determined by the Executive Committee prior to 1 January each year and are payable in advance on or before 1 February for that Calendar Year.
- (b) The Executive Committee may set differing entry fees and annual subscription fees for each class of membership (Recognised Wrestling Clubs, Associate Bodies, Life Members, Ordinary Members, Junior Members and Club Wrestlers).
- (c) The Executive Committee may also, for each class of membership, create various subclasses and set differing entry fees and annual subscription fees for each subclass (for example, Ordinary Members may be broken down to Senior Wrestler, Coach, Pairing Master etc.).
- (d) Each Member shall pay his, her or its annual subscription on or before the first day of April following the date on which it becomes due and payable. Failure to pay the annual subscription by this date shall entail the automatic suspension of the Member in default. Thereafter, the Executive Committee may, on payment of the money in arrears, set aside such suspension and restore the defaulting Member into membership.

### **3.13 Details of all wrestlers submitted to Secretary**

All Recognised Wrestling Clubs and other organised wrestling groups (run or coached by Members of the Association) must:

- (i) at each training session collect the names and contact details of all wrestling participants; and
- (ii) on a six monthly basis send copies of these details to the Secretary.

### **3.14 Register of Members**

The Secretary shall keep and maintain a register of Members in which shall be entered the full name, address and date of entry of each Member and the category of membership. The register shall be available for inspection by Members, the National Body and the AOC at the address of the Secretary.

### **3.15 Resignation of Member**

A Member may resign from the Association by providing written notice of their resignation to the Secretary. Such resignation will be effective from the date of the Member's notice.

### **3.16 Resignation noted in Register**

The Secretary shall note in the register of Members the date on which the Member ceased to be a Member (the date of the Member's notice) upon receipt of a Member's notice of resignation.

### **3.17 Liability of Member**

The liability of a Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of winding up of the Association is limited to the amount, if any, unpaid by the Member in respect of annual subscriptions for membership of the Association.

### **3.18 Expulsion and Suspension of Members by Executive Committee**

- (a) Subject to this Constitution, if any Member refuses or neglects to comply with any provision of the Constitution or is guilty of any conduct which in the opinion of the Executive Committee is unbecoming of a Member or prejudicial to the interests of the Association, the Executive Committee may, by a three-quarter majority of those present at the relevant meeting:
  - (i) expel a Member from the Association; or
  - (ii) suspend a Member from membership of the Association for a specified period; or
  - (iii) censure a Member.
- (b) Prior to the determination by the Executive Committee, the Member must be given fifteen (15) days written notice encouraging them to attend the relevant meeting of the Executive Committee and/or to respond in writing to the complaint prior to the meeting.
- (c) The written notice must state the place, date and time of the meeting.
- (d) The Executive Committee must fairly consider the complaint and the Member's response to that complaint.
- (e) Within 14 days of the Executive Committee's resolution, the Secretary must provide the Member with a copy of their resolution in writing.
- (f) The Secretary must advise the Member in writing that they may, within twenty-eight (28) days of the date of the letter containing the resolution, advise the Secretary that they wish to appeal the decision of the Executive Committee to the Members at the next Annual General Meeting or Special General Meeting.
- (g) The Executive Committee's resolution will remain in effect unless the membership of the Association at an Annual General Meeting or Special General Meeting overturns that resolution.
- (h) If the Member appeals the decision, then at the next Annual General Meeting or Special General Meeting the Members present at this meeting will:
  - (i) allow the Member an opportunity to be heard;
  - (ii) give due consideration to any written statement submitted by the Member; and
  - (iii) by simple majority (greater than 50%) of those present at this meeting resolve whether to confirm or to revoke the resolution of the Executive Committee.

## **PART 4**

### **EXECUTIVE COMMITTEE**

#### **4.1. Executive Committee manages Association**

The Executive Committee:

- (i) controls and manages the business and affairs of the Association; and



- (ii) subject to this Constitution, has the power to perform all such acts and things as appear to the Executive Committee to be essential for the proper management of the business and affairs of the Association including, without limitation, the passing of by-laws of the Association.

#### **4.2 Delegation by Executive Committee to Sub-Committee**

- (a) The Executive Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such Member or Members of the Association as the Executive Committee thinks fit) the exercise of such of the functions of the Executive Committee as are specified in the instrument, other than:
  - (i) this power of delegation; and
  - (ii) a duty imposed on the Executive Committee by law.
- (b) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains 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, whether as to subject, time or otherwise, as may be specified in the instrument of delegation.
- (d) Notwithstanding any delegation under this rule, the Executive Committee 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 Executive Committee.
- (f) The Executive Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.

#### **4.3 Composition of the Executive Committee**

The Executive Committee will consist of:

- (i) the Officers;
- (ii) two elected Ordinary Members; and
- (iii) two voting delegates from each Recognized Wrestling Club.

A chart illustrating the composition of the Executive Committee is attached as Chart D.

#### **4.4 Officers**

The Officers will consist of:

- (i) a President;
- (ii) a Vice President;
- (iii) a Secretary;
- (iv) a Treasurer; and

- (v) an Athlete Representative (as defined in clause 1.2).

#### **4.5 Positions created by Executive Committee**

- (a) The Executive Committee may, at any time, create any position which the Executive Committee believes is necessary for the efficient and effective management of the business and affairs of the Association.
- (b) All such positions report directly to the Executive Committee (and not to any subcommittee).
- (c) All matters relevant to each position are entirely in the discretion of the Executive Committee including:
  - (i) whether the relevant person is to be appointed or elected;
  - (ii) the selection of the person to fill the position;
  - (iii) the term of the position or of the person selected to fill the position; and
  - (iv) whether the position is paid or unpaid.
- (d) For each position, the Executive Committee may, at any time:
  - (i) replace the person with some other person; or
  - (ii) revoke the position altogether.
- (e) Positions that may be created by the Executive Committee include, but are not limited to, the following:
  - (i) Patron;
  - (ii) Tournament Director;
  - (iii) Technical Officials Representative (Referee, Judge and Mat Chairman);
  - (iv) Pairing Masters' Representative;
  - (v) Coach's Representative;
  - (vi) Development Officer;
  - (vii) Media Officer;
  - (viii) Trophies Officer;
  - (ix) Honorary Solicitor;
  - (x) Honorary Medical Officer; and
  - (xi) Honorary Auditor.

#### **4.6 Term of Office**

- (a) With the exception of the 2001 Calendar Year, all Officers and the two elected Ordinary Members will each be elected for a period of two years. In the 2001 Calendar Year, the offices of the President, Secretary, Athlete Representative and one elected Ordinary Member will each be elected for a period of two years and the offices of the Vice-President, Treasurer and other elected Ordinary Member will be elected for one year.

- (b) The offices of the President, Secretary, Athlete Representative and one elected Ordinary Member will be up for election in the odd numbered years.
- (c) The offices of the Vice-President, Treasurer and other elected Ordinary Member will be up for election in the even numbered years.
- (d) Subject to the following, retiring Officers and Ordinary Members of the Executive Committee are eligible for re-election. However, the person holding the office of President can only hold this office continuously for a period of four (4) years.

#### **4.7 Nomination of candidates**

- (a) With the exception of the Athlete Representative (who is elected by the athletes at the time of the Association's State Senior Championships), nominations of candidates for election as Officers of the Association or as elected Ordinary Members of the Executive Committee or as the Association's delegates to the National Body must be:
  - (i) in writing in the form set out in Annexure E, signed by two (2) Members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
  - (ii) delivered to the Secretary not less than seven (7) days before the date fixed for the holding of the Annual General Meeting.
- (b) Nomination of candidates for election as the Athletes Representative must be:
  - (i) in writing in the form set out in Annexure F, signed by two (2) Members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
  - (ii) delivered to the Secretary not less than seven (7) days before the date fixed for the holding of the Association's State Senior Championships.

#### **4.8 Candidates**

A candidate for nomination under clause 4.7 must be a current financial member of the Association and must be entitled to vote at meetings of the Association [although not necessarily on those issues listed in clause 3.2(a)].

#### **4.9 Nominators**

The persons that nominate the candidates must be current financial Members of the Association who must be entitled to vote at meetings of the Association [although not necessarily on those issues listed in clause 3.2(a)].

#### **4.10 Nominations less than vacancies**

If insufficient nominations are received to fill all vacancies on the Executive Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received.

#### **4.11 Nominations equal to vacancies**

If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

#### **4.12 Nominations greater than vacancies**

If the number of nominations exceed the number of vacancies to be filled, a ballot shall be held.

#### **4.13 Ballot**

With the exception of the Athlete Representative, the ballot for the election of Officers and Ordinary Members of the Executive Committee shall be conducted at the Annual General Meeting of the Association. The ballot for the election of the Athlete Representative shall be conducted at the Association's State Senior Championships. Both ballots shall be conducted in such usual and proper manner as the Executive Committee determines.

#### **4.14 Elected Positions**

A person may not hold more than one elected position (as an Officer or elected Ordinary Member) on the Executive Committee.

#### **4.15 Casual vacancy**

- (a) With the exception of the Athlete Representative, in the event of a casual vacancy occurring in the office of an Ordinary Member or an Officer of the Executive Committee, the delegates of each Recognised Wrestling Club and the Athlete Representative (providing that this position has not become vacant) may, at an Executive Committee meeting, Annual General Meeting or Special General Meeting, appoint a Member of the Association to fill the vacancy and the Member so appointed will hold office, subject to this Constitution, until the expiration of the balance of the term of the Ordinary Member or Officer they replace.
- (b) In the case of a casual vacancy occurring in the office of the Athlete Representative, the athletes may, at a competition run by the Association, appoint another athlete to fill the vacancy and the athlete so appointed will hold office, subject to this Constitution, until the expiration of the balance of the term of the athlete they replace.

#### **4.16 Office becomes vacant**

For the purpose of these rules, the office of an Officer of the Executive Committee or of an elected Ordinary Member of the Executive Committee becomes vacant if the Officer or Ordinary Member:

- (i) ceases to be a Member of the Association;
- (ii) becomes an insolvent under administration within the meaning of the Corporations Law;
- (iii) resigns their office by notice in writing given to the Secretary;
- (iv) becomes incapacitated; or
- (v) is removed as set out in clause 4.17.

#### **4.17 Removal of Officers and elected Ordinary Members**

If any Officer or elected Ordinary Member of the Executive Committee:

- (i) refuses or neglects to comply with any provision of this Constitution; or
- (ii) is guilty of any conduct which, in the opinion of at least three-quarters of such of those delegates of the Recognised Wrestling Clubs and the elected Athlete Representative who are present at an Annual General Meeting or Special General Meeting, is unbecoming of such a person or is prejudicial to the interests of the Association,

then such of those delegates and the elected Athlete Representative who are present at such a meeting may, by a three-quarter majority, remove any such person from the Executive Committee before the expiration of their term of office and appoint another Member in their place to hold office until the expiration of the term of the first-mentioned Executive Committee Member.

### **PART 5**

#### **DELEGATE(S) TO NATIONAL BODY**

##### **5.1 Delegate(s) elected to National Body**

- (a) At each alternate Annual General Meeting, the delegates of each Recognised Wrestling Club must elect the Association's delegate(s) to the National Body. These delegate(s) are elected for a period of two years.
- (b) The number of delegate(s) appointed depends on the number allowed in the constitution of the National Body.
- (c) The Association's delegate(s) to the National Body will attend National Body meetings, represent the interests of the Association and Australian wrestling at these meetings and report to the Executive Committee.
- (d) In the case of a conflict between the interests of the Association and the interests of Australian wrestling, the delegate(s) are empowered to make their own decision based upon what those delegate(s) believe is in the best interests of wrestling in Australia and vote accordingly.
- (e) In the event of a casual vacancy occurring regarding these delegate(s), such of those delegate(s) of each Recognised Wrestling Club and the Athlete Representative who are present at an Executive Committee meeting, Annual General Meeting or Special General Meeting must appoint a Member to fill the vacancy and the Member so appointed will hold this position until the expiry of the term of the Member they replace.

##### **5.2 Removal of Delegate elected to National Body**

If any of the delegate(s) elected to the National Body:

- (i) refuses or neglects to comply with any provision of this Constitution; or
- (ii) is guilty of any conduct which, in the opinion of at least three-quarters of such of those delegates of the Recognised Wrestling Clubs and the elected Athlete Representative who are present at an Annual General Meeting or Special General Meeting, is unbecoming of such a person or is prejudicial to the interests of the Association,

then such of those delegates and the elected Athlete Representative who are present at such a meeting may, by a three-quarter majority, remove any such person from this office before the expiration of their term and appoint another Member in their place to hold office until the expiration of the term of the first-mentioned delegate to the National Body.

## PART 6

### MEETINGS

#### **6.1 Executive Committee Meetings**

- (a) The Executive Committee shall meet at least three (3) times in each year at such places and such times as the Executive Committee may determine. A summary of the salient requirements in respect of Executive Committee meetings is set out in Table A.
- (b) The Officers and the two elected Ordinary Members of the Executive Committee shall have power to deal with any emergency business arising between Executive Committee meetings and decisions made by this group must be ratified by the Executive Committee at its next meeting. Any four Executive Committee members shall form a quorum for this purpose. The quorum must be comprised firstly from the pool of Officers and then from the two elected Ordinary Members. This emergency business may be conducted electronically, such as by e-mail, or by fax or telephone.
- (c) Written notice of each Executive Committee meeting shall be served on each Member of the Executive Committee by posting it to each Member at least fourteen (14) days before the meeting.
- (d) Should any Member desire to have any matter included in the agenda of a Executive Committee meeting, they will give notice of the item to the Secretary not less than 7 days prior to the meeting.
- (e) No resolution carried at any Executive Committee meeting in any Calendar Year shall be rescinded during that Year unless two-thirds of the Executive Committee members present at the meeting at which the motion of rescission is put, shall vote in favor of it.

#### **6.2 Annual General Meetings**

- (a) The Association will in each Calendar Year convene an Annual General Meeting of its Members. A summary of the salient requirements in respect of Annual General Meetings is set out in Table A.
- (b) The Annual General Meeting will be held on such day as the Executive Committee determines, but not later than the first day of March each year.
- (c) The Secretary will, at least 21 days before the date fixed for holding an Annual General Meeting of the Association, post to each Member a notice stating the date, place and time of the meeting and the nature of the business to be transacted at the meeting.
- (d) Should any Member desire to have any matter included in the agenda of an Annual General Meeting, they will give written notice of the item to the Secretary not less than 7 days prior to the meeting.
- (e) The agenda for the Annual General Meeting will be handed out at the meeting and no business other than that set out in the agenda will be transacted at the Annual General Meeting.
- (f) The following business of the Annual General Meeting shall take precedence over all other business, in the following order:
  - (i) confirming the minutes of the last preceding Annual General Meeting and of any Special General Meetings held since that meeting;

- (ii) receiving from the Executive Committee reports concerning the transactions of the Association during the last preceding Calendar Year;
  - (iii) electing Officers of the Association, the Ordinary Members of the Executive Committee and the Association's delegates to the National Body; and
  - (iv) conducting general business.
- (g) The Annual General Meeting will be in addition to any Special General Meetings that may be held in the same year.

### **6.3 Special General Meetings**

- (a) The Executive Committee may, whenever it thinks fit, convene a Special General Meeting of the Association. A summary of the salient requirements in respect of Special General Meetings is set out in Table A.
- (b) A Special General Meeting can only be convened if fourteen (14) days written notice of the meeting has been posted to all Members. This written notice must state the date, place and time of the meeting and the agenda for the meeting.
- (c) No business other than that set out in the agenda will be transacted at a Special General Meeting.
- (d) The Executive Committee will, on the requisition in writing of eligible voting Members representing not less than 5 per cent of the total number of Members eligible to vote, convene a Special General Meeting of the Association.
- (e) A requisition in writing for a Special General Meeting will state the objectives of the meeting and will be signed by the Members making the requisition. The requisition must be received by the Secretary and may consist of several documents in a like form, each signed by one or more of the Members making the requisition.
- (f) If the Executive Committee does not cause a Special General Meeting to be held within two months after the date on which the requisition is received by the Secretary, the Members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after the date on which the requisition is received by the Secretary.

### **6.4 Quorum**

- (a) Four Members personally present, being Members entitled under this Constitution to vote at the relevant meeting of the Association, constitute a quorum for the transaction of business at that meeting of the Association.
- (b) No item of business will be transacted at any meeting of the Association unless a quorum of Members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (c) A quorum must be present within thirty (30) minutes of the appointed time for the commencement of any meeting of the Association.
- (d) In respect of Executive Committee meetings and Annual General Meetings, if within thirty (30) minutes of the time appointed for the meeting a quorum is not present, the meeting will stand adjourned to the same place and at the same hour of the same day in the following week.

- (e) In respect of a Special General Meeting which has been convened by the requisition of the Members, if within thirty (30) minutes of the time appointed for the meeting a quorum is not present, the meeting will be dissolved.
- (f) In respect of a Special General Meeting which has not been convened by the requisition of the Members, if within thirty (30) minutes of the time appointed for the meeting a quorum is not present:
  - (i) the meeting will stand adjourned to the same day in the next week at the same time and place;
  - (ii) where this alternative is not practicable, the Chair will specify an alternative meeting. This alternative will be confirmed by written notice to the Members; and
  - (ii) where a quorum is not present for the alternative Special General Meeting, the Members present (being not less than 3) will be a quorum. If there are less than three Members present the meeting will be dissolved.

## **6.5 All Meetings - Chair**

- (a) Subject to clause 6.5(b), at Executive Committee Meetings, Annual General Meetings and Special General Meetings:
  - (i) the President, or in his or her absence the Vice-President, presides as Chair; and
  - (ii) if both the President and Vice-President are absent, the person that presides as Chair will be the Treasurer, or in the absence of this person the Secretary, or in the absence of this person the longest serving elected Ordinary Member, or in the absence of this person, the other elected Ordinary Member.
- (b) If, at any Executive Committee meeting, Annual General Meeting or Special General Meeting, an issue arises which involves those issues listed in clause 3.2(a) (involving the Association's Constitution, election of the Association's delegates to the National Body or election of Officers and two Ordinary Members to the Executive Committee), the Chair of the meeting for those particular issues must be a delegate of a Recognised Wrestling Club, elected by the club delegates present at that meeting.

## **6.6 All Meetings - Voting**

At all meetings of the Association:

- (i) A question arising will be determined by a show of hands unless a secret ballot is demanded. A secret ballot may be demanded on any issue at any meeting of the Association. If a secret ballot is demanded, the meeting must vote by a show of hands on whether to accept the secret ballot;
- (ii) All votes must be given personally (no proxy votes);
- (iii) Each person present is entitled to only one vote;
- (iv) In the case of a tied vote on a question, the Chair of the meeting is entitled to exercise a second or casting vote; and
- (v) The Chair of the meeting will declare that a resolution has been carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minute books will be evidence of that fact.



## PART 7

### FUNCTIONS OF VARIOUS OFFICERS

#### **7.1 Secretary**

- (a) The Secretary (also being the Public Officer as defined in clause 1.2) of the Association or a person appointed by the Executive Committee will take minutes of the resolutions and proceedings of all meetings of the Association in books provided for that purpose together with a record of the names and persons present at each of these meetings.
- (b) Except as otherwise provided in this Constitution, the Secretary will keep in their custody or under their control all books, documents (other than financial) and securities of the Association, which must be open to inspection, free of charge, by a Member of the Association at any reasonable hour.

#### **7.2. Treasurer**

- (a) The Treasurer of the Association:
  - (i) will collect, receive and bank all moneys due to the Association into the Association's own bank account in accordance with clause 8.5;
  - (ii) will keep correct accounts and books (including a Cash Book) showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association;
  - (iii) will make available for audit the financial records of the Association; and
  - (iv) will report and make available all financial information to the AOC when requested by the AOC.
- (b) The accounts and books referred to in clause 7.2(a)(ii) will be available for inspection by Members of the Association, free of charge, at any reasonable hour.
- (c) The Treasurer will make the accounts and books referred to in clause 7.2(a)(ii) available to any auditor nominated by the Executive Committee.
- (d) The Treasurer will present audited annual statements of the finances of the Association to each Annual General Meeting.

## PART 8

### GENERAL

#### **8.1 Alteration of this Constitution**

- (a) This Constitution (including the objects listed in clause 2.2) may be amended if it is so resolved by three-quarters of such of those delegates of Recognized Wrestling Clubs and the elected Athlete Representative who are present at the relevant Annual General Meeting or Special General Meeting of the Association.
- (b) All alterations or additions to this Constitution are subject to the written approval of the Executive of the New South Wales Olympic Council.

## **8.2 The Common Seal**

- (a) The common seal of the Association shall be kept in the custody of the Secretary.
- (b) The common seal shall not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the common seal must be attested by the signatures of two (2) members of the Executive Committee, at least one of which must be an Officer.

## **8.3 Notices**

- (a) A notice may be served by or on behalf of the Association upon any Member either personally or by sending it by post to the Member at their address shown in the register of Members.
- (b) Where a document is properly addressed, pre-paid and posted to a person as a letter, the document will, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

## **8.4 Insurance**

- (a) The Association must effect and maintain a public liability insurance policy from an insurer approved under, and for an amount required by, the Associations Incorporation Act 1984.
- (b) The Association may effect and maintain other insurance, such as members liability insurance.

## **8.5 Funds - Source**

- (a) The funds of the Association are to be derived from entrance fees and annual subscriptions of Members, donations and, subject to any resolution passed by the Association at an Annual General Meeting or Special General Meeting, such other sources as the Executive Committee determines.
- (b) All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (c) The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

## **8.6 Funds - Management**

- (a) Subject to any resolution passed by the Association at an Annual General Meeting or Special General Meeting, the funds of the Association are to be used in pursuance of the objects of the Association in such manner as the Executive Committee determines.
- (b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two (2) members of the Executive Committee or employees of the Association, being Members or employees authorised to do so by the Executive Committee.

## **8.7 Resolution of internal disputes**

- (a) Disputes between members (in their capacity as members) of the Association, and disputes between members and the Association, are to be referred to a Community Justice Centre for mediation in accordance with the Community Justice Centres Act 1983.
- (b) At least seven (7) days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

## **8.8 Governing law and jurisdiction**

This Constitution is governed by the laws of New South Wales.

## **8.9 Indemnity**

The Association indemnifies and keeps indemnified all authors of, and contributors to, this Constitution (including any amendments to this Constitution) against any loss, damage, cost, charge or expense whatsoever arising in relation to any legal action or claim associated with the drafting of this Constitution.

## **8.10 Winding up**

- (a) The Association may be wound up voluntarily if it is so resolved by three quarters of such of those Members voting in person at an Annual General Meeting or Special General Meeting of the Association.
- (b) If on the winding up of the Association there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same will not be paid to or distributed among the Members but will be transferred in such manner as the AOC directs in writing in the best interests of the sport of wrestling.
- (c) If on the winding up of the Association, there remains outstanding debts and liabilities, no liability will extend to the Association or its members for the recovery of these debts or liabilities. The liability of a Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of annual subscriptions for membership of the Association.



Affiliated with Wrestling Australian Inc.

**ANNEXURE A - APPLICATION FOR MEMBERSHIP OF ASSOCIATION  
(INDIVIDUALS) - (Clause 3.6(i))**

I.....  
**First Name(s)** **Surname**

of

.....  
**Street Address**

.....  
**Suburb** **State** **Postcode**

**Telephone No.**( ) ..... **Mobile No.** .....

**Facsimile No.** ( ) .....**E-mail address** .....

**Date of Birth**..... **Weight Category (if applicable)**.....**Kg.**

**Type of Member (e.g., Senior, Junior, Club, Ordinary)**..... ,

**Member of the following Wrestling Club (if applicable)** .....,

**apply to become a member of The New South Wales Wrestling Association Incorporated. In the event of my admission as a member, I agree to be bound by the Constitution of the Association for the time being in force and by the decisions of the Executive Committee of the Association.**

**In the event of my admission as a member, enclosed is my cheque for \$ .....being my membership fee for the current Calendar Year, based upon the membership fees set out at the foot of this form.**

.....  
**Signature of Applicant**

.....  
**Date**

**\$11 Under 12's**

**\$33 Junior Members (16 to under 18)**

**\$22 Schoolboys and girls (12 to under 16)**

**\$55 Senior Members (18 years and over)**



Affiliated with Wrestling Australian Inc.

**ANNEXURE B - APPLICATION FOR MEMBERSHIP OF  
ASSOCIATION (WRESTLING CLUBS) - CLAUSE 3.6(ii)**

The.....  
**Name of Wrestling Club**

of  
.....  
**Address of training venue**

**Telephone No. ( )..... Mobile No. ....**

**Facsimile No. ( ).....E-mail address .....**

**applies to become a member of The New South Wales Wrestling Association Incorporated  
(The Association).**

**If successful in becoming a member of the Association, enclosed is our cheque for \$100, being our  
membership fee for the current Calendar Year and our two club delegates will be:**

**Delegate 1:.....  
First Name(s) Surname**

of.....  
**Address Postcode**

**Telephone No. ( )..... Mobile No .....**

**Facsimile No. ( )..... Email address  
.....**

**Date of Birth..... Weight Category (if applicable) .....Kg.**

Delegate 2:.....  
First Name(s) Surname

of.....  
Address Postcode

Telephone No. ( )..... Mobile No .....

Facsimile No. ( )..... Email address  
.....

Date of Birth..... Weight Category (if applicable) .....Kg.

Information supporting this application is set out below. In the event of our admission as a Member, we agree to be bound by the Constitution of the Association for the time being in force. We also agree to be bound by the decisions of the Executive Committee of the Association.

.....  
Signature of President Date

.....  
Signature of Secretary or Coach Date

Information supporting this application is set out below:

Describe the wrestling mats or other surfaces used by our club at this address.

.....  
.....

Who owns the wrestling mats or other surfaces on which wrestlers train?

.....

What is the purpose of the club and are there any other activities promoted by the club?

.....  
.....

**Approximate number of wrestlers that train weekly at our club during the year or season:**

.....

**Is this wrestling club incorporated? If so, please attach a copy of the Incorporation certificate.**

.....

**Does this organisation/club have a constitution or set of rules? If yes, please attach a copy of the clubs constitution or set of rules.**

.....

**Attached is a copy of.**

1. **our membership register;**
2. **our attendance register (over a consecutive period of at least 2 months);**
3. **the draw and bout sheets of our wrestlers proving involvement in competitive wrestling either through competitions organised by the Association or through independently organised competitions;**
4. **our club's Incorporation certificate (if applicable).**
5. **our club's constitution or set of rules (if applicable); and**
6. **our cheque for the membership fees for the current Calendar Year.**

**Contact information of our head coach:**

**Name..... Accreditation level (ACC) .....**

**Address.....  
.....**

**..... Postcode.....**

**Telephone No.( )..... Mobile No .....**

**Facsimile No.( )..... Email address.....**

**Contact information of the President of our club:**

**Name** .....

**Address**.....

..... **Postcode** .....

**Telephone No. ( )** ..... **Mobile No .** .....

**Facsimile No. ( )**.....**E-mail address** .....

**Contact information of the Secretary of our club:**

**Name** .....

**Address** .....

.....**Postcode** .....

**Telephone No. ( )** ..... **Mobile No** .....

**Facsimile No. ( )**..... **E-mail address**.....





Affiliated with Wrestling Australian Inc.

**ANNEXURE C - APPLICATION FOR MEMBERSHIP OF  
ASSOCIATION (ASSOCIATE BODIES) - CLAUSE 3.6(iii)**

The.....  
**Name of Body**

of  
.....  
.....

**Address**

**Postcode**

**Telephone No. ( )..... Mobile No .....**

**Facsimile No. ( )..... E-mail address .....**

**Contact Name..... Telephone No. ( ).....**

**applies to become a member of The New South Wales Wrestling Association Incorporated  
(the Association).**

**If successful in becoming a member of the Association, enclosed is our cheque for \$ ..... being our  
membership fees for the current Calendar Year and our delegate will be:**

**Delegate: .....**  
**First Name(s) Surname**

of.....  
**Address Postcode**

**Telephone No. ( )..... Mobile No.....**

**Facsimile No. ( )..... Email address.....**

**Date of Birth..... Weight Category (if applicable) .....Kg.**

**In the event of our admission as a member, we agree to be bound by the Constitution of the Association for the time being in force. We also agree to be bound by the decisions of the Executive Committee of the Association.**

**Signed for and on behalf of .....**  
**(insert name of body)**

**by .....(insert name) .....**  
**a Director or Secretary of this body Date**



Affiliated with Wrestling Australian Inc.

**ANNEXURE D - ANNUAL NOTICE TO ASSOCIATION ADVISING  
NAMES OF CLUB DELEGATES - CLAUSE 3.10(b)**

.....  
**Name of Club**

.....  
**Address of Club**

.....  
**Suburb**

.....  
**Postcode**

being a Recognised Wrestling Club, advises the Association that its two (2) delegates entitled each to one vote on all issues of the Association (refer to clauses 3.2(a) and (b) of the Constitution) including those that involve the Association's:

1. Constitution;
2. Election of representative(s) to the National Body; and
3. Election of Officers and Ordinary Members to the Committee,

for the Calendar Year 1 January to 31 December .....are:  
insert year

**Delegate 1:**

.....  
**First Name(s)**

.....  
**Surname**

.....  
**Address**

.....  
**Suburb**

.....  
**Postcode**

Telephone No. ( ) ..... Mobile No.....

Facsimile No. ( ) .....Email address.....

Date of Birth .....

**Delegate 2:**

.....  
First Name(s) Surname

.....  
Address

.....  
Suburb Postcode

Telephone No. ( )..... Mobile No. ....

Facsimile No. ( ) ..... E-mail.....

Date of Birth .....

**We agree to be bound by the Constitution of the Association for the time being in force. We also agree to be bound by the decisions of the Executive Committee of the Association.**

.....  
.....  
Signature of President of Recognised Wrestling Club

Date

.....  
.....  
Signature of Secretary or Coach of Recognised Wrestling Club

Date



Affiliated with Wrestling Australian Inc.

**ANNEXURE E - NOMINATION FORM - CLAUSE 4.7(a)**

**NAME OF CANDIDATE.....**

**NOMINATED BY.....**

**NOMINATED BY.....**

**NB. CANDIDATES AND NOMINATORS MUST BE CURRENT FINANCIAL MEMBERS AND ENTITLED TO VOTE AT MEETINGS OF THE ASSOCIATION.**

**IF ELECTED, I HEREBY ACCEPT THE BELOW POSITION(S) FOR WHICH I HAVE BEEN NOMINATED.**

**CANDIDATE'S  
SIGNATURE ..... DATE.....**

**OFFICE**

- PRESIDENT**
- VICE PRESIDENT**
- SECRETARY**
- TREASURER**
  
- ASSOCIATION'S DELEGATE TO THE NATIONAL BODY (ALL MEETINGS)**
  
- ASSOCIATION'S DELEGATE TO THE NATIONAL BODY (AGM ONLY)**

**ORDINARY MEMBER**

**ORDINARY MEMBER**

**Notes:**

- 1. Candidates can tick more than one office.**
- 2. Only the two delegates of each Recognised Wrestling Club and the Athlete Representative can vote for Officers and elected Ordinary Members of the Committee and the Association's delegates to the National Body. See clause 3.2(a) of the Constitution.**



Affiliated with Wrestling Australian Inc.

**ANNEXURE F - NOMINATION FORM -  
ATHLETES REPRESENTATIVE - CLAUSE 4.7(b)**

**NAME OF CANDIDATE**

.....

**NOMINATED BY**

.....

**NOMINATED BY**

.....

**NB. CANDIDATES AND NOMINATORS MUST BE CURRENT FINANCIAL MEMBERS AND ENTITLED TO VOTE AT MEETINGS OF THE ASSOCIATION.**

**IF ELECTED, I HEREBY ACCEPT THE BELOW POSITION FOR WHICH I HAVE BEEN NOMINATED.**

**CANDIDATE'S**

**SIGNATURE..... DATE.....**

**OFFICE**



**ATHLETES REPRESENTATIVE**

**Note:**

**Only athletes who are current financial members can vote for the Athlete Representative. See clause 4.13 of the Constitution.**