

- (d) If the number of nominations received exceeds the number of vacancies to be filled, for a Nominee to assume a position, he or she must be voted into that position by secret ballot. However, if the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (e) Two members not nominated for office or directorship, shall act as Scrutineers, count the votes, and bring the result to the chairperson. At the conclusion of all ballots the votes cast will be destroyed.
- (f) Where no nominations for an office bearer/directors have been received, or all written nomination received have been defeated by secret ballot then nominations for the position vacant will be called for from the floor of the Meeting. See (c)
- (g) The newly elected office bearers/directors shall take office immediately upon closure of the meeting at which they are elected.
- (h) Any position not filled at the AGM are deemed casual vacancies.

21. CASUAL VACANCIES

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment
- (2) For the purpose of these rules a casual vacancy in the office bearers/directors of the Union occurs if the occupant –
 - i) Dies
 - ii) ceases to be a member of the association, or
 - iii) ~~Is or becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or~~
 - iv) Resigns office by notice in writing given to the Secretary or
 - v) Is removed from office under Rule 26 or
 - vi) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health or
 - vii) Is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - viii) Is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth or
 - ix) Is absent without the leave of the Executive from three (3) consecutive meeting

which such person is required to attend and in whose absence or presence the matters referred to in the Notice shall be the subject of discussion and a decision of the Judiciary Committee.

- (11) The Judiciary Committee may require a player who is ordered off the playing enclosure or a person cited pursuant to Rule 13 to appear in person before the Judiciary Committee. A player or cited person who is required to attend a hearing by a Judicial Committee shall be entitled to be represented at the hearing by an official of his/her club and/or a legally qualified practitioner at the discretion of the Judiciary Committee.
- (12) Should a player or cited person be unable to attend the Judiciary Committee hearing, the case may be heard in their absence, if the Judiciary Committee so desires, and the player/person may be represented by an official of their club and/or a legally qualified practitioner at the discretion of the Judiciary Committee.
- (13) The Judiciary Committee does not review the decision of the Referee and decide whether it was correct or not. The Referee is the sole judge of fact and law on the playing enclosure during the game.
The task of the Judiciary Committee is to consider the circumstances surrounding the incident for which a player is sent off or complaint referred to and impose such penalty as it believes is necessary in the circumstances.
- (14) Referees MUST, prior to 5.00 pm on the Sunday following the day of the match, report in writing to the Chairman of the Judiciary Committee on a Central Coast Rugby Union Send Off Report Form, any player or players ordered off the field of play for any reason or any misconduct.
- (15) Any player ordered off the field shall be suspended from playing until his case has been heard by the Judiciary Committee and any member Club playing a person so disqualified shall lose the match in which that player took part. (By-Law 15)
- (16) The Referee is not required to attend any hearing of the Judiciary Committee or Appeals Committee but may appear if he or she so desires.
- (17) Notwithstanding anything to the contrary contained in these Rules, any person feeling aggrieved by any decision of the Judiciary Committee may appeal in writing to the Secretary requesting that the matter be referred to the Appeals Committee. The appeal shall state the name and address of the applicant, the date on which it was so heard and determined by the Judiciary Committee, the finding of the Judiciary Committee and the grounds upon which he feels aggrieved by the decision.
- (18) An appeal, which shall be in writing and addressed to the Secretary, shall be invalid unless lodged within seven (7) days from the date of the decision and shall include the reason for the appeal, and the evidence to be submitted and relied upon in the appeal.
- (19) All appeals lodged pursuant to these rules shall be accompanied by a deposit of \$200 and this amount shall be refunded only in the case of the appeal being upheld or a previously imposed sentence reduced.
- (20) All evidence in relation to the appeal shall be made available by the Judiciary Committee to the Appeals Committee. A member of the Judiciary Committee shall be invited to attend the hearing of the appeal.
- (21) The use of video equipment as evidence is allowed but the video tape remains the property of the CCRU until all avenues of appeal are finalised or have expired.

47. JUDICIARY PROCEDURES

- (1) The Judiciary Committee shall have the powers to regulate its own procedures depending upon the circumstances of each case.
- (2) The Board may produce guidelines to assist the Judiciary Committee.
- (3) Within 24 hours of the completion of the Judiciary Committee meeting, the Chairperson will supply a report of the findings of the Judiciary Committee to the Secretary and such report should include the following details:
 - (a) Date of hearing
 - (b) Judiciary personnel who heard the case
 - (c) Name of person sent off or cited
 - (d) Club
 - (e) Game
 - (f) Venue and date of incident
 - (g) Person(s) accompanying accused
 - (h) Others persons in attendance
 - (i) Charge
 - (j) Person who reported or cited accused
 - (k) Verdict
 - (l) Sentence
 - (m) Matter taken into account in reaching decision
 - (n) Any notes relevant to hearing
- (4) The Secretary shall forward within 24 hours of the receipt of the Judiciary Committee's report, a copy to the Secretary of the player's club.

48. APPEALS COMMITTEE

- (1) An Appeals Committee will deal with all appeals from the decisions of the Judiciary Committee.
- (2) The Appeals Committee shall decide whether the decision of the Judiciary Committee shall be confirmed, revoked or varied.
- (3) The Appeals Committee shall have the power to regulate its own procedures depending upon the circumstances. No proceedings heard by an Appeals Committee shall be quashed or held invalid by reason only of any defect, irregularity, omission or other technicalities provided there has been no miscarriage of justice.
- (4) In the event any decision of the Judiciary Committee is revoked or varied by the Appeals Committee, the Appeals Committee may impose such penalty as it believes is necessary in all of the circumstances and may exercise such of the powers as are conferred upon the Judiciary Committee by Rule 46 as may be necessary or appropriate for the exercise of the powers and duties imposed upon the Appeals Committee.

- (5) The Appeals Committee will consist of persons invited to participate by the Board. Where possible, some of the Appeal Committee members shall have legal expertise.
- (6) The Appeals Committee is to consist of persons none of whom can be active players and who are independent of all the parties concerned with the appeal - i.e. clubs, Referees, judiciary member, Secretary and the like.
- (7) A quorum for a meeting of the Appeals Committee shall be not less than three (3) members.
- (8) The Appeals Committee shall meet at such time and place as shall be directed by the Secretary.
- (9) The Secretary, upon receipt of an appeal, shall notify as soon as possible, in writing, the Judiciary Chairman, that an appeal has been lodged.
- (10) The Secretary shall notify the Judiciary Chairman and the appellant's club, in writing and with at least 48 hours notice of the time, date and venue of the appeal.
- (11) A player or cited person who is required to attend a hearing by the Appeals Committee shall be entitled to be represented at the hearing by an official of his/her club and/or a legally qualified practitioner at the discretion of the Appeals Committee.
- (12) On completion of the Appeal Committee meeting, the Chairperson will, within 24 hours, supply a report of the findings of the Appeal to the Secretary and such report should include the following details:
 - (a) Date of hearing
 - (b) Appeal personnel who heard the case
 - (c) Name of person sent off or cited
 - (d) Club
 - (e) Game
 - (f) Venue and date of incident
 - (g) Person accompanying accused
 - (h) Others persons in attendance including any Judiciary Committee representative
 - (i) Charge
 - (j) Person who reported or cited accused
 - (k) Verdict
 - (l) Sentence
 - (m) Matter taken into account in reaching decision
 - (n) Any notes relevant to hearing
- (13) Notwithstanding anything to the contrary contained in these Rules, any person feeling aggrieved by any decision of the Appeals Committee may appeal in writing to the Executive Officer of Country Rugby Union requesting that the matter be referred to the Country Rugby Union Judiciary Committee.
- (14) The appeal to Country Rugby Union shall state the name and address of the applicant, the date on which the matter was so heard and determined by the

Appeals Committee, the finding of the Judiciary and Appeals Committees and the grounds upon which they feel aggrieved by the decision together with any fee required and within any time period so imposed by the Country Rugby Union.

PART VI

MISCELLANEOUS

49. INSURANCE

- (a) The union shall effect and maintain the following insurances.
 - (i) Public Liability Insurance
 - (ii) Directors and officers liability insurance
- (b) In addition to the insurance required under Clause (a), the Union may effect and maintain other insurance.

50. ASSOCIATION IS NON-PROFIT

Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

51. FUNDS SOURCE

- (a) The funds of the Union shall be derived from entrance fees and annual subscriptions of Members, donations and subject to any resolution passed by the Executive such other sources as the Executive determines.
- (b) All money received by the Union shall be deposited as soon as practicable and without deduction to the credit of the account of the Union with any financial institution approved by the Executive.
- (c) The Union shall, as soon as practicable after receiving any money, issue an appropriate receipt.
- (d) Monies Collected from spectators -All monies collected by gatekeepers employed by the Union, shall be the property of the Union.
- (e) Gate monies collected are to be passed to the Union within fourteen days. All other monies are to be paid within twenty-eight days of the Secretary notifying the Club of a payment due to the Union. If the payment due is not received in the specified time, then that Member Club shall be deemed to be un-financial. If a Member club is un-financial, it shall not be allowed to participate in any fixture under the control of the Union including trial games, competition matches, nor shall the offending Club be permitted to attend and vote at any General Meeting of the Union.
- (f) The executive has the right to exempt the club from payment of any monies otherwise due to the Union or to defer the payment of same for such period as the Executive shall deem fit.

52. FUNDS MANAGEMENT

- (a) Subject to any resolution passed by the Executive, the funds of the Union shall be used in pursuance of the objects of the Union in such manner as the Executive determines.
- (b) All cheques, bills of exchange, promissory notes and other negotiable instruments and electronic transfers shall be signed by two (2) Members of the Executives, one of which must be the Treasurer or President.
- (c) All monies received for or on behalf of the Union, shall be held in the name of the Union by the President, Secretary and Treasurer and paid to the credit of the Union into such financial institutions as the Executive shall from time to time direct and all monies paid by or on behalf of the Union, shall be paid by cheque drawn against the funds of the Union on such financial institutions and shall be signed by two (2) members of the Executive as stated in 48(b).
- (d) Endorsement of cheques, drafts, bills, notes and other instruments payable to or to the order of the Union and lodged for credit or their bank accounts may be made by two members of the executive as stated in 48(b).
- (e) The Executive may at any time and from time to time, create for any special purpose and may subscribe the means by which such funds shall be maintained and at any time thereafter, may order that such special funds be closed and prescribed the manner in which all monies remaining therein shall be used or applied.
- (f) The Financial Year of the Union shall end on the thirtieth (30th) day of September in each and every year and a Statement of Income and Expenditure and a Balance Sheet shall be made up to that date in each year and such accounts duly reported on by the Auditor(s) shall be laid before the Members of the Union at its next Annual General Meeting.
- (g) Registered Auditor(s) who shall not be office bearers of the Union, shall be appointed annually by the Executive.
- (h) The assets and income of the Union shall be applied solely in furtherance of the above mentioned objectives and no portion shall be distributed directly or indirectly to the Members of the organisation except as "bona-fide" compensation for services and / reimbursement for out of pocket expenses occurred in carrying out judiciary or voluntary services on behalf of the Union.

53. CHALLENGE TO RIGHT TO VOTE

The rights of delegates or representatives to vote at any General Meeting or meeting of Union, may be challenged on grounds that the body concerned has not paid its annual subscription or other monies due unless exempted by the Executive Committee for payment thereof and his vote shall be disallowed if the Chairman is satisfied that the body concerned is in default. A body shall be deemed to be in default if its subscription or other monies due remain unpaid twenty eight (28) days after subs become due. The due date for payment shall be the date as shown on any statement or account presented to the Club or other body.

54. C.C.J.RU REPRESENTATIVE UNIFORMS

The colours of the Union shall be red, yellow and black.

55. COMMON SEAL

- (a) The common seal of the Union 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 Executive and the affixing of the common seal shall be attested by the signatures either of two (2) Members of the Executive or of one (1) Member of the Executive and/or the Public Officer or Secretary.

56. CUSTODY OF BOOKS, etc.

Except as otherwise provided by these rules, the Secretary shall keep in his or her custody or under his or her control, all records, books and other documents relating to the Union.

57. INSPECTION OF BOOKS, etc.

The records, books and other documents of the Union shall be open to inspection, free of charge, by a Member of the Union at any reasonable hour.

58. SERVICE OF NOTICE

- (a) For the purpose of these rules, a notice may be served by, or on behalf of the Union, upon any Member either personally, or by sending it by registered mail, or email, or facsimile to the Member, using the Member's contact details recorded in the register of Members.
- (b) Proof of transmission / submission of said document as mentioned in 52a must be retained by sender.

59. DISSOLUTION OF THE UNION

The Union shall deemed to have been dissolved if and when a resolution in favour of dissolution shall be carried by a three-fourths majority or the whole of the Union at the Special General Meeting of the Union specially called for the purpose of considering such dissolution.

60. DISTRIBUTION OF PROPERTY ON WINDING UP OF ASSOCIATION.

- (a) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (b) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

61. SURPLUS PROPERTY

- (a) At the first General Meeting of the Union, the Union shall pass a special resolution nominating the Central Coast Junior Rugby Union Incorporated as the Association in which it is to vest its surplus property pursuant to section 53 (2) of the Act in the event of the winding up or the cancellation of the Incorporation of the Union.
- (b) The Incorporated Association so nominated shall be one which fulfils the requirements specified in Section 53 (2) (a) (c) of the Act.
- (c) In event that the Association nominated in pursuance of clause (a) hereof has been wound up or is no longer incorporated at the date of winding up or cancellation of incorporation of the Union surplus property of the Union shall, subject to any trust affecting that property or any part of it be applied and paid by the book executive pursuant to a special resolution to an incorporated association which fulfils the requirements of section 53 (2) the Act and is exempt from income tax under Section 23 of the Income tax assessment Act.

62. SPECIAL RESOLUTIONS

- (a) A special resolution must be passed by a special General Meeting or Annual General Meeting of the Union to effect the following:
 - (1) A change in the Union's name
 - (2) A change of the Union's rules
 - (3) A change of the Union's objects
 - (4) An amalgamation with another incorporated Association
 - (5) The voluntary wind up the Union and to distribute its property
 - (6) To apply for registration as a company or co-operative.
- (b) Not less than twenty one days notice of the meeting (the notice specifying the intention to propose the resolution at the meeting as a special resolution and not being a resolution limited to the matters referred to in sub paragraph (a) hereof) must be given to persons entitled to vote at the meeting, unless the majority of Members having the right to attend and vote representing at least ninety five percent of those entitled to vote agree that the resolution be proposed and passed as a special resolution at a meeting of which less than twenty one days notice has been given.
- (c) Any special resolution must be passed by majority of not less than seventy five percent (75%) of the Members so entitled to vote in person.

63. PUBLIC OFFICER

- (a) The executive shall ensure that a person is appointed as Public Officer.
- (b) The first Public Officer shall be the person who completed the application for incorporation of the Union.
- (c) The Executive may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is eighteen (18) years of age or older and a resident of New South Wales.
- (d) The Public Officer shall be deemed to have vacated his position in the following circumstances:
 - (1) Death
 - (2) Resignation
 - (3) Removal by the Executive or at a General Meeting
 - (4) Bankruptcy or financial insolvency
 - (5) Mental illness
 - (6) Residency outside New South Wales.
- (e) When a vacancy occurs in the position of Public Officer, the Executive shall within fourteen (14) days notify the relevant statutory body by the prescribed form and appoint a new Public Officer.
- (f) The Public Officer is required to notify the relevant statutory body by the prescribed form in the following circumstances;
 - (1) A change of residential address (within 14 days)
 - (2) A change in the Union's objects or rules (within one month)
 - (3) A change in the Membership of the Executive (within 14 days)
 - (4) Of the Union's financial affairs (within one month after the Annual General Meeting)
 - (5) A change in the Union's name (within one month)
- (g) The Public Officer may be an office bearer, Executive Member, or any other person regarded as suitable for the position by the Executive.