

NEW SOUTH WALES CYCLING FEDERATION



THE CONSTITUTION

JULY 2002

CONSTITUTION OF THE NEW SOUTH WALES CYCLING FEDERATION INC.

Name

- a) The name of the Federation shall be the New South Wales Cycling Federation Incorporated.

Headquarters

- b) The headquarters of the Federation shall be as determined by the Council.

Interpretation

- c) In this Constitution and in any Regulations and/or By-Laws made there under, unless the contrary intention appears:
- i. "Federation" means the New South Wales Cycling Federation Incorporated.
 - ii. "Club" means those clubs established under Clause 5 of this Constitution.
 - iii. "Management Committee" means the Management Committee of the Federation as provided by Clause (p) of this Constitution.
 - iv. "Financial Year" means the period commencing on the first day of January and concluding on the 31st day of December.
 - v. "Member" means an affiliated member of a club.
 - vi. "Delegate" means a person representing a Club on the Council of the Federation as provided by Clause 8.
 - vii. "Council" means the governing body of the Federation.
 - viii. "Office Bearers" means the members of the Federation as provided by Clause (j) of this Constitution.
 - ix. "Special Notice" means a notice of a meeting of which 10 days notice specifying the intention to propose a resolution, the text of which is contained in the notice, has been given.
 - x. The male gender includes the female gender.
 - xi. "The Sport" means the sport of cycling in all forms.
 - xii. "Rules" shall mean this Constitution, By-Laws, Technical Regulations and Annexures.
 - xiii. "Affiliate," means other kindred cycling organizations that have been granted affiliations.

Objects

- d) The objects of the Federation are:
- i. To promote, encourage, foster, develop, extend, govern and control the sport.
 - ii. To co-ordinate, encourage, assist and support the legitimate activities of the constituent Clubs and their co-operation with each other.
 - iii. To promote organise and conduct the Federation Championships, competitions and other events pertaining to the sport as may from time to time be expedient.
 - iv. To establish and maintain standardised competition rules and regulations.
 - v. To select, support or sponsor any representative team or teams for any purposes associated with cycling.
 - vi. To act as the supreme disciplinary and adjudicating body in respect to all matters pertaining to cycling in New South Wales.
 - vii. To represent Cycling in dealings with other sporting bodies and those bodies referred to in the By-Laws.
 - viii. To keep authentic records of all times, results and handicaps at race meetings recognised by the Federation.
 - ix. To affiliate with Australian Cycling Federation Incorporated (A.C.F.), to operate under the rules of that Federation and under the following rules to control and promote cycling in New South Wales.

Clubs

- i. Membership of the Federation shall consist of Cycling Clubs it recognises and accepts as members, and such Life Members as it may elect from time to time.
- ii. All club members must be affiliated with the Federation.
- iii. Persons holding a current International Racing Licence, issued by an overseas Federation affiliated with the U.C.I. may be invited to compete in Club and Open Racing without the necessity of joining a club.
- iv. Each club shall be at liberty to make rules and regulations governing the conduct of cycling within its jurisdiction, provided that such rules and regulations are not inconsistent with the Constitution, By-Laws and Technical Regulations of the Federation.
- v. Each Club shall provide the Federation with a copy of its Constitution and Rules.

Register of Members

- i. The Chief Executive Officer shall establish and maintain a register of members of the Federation specifying the name and address of each person who is a member of the Federation, together with the date on which the person became a member.
- ii. The register of members shall be kept in the Federations Office and shall be open for Inspection, free of charge, by any member of the Federation at any reasonable hour.

Member Liabilities

The liability of a member of the Federation to contribute towards the payment of the debts and liabilities of the Federation to contribute towards the payment of the debts and liabilities of the Federation or the cost, charges and expenses of the winding up of the Federation is limited to the amount, if any, unpaid by the member in respect of membership of the Federation.

The Council

The Council shall consist of the Office Bearers of the Federation and nominated club delegates in accordance with the By-Laws. The Council is to have the responsibility for the resolution of policy concerned with the control and direction of cycling in N.S.W. and is to hold general meetings as decided by Council. Life members may attend and express their views but shall not be entitled to vote unless that person is a nominated delegate or Office Bearer.

Power of The Council

- e) Subject to this Constitution and to any directions given by special resolution of the Annual Council Meeting or Special Meeting pursuant to Clause (aa), the Council shall be the governing body of the Federation and shall have the power to do all such acts and things to give effect to the Objects of the Federation and without prejudice to the generality of the foregoing. The Council may:
 - i. Purchase, transfer, sell, assign, mortgage, lease, hire or exchange land, equipment, plant, furniture, furnishings or other property whatever and any manner authorised by law, and for the purpose of borrowing or raising funds, to grant debentures over the property of the Federation, to impose levy and collect subscriptions, fees and other charges upon or from affiliated Clubs.
 - ii. Acquire and hold any estate or interest in any property whatever.
 - iii. Raise money and acquire such assets necessary to carry out the above and to obtain such permits as may be necessary for that purpose.
 - iv. Invest and deal with monies of the Federation not immediately required, in such securities as may be determined by the Vice President Finance from time to time.
 - v. Utilise the services of any person or create any Sub-Committees considered necessary for the efficient conduct of the affairs of the Federation.
 - vi. Delegate to any other Committee referred to in this Constitution any matter for decision, action, control, negotiation, investigation or report.
 - vii. Establish Trust Funds.

- viii. Make, vary, repeal or rescind any Rules, Regulations and/or By-Laws to this Constitution, but so that any such Regulations and/or By-Laws are not inconsistent with this Constitution.
- ix. Determine affiliations, Fees and other charges.
- x. Impose a levy on each Club for the purpose of funding its activities and obligations.
- xi. Do all such lawful acts and things as are incidental or conducive to the carrying out of the above.

Financial

- f) The Federation will collect from Clubs and Affiliates such affiliation fees as are determined by the Council. Such fees shall be remitted to the Federation.
- g) The Federation may raise other funds from Clubs and Affiliates as is deemed necessary by the Council.
- h) The Federation shall operate in its name at any bank or other financial institution such accounts as may be agreed upon by the Management Committee. All funds of the Federation shall be paid into Federation accounts. Unless otherwise resolved the signatories to the Federation accounts shall be the President, Vice President Finance or Chief Executive Officer with two of the three signatures being required on any cheque form or withdrawal application.
- i)
 - i. The financial records of the Federation shall consist of receipt books, ledgers, journals, chequebooks and such other books and equipment as are deemed necessary by the Management Committee.
 - ii. At the close of each financial year, the Vice President Finance shall prepare statements of income and expenditure, and assets and liabilities of the Federation. Such statements, duly audited, shall be presented to the Annual General meeting.
 - iii. Copies of the printed audited accounts shall be distributed to Clubs at least fourteen (14) clear days before the Annual General meeting.

Office Bearers

- j) President, Vice Presidents (6), Handicapper, and Assistant Handicapper. The office bearers shall be elected each year at the Annual General Meeting, in accordance with the following clauses. The Chairman shall have the casting vote.
 - i. **President:** The President shall be elected once every two (2) years and shall hold office for two (2) years.
 - ii. **Vice Presidents (6):** These Office Bearers shall be elected once every two (2) years and shall hold office for two (2) years, except that each year three (3) Vice Presidents shall retire.
 - iii. **Handicapper and Assistant Handicapper:** These Office Bearers shall be elected annually.
- k) In relation to each office bearer, all nominations shall be in writing, signed by the nominee, and be in accordance with By-Law (111d). On receipt of the nominations the Federation Office shall circulate the list of nominees to all Clubs within seven (7) days.
- l) A person shall not be eligible for election to the Management Committee, or be a Delegate to the Council if he:
 - i. Has been convicted of any indictable offence or any criminal offence punishable by imprisonment for a period of twelve months or more: or:
 - ii. Has been disqualified by a properly constituted disciplinary body, within the sport, from further participation in that sport for a period in excess of five years **provided that** after the expiration of the period of disqualification that person will, unless the Council decide to the contrary, be eligible for election.
 - iii. Is an undischarged bankrupt.

Resignation from Office

- m) An office referred to in Clause (j) will be declared vacant at any time upon the office holder having submitted his written resignation to the President.

Removal from Office

- n) A holder of office referred to in Clause (j) may, upon the passing of a special resolution, be removed from office for misconduct.

Restrictions on Holding Office

- o) Unless otherwise agreed to by the passing of the Council of a special resolution to that effect, no person shall hold more than one of the offices mentioned in Clause (j) of this Constitution concurrently.

Management Committee

- p) The Management Committee shall be the President and six (6) Vice Presidents elected in accordance with the By-Laws.

Power of the Management Committee

- q) The Management Committee shall manage the on-going affairs and business of the Federation and shall at all times act in accordance with this Constitution and the Rules made hereunder and shall furthermore have at all times due regard for the well-being of the Federation and its efficient management and shall hold such meetings as it so desires.

The Management Committee shall forward minutes to each Club and report to each Council or Special Meeting in relation to its actions since the last Council or Special Meeting.

- i. It shall recommend all Team Management and Coaches for any event.
- ii. The President shall have a casting vote.
- iii. Any Management member is entitled to reimbursement of travel and accommodation expenses when travelling interstate for the Federation.

Duties of Office Bearers

- r) Duties of Office Bearers;

- i. **President:** At the A.G.M., any special General Meeting, the Country Conference and all meetings of the Management Committee and the Council, the President shall occupy the chair. In his absence, the meeting shall elect a Chairman. The Chairman of any meeting shall have a casting vote.
- ii. **Vice Presidents:** Following the election of the Office Bearers, the President shall convene a meeting to allocate portfolios to the Vice Presidents. These shall include Finance, Technical, Administration, Racing and any other portfolios deemed necessary.

Duties under these portfolios shall include:

- a) **Finance:** This Vice President shall be accountable for the financial books of the Federation; be responsible for the accounting for the affiliation fees, other charges, and other monies owed to the Federation; present the relevant financial statements and Schedule of Fees to the Council, Special or Annual meetings and Management Meetings. He shall ensure all accounts are paid by cheque and that the cheques are signed in accordance with Clause h)
- b) **Administration:** This Vice President shall be responsible for all administration matters.
- c) **Technical:** This Vice President shall be responsible for all matters relating to By-laws, Technical Regulations Road, Track, MTB.

He shall be automatic President of the College of Commissaires.

- d) **Racing:** This Vice President shall be responsible for all matters relating to members racing. He shall chair the Race Committee Meetings.
- ii. **Handicapper:** The Handicapper shall receive all nominations for Open races and carry out the handicapping and grading of riders. (He may delegate to assistants). He shall receive the results of club events from Club Secretaries and keep records of all Open Race results.
- iii. **Assistant Handicapper:** He shall carry out any duties delegated to him by the Handicapper or the Race Committee as they see fit. He shall be responsible for the grading and handicapping of all divisions below U/19 years. In the absence of the Handicapper, the Assistant Handicapper shall act in his place.

Other Committees

- s) **Other Committee:** The Management Committee or Council may utilise the services of any person or appoint any committee considered necessary for the efficient conduct of the affairs of the Federation.

Disciplinary and Appeal Committee

- t) **Disciplinary and Appeal Committee:**
 - i. The Federation Disciplinary and Appeal Committee shall be the Management Committee **Provided That** if any of those persons are implicated in a matter coming before this Committee, they shall vacate their places on the committee for the purpose of that matter.
 - ii. A member desiring to appeal shall give written notice of the appeal to the Chief Executive Officer, together with a prescribed appeal fee. Should the appeal be successful, the fee shall be returned.
 - iii. The Committee shall regulate its proceedings and conduct its investigations in accordance with the By-Laws. An appellant may appear personally before the Committee, or may be represented by a financial member of the Federation to present the case for the appellant. A barrister or solicitor shall not be eligible to act as a representative. The decision of the Committee shall be notified in writing to the appellant. Any expenses incurred may, at the discretion of the Committee be directed to be paid by the appellant.
 - iv. The appeal Committee shall without limiting the generality of the powers conferred upon it by sub-rule (c) have power in respect of an appeal before it:
 - a. Dismiss the appeal.
 - b. Uphold the appeal.
 - c. Confirm the decision appealed against and confirm the penalty imposed.
 - d. Confirm the decision appealed against but alter the penalty imposed by substituting additional fines, penalties or periods of disqualification, or suspension or by increasing or reducing any penalty, fine or period of disqualification or suspension.

Selection Committee

- u) **Selection Committee:** The Selection Committee shall meet as required and shall conform with the By-Laws.

Quorums

- v) **Quorums:**
 - i. A quorum for the Annual General Meeting and/or any Special General Meetings shall be twenty (20) members.
 - ii. A quorum for a Council Meeting shall be ten (10) members.

- iii. A quorum for Management Meeting shall be three (3) members, one of whom must be the President, or a Vice President appointed by the President.
- iv. A quorum for a Disciplinary and Appeal Committee shall be three (3) members.

No business shall be transacted at any Meeting unless a Quorum of members is present.

Right to Vote

w) *Right to Vote:*

- i. Delegates shall each have one vote at all Council and Special Meetings of the Federation.
- ii. Financial members of the Federation, with the exception of all divisions U/17 and below may participate and vote at the Annual General Meetings and Special General Meetings.

Method of Voting

- x) Voting on motions will be on a simple majority and will be on the voices unless a show of hands is called. Voting at all elections shall be conducted by secret ballot and shall be by exhaustive ballot. The Chairman shall conduct such ballots with scrutineers being elected from the meeting. A declaration by the Chairman in respect of a motion or election shall be conclusive.

Annual General Meeting

- y) The Federation Annual General Meeting shall be held on the first Friday in May of each year where practicable.

Order of Business at Annual General Meetings

- z) **Business:** The business of the Annual General Meeting which shall take precedence over all other business shall be:
 - i. To receive the Annual Reports
 - ii. To receive the Annual Financial Statements.
 - iii. To receive the Auditor's Report.
 - iv. To confirm any alterations in the Rules as passed by Council during the past twelve months.
 - v. To elect the Patron, Vice Patrons (max. 2) and the Office Bearers.

Special Meetings

aa) *Special Meetings:*

- i. **Notification:** Special General Meetings may be held on such occasions as will allow ten clear days notice being given by advertisements in one or more of the Sydney daily newspapers and also by notice in writing to Council members and Honorary Secretaries of affiliated Clubs.
- ii. **Convening of Meetings:** Special General Meetings may be convened by:
 - a) Motion of the Council
 - b) By requisition signed by not less than thirty members of affiliated clubs. The requisition shall state the business to be discussed.
- iii. **Business:** No business other than that for which the Meeting has been called shall be transacted at any Special General Meeting.

Amendments to Rules

bb) *Amendment to Rules:*

- i. New Rules require the consent of three-fourths (3/4) of the eligible delegates voting at a Council Meeting.
- ii. Any motion to alter, amend, delete or add a new rule must be lodged in writing with the Chief Executive Officer at least two (2) clear Council Meetings prior to the motion being submitted for decision. At the first Council Meeting after the lodgement of the motion, open discussion shall be permitted and be adjourned until the following Council Meeting when such motion shall be submitted for decision.
- iii. Only the Council shall have the power to alter, rescind and /or make new rules. The action determined shall take effect immediately on being passed until the next Annual Meeting when it must be confirmed in order to remain effective.
- iv. Any rules, which have been subject of a notice of motion, may not be altered for a period of six months after the declaration of the result of the vote thereof.

Regulations and/or by-laws

- bb) i. Regulations may be made prescribing matters that are necessary or convenient for carrying out or giving effect to this Constitution.
- ii. By-laws may prescribe the means by which effect is given to this constitution.

Dissolution

- cc) i. The Federation shall be dissolved in the event of the number of clubs falling below three (3), upon a vote of simple majority of persons entitled to vote who are at a Special Meeting convened for that purpose, and where notice incorporating the proposed resolution is given accordance with this constitution.
- i. Upon dissolution the assets and all profits, if any, after payment of all expenses and liabilities shall be conveyed to some other Federation having similar objects to those of this Federation or to a recognised charity, such choice to be decided upon by the vote of the simple majority of the members present at the above special meeting.

Public Officer

- bb) The Public Officer who must be a resident of N.S.W. will be appointed by the Management Committee each year and such appointment to be confirmed at the Annual Council Meeting. Should a vacancy occur the Management Committee will appoint a person to fill that vacancy within fourteen (14) days.

Common Seal

- cc) The Management Committee shall provide for the safe custody of the seal which shall only be used by the authority of the committee or of a sub-committee of members of the committee authorised by the committee on that behalf. Every instrument to which the seal is affixed shall be signed by a member of the committee and shall be countersigned by the President or Chief Executive Officer or by some other person appointed by the committee for that purpose.

Inspection of Books

- dd) The records, books and other documents of the Federation shall be open to inspection, free of charge, by any financial member of the Federation at any reasonable hour.

Auditor

- hh) An audit of the account of the Federation shall be made each year by qualified auditors appointed annually. The persons appointed may not necessarily be members of the Federation. The report of the auditors shall be read at the Annual General Meeting.