



# *New South Wales Water Polo Inc.*

Address all correspondence to:

Chief Executive  
PO Box 6627  
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## **CONSTITUTION**

27<sup>th</sup> March 2008



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## **THE CONSTITUTION OF NEW SOUTH WALES WATER POLO INCORPORATED**

### **1. NAME**

The name of the Association shall be New South Wales Water Polo Incorporated, here after called 'NSWWPI'.

### **2. DEFINITIONS**

In the Constitution unless the contrary intention appears from the context:

'Annual Conference' means a Conference of NSWWPI held after the end of the financial year and in order to comply with the provisions of the Act.

'Authorised Delegates' means the appointed representative of a Club

'AWPI' means Australia Water Polo Inc.

'Board' means the Board of Directors of NSWWPI.

'Conference' means a meeting of Authorised Delegates of Clubs, Members of the Board and Life Members of NSWWPI

'Club' means a group of members who play together in a team or teams in competitions and members in groups who play together in definite geographical districts in competitions conducted by or approved by NSWWPI, and in relation to which competition entry fees and annual affiliation fees have been paid as required.

'Disciplinary Committee' means the committee appointed pursuant to Clause 23 of this Constitution.

'Electronic Mail' means facsimile or other means of electronic transmission of data approved from time to time by the Board.

'Exhaustive Ballot' means the process by which the Conference vote for two (2) or more candidates and the candidate with the least number of votes is eliminated. This process is repeated until the required number of candidates remain.

'Director' means a Director for the time being.

'FINA' means Federation Internationale de Natation.

'Mail' means post or electronic mail.

'Majority' means a majority on an issue of not less than one-half of the number of votes eligible to be cast.

'NSWWPI' means New South Wales Water Polo Incorporated.

'Special Conference' means any other Conference convened by the Secretary of NSWWPI in accordance with the provisions of this Constitution.

'Special Majority' means a majority on an issue of not less than three-quarters of the number of votes eligible to be cast of those in attendance at the conference.

'The Act' means the Association Incorporations Act 1984 of the State of New South Wales.

Words in the plural number shall include the singular and vice versa.

Words importing the masculine gender shall include the feminine or neuter gender.

### **3. OBJECTS**

The objects of NSWWPI are:

- 3.1 to manage, promote, encourage, develop and control the sport of water polo throughout New South Wales;
- 3.2 to facilitate participation in national competitions.

### **4. POWERS OF NSWWPI**

- 4.1 Subject to the Constitution NSWWPI shall have full power, jurisdiction and authority to do all things necessary to carry out the business, the affairs and objects of NSWWPI, including but are not limited to, the following:
  - 4.1.1 to ensure uniformity of rules for the control and regulation of water polo and the conduct, promotion and management of water polo competitions, within New South Wales, in accordance with the FINA Rules of water polo;
  - 4.1.2 to be a member of Australian Water Polo Inc (AWPI);
  - 4.1.3 to control, in conjunction with any of its Members, the selection and management of NSW State water polo teams, players and officials;
  - 4.1.4 to adjudicate upon appeal matters of dispute;
  - 4.1.5 to control NSW State Water Polo Championships and Competitions;
  - 4.1.6 to act, alone or in conjunction with any of its Members, in any matter concerning water polo within New South Wales;
  - 4.1.7 to admit to membership players and other persons who are desirous of promoting the objects of NSWWPI and to impose and collect the necessary subscriptions, fees and levies from the various categories of people;
  - 4.1.8 to invest and deal with the money of NSWWPI not immediately required in such manner as may be permitted by law for the investment of trust funds;
  - 4.1.9 to print and publish including electronically any newspapers, periodicals, books or leaflets that NSWWPI may think desirable for the promotion of its objects; and
  - 4.1.10 to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of NSWWPI.
  - 4.1.11 to impose and enforce penalties, including suspension, disqualification or expulsion, on any member or Club, for committing any breach of this Constitution or who has carried out, counselled or sanctioned conduct, which in the opinion of NSWWPI had brought the sport of water polo into disrepute.
- 4.2 In addition to the powers conferred by Clause 19 NSWWPI shall have the power to fine, reprimand, suspend, expel or otherwise deal with a Member or Club which or who in the opinion of the Disciplinary Committee;
  - 4.2.1 is or has been in breach of this Constitution; or
  - 4.2.2 is or has been guilty of misconduct of any kind, including but not limiting the generality thereof, of unfair practice relating to water polo or action which denigrates the sport of water polo; or
  - 4.2.3 breaches AWPI's anti-doping policy.
- 4.3 NSWWPI shall have the power to make, vary or modify from time to time such rules and regulations as it deems necessary for the maintenance of discipline as envisaged by Clause 4.2.

### **5. MEMBERSHIP**

- 5.1 Membership of NSWWPI shall consist of:
  - 5.1.1 Members;
  - 5.1.2 Life Members;
- 5.2 A Member is a person who:
  - 5.2.1 plays, referees, or officiates in competitions conducted by or approved by NSWWPI
  - 5.2.2 is an elected director or consultant of the Board;
  - 5.2.3 and has paid the necessary subscriptions, fees and levies;

- 5.3 Membership of NSWWPI is not transferable.
- 5.4 Life Membership of NSWWPI may be conferred by special majority of the Conference on the recommendation of the Board upon any person who has for a period of not less than ten (10) years rendered outstanding service to the sport of Water Polo provided that:
  - 5.4.1 not more than two Life Members may be elected in any two-year period;
  - 5.4.2 the Board recommends conferring the Life Membership and notice of such recommendation is given to all Delegates not less than thirty (30) days prior to the date of the Annual Conference;
  - 5.4.3 a Life Member shall be eligible for election for any office of NSWWPI;
  - 5.4.4 a Life Member shall be presented with such badge or medallion as may be determined by the Board.
- 5.5 The necessary membership fees and levies will be as prescribed by the Board from time to time and will be payable prior to playing or refereeing in any water polo competition or prior to participating as a voting member at any Conference.
- 5.6 The liability of a member is limited to the extent of his unpaid membership fees and levies for the current year.
- 5.7 Membership may be resigned within the membership year by notice in writing to the Secretary, and shall take effect on receipt provided that the member has no debts outstanding to NSWWPI, otherwise membership shall cease by non-payment of the membership fee on 31 August of the membership year.

## **6. BOARD OF DIRECTORS**

- 6.1 The affairs of NSWWPI shall be managed and controlled by a Board which (in addition to any other powers and authorities expressly conferred upon the Board by this Constitution) may carry into effect all or any of the objects of NSWWPI and may exercise all powers of NSWWPI and do all such acts and things as may be exercised and done by NSWWPI in Annual Conference, subject nevertheless to the provision of this Constitution and to the resolutions of NSWWPI in Annual Conference. No such resolution shall invalidate any prior act of the Board which would have been valid had that resolution not been passed.
- 6.2 The Board shall consist of:
  - 6.2.1 The President who shall preside at the Annual Conference and shall represent NSWWPI in furtherance of its objects.
  - 6.2.2 Chairman of Directors, who shall preside at meetings of the Board and shall co-ordinate the activities of the Directors. The coaches, managers and selection committees for NSWWPI representative teams shall report to the Chairman.
  - 6.2.3 Financial Director who will be appointed as Secretary. The Director Finance shall be responsible for keeping the accounts, arranging the audit of those accounts. The Secretary shall be the Public Officer of NSWWPI.
  - 6.2.4 Metropolitan Director who shall be the convenor of the Metropolitan Committee, the functions and membership of which are set out in Clause 29 and he shall be responsible for the carrying out by that Committee of its functions.
  - 6.2.5 Country Director who shall be the convenor of the Country Committee, the functions and membership of which are set out in Clause 30, and he shall be responsible for the carrying out by that Committee of its functions.
  - 6.2.6 Two (2) further Directors.
- 6.3 Appointed Consultants
  - 6.3.1 appointed Consultants may be appointed by the Board on an annual basis as determined by the Board consistent with the following criteria:
    - 6.3.1.1 each appointment may be in response to a clearly identified gap in one or more governance requirements not currently met by elected directors.
    - 6.3.1.2 each appointed Consultant must be prepared to make a commitment to serve the best interests of NSWWPI as an organisation, not just focus on their special contribution.
    - 6.3.1.3 each appointed consultant will make a commitment to attend all board meetings.
    - 6.3.1.4 the Board shall notify Members of such appointments made.

6.3.1.5 appointed Consultants shall have the same responsibilities and liabilities as all other Directors with exception of the right to vote at Board Meetings, Annual Conference and Conferences.

#### 6.4 Election of Directors

- 6.4.1 the Board shall be elected at the Annual Conference.
- 6.4.2 members seeking election to the Board shall signify in writing their acceptance of nomination by at least two (2) members and such nomination shall be received by the Chief Executive at least fourteen (14) days prior to the Annual Conference. Nominees for any such position shall be required to state with their nomination their qualifications and experience.
- 6.4.3 in the event that there is more than one candidate for any position then such position shall be decided by an exhaustive ballot.
- 6.4.4 all Office Holders from the immediate past year shall remain in office until the conclusion of the Annual Conference at which time all newly elected Office Holders shall take office.
- 6.4.5 the Board shall have the power at any time to appoint an eligible person to the Board to fill a vacancy. Any person so appointed shall hold office only to the conclusion of the next Annual Conference.

#### 6.5 Removal of Directors

- 6.5.1 NSWWPI may, by ordinary resolution to a Conference of which notice has been given, remove any Director before the expiration of his period in office, and may by ordinary resolution appoint another eligible person in his stead, provided that the person so appointed shall hold office only until the conclusion of the next Annual Conference.
- 6.5.2 For the purposes of this Constitution the office of a Director of the Board becomes vacant if the Director is absent without the consent of the Board for three (3) consecutive meetings of the Board.

### 7. POWERS AND DUTIES OF THE BOARD

- 7.1 The Board shall govern and control the affairs of NSWWPI between Annual Conferences and may exercise all such powers of NSWWPI as are not, by Law or by this Constitution, required to be exercised by NSWWPI in Annual Conference.
  - 7.1.1 the Board may establish and disestablish such committees and delegate powers to such committees as are required to assist it to fulfil its governance duties.
  - 7.1.2 the Board shall be indemnified from the funds of NSWWPI in respect of any liability (excepting acts of fraud, malfeasance or defalcation) that they collectively or individually may incur as a result of any decision taken or act made in accordance with their powers pursuant to the Constitution.
- 7.2 The Board shall:
  - 7.2.1 promote and co-ordinate the activities of NSWWPI, and to this end may negotiate or work with international and local organisations as required in order to fulfil the objects of NSWWPI;
  - 7.2.2 publish handbooks, manuals, electronic training and other aids, and other material, and disseminate information and publicity;
  - 7.2.3 control the use of the name of NSWWPI, logos, membership cards and emblems;
  - 7.2.4 foster the activities of NSWWPI and co-operation between Members, Clubs and other groups in the interests of the Objects of NSWWPI;
  - 7.2.5 have general responsibility for the development of NSWWPI;
  - 7.2.6 have the power to appoint and terminate the appointment of a Chief Executive and any other employees whose role shall be to manage the affairs of NSWWPI. The Board shall direct the Chief Executive and any other employees to achieve certain outcomes or to work within certain policies determined from time-to-time by the Board;
  - 7.2.7 the Board shall appoint coaches, managers and a selection committee for each team to represent NSWWPI throughout the year. No two members of any selection committee may be members of the same Club;
  - 7.2.8 present to the Annual Conference a full report of its activities and the business done by it during its year in office and of any matters of interests and importance to NSWWPI transpiring during the period since the Board last reported to Members;

- 7.2.9 the Financial Director shall present the annual financial report which shall include statements of financial activity and a statement of financial position prepared in accordance with commonly accepted standards of good accounting practice.
- In addition to the above powers, the Board:
- 7.2.10 shall deal with such matters as are delegated by Conference or by a mail vote of NSWWPI;
- 7.2.11 may submit collectively recommendations and Notices of Motion to Conference, which recommendations and Notices of Motion shall not require seconding by any Member; and
- 7.2.12 the Board shall appoint eligible persons to vacancies remaining after the Annual Conference or subsequently occurring in Positions or Committees specified in this Constitution for election at the Annual Conference. The Board shall appoint eligible persons to such other Committees as may be specified in this Constitution, or may be deemed expedient from time to time to promote the objects of NSWWPI, in which appointments the Board shall take account of any expression of interest by eligible persons in the work to be undertaken. All such appointees together with any persons elected to Positions at the Annual Conference in accordance with this Constitution shall be officials of NSWWPI and all appointments shall continue until the conclusion of the next Annual Conference.
- 7.3 Legal responsibilities of Directors.
- .1 a duty of care and diligence. In the exercise of his or her powers or the exercise of his or her duties, a director of NSWWPI must exercise the degree of care and diligence that a reasonable person in a like position in a corporation would exercise in NSWWPI 's circumstances.
- .2 no improper use of inside information. A director or former director of NSWWPI must not, in relevant circumstances, make improper use of information acquired by virtue of his or her position to gain, directly or indirectly, an advantage for him or herself as or for any other person or to cause detriment to NSWWPI.
- 7.3.3 no gain by improper use of the position. A director of NSWWPI must not, in relevant circumstances, make improper use of his or her position to gain, directly or indirectly, an advantage for him or herself as or for any other person or to cause detriment to NSWWPI.
- 7.4 Proceedings of the Board.
- 7.4.1 the Board shall meet as often as is necessary to conduct its business. A meeting of the Board shall be convened by the Secretary upon request by the Chairman or when two (2) Directors of the Board consider it necessary.
- 7.4.2 the quorum at a meeting of the Board shall be four (4) Directors.
- 7.4.3 the Board shall meet at least six (6) times per year at such times and places as determined by the Board.
- 7.4.4 notice shall be given to Directors of special meetings, specifying the general nature of the business to be transacted.
- 7.4.5 in the absence of the presence of the Chairman, the Directors shall elect from among their members a Chairman to preside over the proceedings of that meeting.
- 7.4.6 all Directors shall receive due notice of all Board meetings together with papers and documents relevant to the proceedings of the meetings.
- 7.4.7 the Board shall cause Minutes to be made:-
- (a) of all appointments of officers, agents and servants
  - (b) of all appointments to official positions, committees or sub-committees
  - (c) of the terms of reference of any committee or sub-committees established
  - (d) of names of members of the Board present at all meetings of NSWWPI and of the Board
  - (e) of all proceedings at all meetings of NSWWPI and of the Board
- Such Minutes shall be signed by the Chairman of the meeting at which the proceedings were held, or by the Chairman of the next succeeding NSWWPI meeting for NSWWPI meeting Minutes or Chairman of the next succeeding Board meeting for Board meeting Minutes.
- 7.4.8 subject to this Constitution, questions arising at any meeting of the Board shall be decided by a majority of votes. In case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

## **8. PECUNIARY GAIN**

No Director shall receive or obtain any pecuniary gain from the property or operation of NSWWPI provided that this rule shall not prevent the payment of remuneration to Directors as the Conference shall approve.

## **9. CASUAL VACANCIES ON THE BOARD**

9.1 For the purposes of this Constitution the office of an elected Director of the Board becomes vacant if the Director:

- (a) dies;
- (b) resigns his office in writing addressed to the Secretary; or
- (c) is removed from office by vote of a special majority at a Conference at which due notice has been given;
- (d) becomes of unsound mind or is a person whose estate is liable to be dealt with any way under the laws relating to mental health;
- (e) becomes insolvent under administration within the meaning of the Corporations Law;
- (f) is absent without the consent of the Board for four (4) months

9.1.1 in the event of a casual vacancy occurring for an elected Director, the Board may appoint a person from its Members. The appointment shall continue until the next Annual Conference.

9.1.2 in the event of a vacancy occurring for the position of Secretary, the Board shall elect from amongst its Members a replacement.

9.1.3 in the event of a vacancy occurring in an appointed consultant, the Board shall determine whether to refill the position subject to Sub Clauses 6.3.1.1 – 6.3.1.5.

## **10. CHIEF EXECUTIVE**

10.1 The Board may appoint, suspend or remove a Chief Executive and may vest in him or her such powers and authorities as the Board may from time-to-time determine. The Chief Executive so appointed shall exercise all such powers and authorities subject in all things to the control of the Board to be exercised in such a manner as determined by the Board.

10.2 The Chief Executive shall not be a Director or have any right to vote but shall attend all Board meetings at the request of the Board.

10.3 The Chief Executive shall be required to present to the Board all such reports and information as the Board requires including: financial reports on the financial position of NSWWPI, reports indicating progress towards the achievement of the Objects of NSWWPI or strategic directions determined by the Board from time-to-time, compliance with Board policies or externally imposed requirements and any further reports as determined from time-to-time by the Board.

10.4 The Chief Executive shall provide the Board with whatever other support as is required by the Board in order to meet its Duty of Care responsibilities and its obligations to Members.

## **11. PATRON**

The Patron shall be appointed on the recommendation of the Board at the Annual Conference.

## **12. DELEGATE TO AWPI**

12.1 The Delegate to AWPI shall be elected by the Board from amongst its members at the first Board Meeting after the Annual Conference. In the event that the Delegate so elected is unable to attend a Conference of AWPI, the Board shall elect a proxy delegate for that Conference, also from amongst its own members.

12.2 The Delegate to AWPI shall represent NSWWPI at all Conferences of AWPI, shall convey views of NSWWPI as determined by the Board on matters discussed at such conferences and shall report to the Board on such Conferences and other AWPI matters, which arise.

## **13. CONFERENCES VOTING ELIGIBILITY**

Persons Eligible to Vote at Conferences

- (a) Authorised Delegates of Clubs
- (b) Members of the Board

- (c) Life Members of NSWWPI

#### **14. CONFERENCES**

- 14.1 The Conference shall meet at least once a year, on a date determined by the Board within two months of the conclusion of the financial year.
- 14.2 The business of the Annual Conference shall include:
- (a) the election of the Directors;
  - (b) confirmation of the Minutes of the previous Conference;
  - (c) receipt of the Annual Report, Statement of Accounts, Balance Sheet of NSWWPI and the Auditor's Report thereon;
  - (d) election of Auditor;
  - (e) such other business of which due notice has been given.

Additional meetings of the Conference shall be summoned by the Secretary when so directed by the Board or upon a written request of not less than five persons eligible to vote at Conferences.

- 14.3 For all Conferences the following shall apply:
- 14.3.1 a quorum shall consist of at least ten persons eligible to vote at Conferences;(altered 27<sup>th</sup> March 2008)
  - 14.3.2 a notice of a Conference shall be mailed at least fourteen (14) days prior to that meeting to each Member of the Board, the Delegate (if known) and the Secretary of each Club and Life Members. The accidental omission to give notice of any meeting to any person or Body entitled to receive such notice shall not invalidate any Resolutions passed thereat;
  - 14.3.3 the Agenda for a Conference shall be mailed by the Secretary at least seven (7) days prior to the meeting to each Member of the Board, each Delegate, each Secretary of each Club and Life Members; and
  - 14.3.4 all Conferences shall be open to observers being members of Clubs and to the media except when the Conference shall decide to go into Committee.

#### **15. VOTING AT A CONFERENCE**

- 15.1 Each person eligible, as described in Clause 13 shall be entitled to vote.
- 15.1.1 each vote shall be given personally.
  - 15.1.2 in the event of an Authorised Delegate being unable to attend a Conference of NSWWPI a proxy Authorised Delegate may be appointed in writing by, or electronic transmission from, the Secretary or other authorised officer of the Club, the Member of the Board or the Life Member. The appointment notice being tendered at the time of the commencement of the Conference.
- 15.2 The Chairman of the Conference shall have a casting vote in addition to a deliberate vote.

#### **16. FINANCE**

- 16.1 The financial year of NSWWPI shall commence on the 1<sup>st</sup> day of September and end on the 31<sup>st</sup> day of August in the following calendar year.
- 16.2 Each Member and Club shall pay such annual Membership Fees and Levies as is prescribed by NSWWPI from time-to-time at an Annual Conference. Each such annual Membership Fee shall be payable on the first day of September in each year.
- 16.3 All receipts and payments shall pass through the bank account of NSWWPI.

#### **17. AUDIT**

The accounts of NSWWPI are to be audited by a suitably qualified Auditor who shall be appointed by those eligible to vote at the Annual Conference.

#### **18. CONDITIONS FOR CONDUCT OF CHAMPIONSHIPS AND COMPETITIONS**

- 18.1 NSWWPI shall conduct such Championships and/or Competitions as may be agreed by a Conference of NSWWPI.
- 18.2 Such Championships and/or Competitions shall be conducted in accordance with by rules set out by the Board of NSWWPI.

## **19. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS**

- 19.1 NSWWPI has the power to reprimand, fine, suspend, disqualify, expel or otherwise deal with a Member or Club which, in its opinion, has been guilty of conduct warranting such action.
- 19.2 Clubs which under their own rules have suspended a Member or deemed them ineligible for competitions conducted by NSWWPI, shall notify NSWWPI of any suspension. The Secretary of NSWWPI will conduct a register of all suspensions.
- 19.3 A Member who becomes unfinancial either:  
because of his failure to pay any amount owing to NSWWPI (including, but not limited to annual membership fees and levies), shall be suspended from membership of NSWWPI and such suspension shall remain in force until thirty (30) days after the moneys outstanding have been paid to NSWWPI
- 19.4 A Club which becomes unfinancial either:  
because of its failure to pay any amount owing to NSWWPI (including, but not limited to annual affiliation fee or levies), shall be suspended from membership of NSWWPI and such suspension shall remain in force until thirty (30) days after the moneys outstanding have been paid to NSWWPI
- 19.5 For the purpose of Sub Clauses 19.3 & 19.4 a Member and/or a Club shall be deemed to have failed to pay an amount owing when that amount remains unpaid two (2) calendar months after the date of such amount becoming due, a request for payment of that amount having been made in writing by NSWWPI during the relevant two (2) month period.
- 19.6 The membership of a Club shall cease with the dissolution, winding up or deregistration of that Club.

## **20. APPEALS**

- 20.1 Appeals from decision of Members and/or Clubs.
  - 20.1.1 A Member or a Club may appeal a decision on a Member or Club to NSWWPI. The appeal must be lodged in writing with the Secretary of NSWWPI within fourteen (14) days of that decision having been made by the Member or Club.
  - 20.1.2 A non-refundable fee of \$50.00 must be paid to the Secretary of NSWWPI at the time of lodging the Notice of Appeal;
  - 20.1.3 A decision appealed in accordance with Sub Clause 20.1.1 shall be heard by the Board within fourteen (14) days of the receipt of the appeal.
  - 20.1.4 The Chief Executive shall notify the Directors of the Board of the receipt, subject and argument of any appeal within seven (7) days of receipt. The appeal shall be placed on the agenda for the next Board Meeting.
  - 20.1.5 An appeal under Sub-Clause 20.1.1 shall be made in writing to the Secretary and shall be accompanied by extracts or copies of all documents quoted or relating to the case and such other particulars as are judged necessary by the appellant.
  - 20.1.6 The Member or Club against whose decision the appeal has been made shall be entitled to place the reasons for its decision before NSWWPI.
  - 20.1.7 NSWWPI may call upon any Member, Club who is the subject of discipline, suspension or expulsion or who has lodged an appeal in accordance with Sub Clause 20.1.1 to forward such books and documents, or copies thereof, as may be deemed necessary and expedient. Failure to comply with such requests shall render the offenders liable to such penalty as NSWWPI may determine.
  - 20.1.8 Members or Clubs will be advised of all decisions made by NSWWPI in accordance with this Clause within fourteen (14) days of that decision being made.
- 20.2 Appeals from decision of NSWWPI.
  - 20.2.1 A Member or a Club may appeal the decision of NSWWPI to AWPI.
  - 20.2.2 Any appeal made in accordance with Sub Clause 20.2.1 must be made to AWPI in writing within fourteen (14) days of the decision by NSWWPI.

- 20.2.3 A decision made by AWPI following an appeal in accordance with Sub Clause 20.2.1 is subject to the Constitution of AWPI.

## **21. DISCIPLINARY COMMITTEE**

- 21.1 The Disciplinary Committee shall comprise three (3) Directors. These three Directors are to be appointed by the Board at its discretion.
- 21.1.1 The Disciplinary Committee shall, using such procedures as it shall from time to time determine (so long as the principles of natural justice are observed) hear and make recommendations to the Board concerning disciplinary matters referred to it by the Chief Executive of NSWWPI or the Board. Such recommendations shall either be to fine, reprimand, suspend, expel or otherwise deal with a Member or Club who in the opinion of the Disciplinary Committee is in breach of Sub Clause 4.2 of this Constitution or in its opinion, has been guilty of conduct warranting such action.
- 21.2 If any Member or Club who is required by the Disciplinary Committee to assist in carrying out its duties fails to give such assistance it shall automatically be suspended from affiliation or membership until such assistance is given.
- 21.3 The right of appeal from a decision of NSWWPI on the recommendation of the Disciplinary Committee by a Member or Club dissatisfied with that decision is contingent on compliance by the appealing party with the obligations and conditions set out in Clause 20.

## **22. CODE OF CONDUCT**

The code of conduct set out by NSWWPI and AWPI shall be binding on all Members.

## **23. DOPING POLICY**

NSWWPI shall adopt, the doping policy of AWPI.

## **24. AMENDMENT TO THE CONSTITUTION**

- 24.1 An addition to, amendment or rescission wholly or in part of the Constitution, may be made at the Annual Conference or any Special Conference called for the purposes of adding to, amending or rescinding the Constitution, by special majority:
- 24.1.1 of which thirty (30) days notice in writing has been given to the Secretary; and
- 24.1.2 of which a copy of such notice has been forwarded to each Member of the Board, the Delegate (if known) and the Secretary of each Club and Life Members at least fourteen (14) days before the Annual Conference or Special Conference.

## **25. FUNDS**

- 25.1 The funds of NSWWPI shall be derived from the annual subscriptions, donations and other sources as the Board determines.
- 25.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Chief Executive and any one (1) designated Director or any two (2) designated Directors.

## **26. SEAL**

- 26.1 The Common Seal of NSWWPI shall be kept at the Registered Office of NSWWPI.
- 26.2 The Common Seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the Common Seal shall be attested by the signatories of any two Directors of the Board.
- 26.3 The Secretary shall record the use the Common Seal in the minutes of the Board and the seal register of NSWWPI.

## **27. WINDING UP OR CANCELLATION**

In the event of the winding up or the cancellation of the incorporation of NSWWPI and there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the Members of NSWWPI but shall be given or transferred to some other institution or institutions having objects similar or in part similar to the objects of NSWWPI and which shall also prohibit the distribution of its or their property among its or their members, such institutions to be determined by the Members of NSWWPI at or before the time of dissolution, or in default thereof by such expert as appointed by AWPI.

## **28. INTERPRETATION**

The Chairman of any Conference shall be the interpreter of the Constitution with respect to that Conference, subject to the normal laws of meetings and provisions of the Act.

## **29. METROPOLITAN COMMITTEE**

29.1 The Metropolitan Committee shall comprise the following persons:-

29.1.1 Director Metropolitan, who shall be convenor of the Committee

29.1.2 One representative from each Metropolitan Club

29.1.3 Chief Executive.

29.2 A fine of \$50 or as prescribed by the Board from time to time and a loss of 2 points per team may be imposed on Clubs each time their representative does not attend Metropolitan Committee Meetings. In extreme circumstances Clubs may appeal in writing against this penalty.

29.3 The function of the Metropolitan Committee shall be to conduct competitions for members and groups of members located in the Sydney Metropolitan area, to act to develop water polo within that area, and to conduct such other competitions or take such other actions as the Board may direct. In particular, the Metropolitan Committee shall each year review:-

29.3.1 general competitions rules

29.3.2 guidelines for the conduct of the judiciary function

29.3.3 guidelines for the appointment of referees

29.4 Minutes of the proceedings of the Committee and shall be referred to the Board for consideration and maintained in the office of NSWWPI.

29.5 Accounts relating to the Metropolitan competition shall be maintained in the office of NSWWPI.

29.6 The Director Metropolitan shall be responsible for the conduct of such competitions as are the function of the Committee, including the provisional grading of teams and the preparation of draws and competition rules for the consideration of the Committee, the organisation of pools and the provision of table officials for semi-finals, finals and grand-finals of such competitions. He shall also carry out the preliminary review of the general competition rules for the consideration of the Committee.

29.7 Information about competitions, whose conduct is the function of the Committee, shall be communicated to the media and within the sport by the office of NSWWPI .

29.8 The Metropolitan Committee shall have the power to appoint eligible persons to assist its members in their responsibilities.

## **30. COUNTRY COMMITTEE**

30.1 The Country Committee shall comprise:-

30.1.1 the Director Country who shall be convenor of the Committee

30.1.2 one representative appointed by each group or group of members, that group conducting competitions approved by the Board in a New South Wales country district, and having paid the required administrative fee for entitlement to become a voting member of NSWWPI.

30.2 The responsibility of the Country Committee shall be to fulfil the objects of NSWWPI with respect to the country districts of the State.

## **31. METROPOLITAN JUDICIARY COMMITTEE**

31.1 The Metropolitan Judiciary Committee shall comprise:-

31.1.1 the Chairman, who shall be appointed by the Board.

- 31.1.2 Other eligible persons as required who shall be appointed by the Board.
- 31.2 The Metropolitan Judiciary Committee shall investigate, adjudicate and impose penalties as it considers fit with respect to players ordered from the water by a referee for the offences of brutality, disobedience to a referee and disrespect to a referee as defined in the Rules, such offences having occurred in games forming part of the competitions for which the Metropolitan Committee is responsible. Such players may be suspended automatically from playing in any games under the authority of NSWWPPI until the matter is heard by the Committee.
- 31.3 The Metropolitan Committee shall refer to the Metropolitan Judiciary Committee for investigation and recommendation all protests relating to games in competition within its responsibility, and all reports whereby the sport of water polo may be considered to have been brought into disrepute with respect to such games. The Board and the Metropolitan Committee may refer other matters to the Committee for investigation and recommendation.
- 31.4 The Metropolitan Judiciary Committee shall each year prior to the commencement of the major summer competition review the guidelines for the operating procedures for the judiciary function, such guidelines to be applicable to its own functioning and to the functioning of judiciary committees of the competitions approved by NSWWPPI, especially competitions for member residents outside the Sydney Metropolitan area, and such guidelines to include consideration of appropriate penalties for offences and procedures for appeal, the final body of appeal to be the Board.
- 31.5 The Chairman, Metropolitan Judiciary Committee shall be responsible for the operation of the Committee and shall report to the Director Metropolitan.

## **32. METROPOLITAN REFEREE APPOINTMENTS COMMITTEE**

- 32.1 The Metropolitan Referee Appointments Committee shall comprise:-
- 32.1.1 the Chairman, who shall be appointed by the board
- 32.1.2 Other eligible persons as required who shall be appointed by the Board.
- 32.2 The Metropolitan Referee Appointments Committee shall appoint referees to games in competitions within the responsibility of the Metropolitan Committee, in accordance with guidelines and procedures which have been agreed by the Metropolitan Committee. The Metropolitan Referee Appointments Committee shall also appoint goal judges for the semi-finals, finals and grand finals of such competitions if so requested by the Metropolitan Committee.
- 32.3 The Metropolitan Committee shall review annually prior to the commencement of the major summer competitions general guidelines for the appointment of referees, applicable to both the Committee's own functioning and to the functioning of referee appointment committees in district associations, and shall also review the particular guidelines applicable to each competition for which it is required to appoint referees.
- 32.4. The Chairman, Metropolitan Referee Appointments Committee shall be responsible for the operation of the Committee and shall report to the Board.

## **33. REPLACEMENT OF EXISTING MEMORANDUM AND ARTICLES OF ASSOCIATION**

This Constitution of New South Wales Water Polo Inc replaces the existing Memorandum and Articles of Association and all decisions made by NSWWPPI and the Board of Directors shall be carried over until such times as they are changed by this new Constitution and the subsequently elected Board.