

**CONSTITUTION
OF THE**



(Incorporated in the Australian Capital Territory)

(This version includes all amendments approved up to and including 17th October, 2010)

**CONSTITUTION OF THE
AUSTRALIAN BILLIARDS & SNOOKER COUNCIL (Inc.)
(Incorporated in the Australian Capital Territory)**

1. INTERPRETATION

1.1 In this Constitution, unless inconsistent with the context thereof, the following words shall have the meanings respectively assigned to them:-

“**ACBS**” means the Australian Confederation of Billiard Sports, its heirs, successors and assigns;

“**Administrative or Executive Officer**” means a person appointed by Executive Committee to act as directed for and on behalf of the Council;

“**Affiliate**” means any body or organisation which may be affiliated to this Council by the Executive Committee on such terms and conditions as may be determined by the Council in General Meeting from time to time and as provided in this Constitution;

“**Billiards**” means the games of English Billiards and Snooker as defined by the rules of those games approved from time to time by the International Billiards and Snooker Federation and/or the WCBS. It includes any other game played on a table constructed in such manner as to be recognized as an English Billiard Table, and played in accordance with the said rules and any other game played on any other table which resembles an English Billiards Table;

“**Council**” means the Australian Billiards & Snooker Council as constituted by this Constitution;

“**Delegate**” means each person appointed by an Affiliate pursuant to Section 8 of this Constitution;

“**Executive Committee**” mean those persons elected as Executive Members in accordance with clauses 9.1, 9.2, 9.3 and 9.4 of this Constitution;

“**Financial Year**” means the year ending 30th June;

“**Officers**” means the Secretary, the Treasurer (or Secretary-Treasurer), the Public Officer, (a resident of the State or Territory where the ABCS Incorporation is vested), and the persons appointed to fill offices created by the Council pursuant to clause 9.9 of this Constitution;

“**Member**” means each member of the Council as provided in clause 6.1 of this Constitution;

“**Meeting**” shall include all meetings of the Council as defined by the appropriate prefix;

“**Notice**” shall include all notices or advice given where applicable within a prescribed time in writing by fax or other similar accepted method and shall include telephone advice where so provided in this Constitution;

“**State Body**” means the existing controlling authority of Billiards within each State or Territory of Australia;

“**Trustees**” means two persons appointed by Council to hold all property of whatsoever nature possessed by Council on its behalf. A trustee shall remain in office during his/her lifetime or until resignation or replacement at a general meeting of the Council;

“**WCBS**” means the International Body established to develop all Billiard sports jointly or individually primarily to enable international competition at all levels;

“**Writing**” and its derivatives including printing, typing, lithography and all other modes of representing or reproducing words and images in a visible form;

1.2 Words importing the singular include the plural and vice versa.

1.3 Words importing the masculine gender include the feminine gender and vice versa.

2. ASSOCIATION NAME

2.1 The name of the association shall be the Australian Billiards & Snooker Council, Incorporated.

3. HEAD OFFICE

3.1 The head office, or office, of the Council shall be situated at such place in Australia as the Council shall from time to time decide.

4. PURPOSE

4.1 The Council shall be the controlling body of the game of Billiards in Australia.

5. OBJECTS

5.1 The objects in general of the Council are to foster, encourage and provide where possible the facilities for the playing of Billiards and stimulate interest in Billiards and to endeavour to maintain a high standard of sportsmanship in the playing thereof, to establish, acquire and maintain libraries and reading rooms and to provide a centre of information, training, learning research and advice on all matters pertaining to Billiards and where applicable to be the accredited representative of persons in Australia who play Billiards and of all clubs, associations, groups or organisations of such persons and to promote the welfare of Billiards and that of the players and to take such action as may be deemed expedient therefor and, without limiting the generality hereof, but subject to the requirements of Membership of the ACBS:-

- (a) to promote Billiards in Australia and elsewhere;
- (b) to recognise States and Territories, or upon application, bodies involved in or responsible for the conduct of Billiards, as Affiliates on the payment of a prescribed fee;
- (c) to control and be responsible for the playing of Billiards in Australia and for championship tournaments whether locally or through Affiliates or other bodies;
- (d) to administer Billiards in Australia and to assist it by way of membership, and provision or delegation of representatives to meetings, of other bodies associated with and engaged in the administration of Billiards elsewhere and for those purposes to pay membership fees to other bodies and to affiliate with such international bodies as the Council may recognise, and incur any other financial responsibility which the Council may from time to time deem to be in the interests of Billiards, and to affiliate with or form part of any body established to promote and develop any sport played on a Billiard or similar table including a Pool Table;
- (e) to provide rules and regulations applicable to Billiards in general, its players and their conduct, the terms and conditions subject to which players may participate in competitive play of Billiards of whatsoever

nature in Australia and where applicable in other countries and when necessary to enter into contracts of whatsoever nature with players, sponsors, promoters, or other persons or bodies, and to accept the authority and requirements of the WCBS as they apply directly or indirectly to the conduct of Billiards in Australia and in national and International competitions and to become as a prerequisite thereto a member of the ACBS;

- (f) to determine, adopt or ratify such rules and playing conditions as may from time to time be laid down by the International Billiards and Snooker Federation and/or the WCBS and or the ACBS as they shall apply to the playing of Billiards in Australia;
- (g) to determine rules and playing conditions in respect of any tournament or competition of Billiards played in Australia PROVIDED THAT the Council may permit any Affiliate to determine rules and playing conditions in respect of a particular tournament or competition, provided always that such determination or permission does not contravene any rules or playing conditions of the ACBS which may be applicable to the particular tournament or competition;
- (h) to lay down experimental rules for playing conditions for use in tournaments or competitions of Billiards in Australia and to determine the period of application of such rules;
- (i) to impose penalties on Affiliates or their members or players for infringement of this Constitution or of the rules and regulations as laid down by the Council or the ACBS;
- (j) to appoint trustees to stand possessed of the whole of the Council's assets and to promote the Incorporation of any Affiliate or subsidiary organisation of the Council;
- (k) to establish, acquire, print, publish or circulate, sell or otherwise deal with any publication on Billiards;
- (l) to raise money by subscriptions and to grant any rights and privileges to subscribers;
- (m) to devote any part of the funds of the Council towards the expenses of tournaments and the provision of prizes and trophies;
- (n) to organise funds for the working of the Council, to render monetary assistance if considered advisable for the welfare of the Council's employees or persons connected with playing Billiards and to subscribe and contribute to any charitable, benevolent or useful object of a public character and to employ salaried officers, if necessary, to work for the Council and to fix and provide for their remuneration;
- (o) to manage invest and deal with all funds and assets of the Council in such manner as the Council may consider necessary, appropriate, incidental or conducive to the furtherance of the objects and aims of the Council;
- (p) to borrow or raise or secure payment of money in such manner as the Council shall think fit and in particular by mortgage or lien or by issue of debentures or debenture stock perpetual or otherwise, charges upon all or any of the Council's property both present and future and to purchase redeem or pay off any such securities;
- (q) to purchase, take on lease or in exchange, or otherwise acquire any real or personal property and any rights or privileges which improve, manage, develop, exchange, lease, mortgage, dispose of, turn to account,

- surrender or accept surrender of leases, or otherwise deal with all or any part of the properties or finances of the Council;
- (r) to remunerate any person for services rendered or to be rendered for placing or assisting to place or guaranteeing the placing of any of the debentures or other securities of the Council;
 - (s) to draw, make, accept, endorse, discount, execute and issue Promissory Notes, Bills of Exchange, Debentures and other negotiable or transferable instruments; and
 - (t) generally to do all and any such thing as in the opinion of the Council may be necessary or requisite or appropriate or conducive to the accomplishment performance and/or furtherance of the objects aims and powers of the Council as herein before described.

6. MEMBERSHIP

6.1 Classes of Membership

The membership of the Council shall consist of:-

- (a) Affiliate: any State or Territory body responsible for the control of Billiards in their State or Territory approved by Council under Section 8 of the Constitution
- (b) Provisional Affiliate: any country, place or organisation nominated for membership under the sponsorship of an Affiliate on the terms and conditions as may be deemed acceptable in each particular case by the Council.
- (c) Life Members: notwithstanding anything contained in this Constitution, all persons who have been elected as life members of the Council shall continue to hold such membership on the same terms and conditions applying at their election together with those members elected at an Annual General meeting as prescribed in clause 9.5 of this Constitution;
- (d) Associates, who shall comprise those persons, trade organisations and businesses who seek to support the Council or who have given support or service to it or its Affiliates elected by the Executive Committee of the Council. Associates shall be eligible to attend General meetings of the Council and speak thereat but shall not have voting rights. However, an Associate or a person representing an Associate Body shall be eligible for election or appointment to the Executive Committee in accordance with this Constitution and in such circumstances shall have the right to vote at all meetings of the Council;
- (e) Ordinary Member: are those accepted as such by Council on the terms and conditions stipulated by Council from time to time.

6.2 Candidates for membership must make application on the form set out in Appendix 1 of the Constitution, or any other form that the Executive Committee may approve.

6.3 The Council may from time to time and at such time as it shall consider necessary and shall at least once in every calendar year decide the amount of all fees, contributions, subscriptions, monetary calls, levies or other payments then payable by the various members of the Council and/or its Affiliates.

- 6.4 Forthwith upon deciding such amounts as aforesaid, the Council shall give notice thereof by pre-paid mail to each person or body from whom payment is required.
- 6.5 Within twenty-eight (28) days of the date of such notice (or such other period as the Council may in its sole discretion specify in the notice), the person or body aforesaid shall pay to the Council the amount specified in the notice.
- 6.6 In the event of failure of any person or body to pay the amount aforesaid within the time prescribed, the Council may cancel the membership or affiliation of (as the case may be) or impose such other penalty as it may determine on such person or body.
- 6.7 A member may resign by notice in writing to the Secretary, but shall be liable for fees, annual subscriptions, levies or debts due and unpaid at the date of resignation.
- 6.8 The liability of a member to contribute towards the payment of the debts and liabilities of the Council or the costs, charges and expenses of the winding up of the Council is limited to the amount, if any, unpaid by the member in respect of membership of the Council.

7 APPEALS

- 7.1 A person/body whose application for membership has been rejected or whose membership has been terminated may within one (1) month of receiving written notification thereof, lodge with the Secretary written notice of the person's/body's intention to appeal against the decision of the Executive Committee, together with any fee prescribed by the Executive Committee.
- 7.2 Upon receipt of a notification of intention to appeal against rejection or termination of membership the Secretary shall convene, within one (1) month of the date of receipt by the Secretary of such notice, a general meeting to determine the appeal.
- 7.3 At any such meeting the applicant shall be given the opportunity to fully present the applicant's case and the Executive Committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case.
- 7.4 The appeal shall be determined by vote of the members present at such meeting.
- 7.5 Where a person/body, whose application is rejected, does not appeal against the decision of the Executive Committee within the time prescribed by this Constitution or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any membership fee paid.
- 7.6 Any Affiliate or Member or person disciplined in accordance with Clause 5(i) or 8.3(f) and (g) of this Constitution either by Council or an Affiliate shall at the absolute discretion of the Executive Committee have the right of appeal, either in writing or by personal appearance before the Council. Council may vary a decision of an Affiliate or of the Executive, dismiss or uphold an appeal, increase or decrease any penalty and make its decision subject to any condition and on any basis it deems fit. The cost of attendance at a hearing shall be the responsibility of the appellant except where the Council finds that an appellant has been improperly

dealt with by an Affiliate in which case it may determine an amount which the Affiliate shall pay towards the cost of such appellants appearance. The decision of the Council shall be final in all matters relating to appeals.

8 AFFILIATION

- 8.1 The Council as constituted in accordance with Clause 6.1 hereof may approve either unconditionally or conditionally the affiliation to the Council of any body and upon such approval that body shall thereupon become an affiliated body subject to such conditions (if any) that the Council may impose
- 8.2 Where the Council has approved affiliations of a body prior to the coming into effect of the Constitution and subsequently then the Delegate or Delegates of the body nominated for the purpose by that body shall be a member or members of the Council so long as the body shall continue to pay its affiliation and any other prescribed fees and comply with any other conditions of affiliation which the Council may from time to time impose.
- 8.3 In addition to any other conditions which the Council may impose upon any particular affiliation, the following conditions shall apply to each affiliation:-
- (a) that the Affiliate shall pay within twenty-eight (28) days (or such other period as the Council may specify) of being called upon by the Council to do so, all fees, levies, contributions, subscriptions, monetary calls and other payments as the Council may from time to time require of the Affiliate;
 - (b) that the Affiliate shall upon receiving notice of an Annual General Meeting cause to be delivered to the Secretary of the Council at least forty-nine (49) days prior to the date of the Annual General Meeting a list of names and addresses of the Affiliate's nominated Delegate or Delegates to the Council for the period commencing with the commencement of the Annual General Meeting in respect of which the nomination is made PROVIDED THAT at no time shall there be more than two (2) nominated Delegates in respect of any Affiliate;
 - (c) that the Affiliate will observe and comply with rules and regulations of the Council;
 - (d) that the Affiliate will ensure that nothing in its Constitution is in conflict with the Constitution of the Council and that the Affiliate will not cause or permit any amendment of its Constitution which would create such conflict;
 - (e) that the Affiliate will not conduct itself nor cause or permit any of its members to conduct themselves in contravention of the Constitution of the Affiliate or the Constitution of the Council or any rules, regulations or by-laws of the Council;
 - (f) that the Affiliate shall report any such contravention to the Council and take any action it deems appropriate;
 - (g) that the Council may impose disciplinary measures in respect of any such contravention or may remit the question of such contravention to the relevant Affiliate who shall then be empowered to deal with such contravention without the direction of the Council.

- 8.4 Any former Affiliate may make application for re-affiliation to the Council. Such application may be granted by the Council on such terms as to payment of subscription and other dues and otherwise subject to such terms and conditions as the Council thinks fit.
- 8.5 The Council may by resolution, from time to time specify the duration of any affiliation in particular or of all affiliations in general.
- 8.6 That Council in General Meeting may at any time and with or without assigning any reason therefor, cancel any affiliation without any obligation to refund all or part of any affiliation fees paid before the expiry of the term thereof, or refuse or decline renewal of any affiliation. Such action shall be subject to the provisions of clause 7 hereof.

9 ELECTION/APPOINTMENT

- 9.1 As of the 79th Annual General Meeting of the Council (2010) the election of the President of the Council shall, subject to this Constitution, preside until the election of a new President at the third Annual General Meeting next succeeding his election. Any person who is a member of any Affiliated body including the Delegates of such Affiliated bodies shall be eligible for election as President. The President shall, on expiry of his term, be eligible for re-election as President providing that no person shall hold the office of President for more than two consecutive occasions, except when clause 9.2 is applicable. The sequence of elections for all future AGM's will be the position of President (if vacant) then positions of Executive Members due for election at that meeting are elected, then the election of Vice President (if vacant), will be filled from one of the duly elected Executive Members. Any person nominated during their current term of office to the position of Vice President will then adopt the term of office of that position being 2 years, unless the vacancy for the position of Vice President falls vacant prior to the incumbent's term of office in which case the elected person will only serve the balance of that term. The Executive member for the State where the retiring Vice President was domiciled will then adopt the balance of the term from the newly elected Vice President, unless that position was due for election at that time and therefore will be elected for the 2 year term. Any newly elected Executive Member that is replacing a retiring member during their current term of office will only be elected for the balance of the said term of office.
- 9.2 In the event that there is no nomination for the office of President, the retiring President may be re-appointed for a term not to exceed one (1) year and/or until the next Annual General Meeting.
- 9.3 At the 79th Annual General Meeting (2010) the Vice President plus three (3) Executive Members shall retire and be re-elected or replaced, and shall thereafter retire and be re-elected or replaced at every second Annual General Meeting. In addition the position on the Executive for a Women's Delegate will be appointed for a 1 year term. At the 80th Annual General Meeting (2011) three (3) Executive Members plus the Women's Delegate (to represent women in Billiards) shall retire and be re-elected or replaced, and shall thereafter be re-elected or replaced at

every second Annual General Meeting for 2 year terms. Any retiring Executive Member shall be eligible for re-election.

- 9.4 At each Annual General Meeting the Delegates shall elect a person to each of the positions of Secretary, Treasurer (or Secretary-Treasurer), Auditor, Public Officer, (a resident of the State or Territory where the ABSC Incorporation is vested) and Honorary Solicitor, provided that no person shall hold more than one (1) position (except in the case of a Secretary-Treasurer).
- 9.5 The Council may, at an Annual General Meeting, elect to life membership, members of Affiliates or any persons who in the opinion of the Council have given outstanding service to the Council or to Billiards PROVIDED THAT no more than one (1) life member shall be elected in any one year. At each Annual General Meeting that Council shall consider first whether a life member should be elected in that year. If it is decided by the Council to elect a life member, nominations shall be called for and if more than one (1) person is so nominated, an exhaustive ballot shall be held to determine the issue.
- 9.6 Unless otherwise herein provided the term of any member of the Council shall end at the conclusion of the relevant Annual General Meeting or any term of appointment.
- 9.7 In the event of the absence or unavailability of the President to fulfill his duties he may with the approval of the Executive Committee appoint any person for the time being and from time to time to serve as Acting President PROVIDED THAT except by special leave of the Executive Committee no such appointment shall be for a greater period than three (3) consecutive months nor shall the period of such appointment (or the total periods of all such appointments) during the President's then current term of office exceed in total nine (9) months PROVIDED FURTHER that failing any such appointment by the President the Executive Committee may of its own motion in the absence or unavailability of the President appoint an Acting President for such term as it shall deem proper.
- 9.8 The Acting President shall exercise only those powers of the President as the Executive Committee may direct.
- 9.9 The Executive Committee may create any office not provided for in this Constitution and appoint such person as it considers appropriate to fill such office.
- 9.10 The Executive Committee may establish any committee or sub-committee not provided for in this Constitution and appoint such person or persons as it considers appropriate to sit on such committee or sub-committee.

10 VOTING

- 10.1 Each member of the Council entitled to vote, shall have one (1) deliberative vote only.
- 10.2 The Patron(s), Life Members, Secretary, Treasurer (or Secretary-Treasurer) and any other Officers shall have the right to attend all meetings of the Council but shall not have the right to speak at any meeting without the permission of the Chairperson and shall not move or second any motions or have the right to vote on any matter unless attending also as an accredited Delegate.
- 10.3 The President, whilst occupying the chair, shall have a casting vote in the case of equal division as well as a deliberative vote.

- 10.4 Where an Acting President occupying the chair is a Delegate, he shall have a deliberative vote and, in the case of an equal division of votes, a casting vote.

11 DUTIES

- 11.1 The President shall be the senior member of the Council and shall, subject to this Constitution and its regulations and to any determinations of the Executive Committee for the time being, give such directions to the Secretary, Treasurer (or Secretary-Treasurer) and other members as shall be reasonably necessary and proper for the due conduct of the affairs of the Council. The President shall ex-officio be a member of all committees and sub-committees of the Council.
- 11.2 The Secretary shall, subject to the direction and control of the Executive Committee, be responsible for:-
- (a) keeping minutes of all resolutions and proceedings at General Meetings and Committee meetings;
 - (b) producing such minutes in written form at all such meetings;
 - (c) keeping a record of Members and Officers of the Council and of Affiliates and their Delegates;
 - (d) keeping the permanent records of the Council;
 - (e) allowing inspection of the records, books and other documents of the Council by a member of the Council (or its Delegate), free of charge, upon that member/Delegate arranging an inspection at a reasonable time; and
 - (f) performing such other functions as the Council shall from time to time determine.
- 11.3 The Treasurer shall, subject to the direction and control of the Executive Committee, be responsible for:-
- (a) the general supervision of the finances, including property, assets, revenue and expenditure of the Council;
 - (b) the keeping of correct accounts and books showing the financial affairs of the Council and particulars usually shown in books of a like nature; and
 - (c) submitting to the Annual General Meeting audited financial statements in respect of the financial year ended prior to the Annual General Meeting.

12 MEETINGS

- 12.1 There shall be an Annual General Meeting of the Council held within five (5) months of the end of the financial year at a time and place as may be determined by the Executive Committee.
- 12.2 At least ninety (90) days before the date of each Annual General Meeting the Secretary shall cause each Affiliate to be notified of the date of the meeting and thereupon each Affiliate shall proceed to appoint its Delegates in accordance with this Constitution and a list of the names and addresses of such Delegate(s) and particulars of agenda items for discussion shall be forwarded to the Secretary at least forty-nine (49) days before the date of the meeting. The agenda shall be circulated to the members and Affiliates not less than twenty-eight (28) days prior to the date of the Annual General Meeting.

- 12.3 The business to be transacted and in the following order at the Annual General Meeting shall be:-
- a) Welcome to Delegates and observers;
 - b) Apologies;
 - c) Adoption of Minutes of Previous Meeting;
 - d) Business arising therefrom which is required to be dealt with by the Annual General Meeting;
 - e) President's Address;
 - f) Executive Report by the Secretary;
 - g) Treasurer's Report, including presentation of the Financial Statements to the Meeting, and if thought fit adoption of those statements;
 - h) Election of Officers, Patron(s), Auditor and appointment of Trustees as and when required;
 - i) Consideration of election of a Life Member;
 - j) Such other business as may be brought before the meeting by the Executive Committee;
 - k) Appointments;
 - l) Agenda items submitted by Members as approved by the Executive Committee;
 - m) Notices of Motion;
 - n) Appeals;
 - o) General business, which shall include such matters as in the opinion of the Chairperson, could not reasonably be included within item (j).
- 12.4 Every General Meeting of the Council and every meeting of the Executive Committee shall be chaired by the President or in his absence the Acting President. In the absence of both the President and Acting President, the Vice-President shall take the chair. In the absence of all such members the meeting shall elect the Chairperson from those Members present.
- 12.5 A person appointed by the Executive Committee shall chair meetings of other committees and sub-committees. If no such appointment is made then by a person elected by the members of that committee or sub-committee from amongst their number.
- 12.6 Any member may appoint a proxy to attend and represent him at any meeting. The instrument appointing a proxy shall be in writing in the form set out in Appendix 2 of this Constitution, or any other form, which The Executive Committee may approve.
- 12.7 The Executive Committee may whenever it thinks fit convene a General Meeting of the Council.
- 12.8 All General meetings other than the Annual General meeting shall be summoned by notice to each Member at least twenty-eight (28) days prior to the date on which the meeting is to be held. Such notice is to set out and clearly define the business of the meeting PROVIDED THAT in circumstances deemed by the Executive Committee to be of an emergency nature such period of notice may be reduced to fourteen (14) days.
- 12.9 The quorum for all meetings of Council, other than as provided for in clause 16.1(b), shall not be less than fifty percent of those such members entitled to attend and vote at such meeting PROVIDED THAT such members shall be Delegates from not less than four (4) Affiliates.
- 12.10 In the event of there not being a quorum present within thirty (30) minutes after the time appointed for any General Meeting the same shall stand adjourned to a date and place to be fixed by the Executive Committee. If at

- such adjourned meeting a quorum is not present the matter(s) before the meeting shall be determined by the Executive Committee.
- 12.11 Each Member of the Council and Affiliates shall be furnished with a copy of the minutes of proceedings of each meeting as soon as possible after the close thereof.
- 12.12 Each Delegate or Proxy shall be an independent member of the Council responsible thereto and shall not be obliged to require to seek instruction from his/her relevant Affiliate with respect to any matter that might be discussed by the Council nor to vote in accordance with the directions of such Affiliate nor to refrain from voting on any matter or seek adjournment of debate on such matter until he has received instruction from such Affiliate AND each Delegate may vote on each such matter entirely as he/she sees fit and without limiting the generality of the foregoing, no delegate shall be or be deemed to be solely, partially or principally the representative of his Affiliate or of any other group or body or person except on matters directly pertaining to the function of the Affiliate for which the Delegate accepts responsibility.
- 12.13 For the purposes of ensuring accuracy of the recording of such minutes, the minutes of every Executive Committee meeting shall be signed by the chairperson of that meeting or the chairperson of the next succeeding Executive Committee meeting verifying their accuracy. Similarly the minutes of every General Meeting shall be signed by the chairperson of that meeting or the chairperson of the next succeeding General Meeting. However, the minutes of any Annual General Meeting shall be signed by the chairperson of that Annual General Meeting or the chairperson of the next succeeding General Meeting or Annual General Meeting provided that the Executive Committee will, at a meeting as soon as possible thereafter, record the accuracy of the minutes of the Annual General Meeting.

13 EXECUTIVE COMMITTEE

- 13.1 The management of the business of the Council shall be vested in the Executive Committee, which shall consist of a President, Immediate Past President (for 1 year from the end of his tenure as President), Vice-President, Secretary, Treasurer (or Secretary-Treasurer), Women's Delegate and the other Executive Members.
- 13.2 The Executive Committee shall be responsible for the affairs of the Council and act for and on behalf of the Council, in all matters. The Executive Committee shall be entirely responsible for the administration of the Council's affairs and shall determine its own requirements in respect of the finances for the Council and shall do all or any such thing as in the opinion is requisite, appropriate or conducive to the accomplishment, performance and/or furtherance of the object herein before described and to properly control Billiards in Australia in conformity with its membership of the ACBS.
- 13.3 The Executive Committee may exercise such powers and do all such acts and things as the Council is hereby authorised to exercise and do, but subject nevertheless to the provisions of this Constitution and to any regulations for the time being in force PROVIDED THAT no such regulation shall invalidate any prior act of the Executive Committee which would have been valid if such regulation had not been made and PROVIDED FURTHER THAT where by this constitution any act or thing is required to be done by the Council by resolution or in General or Annual General Meeting then the Executive

- Committee shall not be empowered to perform such act or thing for or on behalf of the Council except pursuant to clause 12.10.
- 13.4 The Executive Committee may meet together for the dispatch of business adjourn and otherwise regulate their meetings and proceedings, as its Members think fit. Four (4) voting members personally present shall be a quorum for an Executive Committee meeting provided an Executive Committee decision may be made by consultation confirmed by a flying Minute signed by a majority of the committee.
- 13.5 The President or any three members of the Executive Committee may require the Secretary to convene a meeting of such Committee by giving at least seven (7) clear days notice in writing to each member of the Executive Committee.
- 13.6 Any Member of the Executive Committee may resign from membership of the Executive Committee at any time by giving notice in writing to the Secretary and such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice then it shall take effect on that later date PROVIDED prior to that date such member may be removed from office at a General Meeting of the Council where that member shall be given the opportunity to fully present his case for continuance to such later date. In this case the decision shall be final.
- 13.7 The question of removal in clause 13.6 shall be determined by the vote of the members present at such a General Meeting.
- 13.8 A vacancy on the Executive Committee may be filled as follows:
- (a) Any casual vacancy occurring on the Executive Committee by the resignation or removal of a Delegate may be filled by a person nominated by the Affiliate in respect of whose Delegate the vacancy has occurred.
 - (b) The Executive Committee may, by resolution, appoint any person, who is eligible, to fill any casual vacancy, other than that of President, occurring amongst the members of the Executive Committee. The person so appointed shall hold such position until the commencement or conclusion as provided for such office by this Constitution until the next Annual General Meeting. When the position held prior to the vacancy occurring would have extended beyond such Annual General Meeting, an election shall be held thereat to fill the position until the date and time of its expiry.
- 13.9 Executive Membership of the Council shall cease if: -
- (a) a member becomes bankrupt or is convicted of a felony or misdemeanor PROVIDED no Affiliate shall nominate a person as a Delegate who is at the time of the nomination, a bankrupt;
 - (b) a member be an insane patient or insane person or incapable person within the meaning of the relevant Lunacy Act or Mental Health Act of the State or Territory in which such person resides;
 - (c) by notice in writing to the Council such persons resigns membership;
or
 - (d) being a Delegate from an Affiliate, the affiliation of that body is cancelled or not renewed provided that in this case such cessation of membership shall take effect from the next relevant Annual General meeting following the disaffiliation.

14 PATRONS

- 14.1 The Council may in a General Meeting appoint one or more Patrons of the Council for a term expiring at the next Annual General Meeting. A Patron need not be a member of the Council. A patron shall be entitled to receive notice of and attend all meetings of the Council and Executive Committee but shall not as such be entitled to vote. The privileges of membership shall be extended to every Patron if not a member of the Council.
- 14.2 From the time of the decision to conduct any Australian Championship in any State or Territory until the completion or abandonment of such event the President for the time being of the controlling body of Billiards in such State or Territory shall be deemed Vice-Patron of the Council with authority to act for the Council in respect of such event or such functions and to conduct such correspondence as may be reasonably necessary and proper for the purposes of such event subject to such action being reported to the President of the Council forthwith.

15 JURISDICTION

- 15.1 The Council shall be the supreme ruling authority within Australia on all questions and matters on or relating to or arising out of Billiards, subject to the provisions relating to the membership of the ACBS.
- 15.2 The Council shall be the sole body within Australia empowered to issue or to authorise its Affiliates to issue certificates in respect of records achievements or champion status in respect of Billiards and for that purpose the Council is authorised to require of its Affiliates and Members from time to time and so often as the Council shall consider necessary, such information as the Council may require for the authentication of claims for such certificates and for the preparation of such certificates.
- 15.3 The Council shall be the sole body within Australia empowered to award Coaching Accreditation, subject to the provisions relating to the ACBS.

16 ALTERATION TO CONSTITUTION

- 16.1 This Constitution may be altered, varied, amended, substituted or added to by a resolution passed and confirmed at any General Meeting in the manner following and not otherwise: -
- (a) notice shall be given to all members of the Council at least twenty-eight (28) days prior to the meeting at which it is proposed that the resolution shall be put, specifying the exact alteration, variation, addition, amendment or substitution as the case may be;
 - (b) a quorum of the said meeting shall be a number representing one half of the total number of Delegates currently accredited at the time of the meeting together with one further person;
 - (c) the said resolution shall be duly passed if and only if not less than three-quarters of the Members then present and entitled to vote signify their assent to the resolution;
 - (d) provided that if not less than three-quarters of the Members entitled to be present and to vote determine that an amendment relevant to the proposals before the meeting should be considered, the meeting may by vote of at least three-quarters of those present adjourn the meeting for a period of not less than one hour whereupon the matter shall be

further considered and voted upon and determined in accordance with the provision of (b) above.

17 NOTICES

17.1 A notice may be served upon any Member, Affiliate or other person or body by facsimile or by sending it through the post in a prepaid envelope or wrapper addressed to such Member, Affiliate or other person or body at the place of address of such Member, Affiliate or other person or body registered in the records of the Council, or by delivery by recognised courier. The posting records of the Council, or in the case of a courier the original acknowledgement of receipt shall be accepted as conclusive proof that the person or body has received such notice. The accidental omission to give notice to any Member, Affiliate or other person or body shall not invalidate any resolution passed at any meeting.

18 COMMON SEAL

18.1 The Executive Committee shall provide for a Common Seal and for its safe custody, usually with the Secretary.

18.2 The Common seal shall only be used by the authority of the Executive Committee and every instrument to which the seal is affixed shall be signed by a Member of the Executive Committee and shall be countersigned by the Secretary or by a second Member of the Executive Committee or by some other person appointed in writing by the Executive Committee for the purpose.

19 FUNDS AND ACCOUNTS

19.1 The funds of the Council must be kept in the name of the Council in a financial institution decided by the Executive Committee.

19.2 All moneys shall be deposited as soon as practicable after receipt thereof.

19.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall remain in the custody of the Treasurer (or Secretary-Treasurer) and must be signed by any two of the President, Secretary, Treasurer (or Secretary-Treasurer) or other Member authorised from time to time by the Executive Committee, provided that the Council may approve from time to time the use of other banking or financial transaction methods.

19.4 Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recouplements which may be open.

19.5 All expenditure shall be approved or ratified at an Executive Committee meeting.

19.6 The income and property of the Council must be used solely in promoting the Council's objects and exercising the Council powers as set forward in this Constitution and no portion thereof shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise, to the members or Affiliates of the Council provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servants of the Council or to any Member of the Council in return for any services actually rendered to the Council or for any goods supplied in the ordinary and usual way of business nor prevent the payment of reasonable and proper rent for premises demised or let by any Member of the Council but that no Members of the Council shall be appointed to any salaried office of the Council or any office of

the Council paid by fees and that no remuneration or other benefit in money or money's worth shall be paid or given by the Council to any Member except repayment of out-of-pocket expenses or reasonable and proper rent for premises demised or let to the Council.

19.7 Notwithstanding the provisions of clause 19.6, Officers of the Council may be paid such honoraria or salaries, as the Council shall from time to time determine.

19.8 At least once in every year the accounts of the Council shall be examined and the correctness of the balance sheet ascertained and certified by a person or firm who is a member of the Institute of Chartered Accountants of Australia or a similar professional accounting body.

20 RULES AND REGULATIONS

20.1 Subject to such rules and regulation laid down by the ACBS as may be applicable the Council may:-

- (a) make such rules and regulations and by-laws as it may from time to time consider necessary relating to Billiards and/or for the administration of the Council and this Constitution and/or to facilitate the objects of the Council;
- (b) amend revoke replace vary modify or suspend such rules, regulations and by-laws.

21 DISSOLUTION OF ASSOCIATION

21.1 If the Council is dissolved by resolution carried by a three-quarters majority of the Members voting at a General Meeting or under Part 10 of the Bankruptcy Act, the assets must not be distributed among the Members but must be given to another institution or institutions having:-

- (a) objects wholly or in part similar to the Council's objects; and
- (b) a Constitution which prohibits the distribution of the institution's income and assets to its members.

21.2 The receiving institution or institutions are to be determined by the members of the Council at or before the time of dissolution and in default thereof by a Judge of the Supreme Court of the Australian Capital Territory.

APPLICATION FOR MEMBERSHIP

Category:	Affiliate	Provisional Affiliate	Associate	Ordinary Member
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I/The _____
(full name of applicant)

of: _____

(address)

Contact: _____

Position: _____

Telephone Nos: _____ (home) _____ (work) _____ (mobile)

hereby apply to become a member, under the above category, of the **Australian Billiards & Snooker Council (Inc.)**. In the event of my admission as a member, I agree to be bound by the Constitution, Rules, Regulations and By-laws of the Council for the time being in force.

Signature of Applicant _____ Date ____/____/____

Proposed by:

I, _____
Being a current member of the Australian Billiards & Snooker Council (Inc.) nominate the applicant, who is known to me, for membership of the Council.

Signature of Proposer _____ Date ____/____/____

Seconded by:

I, _____
Being a current member of the Australian Billiards & Snooker Council (Inc.) nominate the applicant, who is known to me, for membership of the Council.

Signature of Seconder _____ Date ____/____/____

APPENDIX 2

FORM OF APPOINTMENT OF PROXY

AUSTRALIAN BILLIARDS & SNOOKER COUNCIL (INC.)

I/The _____

of _____

being a member or appointed Delegate of the Australian Billiards & Snooker Council (Inc.) hereby appoint

of _____

_____ being a member or appointed Delegate of that incorporated body, or failing him, the Chairperson of the meeting, as my proxy to vote for me on my behalf at the General Meeting of the Council (Annual General Meeting or other meeting as the case may be)

to be held at the _____

on the _____ day of _____ and at any adjournment of that meeting.

Signature of member/Delegate
Appointing the proxy _____ Date ____/____/____

Witness to Signature _____

Name of Witness _____

=====

Note: A proxy vote may not be given to a person who is not a member or appointed Delegate of the Council.

To be valid this proxy must be lodged with the Secretary prior to the commencement of the meeting.