

**NSW 8 BALL
FEDERATION
INCORPORATED**

INC9884984

Effective 19-Jan-2006

ABN: 93 079 229 561

CONSTITUTION

Dated the 01/01/2006

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1. Name

1.1 The Incorporated Association is NSW 8 BALL Federation Incorporated (in these rules called "the Association")

2. Definitions

2.1 In these Rules, unless the contrary intention appears –
"Act" means the Associations Incorporation Act 1984;
"affiliate league" is any League/Organisation that has sought and been granted membership to the Association;
"committee" means general committee of the Association;
"delegate" is a person appointed by an affiliate league to represent them at meetings of the Association;
"executive committee" consists of the officers of the Association and two ordinary members;
"financial year" means the year ending on November 30;
"general committee" consists of no more than two delegates from each affiliate league;
"general meeting" means a general meeting of members convened in accordance with rule 12;
"member" means any general committee member and/or executive committee member;
"ordinary member" means any member of an affiliate league;
"ordinary member of the executive committee" means a member of the executive committee who is not an officer of the Association under Rule 20;
"Regulations" means regulations under the Act;
"relevant documents" has the same meaning as in the Act;

2.2 In these Rules, a reference to the Secretary of the Association is a reference-

- 2.2.1 if a person holds office under these Rules as Secretary of the Association - to that person; and
- 2.2.2 in any other case, to the public officer of the Association.

3. Alteration of the rules

3.1 These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

4. Membership, entry fees and subscriptions

4.1 A league, which applies and is approved for affiliation as provided in these Rules, is eligible to be an affiliate league of the Association on payment of the annual ordinary member's subscription for all its registered members.

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- 4.2 A league which is not affiliated at the time of the incorporation of the Association (or who was affiliated at that time but has ceased to be affiliated) must not be affiliated unless
- 4.2.1 they apply for affiliation in accordance with sub-rule 4.3; and
 - 4.2.2 the admission as an affiliate league is approved by the executive committee
- 4.3 An application of a league for affiliation of the Association must-
- 4.3.1 be made in writing in the form set out in Appendix 1; and
 - 4.3.2 be lodged with the Secretary of the Association.
- 4.4 As soon as practicable after the receipt of an application, the Secretary must refer the application to the executive committee.
- 4.5 The executive committee must determine whether to approve or reject the application.
- 4.6 If the executive committee approves an application for affiliation, the Secretary must, as soon as practicable-
- 4.6.1 notify the League in writing of the approval for affiliation:
and
 - 4.6.2 request payment of the sum payable under these Rules as the first year's annual subscription for each of their registered members.
- 4.7 The Secretary must enter the affiliate league's name and all of its registered members' names in the register of ordinary members.
- 4.8 An applicant for affiliation becomes affiliated and is entitled to exercise the rights of an affiliate league when their name is entered in the register of ordinary members.
- 4.9 If the executive committee rejects an application, the Secretary must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- 4.10 A right, privilege, or obligation of a person by reason of membership of the Association-
- 4.10.1 is not capable of being transferred or transmitted to another person; and
 - 4.10.2 terminates upon the cessation of membership whether by death or resignation or otherwise.
- 4.11 The annual ordinary member's subscription is the relevant amount set at the annual general meeting of the Association and is payable on or before a date determined at the annual general meeting of the Association.

5. Register of ordinary members

- 5.1 The Secretary must keep and maintain a register of all affiliate leagues and their members containing-
- 5.1.1 the name and address of each ordinary member; and
 - 5.1.2 the date on which each ordinary member's name was entered in the register.
- 5.2 The register is available for inspection free of charge by any member or ordinary member upon request.
- 5.3 Any member or ordinary member must not make a copy of entries in the register without prior approval, in writing, of the relevant affiliate league.

6. Ceasing membership

- 6.1 An ordinary member of the Association who has paid all moneys due and payable by an ordinary member to the Association may resign from the Association by giving one month's notice in writing to the Secretary of their intention to resign.
- 6.2 After the expiry of the period referred to in sub-rule (6.1)-
- 6.2.1 the ordinary member ceases to be a member; and
 - 6.2.2 the Secretary must record in the register of ordinary members the date on which the member ceased to be an ordinary member.

7. Discipline, suspension and expulsion of ordinary members

- 7.1 Subject to these Rules, if the committee is of the opinion that an ordinary member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming an ordinary member or prejudicial to the interests of the Association, the committee may by resolution-
- 7.1.1 fine that ordinary member an amount; or
 - 7.1.2 suspend that ordinary member from membership of the Association for a specified period; or
 - 7.1.3 expel that ordinary member from the Association.
- 7.2 A resolution of the committee under sub-rule (7.1) does not take effect unless-
- 7.2.1 at a meeting held in accordance with sub-rule (7.3), the committee confirms the resolution; and
 - 7.2.2 if the ordinary member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.
- 7.3 A meeting of the committee to confirm or revoke a resolution passed under sub-rule (7.1) must be held not earlier than fourteen days,

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and not later than twenty-eight days, after notice has been given to the ordinary member in accordance with sub-rule (7.4).

7.4 For the purposes of giving notice in accordance with sub-rule (7.3), the Secretary must, as soon as practicable, cause to be given to the ordinary member a written notice-

7.4.1 setting out the resolution of the executive committee and the grounds on which it is based: and

7.4.2 stating that the ordinary member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than twenty-eight days after the notice has been given to that ordinary member; and

7.4.3 stating the date, place and time of that meeting; and

7.4.4 informing the ordinary member that he or she may do one or both of the following-

7.4.4.1 attend that meeting;

7.4.4.2 give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;

7.4.5 informing the ordinary member that, if at that meeting, the committee confirms the resolution, he or she may not later than forty-eight hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in a general meeting against the resolution.

7.5 At a meeting of the executive committee to confirm or revoke a resolution passed under sub-rule (7.1), the committee must-

7.5.1 give the ordinary member, or his or her representative, an opportunity to be heard; and

7.5.2 give due consideration to any written statement submitted by the ordinary member; and

7.5.3 determine by resolution whether to confirm or to revoke the resolution.

7.6 If at the meeting of the executive committee, the executive committee confirms the resolution, the ordinary member may, not later than forty-eight hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in a general meeting against the resolution.

7.7 If the Secretary receives a notice under sub-rule (7.6), he or she must notify the executive committee and the executive committee must convene a general meeting of the Association to be held within twenty-one days after the date on which the Secretary received the notice.

- 7.8 At a general meeting of the Association convened under sub-rule (7.7)-
- 7.8.1 no business other than the question of the appeal may be conducted; and
 - 7.8.2 the executive committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - 7.8.3 the ordinary member, or his or her representative, must be given an opportunity to be heard; and
 - 7.8.4 the general committee present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 7.9 A resolution is confirmed if, at a general meeting, not less than two-thirds of the members present vote in favour of the resolution. In any other case, the resolution is revoked.

8. Disputes and mediation

- 8.1 The grievance procedure set out in this rule applies to disputes under these Rules between-
- 8.1.1 An ordinary member and another ordinary member; or
 - 8.1.2 An ordinary member and the Association.
- 8.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen days after the dispute comes to the attention of all of the parties.
- 8.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten days, hold a meeting in the presence of a mediator.
- 8.4 The mediator must be-
- 8.4.1 a person chosen by agreement between the parties; or
 - 8.4.2 in the absence of agreement –
 - 8.4.2.1 in the case of a dispute between an ordinary member and another ordinary member, a person appointed by the executive committee of the Association; or
 - 8.4.2.2 in the case of a dispute between an ordinary member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre or New South Wales (Department of Justice).
- 8.5 A member or an ordinary member of the Association can be a mediator.

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- 8.6 The mediator cannot be an ordinary member who is a party to the dispute.
- 8.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 8.8 The mediator, in conducting the mediation, must-
- 8.8.1 give the parties to the mediation process every opportunity to be heard; and
 - 8.8.2 allow due consideration by all parties of any written statement submitted by any party; and
 - 8.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 8.9 The mediator must not determine the dispute.
- 8.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

9. Annual general meetings

- 9.1 The executive committee may determine the date, time and place of the annual general meeting of the Association.
- 9.2 The notice convening the annual general meeting must specify that the meeting is an annual general meeting.
- 9.3 The ordinary business of the annual general meeting shall be-
- 9.3.1 to confirm the minutes of the previous annual general meeting and of any general meeting held since that meeting; and
 - 9.3.2 to receive from the executive committee reports upon the transactions of the Association during the last preceding financial year; and
 - 9.3.3 to elect officers of the Association and the ordinary members of the executive committee.
- 9.4 The annual general meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. Special general meetings

- 10.1 In addition to the annual general meeting, any other general meeting may be held in the same year.
- 10.2 All general meetings other than the annual general meeting are special general meetings.
- 10.3 The executive committee may, whenever it thinks fit, convene a special general meeting of the Association.
- 10.4 If, but for this sub-rule, more than fifteen months would elapse between annual general meetings, the executive committee must

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convene a special general meeting before the expiration of that period.

- 10.5 The executive committee must, on the request in writing of ordinary members representing not less than five per cent of the total number of ordinary members, convene a special general meeting of the Association.
- 10.6 The request for a special general meeting must-
 - 10.6.1 state the objects of the meeting; and
 - 10.6.2 be signed by the ordinary members requesting the meeting; and
 - 10.6.3 be sent to the address of the Secretary.
- 10.7 If the executive committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the ordinary members making the request, or any of them, may convene a special general meeting to be held not later than three months after that date.
- 10.8 If a special general meeting is convened by ordinary members in accordance with this rule, it must be convened by the executive committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Association to the persons incurring the expenses.

11. Special business

- 11.1 All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

12. Notice of general meetings

- 12.1 The Secretary of the Association, at least fourteen days, or if a special resolution has been proposed at least twenty-one days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- 12.2 Notice may be sent-
 - 12.2.1 by prepaid post to the address appearing in the register of ordinary members; or
 - 12.2.2 if the member requests, by facsimile transmission or electronic transmission.

- 12.3 No business other than that set out in the notice convening the meeting may be conducted at the meeting.
- 12.4 A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

13. Quorum at general meetings

- 13.1 No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.
- 13.2 Fifty per cent plus one of the affiliate leagues and fifty per cent plus one of the executive committee personally present (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the conduct of the business of a general meeting.
- 13.3 If, within one half hour after the appointment time for the commencement of a general meeting, a quorum is not present-
- 13.3.1 in the case of a meeting convened upon the request of ordinary members- the meeting must be dissolved; and
- 13.3.2 in any other case- the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to any members given before the day to which the meeting is adjourned) at the same place.
- 13.4 If at the adjourned meeting the quorum is not present within one half hour after the time appointed for the commencement of the meeting, the members personally present (being not less than three) shall be a quorum.

14. Presiding at general meetings

- 14.1 The President, or in the President's absence, the Vice-President, shall reside as Chairperson at each general meeting of the Association.
- 14.2 If the President and the Vice-President are absent from a general meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

15. Adjournment of meetings

- 15.1 The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.

- 15.2 No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- 15.3 If a meeting is adjourned for fourteen days or more, notice of the adjourned meeting must be given in accordance with rule 12.
- 15.4 Except as provided in sub-rule (15.3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. Voting at general meetings

- 16.1 Upon any question arising at a general meeting of the Association, only affiliate leagues can have two votes each and each member of the executive committee has one vote.
- 16.2 All votes must be given personally.
- 16.3 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 16.4 A member is not entitled to vote at a general meeting unless all moneys due and payable by that member or their affiliate league to the Association have been paid, other than the amount of the annual subscription payable in respect of the current financial year.

17. Poll at general meetings

- 17.1 If at a meeting a poll on any question is demanded by not less than three members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 17.2 A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

18. Manner of determining whether resolution carried

- 18.1 If a question arising at a general meeting of the Association is determined on a show of hands –
 - 18.1.1 a declaration by the Chairperson that a resolution has been-
 - 18.1.1.1 carried; or
 - 18.1.1.2 carried unanimously; or
 - 18.1.1.3 carried by a particular majority; or
 - 18.1.1.4 lost; and
- 18.2 an entry to that effect in the minute book of the Association-

18.2.1 is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

19. Executive committee

19.1 The day to day affairs of the Association shall be managed by the executive committee.

19.2 The executive committee-

19.2.1 shall control and manage the day to day business and affairs of the Association; and

19.2.2 may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of the Association; and

19.2.3 subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the executive committee to be essential for the proper management of the business and affairs of the Association.

19.3 Subject to section 22 of the Act, the executive committee shall consist of-

19.3.1 the officers of the Association; and

19.3.2 two ordinary members-

19.4 each of whom shall be elected at the annual general meeting of the Association in each year.

20. Office holders

20.1 The officers of the Association shall be-

20.1.1 a President;

20.1.2 a Vice-President;

20.1.3 a Treasurer; and

20.1.4 a Secretary.

20.2 The provisions of rule 22, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any other offices referred to in sub-rule (20.1).

20.3 Each officer of the Association shall hold office until the annual general meeting next after the date of his or her election but is eligible for re-election.

20.4 In the event of a casual vacancy in any office referred to in sub-rule (20.1), the executive committee may appoint one of its members to the vacant office and the member appointed may continue in office up to and

including the conclusion of the annual general meeting next following the date of the appointment.

21. Ordinary members of the executive committee

21.1 Subject to these Rules, each ordinary member of the executive committee shall hold office until the annual general meeting next after the date of election but is eligible for re-election.

21.2 In the event of a casual vacancy occurring in the office of an ordinary member of the executive committee, the executive committee may appoint an ordinary member of the Association to fill the vacancy and the ordinary member appointed shall hold office, subject to these Rules, until the conclusion of the annual general meeting next following the date of the appointment.

22. Election of officers and ordinary executive committee members

22.1 Nominations of candidates for election of officers of the Association or as ordinary members of the executive committee must be-

22.1.1 made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

22.1.2 delivered to the Secretary of the Association not less than seven days before the date fixed for the holding of the annual general meeting.

22.2 A candidate may only be nominated for one office, or as an ordinary member of the executive committee, prior to the annual general meeting.

22.3 If insufficient nominations are received to fill all vacancies on the executive committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual general meeting.

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

22.5 If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.

22.6 The ballot for the election of officers and ordinary members of the executive committee must be conducted at the annual general meeting in such manner as the executive committee may direct.

23. Vacancies

23.1 The office of an officer of the Association, or of an ordinary member of the executive committee, becomes vacant if the officer or ordinary member-
23.1.1 ceases to be an ordinary member of the Association; or

23.1.2 becomes an insolvent under administration within the meaning of the Corporations Law; or

23.1.3 resigns from office by notice in writing given to the Secretary.

24. Meetings of the executive committee

24.1 The executive committee must meet at least four times in each year at such place and such times as the executive committee may determine.

24.2 Special meetings of the executive committee may be convened by the President or by any four members of the executive committee.

25. Notice of executive committee meetings

25.1 Written notice of each executive committee meeting must be given to each member of the executive committee at least two business days before the date of the meeting.

25.2 Written notice must be given to members of the executive committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

26. Quorum for executive committee meetings

26.1 Any three members of the executive committee constitute a quorum for the conduct of the business of a meeting of the executive committee.

26.2 No business may be conducted unless a quorum is present.

26.3 If within one half hour of the time appointed for the meeting a quorum is not present-

26.3.1 in the case of a special meeting- the meeting lapses;

26.3.2 in any other case- the meeting shall stand adjourned to the same place and the same time and day in the following week.

26.4 The executive committee may act notwithstanding any vacancy on the executive committee.

27. Presiding at executive committee meetings

27.1 At meetings of the executive committee-

27.1.1 the President or, in the President's absence, the Vice-President presides; or

27.1.2 if the President and the Vice-President are absent, or are unable to preside, the members present must choose one of their members to preside.

28. Voting at executive committee meetings

28.1 Questions arising at a meeting of the executive committee, or at a meeting of any sub-committee appointed by the executive committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at that meeting may determine.

28.2 Each member present at a meeting of the executive committee, or at a meeting of any sub-committee appointed by the executive committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

29. Removal of executive committee member

29.1 The Association in general meeting may, by resolution, remove any member of the executive committee before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.

29.2 A member who is the subject of a proposed resolution referred to in sub-rule (29.1) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

29.3 The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

30. Minutes of meetings

30.1 The Secretary of the Association must keep minutes of the resolutions and proceedings of each general meeting, and each executive committee meeting, together with a record of the names of persons present at executive committee meetings.

31. Funds

31.1 The Treasurer of the Association must-

31.1.1 collect and receive all moneys due to the Association and make all payments authorised by the Association; and

31.1.2 keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

31.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by the Treasurer and one other member of the executive committee.

31.3 The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the executive committee determines.

32. Seal

32.1 The common seal of the Association must be kept in the custody of the Secretary.

32.2 The common seal must not be affixed to any instrument except by the authority of the executive committee and the affixing of the common seal must be attested by the signatures either of two members of the executive committee or, of one member of the executive committee and of the public officer of the Association.

33. Notice to members

33.1 Except for the requirement in rule 12, any notice that is required to be given to a member or ordinary member, by or on behalf of the Association, under these Rules may be given by-

33.1.1 delivering the notice to the member or ordinary member personally; or

33.1.2 sending it by prepaid post addressed to the member or ordinary member at the member's address shown in the register of ordinary members; or

33.1.3 facsimile transmission, if the member or ordinary member has requested that the notice be given to him or her in this manner; or

33.1.4 electronic transmission, if the member or ordinary member has requested that the notice be given to him or her in this manner.

34. Winding up

34.1 The Association may be wound up by the vote of at least seventy-five percent of the affiliate leagues at an annual general meeting or a special general meeting convened for that purpose.

34.2 Affiliate leagues, members and ordinary members of the Association shall not be liable for any debts or liabilities of the Association.

34.3 In the event of the winding up or the cancellation of the incorporation of the Association, the net assets of the Association will not be distributed to members or ordinary members but will be distributed to:

34.3.1 a fund with objectives similar to those of the association; or

34.3.2 a fund which is appropriated exclusively for a purpose referred to in paragraph (a) of the definition of "community purpose" in the Act; or

34.3.3 a community or charitable organisation.

35. Custody and inspection of books and records

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35.1 Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.

35.2 All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon written request.

35.3 Any member may not make a copy of any accounts, books, securities and any other relevant documents of the Association unless specific authority has been granted by the executive committee and the relevant affiliate league, member or ordinary member if required.

36. Non-Profit

36.1 The assets and income of the Association shall be applied solely to the furtherance of its objectives and no portion shall be distributed, directly or indirectly, to the members or ordinary members.

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APPENDIX 1

APPLICATION FOR AFFILIATION TO
NSW 8 BALL FEDERATION INCORPORATED

I,

being the Secretary of the

(Name of Affiliate League)

hereby apply for affiliation to NSW 8 Ball Federation Incorporated.

In the event of our admission as an affiliate league, we agree to submit a list of our registered members and that all our members will be bound by the rules of the Association for the time being in force. We agree to submit the minutes to each annual general meeting of our affiliate league. We agree to submit current address of our affiliate league management committee.

Signature of Secretary of League/Association Date

Signature of President of League/Association Date

. OFFICE USE ONLY

The above application for Affiliation was accepted / rejected (strike out inapplicable)

Signature of President of NSW 8 Ball Fed. Inc. Date of Admission

Signature of Secretary of NSW 8 Ball Fed. Inc. Date of Admission