

CONSTITUTION

CYCLING NORTHERN TERRITORY Incorporated

March 2011

1. Name

1. The name of the incorporated association is "Cycling Northern Territory Incorporated" and hereinafter referred to as "Cycling NT".

2. Cycling NT shall consist of cycling clubs in the Northern Territory and any other cycling club in a town or district adjacent to the Northern Territory, where an agreement to this effect has been made between Cycling NT and the Association of the State concerned.

(3)The word 'Club' where hereinafter used shall mean one or all of the above-mentioned bodies.

2. Objects and Purposes

(1) The objects and purposes of Cycling NT are specified in the Schedule.

(2) The objects of Cycling NT are:

(a) to control and promote cycling in the Northern Territory;

(b) to establish and maintain standardised competition rules and regulations;

(c) to conduct Northern Territory cycling championships and test races;

(d) to affiliate with the Australian Cycling Federation and to represent cycling in dealings with other cycling bodies in Australia, the Northern Territory Government, and other Northern Territory sporting bodies;

(e) to further the object of Cycling NT. The By-Laws, Technical Regulation, Annexures, and Medical Regulations of the Australian Cycling Federation Inc., Constitution and Rules as in force from time to time are adopted and form part of, as if they were part of, the Constitution of Cycling NT; and

(f) notwithstanding Clause (e), the adoption of those parts of the constitution of the Australian Cycling Federation Inc. does not prevent Cycling NT from adding to, deleting or altering any of those words, phrases, clauses or parts of the constitution of Australia Cycling Federation Inc., nor does it prevent the adding to of further clauses of the Constitution of Cycling NT or the altering or deletion of words, phrases, clauses or parts of the Constitution of Cycling NT.

3. Minimum number of members

Cycling NT must have at least five members and two affiliated clubs.

4. Definitions

In this Constitution, unless the contrary intention appears:

"Act" means the Associations Act and regulations made under that Act;

"Club" means one or all of the affiliated Clubs as per this constitution.

"Executive Committee" means the Management Committee of Cycling NT;

"Delegate" means a member representing a constituent club of Cycling NT.

"Financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the Banking Act 1959 of the Commonwealth;

"General meeting" means a general meeting of members convened in accordance with clause 44;

"Member" means a member of Cycling NT;

"Register of members" means the register of Cycling NT's members established and maintained under section 34 of the Act;

"Rules" mean this constitution, the By-laws, Technical Regulations, Annexures and Medical Regulations as set out by the Australian Cycling Federation.

"Secretary" means the Honorary Secretary of Cycling NT.

"Special resolution" means a resolution, notice of which is given under clause 47 and passed in accordance with section 37 of the Act.

5. Patrons

The Annual Conference or a special meeting or mail vote may appoint a patron and two vice-patrons of Cycling NT. The Persons appointed to these positions shall be prominent citizens of the Northern Territory whose appointment is likely to foster cycling in the Northern Territory and advance the interests of Cycling NT.

PART 2 – CONSTITUTION AND POWERS OF ASSOCIATION

6. Powers of Association

(1) For achieving its objects and purposes, Cycling NT has the powers conferred by sections 11 and 13 of the Act.

(2) Subject to the Act, Cycling NT may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may:

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) raise and borrow money on the terms and in the manner it considers appropriate; and

(d) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

7. Effect of Constitution

This Constitution binds every member and Cycling NT to the same extent as if every member and Cycling NT had signed and sealed this Constitution and agreed to be bound by it.

8. Inconsistency between Constitution and Act

If there is any inconsistency between this Constitution and the Act, the Act prevails.

9. Altering the Constitution

(1) Any addition, deletion, amendment or alteration to this Constitution and the By-Laws may be effected only by a vote of two-thirds majority of the voting Clubs taken at an Annual General Meeting, or by mail vote. A Club or the Executive Committee desiring to add to, delete, amend or alter the constitution shall forward a Notice of Motion together with a brief resume of the purpose of the said Motion to the Secretary for inclusion on the agenda of the next scheduled Conference. Such Notice of Motion must reach the Secretary 45 days prior to the scheduled Conference.

(2) Any clause of this Constitution or these By-laws which has been subject of such Notices of Motion may not be altered for a period of one year after the declaration of the result of the vote thereon.

(3) A special resolution may be moved at any general meeting of Cycling NT.

(4) The Secretary must give all members not less than 21 days notice of the meeting at which a special resolution is to be proposed unless otherwise provided in the Schedule.

(5) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

(6) Notice of the meeting to be sent by post to a member club at the address of the member club or by electronic mail. If a notice is sent by post, then sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member club by ordinary prepaid mail.

(7) If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

PART 3 – MEMBERS

Division 1 – Membership

10. Application for membership

To apply to become a member of Cycling NT a person must submit a written application for membership to an affiliated club:

(a) in a form approved by the ACF; and

(b) signed by the person and an executive member of the affiliated club.

11. Approval of Cycling NT

(1) Cycling NT must consider any application for affiliation of a club at the next available conference and must accept or reject the application at that meeting.

(2) If an application is rejected, the applicant club may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.

(3) If an applicant club gives notice of an appeal against the rejection of the application, the Executive Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.

(4) If after reconsidering an application the Executive Committee reaffirms its decision to reject the application, the decision is final.

12. Annual membership fees

(1) The annual membership fee (affiliation fee) is the amount determined from time to time by resolution at the annual general meeting.

(2) Any Club which does not pay its annual affiliation and capitation fees prior to the annual general meeting or does not pay any levy, penalty, fine or other payment due to Cycling NT within 28 days after such payment has become due and payable, shall be deemed to be unfinancial. Such a Club shall lose all rights and privileges until such time as the Treasurer has received the amount that is due.

13. Register of Members

(1) The Secretary shall establish and maintain a register of members of Cycling NT specifying the name and address of each person who is a member of Cycling NT, together with the date on which the person became a member.

(2) The register of members shall be kept at the Secretary's office and be available for inspection by any member of Cycling NT at any reasonable time for the Secretary.

Division 2 – Rights of members

14. Notice of meetings and special resolutions

The Secretary must give all member clubs notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

15. Access to information on Association

The following must be available for inspection by individual members:

- (a) a copy of this Constitution;
- (b) minutes of general meetings; and
- (c) annual reports and annual financial reports.

16. Rights of Member Clubs

(1) Each Club shall be at liberty to make rules and regulations governing the conduct of cycling within its jurisdiction, provided that such rules and regulations are not inconsistent with this Constitution.

(2) Each club shall provide the Secretary with a copy of its constitution and rules.

(3) The Constitution shall operate as an agreement between each and all of the clubs. Should any club commit a breach of the constitution it shall be liable to a penalty not exceeding \$50.00 as determined by a resolution of a Conference.

(4) A Club shall be expelled from Cycling NT by the unanimous resolution of other member Clubs taken at the Annual General Meeting. All relevant information must be presented to the Annual General Meeting and the Club concerned shall be permitted to present, in its defense, such evidence as it deems necessary.

(5) The conduct of racing by each Club shall be governed by respective Club, except when a Northern Territory Championship Series or Test races are conducted by Cycling NT.

(6) Members transferring between Clubs must provide a clearance to the new Club before being accepted as a member of that Club.

(7) Clubs may co-operate with other sporting bodies.

17. Meritorious Medal

Cycling NT may award the Meritorious Medal to any person who has served for twelve years or more in the aggregate or in special circumstances as an Official of Cycling NT. The recommendation for the Award shall be made by the Executive Committee and submitted to the Annual General Meeting for approval. There shall not be more than one award made annually.

18. Life Membership

(1) Life Membership may be awarded to a person who has been a member of a Club for a minimum period of 20 years and who has rendered singular service to Cycling NT. The recommendation for the award shall be made by the Executive Committee and submitted to the Annual General Meeting for approval. There shall not be more than one award made annually.

(2) Honorary Membership may be awarded to a person who is not a Member of a "Club" who has rendered singular service to Cycling NT, or to Northern Territory cycling. The recommendation for the award shall be made by the Executive Committee and submitted to the Annual General Meeting for approval. There shall not be more than two awards made annually.

PART 4 – MANAGEMENT COMMITTEE

Division 1 – General

19. Role and powers

- (1) The business of the Association must be managed by or under the direction of a Management Committee.
- (2) The Committee may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.
- (3) The Committee may appoint and remove staff.
- (4) The Committee may establish one or more subcommittees consisting of the members of the Association the Committee considers appropriate.

20. Officers

- (1) The Officers of Cycling NT shall be the President, 2 Vice Presidents, 1 Vice President - Technical, Honorary Secretary and Treasurer, and shall form the Executive Committee, but they shall not be members of the one Club.
- (2) The person holding the position of Vice President – Technical must hold a current qualification at least of a Level 2 Commissaire.
- (3) Each Club may nominate one person for each position. Nominations will close with the Honorary Secretary on a date to be set at the half yearly (road) conference.
- (4) The officers shall be elected once every two years at the Annual General Meeting and shall hold office for two years, each year three officers shall retire in order of election.
- (5) When a casual vacancy occurs in any office, the Executive Committee will appoint a person to fill the vacancy. Nominations to fill the casual vacancy shall close on one months notice.
- (6) When the result of the election is declared, the person so elected shall take the office immediately and retain office for the remainder of the term in which the casual vacancy occurred.
- (7) A person shall not be eligible for election to the Executive Committee of Cycling NT, or be a delegate to conference if he:
 - (a) Has been convicted of any indictable offence or any criminal offence punishable by imprisonment for a period of twelve months or more;
 - (b) Has been disqualified by a properly constituted disciplinary body, within the sport, from further participation in that sport for a period in excess of five years provided that after the expiration of the period of disqualification that person will, unless Cycling NT decides to the contrary, be eligible for election; or
 - (c) Is an undischarged bankrupt.

21. Duties of the Executive Committee

- (1) Conduct the affairs of Cycling NT as directed by Conference.
- (2) Conduct the affairs of Cycling NT that may arise between the two Conferences (road and track).
- (3) Select all Team Management and Coaches for any National Event except when the officer is a candidate for a position where the remaining officers shall appoint a proxy.
- (4) Each officer shall have a vote on committee but may not vote at a Conference unless he is a delegate of his Club.
- (5) The President shall have a casting vote.
- (6) Any Executive member is entitled to reimbursement of travel and accommodation expenses when travelling interstate for Cycling NT.
- (7) Unless elected directly as a separate office holder, the Committee must appoint one committee member to be Cycling NT's public officer.
- (8) Utilise the services of any person or create any sub-committee considered necessary for the efficient management of the affairs of Cycling NT.

22. Delegates to other Organisations

- (1) The President and Honorary Secretary by virtue of the office which they hold shall be the delegates of this Association at any meeting or conference of Northern Territory Sporting Associations or conference of sport in the Northern Territory.
- (2) The Executive Committee may appoint delegates to represent Cycling NT when emergency or unforeseen situation occurs, providing the Senior Vice President shall be first place proxy
- (3) The delegates appointed, pursuant to clauses (a) and (b) shall within fourteen days after attending a meeting on behalf of Cycling NT forward to the Secretary a written report of the business transacted. A copy of the report shall be forwarded to each Club.

23. Delegation

- (1) The Committee may delegate to a subcommittee or staff any of its powers and functions other than:
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke wholly or in part the delegation.

Division 2 – Tenure of office

24. Retirement of committee members

Members may serve consecutive terms on the Committee unless otherwise provided in the Schedule.

25. Election by default

(1) If the number of persons nominated for election to the positions on the Executive Committee does not exceed the number of vacancies to be filled, the Chairperson must declare the persons to be duly elected as members of the Committee at the annual general meeting.

(2) If vacancies remain on the Executive Committee after the declaration under sub-clause (1), additional nominations of committee members may be accepted from the floor of the Annual General Meeting.

(3) If the nominations from the floor do not exceed the number of remaining vacancies, the Chairperson must declare those persons to be duly elected as members of the Executive Committee.

(4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Executive Committee may appoint any member of Cycling NT to fill that vacancy.

26. Election by ballot

(1) If the number of nominations exceeds the number of vacancies on the Committee, ballots for those positions must be conducted.

(2) The ballot must be conducted in a manner determined from time to time by resolution at a general meeting.

(3) The members chosen by ballot must be declared by the Chairperson to be duly elected as members of the Committee.

27. Vacating office

The office of a Executive Committee member becomes vacant if a member:

(a) is disqualified from being a Executive Committee member under section 30 or 40 of the Act;

(b) resigns by giving written notice to the Committee;

(c) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;

(d) ceases to be a resident of the Territory; or

(e) ceases to be a member of Cycling NT.

Division 3 – Duties of committee members

28. Collective responsibility of Committee

- (1) As soon as practicable after being elected to the Executive Committee, each committee member must become familiar with the Act and regulations made under the Act.
- (2) The Committee is collectively responsible for ensuring Cycling NT complies with the Act and regulations made under the Act.

29. President

- (1) Subject to sub-clauses (2) and (3), the President must chair all general meetings and committee meetings.
- (2) If the President is absent from a meeting, a Vice-President must preside at the meeting.
- (3) If the President and the Vice-Presidents are absent, the presiding member for that meeting must be:
 - (a) a member elected by the other members present if it is a general meeting; or
 - (b) a committee member elected by the other committee members present if it is a committee meeting.

30. Vice Presidents

- (1) The senior Vice President is to assume the role of President when that officer is absent.
- (2) To liaise with President and Honorary Secretary on day to day matters concerning Cycling NT.

31. Secretary

The duties of the Honorary Secretary will include:

- (1) Conduct the business of Cycling NT in accordance with the Constitution and Rules and under the instruction of Cycling NT and/or the Executive Committee.
- (2) Co-ordinate the correspondence of Cycling NT;
- (3) To prepare minutes of proceedings at all meetings of Cycling NT and Executive Committee, and forward a copy of those minutes to each Club within 21 days and in accordance with section 38 of the Act.
- (4) To prepare an agenda for each Conference.
- (5) Maintain the register of members in accordance with section 34 of the Act;
- (6) Have custody of all books, documents, records and registers of Cycling NT, other than those required by clause 32(5) to be in the custody of the Treasurer, unless the members resolve otherwise at a general meeting;

(7) Forward to each club, a copy of the Chief Commissaire's Report of Association events within 30 days of the events; and

(8) Perform any other duties imposed by this Constitution on the Secretary.

32. Treasurer

(1) The Treasurer must:

(a) receive all moneys paid to or received by Cycling NT and issue receipts for those moneys in the name of Cycling NT;

(b) pay all moneys received into the account of Cycling NT within 5 working days after receipt;

(c) make any payments authorised by the Executive Committee or by a general meeting of Cycling NT from Cycling NT's funds; and

(d) ensure cheques are signed by him or her and at least one other committee member, or by any 2 other committee members authorised by the Executive Committee.

(2) The Treasurer must ensure the accounting records of Cycling NT are kept in accordance with section 41 of the Act.

(3) The Treasurer must coordinate the preparation of Cycling NT's annual statement of accounts.

(4) If directed to do so by the Chairperson, the Treasurer must submit to the Executive Committee a report, balance sheet or financial statement in accordance with that direction.

(5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of Cycling NT unless the members resolve otherwise at a general meeting.

(6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

33. Public Officer

(1) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.

(2) The public officer must keep a current copy of the Constitution of Cycling NT.

(3) Should the position become vacant, the Executive Committee will appoint a person to fill that vacancy within 14 days.

PART 5 – MEETINGS OF EXECUTIVE COMMITTEE

34. Frequency and calling of meetings

(1) The Executive Committee must meet for the conduct of business not less than 2 times in each financial year, albeit via tele-conference, between the road and track conferences.

35. Voting and decision making

(1) Each affiliated club delegate present at the meeting has a deliberative vote.

(2) A question arising at a committee meeting must be decided by a majority of votes.

(3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

36. Quorum

For an Executive Committee meeting, one-half of the committee members constitute a quorum.

37. Procedure and order of business

(1) The procedure to be followed at an Executive Committee meeting must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

(3) Only the business for which the meeting is convened may be considered at a special general meeting.

38. Disclosure of interest

(1) An Executive Committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with Cycling NT must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.

(2) The Secretary must record the disclosure in the minutes of the meeting.

(3) The Chairperson must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

PART 6 – GENERAL MEETINGS

39. Convening general meetings

(1) Cycling NT must hold all annual general meetings within 5 months after the end of Cycling NT's financial year.

(2) The Committee:

(a) may at any time convene a special general meeting;

(b) must, within 40 days after the Secretary receives a notice regarding an appeal, convene a special general meeting to deal with the appeal to which the notice relates; and

(c) must, within 40 days after it receives a request to hold a Special General Meeting, convene a special general meeting for the purpose specified in that request.

40. Special general meetings

(1) A Special Meeting shall be convened by the Executive Committee, upon notice signed by not less than two (2) Clubs having been given in writing, to the President.

(2) The request must:

(a) state the purpose of the special general meeting; and

(b) be signed by the members making the request.

(3) At least forty (40) days notice shall be given to clubs with the reason for such meeting. A Special meeting shall deal only with the matters included in the special notice. A Special Meeting may consider notice of motion for amendment to the Constitution.

(4) The notice must specify:

(a) when and where the meeting is to be held;

(b) the particulars of and the order in which business is to be transacted; and

(c) if a special general meeting is convened to hear an appeal, Cycling NT must meet any reasonable expenses of convening and holding the special general meeting.

41. Conference

There shall be:

(a) the Track Conference held at the time and place of the Northern Territory Track Championships, or at a time and place decided by a mail vote;

(b) the Road Conference held at the time and place of the Northern Territory Road Championships, or at a time and place decided by a mail vote; and

(c) a minimum of 60 days must elapse between Conferences.

42. Agenda

(1) The Secretary must give to all members not less than 30 days notice of an annual general meeting.

(2) The Honorary Secretary shall prepare an Agenda for each Conference and shall contain the following items which shall be business to be so conducted:

(a) Name of Delegates - Chairman to declare the eligibility of Delegates;

(b) Minutes of previous annual general meeting;

(c) Minutes of previous conference, track or road;

(d) Treasurer's Report including annual financial, auditor's report and balance sheet of the annual general meeting and most current financials for the road conference;

(e) Election of Officers (annual general meeting);

(f) Election of Selectors (annual general meeting);

(g) Election of Race Jury and Championship Officials;

(h) Approval of championship program;

(i) Amendments to the constitution and rules (annual general meeting);

(j) Allocation of road and track championships (annual general meeting); and

(k) General Business.

43. Quorum at general meetings

At a general meeting, the number of member clubs present should be two.

44. Lack of quorum

(1) If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present:

(a) for an annual general meeting and track conference;

(b) a road conference; or

(c) a special general meeting;

then the meeting stands adjourned to the same place, time and day in the following week;

(2) If within 30 minutes after the time appointed by sub-clause (1)(a), (b) or (c) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may proceed with the business of that general meeting as if a quorum were present.

(3) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(4) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

45. Voting

(1) For positions, when two nominations are received for any position, a simple majority vote will be sufficient to elect a person to the position. When more than two nominations are received for any position, the preferential points system will be used to determine the successful candidate.

(a) Each Club, or person entitled to vote will mark on the ballot paper their order of preference for each candidate i.e. 1,2, 3, and so on and:

i) the candidate with the lowest number of points shall be winner of the ballot.

ii) In case of equal points being obtained by two or more candidates, the candidate with the greater number of first preference votes shall be declared the winner of the ballot.

iii) Should there be an equal number of first preference votes allotted to candidates, the President or the Returning Officer as the case may be shall have a casting vote;

(b) Candidate names shall be in balloted order on the voting paper. A vote must be recorded for each candidate, otherwise the ballot paper will be declared invalid;

(c) Nominees for a position cannot act as Returning Officer; and

(d) The Secretary shall be the Returning Officer except when a candidate for office.

(2) At a general meeting:

(a) an ordinary resolution put to the vote is decided by a majority of votes made in person by the club delegate;

(b) a special resolution put to the vote is passed if three-quarters of the member club who are present in person vote in favour of the resolution;

- (c) A poll may be demanded by the Chairperson or by 3 or more members present in person;
and
- (d) If demanded, a poll must be taken immediately and in the manner the Chairperson directs.

46. Mail Vote

- (1) A Mail vote may be conducted for the following purposes:
 - (a) To decide an alteration to the Constitution that has previously been debated at a Conference;
and
 - (b) Other matters as deemed urgent or necessary by the President, the Executive or a Club.
- (2) All requests for a mail vote must fully state the reasons why they are being taken.
- (3) Each Club shall be entitled to one vote.
- (4) When a mail vote has been authorised, the Secretary shall send to each Club's Secretary a clear statement of the matter to be voted on, and the closing date of the mail vote. For postal voting, not less than 30 days, or in the case of a vote, sent by means of electronic communications not less than 7 days, from the time at which in normal circumstances, the above mentioned statement would reach the Secretary, by mail or electronic communications as the case maybe.
- (5) Each Club shall forward its vote by certified mail to reach the Secretary prior to the closing date. A Club that does not record a vote or their vote is received after the closing date may be fined \$30.00. Votes received after the closing day may be declared invalid.
- (6) The Secretary shall endorse each mail votes date of arrival, then forward to the President who shall declare the result of the vote, and notify the Secretary immediately. The Secretary shall notify the Clubs of the result within seven days of receiving same from the President.
- (7) In cases of equal voting, the President shall have a casting vote.

PART 7 – FINANCIAL MANAGEMENT

47. Financial year

The financial year of Cycling NT is from 1st of July to 30th of June.

48. Funds and accounts

- (1) Cycling NT must open an account with a financial institution from which all expenditure of Cycling NT is made and into which all of Cycling NT's revenue is deposited.
- (2) Subject to any restrictions imposed by Cycling NT at a general meeting, the Executive Committee may approve expenditure on behalf of Cycling NT within the limits of the budget.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (4) All funds of Cycling NT must be deposited into the financial account of Cycling NT no later than 5 working days after receipt or as soon as practicable after that day.

(5) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

(6) An audit of the accounts of Cycling NT shall be made each year by a qualified auditor appointed annually. The Auditors report shall be read at the annual general meeting.

(7) In addition to any other rights conferred on it, Cycling NT may raise revenue in furtherance of its objectives by raising loans: conducting lotteries and raffles, and by the investments of its funds, and may authorise any "Club" to act on its behalf for this purpose.

(8) Where Cycling NT is by any circumstances unable to operate or fails to carry out the functions of this Constitution, the "Clubs" or in the event of there being only one "Club", that "Club", shall appoint an Administrator who shall have authority to settle the financial affairs of Cycling NT, any undisbursed monies received as Government Grants shall be re-paid to the NT Government, all legal debts discharged, and the remaining funds and property held in trust by the ACF until Cycling NT is reformed.

(9) All Association cheques shall be signed by two members of the Executive, appointed for that purpose.

49. Accounts and audits

The Executive Committee is collectively responsible for ensuring compliance with the Act that includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to:

- (a) the keeping of accounting records;
- (b) the preparation and presentation of Cycling NT's annual statement of accounts; and
- (c) the auditing of Cycling NT's accounts.

PART 8 – GRIEVANCE AND DISPUTES

50. Grievance and disputes procedures

(1) This clause applies to disputes between:

- (a) a member and another member; or
- (b) a member and the Committee.

(2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.

(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 10 days after the meeting, hold another meeting in the presence of a mediator.

(4) The mediator must be:

- (a) a person chosen by agreement between the parties; or

(b) in the absence of agreement:

(i) for a dispute between a member and another member – a person appointed by the Committee; or

(ii) for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.

(5) A member of the Association can be a mediator.

(6) The mediator cannot be a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must:

(a) give the parties to the mediation process every opportunity to be heard;

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(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 or otherwise at law.

51. Appeal Committee

(1) The Executive Committee shall act as the Appeal Board.

(2) The Board shall meet, if required, at the time and place of either Conference, and shall hear and adjudicate on any appeal lodged by the Club or a member of a Club against the decision of:

(a) a club, or

(b) a tribunal set up by a Club.

(3) A member of a Club, desiring to appeal shall give written notice of the appeal to the Secretary, together with an appeal fee, set each year at the annual general meeting. Should the appeal be successful, the fee shall be returned.

(4) The Board may regulate its proceedings and conduct its investigations as it thinks fit and proper. An appellant may personally appear before the Board, or may be represented by a financial member of a Club to present the case for the appellant. A Barrister/or Solicitor shall not be eligible to act as a representative. The decision of the Board shall be notified in writing to the appellant. Any expenses incurred by the Board in conducting an appeal may in the discretion of the Board be directed to be paid by the appellant.

(5) If a member of the Appeal Board be absent the conference will approve a replacement.

PART 9 – MISCELLANEOUS

52. Selection Committee

- (1) The Selection Committee shall be appointed at the Annual Conference each year from the nominations received.
- (2) A Chairman shall be appointed by the executive.
- (3) All final decisions shall be communicated by the chairman to the Secretary and President for endorsement and publication.

53. Registration of Racing Colours

- (1) The racing colours of Cycling NT shall be White, Ochre and Black in a design determined by Conference meetings from time to time.
- (2) The colours shall only be worn in the National events for which the rider has been selected, and special events for which approval has been granted by the Honorary Secretary. The Honorary Secretary shall delegate his powers to Club Presidents to allow the wearing of NT colours at Special Events.
- (3) Each Club must register the designs and colours that will be worn by its representatives at Northern Territory championship or test race series. The Secretary must be notified of any change in design and/or colour fourteen days prior to a series commencing.

54. Northern Territory Championships

- (1) The Northern Territory Road and Track Championships and Test Races are the property of Cycling NT.
- (2) The track or road championships shall be allocated to each Club in rotation at the respective conferences, following an application by a Club to conduct a championship series. The application must be accompanied by full details of the proposed and reserve venue and proposed dates of racing, and reach the Secretary prior to the commencement of the conference. If no application is received from the Club who by rotation had the right to apply, then the other Clubs will be invited to apply with no penalty in rotation. A Club that has been awarded a Championship series shall be called the 'Organising Club' and it must confirm the dates and venue four months prior to the events.
- (3) The conduct and control of the championship or test race series shall be the responsibility of the officials appointed by Cycling NT.
- (4) A person who is nominated for the position of Chief Commissaire must have at least a current level 2 Commissaire accreditation.
- (5) The trophies for individual or team championship shall be as follows:
 - (a) 1st – Gold, 2nd – Silver and 3rd – Bronze;
 - (b) in team events, each rider competing in the finals will receive the appropriate medallion; and
 - (c) the medallions will be supplied by Cycling NT and shall be engraved with the title of the event.

(6) Competitors in a Northern Territory Championships series must have been an affiliated member of their club for not less than two months prior to the series.

(7) Cyclists competing in events held under the auspices of the Cycling NT do so at their own risk.

(8) All competitors and officials taking part in any event held under the auspices of the Cycling NT must have a clear understanding of the race rules and regulations. In the event of dispute, ignorance will not be accepted as an excuse.

(9) Cycling NT Executive may set qualifying times for members to represent Cycling NT at National Championships, and may set qualifying times for club riders to compete at state championships.

(10) The Executive may invite amateur competitors from interstate or overseas to compete in championship events.

(11) The championships are open to any ACF licenced cyclist.

(13) At championship events an entry fee will be paid by each competitor, the fee to be set at the respective annual conference.

55. Distribution of surplus assets on winding up

(1) If on the winding up or dissolution of Cycling NT, and after satisfaction of all its debts and liabilities, there remain any assets, the assets must not be distributed to the members or former members.

(2) The surplus assets must be given or transferred to another association incorporated under the Act that:

(a) has similar objects or purposes;

(b) is not carried on for profit or gain to its individual members;

(c) is determined by resolution of the members, or

(d) the funds and property to be held in trust by the ACF until Cycling NT or similar organisation comes in existence again.

56. Saving

(1) The Constitution adopted in January 1993 is repealed.

(2) Any appointment made or motion passed under the Constitution hereby repealed, if in force at the commencement of this Constitution, shall continue in force as far as practicable as if made or passed under this Constitution.

