



BY LAWS

OF

DANCESPORT
AUSTRALIA LIMITED
(ABN 72 085 929 835)

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Table of Contents

Section	Page
SECTION 1. GENERAL	1
SECTION 2. BRANCH BOARD MEETINGS	1
SECTION 3. BRANCH GENERAL MEETINGS	2
SECTION 4. BRANCH MINUTES / FINANCIAL STATEMENTS	3
SECTION 5. REMOVAL OF A BRANCH OFFICER FROM OFFICE	3
SECTION 6. BRANCH NOMINEES FOR NATIONAL COUNCIL	4
SECTION 7. FUNDS	5
SECTION 8. RECORDS AND ACCOUNTS	5
SECTION 9. AUDIT	6
SECTION 10. CONSTITUTIONAL COMMISSIONS	6
SECTION 11. ADDITIONAL COMMISSIONS	6
SECTION 12. ATHLETES COMMISSION	6
SECTION 13. ENFORCEABLE UNDERTAKINGS	6
SECTION 14. APPEALS TRIBUNAL	7

DSA BY LAWS

The By Laws set out in this document are part of the rules, regulations, codes, policies and directives issued or authorised by the National Council, which include the "Rules of DanceSport".

SECTION 1. GENERAL

- 1.1 All members shall advise any change of address (including a change of email address) promptly to the CEO or his/her nominee.
- 1.2 The address of the member in the national membership register shall be the mailing address for the purposes of service of any notices to the member, except where the member has agreed to receive notice by email, in which case the email address of the member in the national membership register shall be the address for the purposes of service of any notices.
- 1.3 The national membership register shall contain the names of all members and former members (for the last seven years) and shall for each member contain the member's name and address, the email address of the member where the member has agreed to receive notice by email, the date on which the member's name was first entered in the register, the most recent renewal date of membership, the date on which the member ceased being a member and the date of any re-admittance to membership. The national membership register may also contain other information about the member, including but not limited to the member's registration or licence status.
- 1.4 For the avoidance of doubt, the online completion of a registration/membership renewal form and payment of monies online, or the receipt of a registration/membership renewal form and monies by a Branch Registrar or the National Registrar and the issuing of a receipt by a Branch Registrar or the National Registrar shall be evidence of registration or licence renewal, but shall not of itself constitute a renewal entry in the national membership register.

SECTION 2. BRANCH BOARD MEETINGS

- 2.1 The Branch Board shall meet at such times as it determines or on the request of any member of the Committee made to the Branch Executive Officer, provided that not more than four (4) months may elapse between any two meetings of the Branch Board.

- 2.2 At least three- (3) day's notice shall be given of any Branch Board meeting.
- 2.3 The Branch Board may consider and determine any matter by telephone conference when so requested by the Branch Executive Officer. A decision made by telephone conference shall have the same force and effect as if made in meeting assembled.
- 2.4 The Branch Board may consider and determine any matter by post, email, lettergram, telefax, or other electronic means including Internet chat room (when conducted on the DSA website or a secure chat room), when so requested by the Branch Executive Officer.
- (a) A decision so made (for example by email vote) shall have the same force and effect as if made in meeting assembled.
- (b) No consideration shall proceed or decision be made under this sub-clause if at any stage any member of the Branch Board indicates to the Branch Executive Officer that they do not wish the matter to be dealt which by such process.
- 2.5 A resolution in writing signed by all members of a Branch Board shall be as valid and effective as if it has been passed at a meeting of the Committee duly called under these Rules.
- 2.6 Each Branch Board member shall have one vote and the Chair shall not have a casting vote. In the event of an equality of votes, the matter shall be determined in the negative.
- 2.7 The Branch President shall preside at every meeting of the Branch Board or if at any meeting the Branch President is not present or is unwilling to act as chairperson then the members present may elect their own chairperson for that meeting.
- 2.8 Any Branch Board may submit their views to National Councillors, and any National Councillor may submit their views to other National Councillors in respect of any matter to be decided on by the National Council, but the National Council shall not decide on any specific proposal or recommendation from a Branch Board or a National Councillor, that is properly within the authority of a Commission. Such proposals or recommendations shall, if recorded by the National Council, be only noted by the National Council.

SECTION 3. BRANCH GENERAL MEETINGS

- 3.1 The Branch Executive Officer shall give at least 14 days notice in writing of any General Meetings at which an election is to be held or where an Special Resolution is to be considered, to all members of the Branch, specifying the place, the day and the hour of meeting and the general nature of the business to be dealt with at the meeting.

- 3.2 The Branch Executive Officer shall prepare and issue not less than 7 days prior to the meeting an agenda for the meeting, which shall include the text of all notices of motion received.
- 3.3 Such agenda shall be forwarded immediately to any member who so requests it and shall otherwise be freely available at the place of the meeting not less than 30 minutes prior to the commencement of the meeting.
- 3.4 The business of any Branch Bi-Annual General Meeting shall be:
- (a) To receive and consider the DSA Annual Report and Reports of the Branch Board.
 - (b) The presentation of the Branch Treasurer's Report and Financial Statements.
 - (c) To transact other business as may be transacted at Branch General Meetings.
 - (d) To elect in the manner hereinafter provided, the members of the Branch Board.
- 3.5 Notices of motion for a Branch General Meeting shall be given in writing to the Branch Executive Officer not later than 28 days prior to the date of the meeting. A resolution of a General Meeting, which was not the subject of formal notice, shall only have the status of a recommendation.

SECTION 4. BRANCH MINUTES / FINANCIAL STATEMENTS

- 4.1 The Branch Board shall cause minutes to be kept of:
- (a) Particulars of all appointments of Branch Office Bearers and members of the Branch Board;
 - (b) The names of members of the Branch present at all Branch General Meetings and meetings of the Branch Board;
 - (c) All resolutions and proceedings at Branch General Meetings; and
 - (d) All resolutions and business conducted at Committee Meetings.
- 4.2 The Branch Board shall cause to be prepared statements of receipts and expenditures in respect of the financial affairs of the Branch for such periods as required by the Managing Committee.

SECTION 5. REMOVAL OF A BRANCH OFFICER FROM OFFICE

- 5.1 The Branch Board, by a three quarters majority vote of its members, may at any time remove from office any Branch representative (other than a National Councillor).

- 5.2 The Branch Board, if a simple majority of its members present and entitled to vote so decide, may at any time remove from office any Branch Board member who:
- (a) Is absent without consent of the Board from meetings of the Board held during a period of 6 months.
 - (b) Has been prohibited from being a Director of a Corporation under the Corporations Act.
 - (c) Is proven to have committed a substantial breach of the Rules or by-laws or policies and procedures of DSA.
 - (d) Has been found guilty of gross misbehaviour or gross neglect of duty.
 - (e) Has misappropriated the funds of DSA.
 - (f) Fails to perform the duties of office of a Branch Board member or to follow any reasonable request of office required by the Branch Board.
 - (g) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under law relating to mental health.
- 5.3 Any such Branch Board member shall be given fourteen days notice of the motion to remove them from the Branch Board, and shall be entitled to be heard on his or her own defence, or shall be entitled to have the matter heard by the Ethics and Conduct Commission, before any motion for removal from office is acted upon.
- 5.4 A person who was elected as a Branch Directors as a representative of their registration/licence category, shall not become ineligible to remain on the Branch Board during his/her current term of office solely on the grounds that he/she is not currently registered/licensed in that category.

SECTION 6. BRANCH NOMINESS FOR NATIONAL COUNCIL

- 6.1 If up to three (3) Branches (being Branches that are not under national administration) are not represented amongst the ten (10) National Council candidates elected under clause 22 of the DSA Constitution:
- (a) Each of the three largest Branches (by total ordinary financial membership number) will be eligible to nominate one of their number for consideration by the National Council for appointment to National Council by the AGM.
 - (b) Where less than three Branch nominations for appointment to National Council by the AGM are received, for whatever reason (including if a Branch Board is unable or unwilling to nominate a representative), then the remaining Branch representative nominations shall not be filled.

SECTION 7. FUNDS

- 7.1 All moneys received by DSA shall be deposited intact at the earliest possible date to the credit of DanceSport Australia's Bank Account. Receipts shall be issued for all moneys received.
- 7.2 All receipts and expenditures shall be recorded in proper books of account held by the National Finance Director / Branch Treasurer for this purpose and audited regularly.
- 7.3 All accounts for payment shall be presented to and passed for payment by the Managing Committee / Branch Board and full details of such approval shall be entered in the relevant Minute Book.

SECTION 8. RECORDS AND ACCOUNTS

- 8.1 The National Council shall cause minutes to be kept of:
- (a) Particulars of all appointments of National Councillors, members of the Managing Committee, Commission members and DSA representatives.
 - (b) the names of Council members present at all National Council Meetings;
 - (c) All resolutions, proceedings and business conducted at National Council Meetings.
- 8.2 The CEO or his nominee shall:
- (a) Keep a register of the names and addresses of all National Councillors and all Branch Board members.
 - (b) Regularly circulate a list of all Branch Offices and Branch Directors and National Councillors to each Branch Executive Officer and shall provide an updated list of these names and addresses to any National Councillor or Branch Executive Officer when so requested.
- 8.3 The National Finance Director shall cause to be prepared not later than 30th September in each year (or such other date as approved by National Council, a Statement of Receipts and Expenditure in respect of the financial affairs of DSA for the previous financial year together with a Statement of Financial Position for DSA.
- 8.4 The National Finance Director shall have access to such records and be given such information from National and Branch Directors, as he or she considers necessary for the proper preparation of such Accounts.
- 8.5 A copy of the financial statements, once approved by National Council, shall be forwarded to each Branch and published in the DSA newsletter.

SECTION 9. AUDIT

- 9.1 The National Finance Director or his nominee shall conduct an annual audit of the books and financial statements of each Branch, to ensure that the information forwarded to the National Finance Director is true and correct.
- 9.2 A qualified auditor shall be appointed at the Annual National Council Meeting, who shall examine the accounts of DSA and furnish a report to National Council.
- 9.3 The auditor shall be given access to such books and the records as he shall require, and to Statement of Receipts and Expenditure and the Balance sheet. The auditor should also be supplied with DSA's constitution, rules and By-Laws. Any further information required by the auditor shall be provided as required.

SECTION 10. CONSTITUTIONAL COMMISSIONS

Not included at this time. Presently under consideration by National Council

SECTION 11. ADDITIONAL COMMISSIONS

Not included at this time. Presently under consideration by National Council

SECTION 12. ATHLETES COMMISSION

Not included at this time. Presently under consideration by National Council

SECTION 13. ENFORCEABLE UNDERTAKINGS

- 13.1 An enforceable undertaking is an option that DSA may use as an alternative to disciplinary action arising out of a complaint or disciplinary hearing. The power to accept enforceable undertakings offers the Ethics and Conduct Commission or a Branch Ethics and Conduct Committee an efficient and flexible means of dealing with breaches of the DSA by laws, as well as avoiding the time and expense of a hearing or an appeal.
- 13.2 Any breach of an enforceable undertaking shall be dealt with by the Ethics and Conduct Commission, which shall have the power to:
- (a) Order the member or individual to pay compensation or a security bond; or
 - (b) Order that the member or individual be refused entry to or attendance at a DSA registered event or events; or
 - (c) Suspend or expel the person from membership of DSA.
- 13.3 An enforceable undertaking may only be used when:

- (a) the member or person is likely to comply with the undertaking; and
 - (b) no previous enforcement action has been taken against the member or person for similar conduct.
- 13.4 The Ethics and Conduct Commission and any Branch Ethics and Conduct Committee making an enforceable undertaking is required to advise the CEO of the full details of the undertaking, including the specific undertakings and the time period during which the undertakings shall apply. The CEO shall report annually to the National Council on all undertakings.

SECTION 14. APPEALS TRIBUNAL

- 14.1 The National Council will appoint the members of the Appeals Tribunals and will determine the terms of office and number of persons to serve on the Appeals Tribunal.
- 14.2 The CEO on behalf of the Board may seek nominations for persons to be appointed to the Appeals Tribunals; however the National Council is not obliged to appoint any such nominee.
- 14.3 No person appointed to the Appeals Tribunal may participate in any hearing before that Appeals Tribunal if the person could not reasonably be considered to be impartial by reason of his or her relationship with any party to the matter to be considered by the Appeals Tribunal.
- 14.4 Preference in appointment of Tribunal members must first be given for at least one Tribunal member (and the Tribunal Chairman) to have either a legal or law enforcement background; secondly to persons with experience in the administration of sport, and thirdly to athletes who have retired from international competition within the last 5 years.
- 14.5 All referrals of matters to the Appeals Tribunal:
- (a) must be in writing in accordance with any applicable by-laws;
 - (b) may be lodged in person, sent by post or transmitted by facsimile or electronic mail;
 - (c) must be received by the CEO within 14 days of the day on which the applicant was advised in writing of the decision being the subject of the referral; and
 - (d) accompanied by an application fee of \$1,000 – such application fees to be increased on each anniversary of the adoption of this by-law in accordance with increases over the preceding year in the Consumer Price Index (All Groups) for Australia published from time to time by the Australian Bureau of Statistics.
- 14.6 Any competitor or couple wishing to appeal a decision of the Selection Commission must lodge a Notice of Appeal in writing to be received by the

DSA CEO by 5:00pm on the second clear working day following receipt of advice from the Selections Commission regarding the athlete's application for reconsideration. The Notice of Appeal must set out the grounds upon which the appeal is made.

- 14.7 Upon receipt of a referral, the CEO will promptly provide a copy thereof to the President and to any person named in the referral as a party or person who may be adversely affected by the determination of the Appeals Tribunal. The President will then appoint the panel members to constitute the Appeals Tribunal.
- 14.8 The Appeals Tribunal will convene a preliminary hearing with the parties as soon as is practicable after receipt of the referral by the CEO. At the preliminary hearing the Appeals Tribunal will give directions as to the conduct of the matter including, but not limited to, the provision of written submissions by the parties, any submission by any person who may be adversely affected by the determination of the Appeals Tribunal, the provision of documents and the manner of taking evidence.
- 14.9 All communications (other than during the course of a preliminary hearing or the hearing) between the parties and the Appeals Tribunal will be transmitted through the CEO.
- 14.10 The application fee will only be refunded to the applicant if the Appeals Tribunal so directs.