

DRAFT VERSION OF PROPOSED AMENDED VBSA RULES (July 2018)

The sections underlined that follow differ from the existing provisions of the VBSA Rules, shown below:

DEFINITIONS

4 Definitions

In these Rules—

...

[Add the following definitions]

By-Laws means a set of procedures and requirements regulating the Association's membership, operations and activities, as determined and published by the Board, from time to time;

competition fees mean any weekly match fees or any event entry fees for VBSA sanctioned events;

membership application form means a form issued by the Board that is to be used by a person applying to become a member of the Association in accordance with Rule 9 or by an existing member applying to renew their membership of the Association pursuant to Rule 9, and may be either a written form or an electronic form;

Policies means any set of procedures or policies passed by resolution of the Board, including administering the Rules, By-Laws and operations of the Association and its sanctioned events, as determined by the Board from time to time;

...

[Amend the following section, as indicated by underlining]

disciplinary appeal meeting means a meeting convened under rule 23;

disciplinary appeal sub-committee means the sub-committee appointed under rule 23;

disciplinary sub-committee meeting means a meeting convened for the purposes of rule 22;

disciplinary sub-committee means the subcommittee appointed under rule 20;

...

[delete the definition of "season"]

9 Membership

(1) Any person wishing to become a member of the Association must complete and submit a membership application form and pay the nominated joining and annual fees (if any).

(2) An existing member -

(a) wishing to renew their membership of the Association for the next year must submit the appropriate fees (if any); and

(b) wishing to retain their membership must complete and submit a new membership application form, when required from time to time by the Board; and

(c) shall, subject to compliance with Rule 9 (2) (a) and 9 (2) (b), have their membership automatically renewed at the start of each new year provided they have played or refereed at least one match of a VBSA sanctioned competition in the preceding 12 months.

(3) The Board may publish rules to apply in cases of members who fail to complete and submit a membership application form, when required by the board. These rules will be included in the By-Laws.

(4) The Board may establish, as it sees fit, different categories of membership (e.g. junior, pensioner).

(5) The Association may also bestow Life Membership upon members who have provided outstanding service to the Association over a number of years. Life Memberships must be approved at an Annual General Meeting. Life members pay no annual membership fees but must complete a membership application or otherwise acknowledge in writing as the Board may require that they will be bound by the Association's Rules, Policies and By-Laws.

(6) The Board may publish rules whereby players competing in VBSA competitions must become members or will be ineligible to compete. These rules will be included in the By-Laws.

(7) The joining fee (if any) and the annual fee (if any) for different membership categories are determined by the Board under Rule 12.

[paragraphs omitted]

10 Consideration of application

(1) The Board may, in its absolute discretion, reject any application for membership.

(2) If the Board rejects the application for membership, it must return any money accompanying the application to the applicant.

(3) No reason need be given for the rejection of an application.

11 New membership

(1) If an application for membership is accepted the VBSA must, as soon as practicable, enter the name and contact details (when supplied) of the new member in the database of members.

(2) A person who becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date on which membership is granted.

12 Competition fees, annual subscription fee, and joining fee

(1) The Board shall determine the amount of competition fees, the annual subscription fee (if any), and the joining fee (if any) for the following financial year in each category of membership.

(2) The Association may determine that a lower annual subscription is payable by some categories of membership.

(3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—

(a) the full annual subscription; or

(b) a pro rata annual subscription based on the remaining part of the financial year; or

(c) a fixed amount determined from time to time by the Association.

(4) The rights of a member (including the right to vote) who has not paid the annual subscription (if any) when required to do so, or who has not completed a membership application form, when required to do so, or whose competition fees are overdue, shall be suspended.

19 Grounds for taking disciplinary action

The Board may issue a formal warning, or may take disciplinary action against a member in accordance with this Division, if it is determined that the member—

(1) has failed to comply with these Rules; or

(2) has failed to comply with the Association's By-Laws: or

(3) has failed to comply with a code of conduct applying to members as specified in the Association's By-Laws: or

(4) refuses to support the purposes of the Association; or

(5) has engaged in conduct prejudicial to the Association.

20 Disciplinary sub-committee

(1) If the Board is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Board may appoint a disciplinary sub-committee to hear the matter and determine what action, if any, to take against the member.

(2) The members of the disciplinary sub-committee—

(a) may be Board members, members of the Association or anyone else; but

(b) must not be biased against, or in favour of, the member concerned.

21 Notice to member

(1) Before disciplinary action is taken against a member, the Board must give written notice to the member—

(a) Stating that the Board proposes to take disciplinary action against the member; and

(b) Stating the grounds for the proposed disciplinary action; and

(c) Specifying the date, place and time of the meeting at which the disciplinary sub-committee intends to consider the disciplinary action (the disciplinary sub-committee meeting); and

(d) Advising the member that he or she may do one or more of the following —

(i) attend the disciplinary sub-committee meeting and address the disciplinary sub-committee at that meeting;

(ii) authorize a delegate to attend the disciplinary sub-committee meeting and address the disciplinary sub-committee at that meeting;

(iii) if a junior member, be represented or accompanied by a parent or guardian; and

- (iv) give a written statement to the disciplinary sub-committee at any time before the disciplinary sub-committee meeting;
 - (v) seek prior written approval from the Board to permit one or more nominated witnesses to attend and give evidence at the disciplinary sub-committee meeting;
 - (vi) arrange for a witness or witnesses to give a written statement to the disciplinary sub-committee at any time before the disciplinary sub-committee meeting; and
- (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary sub-committee meeting is held.

22 Decision of sub-committee

- (1) At the disciplinary sub-committee meeting, the disciplinary sub-committee must—
- (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary sub-committee may—
- (a) take no further action against the member; or
 - (b) subject to subrule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period, or until a specified date;
- or
- (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary sub-committee under this rule takes effect immediately after the resolution is passed.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) This notice from the member must -
- (a) be in writing and given to the Secretary not later than 96 hours after the vote; and
 - (b) state specific grounds for the appeal.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Board not later than 30 days after the notice is received.
- (4) The Board shall appoint a disciplinary appeal sub-committee to conduct the disciplinary appeal meeting and determine what action, if any, to take.
- (5) The members of the disciplinary appeal sub-committee—
- (a) May be Board members, members of the Association or anyone else; but
 - (b) Must not have been a member of the disciplinary sub-committee whose determination is being appealed; and
 - (c) Must not be biased against, or in favour of, the member concerned.
- (6) The Secretary must give written notice to the member—
- (a) Stating that the Association proposes to hold a disciplinary appeal meeting to hear the member's appeal; and
 - (b) Specifying the date, place and time of the meeting at which the disciplinary appeal sub-committee intends to consider the appeal (the *disciplinary appeal meeting*); and
 - (c) Advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary appeal meeting and address the disciplinary appeal sub-committee at that meeting;
 - (ii) give a written statement to the disciplinary appeal sub-committee at any time before the disciplinary appeal meeting; and
- (7) The Secretary's notice to the member must be given no earlier than 28 days, and no later than 14 days, before the disciplinary appeal meeting is held.

[paragraph omitted]

24 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the person whose membership has been suspended or who has been expelled must be given an opportunity to explain the specific grounds for the appeal.

(2) After complying with subrule (1), the disciplinary appeal sub-committee members shall vote on the question of whether the decision to suspend or expel the person should be upheld or revoked, within 7 days of the disciplinary appeal meeting, and shall publish the reasons for their decision.

(3) A disciplinary appeal sub-committee member may not vote by proxy at the meeting.

(4) The decision is upheld if not less than half of the disciplinary appeal sub-committee members voting at the meeting vote in favour of the decision.

42 Role and powers

(1) The business of the Association must be managed by or under the direction of a Board.

(2) The Board may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.

(3) The Board may—

(a) appoint and remove staff;

(b) establish sub-committees consisting of members with such terms of reference as it considers appropriate;

(c) Make and amend Policies and By-Laws from time to time or which in their opinion are necessary or desirable for the control, administration and management of the Association's affairs; and

(d) Repeal or replace Policies and By-Laws referred to in Rule 42 (3) (c).

(4) By-Laws referred to in Rule 42(3):

(a) shall take effect 7 days after notifying the Members;

(b) are subject to these Rules this Constitution;

(c) must be consistent with these Rules this Constitution; and

(d) when in force, are binding on all Members and has the same effect as a provision in these Rules this Constitution.

(5) Policies referred to in Rule 42(3):

(a) shall take effect as soon as passed by a resolution of the Board;

(b) are subject to these Rules this Constitution;

(c) must be consistent with these Rules this Constitution.

57 Filling casual vacancies

(1) The Board may appoint an eligible member of the Association to fill a position on the Board that—

THE EXISTING FORM OF THE CORRESPONDING SECTIONS OF THE VBSA RULES

4 Definitions

In these Rules—

...

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 23(3);

disciplinary meeting means a meeting of the Board convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20;

9 Membership

(1) Any person wishing to become a member of the Association must complete a membership form and submit it with the appropriate fees or have played a minimum of 4 matches in Season S1 or S2 in the current year.

(2) The board may establish, as it sees fit, different categories of membership (e.g. junior, pensioner). The Association may also bestow Life Membership upon members who have provided outstanding service to the Association over a number of years. Life Memberships must be approved at an Annual General Meeting. Life members pay no annual membership fees.

(3) The board may also determine rules whereby players competing in VBSA competitions must become members or will be ineligible to compete. These rules will be included in the by-laws.

(4) The joining fee (if any) and the annual fee (if any) for different membership categories are determined by the Association under Rule 12.

(5) By definition, a financial member is considered to be a person who

a. Has been granted Life Membership (Rule 9.2), or

b. Has played a minimum of 4 matches in Season S1 or S2 in the current year, or

c. Has paid the appropriate fee (Rule 12).

As both Victorian and Interstate tournaments require entrants to be a member of their home state association for the purposes of entry into Tournament play, in Season S1 any player that was a member in Season 2 of the previous year will be considered a member. In Season S2 a player must be either playing on a regular basis (as determined by the Tournament Director) or pay the nominated membership fee (if any). An additional fee might be charged for any tournament entry that does not satisfy 9 (5) (b)

10 Consideration of application

(1) If the Board rejects the application, it must return any money accompanying the application to the applicant.

(2) No reason need be given for the rejection of an application.

11 New membership

(1) If an application for membership is accepted the Treasurer or Score-registrar must, as soon as practicable, enter the name and contact details (when supplied) of the new member in the database of members.

(2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date on which the annual membership fee is paid or once they have played a minimum of 4 matches in Season S1 or S2 in the current year.

12 Annual subscription and fee on joining

(1) At each annual general meeting, the Association must determine the amount of the annual subscription (if any), and joining fee (if any) for the following financial year in each category of membership.

(2) The Association may determine that a lower annual subscription is payable by some categories of membership.

(3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—

(a) the full annual subscription; or

(b) a pro rata annual subscription based on the remaining part of the financial year; or

(c) a fixed amount determined from time to time by the Association.

(4) The rights of a member (including the right to vote) who has not paid the annual subscription when required to do so or who has not played a minimum of 4 matches in Season S1 or S2 in the current year, are

suspended until the subscription is paid or they have played a minimum of 4 matches in Season S1 or S2 in the current year.

19 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

20 Disciplinary subcommittee

(1) If the Board is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Board may appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.

(2) The members of the disciplinary subcommittee—

- (a) May be Board members, members of the Association or anyone else; but
- (b) Must not be biased against, or in favour of, the member concerned.

21 Notice to member

(1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

- (a) Stating that the Association proposes to take disciplinary action against the member; and
- (b) Stating the grounds for the proposed disciplinary action; and
- (c) Specifying the date, place and time of the meeting at which the disciplinary subcommittee (or board) intends to consider the disciplinary action (the *disciplinary meeting*); and
- (d) Advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee (or board) at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee (or board) at any time before the disciplinary meeting; and
- (e) setting out the member's appeal rights under rule 23.

(2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 Decision of subcommittee

(1) At the disciplinary meeting, the disciplinary subcommittee (or board) must—

- (a) give the member an opportunity to be heard; and
- (b) consider any written statement submitted by the member.

(2) After complying with subrule (1), the disciplinary subcommittee (or board) may—

- (a) take no further action against the member; or
- (b) subject to subrule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association.

(3) The disciplinary subcommittee may not fine the member.

(4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee (or board) under this rule takes effect immediately after the vote is passed.

23 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

- (a) to the disciplinary subcommittee (or board) immediately after the vote to suspend or expel the person is taken; or
- (b) to the Secretary not later than 48 hours after the vote.

(3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Board as soon as practicable, but in any event not later than 21 days, after the notice is received.

(4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is

entitled to vote as soon as practicable and must—

- (a) specify the date, time and place of the meeting; and
- (b) state—
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

24 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the Board must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

42 Role and powers

- (1) The business of the Association must be managed by or under the direction of a Board.
- (2) The Board may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) The Board may—
 - (a) appoint and remove staff;
 - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

57 Filling casual vacancies

- (1) The Board may appoint an eligible member of the Association to fill a position on the Committee that—