

**BY-LAWS**

**OF**

**UNISPORT AUSTRALIA**  
**LIMITED**

**Approved at the  
UniSport Board Meeting  
6 February 2018**



## **BY-LAWS OF UNISPORT AUSTRALIA**

### **1. DEFINITIONS**

The words and phrases used in these By-Laws shall have the same meaning as defined in the Rules set out in the Constitution of UniSport Australia Limited (UniSport) unless otherwise specified in these By-Laws.

### **2. APPLICATION FOR MEMBERSHIP**

2.1 To apply for membership of UniSport under Rule 8.1(a) or Rule 8.1(b) of the Rules, the organisation shall:

- (a) complete the form annexed in Schedule 1; and
- (b) make payment of the Membership Fee for the relevant year, (or part thereof), in which the application is made; and
- (c) forward the above to the Chief Executive Officer.

2.2 To apply for membership of UniSport under Rule 8.1(c) of the Rules, the Australian higher education institution shall:

- (a) complete the form annexed in Schedule 1;
- (b) make payment of the Membership Fee for the relevant year (or part thereof) in which the application is made; and
- (c) provide a written submission addressing the following criteria:
  - (i) the nature, scope and level of the institution's academic programs, and details of their accreditation and recognition within Australia by appropriate educational authorities
  - (ii) the nature, scope and level of sporting facilities, activities and amenities possessed by the institution or available to it and its students
  - (iii) the numbers and types of its students (u-grad/post-grad, international/local) and the numbers of students participating in sporting activities at or in the name of the institution
  - (iv) the likely numbers of participants from the institution in the Australian University Games and in other events conducted or sponsored by UniSport; and
  - (v) any other matters relevant to the appropriateness of the proposed membership.
- (d) forward the above to the Chief Executive Officer.

### **3. LIFE MEMBERSHIP**

3.1 Each year the Board will call for nominations from the Members and the Board Members for persons to be considered for life membership of UniSport.

- 3.2 All nominations must be made in the prescribed form at Schedule 2 and forwarded to the Chief Executive Officer by the date specified by the Board.
- 3.3 The Board may consider one or more persons duly nominated for life membership who has rendered distinguished service to UniSport and/or university sport, where such service is deemed to have assisted the advancement of university sport in Australia and who has been involved in university sport on a national basis, normally for at least 10 years.
- 3.4 Upon considering the nominations the Board may make a recommendation to the Annual General Meeting (AGM) under Rule 9.2 of the Rules.
- 3.5 Upon Life Membership being conferred, the person's details shall be entered upon the Register. A person shall become a Life Member from the date of the AGM at which it is conferred.

#### **4. NOMINATION OF DIRECTORS**

- 4.1 Not fewer than 50 days prior to the AGM at which elections for Directors are to be held, the Chief Executive Officer shall notify all Members in writing of the number of, and if necessary the gender for, positions which will be vacant.
- 4.2 To nominate a person to be a Director the authorised representatives of the Members nominating and seconding that person and the person who is being nominated shall complete and sign the form prescribed in Schedule 3 of these By-Laws.
- 4.3 Nominees for Directors shall submit a statement in support of their nomination setting out their skills and experience for the position and any other matters they consider appropriate. This statement should not exceed 500 words and should be forwarded with the nomination.
- 4.4 Nominations for Directors (under Rule 17.2.2 of the Rules) must be received by the Office of UniSport by the date and time specified in the notice given in By-Law 4.1, being not fewer than 30 days prior to the AGM at which the election is to be held. Nominations may be received by facsimile, post or hand-delivered, provided that the nomination complies with this By-Law.
- 4.5 Upon receipt of any nominations for Directors, the Chief Executive Officer shall ensure that nominations are properly completed, were received by the due time and date, that the nominating and seconding Members are current financial members of UniSport and that the nominated person is eligible to act as a Director. If the CEO is so satisfied, then the CEO shall list the nominees on the agenda for the AGM, circulate the statements provided under clause 4.3 above with the papers for the AGM and prepare ballot papers as appropriate in accordance with clause 5.7 below.

#### **5. VOTING AT MEETINGS**

- 5.1 **Manner of Voting:** Voting for all motions shall be conducted by a show of hands by the Delegates in accordance with Rule 18.4, unless By-Law 5.2 applies. Where, in accordance with Rule 18.4.12, a Delegate wishes to appoint a proxy to vote on its behalf at a Meeting, the notice appointing that proxy must be in the form set out at Schedule 4 of this By Law.

- 5.2 **Ballot Papers:** Ballot papers shall only be distributed to each Delegate for voting at meetings in the follows circumstances:
- (a) if there is a request for a secret ballot under Rule 18.4.10 of the Rules; or
  - (b) where there is to be an election for Directors.
- 5.3 If By-Law 5.2 applies, the number of ballot papers distributed to each Delegate at the meeting shall be equivalent to the number of votes to which the Delegate's Member is entitled under Rule 18.4.8.
- 5.4 The Chair of the meeting shall appoint two (2) scrutineers to collect and count the ballot papers. In the case of an election for Directors the Chair shall also appoint a Returning Officer to oversee the conduct of the election and report its results to the Chair and the meeting
- 5.5 Once the votes have been counted the scrutineers or the Returning Officer shall advise the Chair of the results of the ballot. The Chair shall then declare relevant motion carried or not carried in accordance with those results, or the successful candidates for Director elected.
- 5.6 The ballot papers shall then be destroyed.
- 5.7 Each ballot paper for the election for Directors shall list the names of the nominees for election in alphabetical order and the result of each election must be ascertained in accordance with the preferential system detailed in clauses 5.8 to 5.11 below.
- 5.8 (1) Except for a poll in respect of provisionally elected candidates being conducted under subclause (7) below, a voter shall vote by marking in the square opposite the name of the candidate of first choice the number 1. A voter may indicate additional preferences by marking the numbers 2, 3 and so on as the case requires opposite the names of other candidates. Where there is any repetition of a figure or any break in the consecutive number of the preferences marked by a voter on a voting paper only the preference or preferences preceding such repetition or break may be taken into account in the processes prescribed in sub-clauses 5.9 and 5.10 below.
- (2) A vote shall be considered to be opposite the name of a candidate if it is wholly within the box in the ballot paper in respect of that candidate or sufficiently within that box for the Returning Officer to be satisfied that it is intended as a vote for that candidate
- (3) A ballot paper shall be informal if marked other than in accordance with this Clause 5.8.
- (4) 'Absolute majority' in relation to a count of votes in an election means a number greater than one half of the total number of members present in person or by proxy and entitled to vote at the Annual General Meeting at which the election is being conducted (See Constitution, Clause 17.2.1) .
- (5) If, during the processes prescribed in sub-clauses 5.9 and 5.10 below, at any exclusion of a candidate, the next available preference is for a previously excluded candidate, that preference is disregarded and the vote is distributed to the continuing candidate for whom the next available preference is shown.

(6) If during the processes prescribed in clauses 5.9 and 5.10 below, two or more candidates have each received an equal number of votes which are fewer than the votes received by any other remaining candidates the Returning Officer shall determine by lot which candidate is to be excluded and their vote distributed to the continuing candidate for whom the next available preference is shown.

(7) If, during the processes described in clauses 5.9 and 5.10 below, a candidate obtains a majority of votes but not an absolute majority of votes and becomes a provisionally elected candidate, the following procedure is to be followed:

- (a) At the conclusion of the count of votes for the elections being conducted under clauses 5.9 and 5.10, the names of all provisionally elected candidates shall be placed on a ballot paper with a square opposite each name
- (b) Each voter shall vote by writing "Yes" in the square or squares opposite those candidate(s) the voter is in favour of. Unless the word "Yes" is written in the square relating to a candidate the vote must be counted as not in favour of the candidate.
- (c) Any candidate who receives a number of "yes" votes at least equal to the number of an "absolute majority" specified in sub clause (4) above becomes an elected candidate.
- (d) Any candidate who does not receive a number of "yes" votes at least equal to the number of an "absolute majority" specified in sub clause (4) becomes a candidate who has not been elected to be a Director.

5.9 (1) Where one candidate only is to be elected, the returning officer shall follow the procedures set out sub-clauses (2) to (7) below in conducting the count of votes.

(2) A candidate must poll an absolute majority of votes to be elected. If no candidate polls an absolute majority of votes after the procedures prescribed in (3) to (6) below and 9.8(7) above have been followed, the position for which the election is being conducted will be declared vacant and may be filled as a casual vacancy under Clause 17.4.1 of the Constitution

(3) If, after all first preference votes have been counted, one candidate has obtained an absolute majority of votes, that candidate is the successful candidate.

(4) If, after all first preference votes have been counted no candidate has obtained an absolute majority of votes, the candidate with the fewest number of first preference votes is excluded. That excluded candidate's second preference votes (if any) are then distributed to the remaining candidates. If no second preference is shown on a ballot paper it is set aside as exhausted. A candidate who has an absolute majority of votes at this stage becomes the successful candidate.

(5) If after the exclusion referred to in (4) above no candidate has obtained an absolute majority of votes, the next remaining candidate with the fewest votes is excluded and all of that candidate's votes (ie. first preference votes plus those votes received from the first excluded candidate) are distributed to the remaining candidates. If no further preference is shown on a ballot paper it is set aside as exhausted.

(6) The above process is continued until either:

- (a) one candidate obtains an absolute majority of votes and that candidate becomes the successful candidate in the election, or,

- (b) there is only one remaining candidate, and that candidate has not obtained an absolute majority of votes. That candidate becomes a provisionally elected candidate. (See 5.8 (7) above)

(7) If at any stage of the foregoing processes the only remaining candidates have an equal number of votes, a run-off election conducted in accordance with subclauses (2) to (6) above must be held between those candidates.

5.10 (1) Where more than one candidate is to be elected, the Returning Officer shall observe the procedures set out in sub-clauses (2) to (11) below in conducting the count of votes.

(2) A candidate must poll an absolute majority of votes to be elected. If fewer candidates than the number of candidates to be elected obtain an absolute majority of votes, the positions for which no candidate has obtained an absolute majority must be declared vacant and may be filled as a casual vacancy under Clause 17.4.1 of the Constitution

(3) If, after all first preference votes have been counted, one candidate has obtained an absolute majority of votes, that candidate becomes the first elected candidate.

(4) If, after all first preference votes have been counted, no candidate has obtained an absolute majority of votes, the candidate with the fewest number of first preference votes is excluded. That excluded candidate's second preference votes (if any) are then distributed to the remaining candidates. If no second preference is shown on the ballot paper it is set aside as exhausted. A candidate then receiving an absolute majority of votes becomes the first elected candidate.

(5) If after the exclusion referred to in (4) above, no candidate has obtained an absolute majority of votes, the next remaining candidate with the fewest votes is excluded and all of his/her votes (i.e. first preference votes plus those votes received from the first excluded candidate) are distributed to the remaining candidates. If no further preference is shown on a ballot paper it is set aside as exhausted

(6) The above process is continued until either:

- (a) one candidate obtains an absolute majority of votes who becomes the first elected candidate, or
- (b) the only candidates remaining have an equal number of votes, in which case the Returning Officer shall determine by lot which one of them is to be excluded by lot, exclude such candidate, distribute his/her votes to the remaining candidate or candidates and continue the vote count, or
- (c) there is only one remaining candidate, and that candidate has not obtained an absolute majority of votes. That candidate becomes a provisionally elected candidate. (See 5.8 (7) above).

(7) When the processes in respect of first position to be filled have been concluded, all ballot papers are sorted back to first preference votes and all ballot papers containing a first preference vote for the first elected or provisionally elected candidate are distributed to the remaining candidates according to the second preference vote on each of them. If no second preference is shown on a ballot paper for the first elected candidate, it is set aside as exhausted. A candidate then receiving an absolute majority of votes becomes an elected candidate.

(8) If no candidate has then received an absolute majority, the candidate with the fewest votes is excluded and his/her votes (first preference and preferences

distributed from other candidates) are distributed to the next available preference, if any, among the remaining candidates. If no further preference is shown on a ballot paper it is set aside as exhausted. If after that exclusion no candidate has obtained an absolute majority of votes, the next remaining candidate with the fewest votes is excluded and all of his/her votes (i.e. first preference votes plus those votes received from the previously elected, provisionally elected and excluded candidates) are distributed to the remaining candidates. If no further preference is shown on a ballot paper it is set aside as exhausted. This process is continued until either:

- (a) one candidate obtains an absolute majority of votes who becomes an elected candidate, or
- (b) the only candidates remaining have an equal number of votes, in which case the Returning Officer shall determine by lot which one of them is to be excluded by lot, exclude such candidate, distribute his/her votes to the remaining candidate or candidates and continue the vote count, or
- (c) there is only one remaining candidate, and that candidate has not obtained an absolute majority of votes. That candidate becomes a provisionally elected candidate. (See 5.8 (7) above)

(9) If there is a third vacancy to be filled, after the processes in respect of second position to be filled have been concluded, all ballot papers are sorted back to first preference votes. The ballot papers containing the first preference votes of the candidates who have previously become an elected or a provisionally elected candidate are sorted to the next available preference, if any, and are distributed among the remaining non-elected candidates. If no further preference is shown on a ballot paper it is set aside. A candidate receiving an absolute majority of votes becomes an elected candidate.

(10) If no candidate has then received an absolute majority, the candidate with the fewest votes is excluded and his/her votes (first preference and those received from the previously elected, provisionally elected, or excluded candidates) are distributed to the next available preference among the remaining candidates. The process described in sub-clause (8) above is continued until either:

- (a) one candidate obtains an absolute majority of votes who becomes the third elected candidate, or
- (b) the only candidates remaining have an equal number of votes, in which case the Returning Officer shall determine by lot which one of them is to be excluded by lot, exclude such candidate, distribute his/her votes to the remaining candidate or candidates and continue the vote count, or
- (c) there is only one remaining candidate, and that candidate has not obtained an absolute majority of votes. That candidate becomes a provisionally elected candidate. (See 5.8 (7) above)

(11) The above process shall be repeated in respect of each further vacancy, if any, that are to be filled by the election, in each case allocating the first preference votes for previously elected, provisionally elected or excluded candidates to the next available preference.

## **6. ELIGIBILITY OF COMPETITORS**

This guideline outlines the UniSport eligibility requirements of competitors in order to provide clarification for participants and UniSport members. It is the participant's and member's responsibility to ensure that all athletes are eligible to attend and compete in the UniSport event.

### **6.1 Who is eligible?**



In order to be eligible to compete in a UniSport event, the athlete must:

- a) Be a currently enrolled student
- b) Be proceeding towards a certificate or higher award offered by the member university or by a recognised feeder school\* of the university
- c) Be able to prove their identity, and must be able to prove their enrolment/eligibility if requested
- d) Be covered by personal accident / injury insurance
- e) Have authorisation from the member that the athlete is eligible to compete (via the online registration process or eligibility form)
- f) Have accepted the terms and conditions of the UniSport participation agreement

\*A feeder school is deemed to be a college or school which has a partnership with a university which offers courses that allow the student (undertaking that course) to gain minimum university requirements to gain admission to a full degree program. These students must have an approved student identification number from the university.

Note on 1a) – be a currently enrolled student

For the purpose of defining a currently enrolled student the following clarifications shall apply:

- i. A student who is enrolled in a semester prior to (or during) the event in that calendar year, is eligible
- ii. A student under a designated exchange scheme between an overseas university and the member's university is eligible

A person is not considered or ceases to be considered a currently enrolled student for the purposes of participating at a UniSport event, if the person:

- a) Immediately discontinues, suspends, defers or postpones study\*, or
- b) Commences their university studies in a semester that begins after the Nationals Division 1 competition concludes, is not eligible to compete.

\* Extenuating circumstances:

UniSport recognises that there may be extenuating circumstances where an elite athlete suspends, defers or postpones study due to representing their country on the world stage of sport. An application for special eligibility status for an elite athlete wishing to compete at a UniSport competition may be submitted to the UniSport Chief Executive Officer by the UniSport member for consideration. The conditions for successful consideration are that:

- a) The athlete has represented their Country
- b) The reason for deferment was solely to represent their Country
- c) There is intention to recommence study in the immediate future
- d) The athlete competes in the same sport at an UniSport event that they represented their Country
- e) The application includes a copy of the deferment information and a declaration from the athlete that they will be returning to study in the immediate future

Note on point 1b) – be proceeding towards a certificate or higher award

A 'certificate' is an award as defined by the Australian Qualifications Framework (AQF) and is listed in the relevant legislation of the university.

Note on point 1b) – offered by a member university of member university feeder school/program

If a student is enrolled in a feeder school or bridging course that is aiding them to enter their first or second year at the member institution to which the feeder school

is associated, they are eligible providing that the feeder school/program or bridging course is conducted by the member university. The student must have a relevant university student identification number.

Note on point 1c) - proof of identity, and must be able to prove their eligibility if requested

The competitor will be required to produce appropriate photographic identification such as the official student identification, driver's licence or proof of age card when requested by UniSport event personnel prior to each competition together with their UniSport event accreditation pass (if produced by the event).

Should a competitor's eligibility be questioned, the competitor and UniSport member which this person is representing must be able to produce proof of their enrolment/eligibility within a reasonable timeframe (24 hours would be considered reasonable in most circumstances).

Note on point 1d) – be covered by personal accident / injury insurance

The competitor or all persons entered into the UniSport event must be covered by personal accident / injury insurance. This coverage must be taken by the university for all its eligible competitors. It is also recommended that all athletes source their own relevant personal accident insurance.

Note on point 1e) - have authorisation from the member university that the athlete is eligible to compete – eligibility certificate

Eligibility to represent a member university in a competition conducted under the jurisdiction of UniSport, shall be restricted to persons accepted via the online registration system or via the eligibility form which has been presented to the organiser of the UniSport event by the time and date specified by the organiser, provided that the person listed can at all times throughout the competition prove their identity (as per note on point 1c).

Note: eligibility certificates are used for stand-alone UniSport Nationals events. Eligibility for UniSport multisport events are completed via the online registration portal.

When an eligibility certificate has been received and processed by the organiser of the UniSport event, eligibility is deemed to be finalised. This may occur post event in some stand-alone event instances.

A completed eligibility or supplementary eligibility certificate is one which states:

- a. The gender specific sport for which the eligibility certificate applies, plus
- b. Each person's first name, surname and student ID number and when required their graduation date, plus
- c. The total number of persons listed, and
- d. Is signed by the member university's Executive Officer or his/her nominee.

In addition, the organiser of the UniSport event may require that the member provide details of management personnel (coaches, managers, or sports medicine personnel) and other details of the participants entering the competition.

Note on point 1f) - have accepted the terms and conditions of the UniSport participation agreement

All participants (competitors and management personnel) representing the member at the UniSport event must agree to UniSport terms and conditions of entry (outlined in the UniSport participation agreement) upon registering for the event. *Failure to*

*provide this agreement prior to the commencement of the competition may result in the participant not being permitted to compete or participate in the UniSport event.*

## 6.2 Penalties for breaches of the eligibility

In a circumstance where it is discovered that a competitor within a UniSport event is found to be not eligible as outlined in this guideline, the following penalties will be implemented:

- a) Person NOT eligible  
Team sport: If a person entered into an UniSport event is subsequently found not to be eligible then the team which the person was to compete in, or did compete in, shall be disqualified from the competition.
- b) Individual sport: If a person entered into an UniSport event is subsequently found not to be eligible then that person shall be disqualified from the competition.

Person eligible to enter into an UniSport event however does not play for their appointed/registered sport

If, in a team sport such as basketball, hockey etc, a team fields a player who is not registered in that team (not listed on the team sheet) or plays a person who uses the name of a player registered for that team, then the team shall forfeit\* the game in which the breach was discovered and any other games in which the said player or person's name was recorded on a score/team sheet.

\* This forfeit will result in the team being relegated to the bottom of the pool.

If, in the team sport such as tennis, squash etc., the team uses a person who is eligible but not listed on the team sheet, then the team shall forfeit twice the number of rubbers in which the said player or person's name was recorded on a score/team sheet.

If a person who is eligible but not listed as a registered person for that sport or a person who eligible but uses the name of someone else who is registered for that sport, competes in a non-team event such as athletics, swimming, etc., then this person's result will be null and void and all other competitors will move up one place.

## 6.3 Intentional breach

In a circumstance where a participant is not eligible to compete, and where a participant and/or member is believed to have intentionally breached this eligibility guideline, the participant will be disqualified from the competition and if the participant is within a team sport, the team will be disqualified from competition. In addition, an intentional breach will be viewed as bringing UniSport into disrepute and a breach of the UniSport Code of Behaviour may be submitted.

## 7. DISCIPLINARY CHAIR

### 7.1 Disciplinary Chair to determine how complaint is resolved

- (a) In the event of a complaint or dispute arising out of the conduct of an individual relating to the UniSport Constitution, By-Laws or any other applicable UniSport rule or regulation, a complaint is to be made to the UniSport disciplinary chair (**Disciplinary Chair**).

- (b) Upon receipt of a complaint of this nature, the Disciplinary Chair will assess the matter and refer it to the UniSport disciplinary process deemed most appropriate by the Disciplinary Chair at his/her absolute discretion, to be resolved in accordance with that chosen process. The disciplinary processes which the Disciplinary Chair may refer a complaint to are as follows:
- (i) resolution by the Judiciary Committee in accordance with:
    - (A) By-Law 11; or
    - (B) the Disciplinary & Disputes Policy, or
  - (ii) resolution under the Member Protection Policy.

*Note: Without in any way limiting the discretion of the Disciplinary Chair, it is noted that the Disciplinary & Disputes Policy outlines a condensed version of the procedure provided in By-Law 11. It is anticipated that the Disciplinary & Disputes Policy will be considered for resolving matters which arise at UniSport events or otherwise need to be resolved within short timeframes. Where time is not a material consideration, it is anticipated that By-Law 11 will be considered for resolution of the matter.*

## **8. DISCIPLINARY COMMITTEE**

### **8.1 Matters that may be heard by the Disciplinary Committee**

The following types of matters may be referred by the Board for investigation and determination by the Disciplinary Committee:

- (a) an allegation by an individual or organisation that a Member or one of its Delegates or Authorised Representatives in respect of UniSport or its events and activities has:
  - (i) breached, failed, refused or neglected to comply with a provision of the Constitution, the By-Laws, any other policy, resolution or determination of a Meeting of Members, the Board, or under any rules of a University Sport event or activity; or
  - (ii) acted in a manner which is unbecoming of a Member, Director, Authorised Representative or Delegate of a Member, Student Participant, Team Official or Appointed Official and/or is prejudicial to the Objects Functions and interests of UniSport and/or University Sport; or
  - (iii) brought UniSport or University Sport into disrepute; or
- (b) a matter referred directly to the Disciplinary Committee by the Board in accordance with Rule 25.2 of the Constitution.

### **8.2 Referral of allegation to the Disciplinary Committee**

In the event that the Board refers an allegation to the Disciplinary Committee under Rule 25 the following procedure shall apply:

- (a) The Board Chair and the CEO shall appoint not less than three persons, including one as Chairperson, to constitute the Disciplinary Committee for the purpose of hearing the allegation referred by the Board.
- (b) The Board shall clearly set out the matter(s) required to be investigated or determined by the Disciplinary Committee.
- (c) The Chief Executive Officer shall determine the availability of the members of the Disciplinary Committee and in consultation with the Chairperson of the Disciplinary Committee determine a date, time and place for the investigation and/or hearing of the allegations. In consultation with the Chairperson, the CEO shall provide appropriate support for the Committee to enable it to undertake its responsibilities effectively and in a timely manner.
- (d) The Disciplinary Committee shall inquire into, or determine, the matters in question.

### **8.3 Notice of alleged breach**

- (a) Where the Board is advised or considers that a Member or one of its Delegates or Authorised Representatives in respect of UniSport or its events and activities has:
  - (i) breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws, any other policy, resolution or determination of a Meeting of Members, the Board; or
  - (ii) acted in a manner which is unbecoming of a Member and/or is prejudicial to the Objects Functions and interests of UniSport and/or University Sport; or
  - (iii) brought UniSport or University Sport into disrepute,

the Board may, at its discretion, refer such an allegation for investigation and determination by the Disciplinary Committee.
- (b) Upon receipt of a referral of an allegation by the Board, the Disciplinary Committee shall request the party or parties concerned in the referral to appear before it at a specified time, date and place. Such request shall be in writing either delivered personally or in appropriate cases by post or email to the appropriate address or email address of the party or parties concerned. A notice given by post shall be deemed to have been given on the third working day following that on which it was posted. A notice given by email shall be deemed to be given on the day it was sent, or if it was sent on a non-working day or after 5.00pm on a working day, on the next subsequent working day.
- (c) Proceedings shall take place as soon as practicable. All parties concerned shall normally be given at least 14 days' notice of the proceedings by the Disciplinary Committee. In exceptional circumstances the Board, in consultation with the Chairperson may determine that 7 days' notice of the proceedings is sufficient. The notice shall:
  - (i) be in writing;

- (ii) state that the party or parties concerned, are required to appear and in what capacity;
  - (iii) state the nature of the proceedings and the matters or alleged offence(s) the subject of investigation or determination, the possible penalty or penalties and the date, place and time of the hearing;
  - (iv) state the email address or postal address through which the parties can provide the Disciplinary Committee with any information required under this By-Law 7; and
  - (v) be delivered in accordance with By-Law 7.3(b) above.
- (d) If a party appearing before the Disciplinary Committee wishes to be represented by an advocate, it must submit such a request to the Disciplinary Committee in writing, at least 3 days before the date of the hearing. If a request to be represented by an advocate is received by the Disciplinary Committee at least 3 days before the date of the hearing, the Disciplinary Committee must, acting reasonably, decide whether such representation will be permitted and inform the applicant of its decision in writing at least 1 day before the date of the hearing.
- (e) The person against whom the allegation is made may be suspended from some or all UniSport events, activities and functions, on such terms and for such period as the Disciplinary Committee thinks fit, and shall remain under suspension until a decision has been made by the Disciplinary Committee in relation to the allegation.

#### 8.4 Procedure

- (a) At a hearing held in accordance with this By-Law 7, the Disciplinary Committee shall:
- (i) give the parties reasonable opportunity to be heard;
  - (ii) give due consideration to any evidence or statement (written or oral) submitted by the parties; and
  - (iii) determine whether the alleged breach occurred and what actions it determines should be taken under clause 7.4 below.
- (b) Persons appearing before the Disciplinary Committee shall be entitled to call witnesses but must state their case in person unless the Disciplinary Committee has permitted presentation through an advocate under By-Law 7.3(d). Where parties propose to call witnesses, a list of those witnesses must be given to the Disciplinary Committee at least 3 days before the date of the hearing. Parties and their witnesses shall be given reasonable and appropriate opportunity to be heard.
- (c) The Chairperson shall announce the opening of the proceedings, stating the Disciplinary Committee's authority, jurisdiction, composition, the nature and purpose(s) of the proceeding and the procedure to be followed. The Disciplinary Committee shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances provided

that it does so in accordance with these By-Laws and the principles of natural justice. The proceedings of the Committee shall be subject to the requirements of natural justice, and shall normally be conducted in private. The deliberations of the Committee shall be confidential, subject to paragraphs (g) and (h) below and subject to any report it provides to the Board.

- (d) The Disciplinary Committee shall consider the evidence presented. The purpose of the hearing shall be to determine whether the alleged breach occurred. The Disciplinary Committee may adjourn the hearing if, in all the circumstances, it is reasonable to do so.
- (e) If the Disciplinary Committee finds an allegation has not been proved it shall advise the Board, and dismiss the charge, accordingly.
- (f) If the Disciplinary Committee finds an allegation has been proved it may impose, in its discretion, an appropriate penalty or penalties set out in By-Law 7.5. It may, either in addition to or in the alternative, report its findings to the Board with such recommendations as it considers appropriate. The Chairperson will declare the proceedings closed.
- (g) If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights (as set out in By-Law 7.6 below) shall be given in writing and signed by the Chairperson.
- (h) Every decision of the Disciplinary Committee under this By-Law shall be conveyed in writing to the parties concerned.
- (i) The Disciplinary Committee shall have power to require the attendance of any Member or its representative at any proceedings before it. Where a person who is required to attend, fails to attend without reasonable excuse, the Disciplinary Committee may draw appropriate inferences from that failure to attend.
- (j) A decision may be made where there is no appearance by one or more of the parties. Before making a decision in default of appearance of a party, the Disciplinary Committee must satisfy itself that the party concerned was aware of the time, date and place of hearing and had been requested to appear in accordance with this By-Law 7.
- (k) Each party shall be responsible for their own costs associated with the hearing. The Disciplinary Committee has no power to award costs to a party.

## **8.5 Penalties**

- (a) After investigating and/or hearing a matter under these By-Laws, the Disciplinary Committee may:
  - (i) make recommendations to the Board; and/or
  - (ii) impose penalties upon the party appearing before the Disciplinary Committee.

- (b) Penalties which may be imposed by the Disciplinary Committee include:
- (i) reprimand;
  - (ii) suspension from such activities of UniSport, including competitions, events and meetings, on such terms and for such period as it thinks fit;
  - (iii) exclusion from a particular competition, activity, event or events;
  - (iv) expulsion from UniSport;
  - (v) fines, imposed in such manner and in such amount as the Disciplinary Committee thinks fit;
  - (vi) such combination of any of the above penalties as the Disciplinary Committee thinks fit; or
  - (vii) any other penalty the Disciplinary Committee considers appropriate.

## 8.6 Appeal

- (a) A party to a decision of the Disciplinary Committee under By-Law 7 may appeal that decision on one or more of the following grounds:
- (i) that a denial of procedural fairness has occurred; or
  - (ii) that the sanction imposed is unjust and/or unreasonable.
- (b) A person wanting to appeal must lodge a letter setting out the basis for their appeal with the UniSport Chief Executive Officer within 7 days of that party's receipt of the decision. An appeal fee of \$500 shall be included with the letter of intention to appeal.
- (c) If the letter of appeal is not received by the UniSport Chief Executive Officer within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
- (d) The letter of appeal and the notice of the Disciplinary Committee's decision (By-Law 7.4(h)) will be forwarded to the Chairperson to review and to decide whether there are sufficient grounds for the appeal to proceed. The Chairperson may invite any witnesses to the meeting that they believe are required in order for the Chairperson to make an informed decision.
- (e) If the appellant has not shown sufficient grounds for an appeal in accordance with By-Law 7.6(a), then the appeal will be rejected by the Chairperson. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited. A decision of the Chairperson under this clause 7.6(e) is final and binding and not subject to appeal.
- (f) If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.



- (g) The Disciplinary Committee hearing procedure in By-Law 7.4 shall be followed for the Appeal Tribunal.
- (h) The decision of the Appeal Tribunal will be final and binding and is not subject to any further appeal.

## **8.7 Non Application of By-Law**

For the avoidance of doubt, the procedure set out in this By-Law shall not apply to any incident or matter to which the Disciplinary Chair refers for resolution in accordance with a separate disciplinary procedure including but not limited to the member protection policy or disciplinary and disputes policy. Any disciplinary matter which may be dealt with in accordance with a separate disciplinary procedure (including but not limited to the member protection policy or disciplinary and disputes policy) shall be dealt with in accordance with the disciplinary procedure set out in that By-Law.

## **9 COMMON SEAL**

- 9.1 In accordance with Rule 22 of the Rules, the common seal of UniSport shall be held in a secure place by the Chief Executive Officer.
- 9.2 The common seal shall be used for execution of all deeds entered into by UniSport. The seal need not be, but may be, used for any contracts or agreements entered into by UniSport.
- 9.3 When the common seal is intended to be used, the Chief Executive Officer shall first obtain the Board's approval prior to execution.

## **10 COLOURS**

- 10.1 The colours of red, blue and yellow referred to in Rule 33 shall mean the following PMS colours:  
Red PMS 032 / Yellow PMS 123 / Blue PMS 072
- 10.2 Members shall not use the PMS colours described in By-Law 9.1 as a combination to represent the colours of the Member, including on uniforms, marks, logos and promotional materials.
- 10.3 UniSport may use green and gold as a combination of colours for uniforms and other promotional materials in connection with teams representing UniSport and Australia.
- 10.4 Members may only use red, blue and yellow as a combination if:
  - (a) they are not the PMS colours specified in By-Law 9.1; and
  - (b) the prior written approval of the Board is obtained.
- 10.5 Members may only use green/gold as a combination for international activity or competition whether inbound or outbound) if the prior written approval of the Board is obtained. Members may use green/gold as a combination without prior written approval of the Board for any other activity or competition.

## 11 SUB-COMMITTEES OF THE BOARD

11.1 Under Rule 17.10 of the Rules, in establishing any sub-committees, advisory groups, commissions or other groups ("committees") the Board shall:

- (a) determine the number of members for each committee;
- (b) appoint the members for each committee,
- (c) appoint a Chairperson for each committee;
- (d) determine and record the authority, powers and functions delegated to each committee and the conditions upon which they can be exercised;
- (e) determine and record the role of each committee, if any, in making representations or statements on behalf of UniSport,
- (f) specify the reporting required from each committee, including to whom such reports should be made and the frequency of them; and
- (g) determine and record the procedure of each committee, including minimum number of meetings, quorum, any requirement for minutes, and any other such matters as it considers appropriate.

## 12 JUDICIARY COMMITTEE

### 12.1 Matters that may be heard by the Judiciary Committee

- (a) The Board shall appoint a Judiciary Committee (**Judiciary Committee**) to consider and determine any dispute which falls within the terms of this By-Law.
- (b) The Judiciary Committee can adjudicate, in accordance with the process provided in this By-Law, on any matter referred to it by the Disciplinary Chair.
- (c) Where the Judiciary Committee is adjudicating on an alleged breach of the UniSport Code of Behaviour, this process does not in any way impact upon or limit the power of the CEO (or his/her nominee) to provisionally suspend an individual for a serious alleged breach of the UniSport Code of Behaviour, as provided in the Disciplinary & Disputes Policy (in paragraph 3 under the heading "Lodging a breach of the UniSport Code of Behaviour").

### 12.2 The Composition of the Judiciary Committee

The composition of the Judiciary Committee shall be determined by the Board in light of the substantive nature of the dispute, and its impact on, and significance for, UniSport, its Members and University Sport, but will consist of no less than four persons and no more than six persons, which are to include the following:

- (i) UniSport appointed Chairperson;
- (ii) two independent team managers;
- (iii) convenor of committees; and
- (iv) up to two other individuals.

### **12.3 Referral of allegation to the Judiciary Committee**

If the Disciplinary Chair refers an allegation to the Judiciary Committee under By-Law 6, the following procedure shall apply:

- (a) the Disciplinary Chair shall clearly set out the matter(s) required to be investigated or determined by the Judiciary Committee;
- (b) the Chief Executive Officer shall determine the availability of the members of the Judiciary Committee and in consultation with the Chairperson of the Judiciary Committee determine a date, time and place for the investigation and/or hearing of the allegations. In consultation with the Chairperson, the CEO shall provide appropriate support for the Judiciary Committee to enable it to undertake its responsibilities effectively and in a timely manner; and
- (c) the Judiciary Committee shall inquire into, or determine, the matters in question.

### **12.4 Notice of alleged breach**

- (a) Upon receipt of a referral of an allegation by the Disciplinary Chair, the Judiciary Committee shall request the party or parties concerned in the referral to appear before it at a specified time, date and place. Proceedings shall take place as soon as practicable.
- (b) The notice referred to in By-Law 11.4(a) shall:
  - (i) be in writing unless, having regard to the need for proceedings to take place as soon as practicable, it is unreasonable to do so;
  - (ii) provide a short summary of the proceedings and the matters or alleged offence(s) the subject of investigation or determination, the possible penalty or penalties and the date, place and time of the hearing; and
  - (iii) provide contact details for a representative of the Judiciary Committee.
- (c) The person against whom the allegation is made may be suspended from some or all UniSport events, activities and functions, on such terms and for such period as the Judiciary Committee thinks fit, and shall remain under suspension until a decision has been made by the Judiciary Committee in relation to the allegation.

### **12.5 Procedure**

- (a) At a hearing held in accordance with this By-Law 11, the Judiciary Committee shall:
  - (i) give the parties reasonable opportunity to be heard;
  - (ii) give due consideration to any evidence or statement (written or oral) submitted by the parties; and

- (iii) determine whether the alleged breach occurred and what actions it determines should be taken under this By-Law 11.5 below.
- (b) Persons appearing before the Judiciary Committee shall be entitled to call witnesses but must state their case in person and not through an advocate. Parties and their witnesses shall be given reasonable and appropriate opportunity to be heard.
- (c) The Chairperson shall announce the opening of the proceedings, stating the Judiciary Committee's authority, jurisdiction, composition, the nature and purpose(s) of the proceeding and the procedure to be followed. The Judiciary Committee shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances provided that it does so in accordance with these By-Laws and the principles of natural justice. The proceedings of the Judiciary Committee shall be conducted in private. The deliberations of the Judiciary Committee shall be confidential, subject to paragraphs (g) and (h) below and subject to any report it provides to the Board.
- (d) The Judiciary Committee shall consider the evidence presented. The purpose of the hearing shall be to determine whether the alleged breach occurred. The Judiciary Committee may adjourn the hearing if, in all the circumstances, it is reasonable to do so.
- (e) If the Judiciary Committee finds an allegation has not been proved it shall advise the Board, and dismiss the charge, accordingly.
- (f) If the Judiciary Committee finds an allegation has been proved it may impose, in its discretion, an appropriate penalty or penalties set out in By-Law 11.6. It may, either in addition to or in the alternative, report its findings to the Board with such recommendations as it considers appropriate. The Chairperson will declare the proceedings closed.
- (g) The Judiciary Committee must endeavour to provide its decision immediately after proceedings. If a decision cannot be given immediately after proceedings, the relevant party or parties must be advised of the time by which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights shall be given in writing and signed by the Chairperson.
- (h) Every decision of the Judiciary Committee under this By-Law shall be conveyed in writing to the parties concerned. Each member of the Judiciary Committee has one (1) vote on any particular matter. Decisions of the Judiciary Committee will be made by majority vote and in the event of a tie the chair will have a second and casting vote.
- (i) The Judiciary Committee shall have power to require the attendance of any Member or its representative at any proceedings before it. Where a person who is required to attend, fails to attend without reasonable excuse, the Judiciary Committee may draw appropriate inferences from that failure to attend.
- (j) A decision may be made where there is no appearance by one or more of the parties. Before making a decision in default of appearance of a party, the Judiciary Committee must satisfy itself that the party concerned was

aware of the time, date and place of hearing and had been requested to appear in accordance with this By-Law 11.

- (k) Each party shall be responsible for their own costs associated with the hearing. The Judiciary Committee has no power to award costs to a party.

## **12.6 Penalties**

- (a) After investigating and/or hearing a matter under these By-Laws, the Judiciary Committee may:
  - (i) make recommendations to the Board; and/or
  - (ii) impose penalties upon the party appearing before the Judiciary Committee.
- (b) Penalties which may be imposed by the Judiciary Committee include:
  - (i) any penalty referred to in By-Law 7.5; or
  - (ii) any other penalty the Judiciary Committee considers appropriate.

## **12.7 Appeal**

- (a) A party to a decision of the Judiciary Committee may be appealed by a party to a complainant on one or more of the following grounds:
  - (i) that a denial of procedural fairness has occurred; or
  - (ii) that the sanction imposed is unjust and/or unreasonable.
- (b) A person wanting to appeal must lodge a letter setting out the basis for their appeal with the UniSport Chief Executive Officer within 3 days of that party's receipt of the decision. An appeal fee of \$500 shall be included with the letter of intention to appeal.
- (c) If the letter of appeal is not received by the UniSport Chief Executive Officer within this time, the right of appeal will lapse. If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.
- (d) The letter of appeal and the notice of the Judiciary Committee's decision (By-Law 11.5(h)) will be forwarded to the Chairperson to review and to decide whether there are sufficient grounds for the appeal to proceed. The Chairperson may invite any witnesses to the meeting that the Chairperson believes is required in order to make an informed decision.
- (e) If the appellant has not shown sufficient grounds for an appeal in accordance with By-Law 11.7(a), then the appeal will be rejected by the Chairperson. The appellant will be notified in writing, including the reasons for the decision. The appeal fee will be forfeited. A decision of the Chairperson under this By-Law 11.7(e) is final and binding and not subject to appeal.

- (f) If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint, and the appeal fee will be refunded.
- (g) The Judiciary Committee hearing procedure in By-Law 11.5 shall be followed for the Appeal Tribunal.
- (h) The decision of the Appeal Tribunal will be final and binding.

### **12.8 Non Application of By-Law**

For the avoidance of doubt, the procedure set out in this By-Law shall not apply to any incident or matter to which the Disciplinary Chair refers for resolution in accordance with a separate disciplinary procedure including but not limited to the member protection policy or disciplinary & disputes policy. Any disciplinary matter which may be dealt with in accordance with a separate disciplinary procedure (including but not limited to the member protection policy and disciplinary & disputes policy) shall be dealt with in accordance with the disciplinary procedure set out in that By-Law.

**SCHEDULE 1**

**MEMBERSHIP OF UNISPORT AUSTRALIA LIMITED ("UniSport")**

**MEMBER APPLICATION FORM**

Name of Australian University applying to be a Member

.....

**Or**

Name of unit of, or an organisation based at or in, any Australian University which is designated by that University to be the applicant to be a Member in respect of that University

.....

**Or**

Name of Australian higher education institution applying to be a Member

.....

I, a duly authorised officer

of ("applicant")

of ("address")

hereby apply (on behalf of the applicant) for acceptance of the applicant as a Member of UniSport pursuant to Rule 8.1 of the Rules.

In the event of admission as a Member, the applicant agrees to be bound by the Objectives, Rules, By-Laws, policies and directives of UniSport for the time being in force.

**Applicant:**

\_\_\_\_\_

(Signed for & on behalf of the applicant by a duly authorised officer)

\_\_\_\_\_ (Date)

**Applications and payment must be forwarded to:**

The Chief Executive Officer  
UniSport Australia Ltd  
Suite 1.12 Sports House  
Cnr Caxton & Castlemaine Streets  
MILTON QLD 4064

**Where the applicant is a higher education institution applying for membership to UniSport, a written submission addressing the criteria set out in By-Law 2.2(c) must be attached.**

**SCHEDULE 2****UNISPORT AUSTRALIA LIMITED (“UniSport”)****NOTICE ACCOMPANYING NOMINATION FOR LIFE MEMBERSHIP****Confidentiality**

Nomination details will be kept strictly confidential to UniSport Directors, the Officers of UniSport and persons acting as referees in respect of the nomination until such time as a recommendation for Life Membership is proposed to a Meeting of Members.

**Forwarding of Nomination Form**

Nomination for Life Membership forms must be forwarded to:

The Chief Executive Officer  
UniSport Australia Ltd  
Suite 1.12 Sports House  
Cnr Caxton & Castlemaine Streets  
MILTON QLD 4064

**Note**

In accordance with the Rules and By-Laws:

1. Life Membership may be awarded to a person who has been involved in university sport on a national basis, normally for at least 10 years and has made an outstanding contribution or has rendered distinguished service to UniSport Australia and/or university sport, where such service is deemed to have assisted the advancement of university sport in Australia.
2. Nominations for Life Membership shall be made in writing on the prescribed nomination form and forwarded to the Chief Executive Officer not fewer than 50 days prior to the published date of the next AGM.
3. Upon receipt of a recommendation by the Board, Life Membership may be conferred by the Members in an AGM by a vote of three-quarters majority of those present and entitled to vote on a resolution.
4. Nominations should be made using the nomination form which is available on the website of UniSport or upon request from UniSport. The nomination form has been attached to this schedule but applicants are requested to submit applications online where possible.



**NOMINATION FORM**  
**UniSport LIFE MEMBERSHIP**

**NOMINEE**

Name .....

Private Address.....

.....

Telephone No. Private

Business Facsimile

**NOMINATOR**

Name of Member .....

Name and Signature of Authorised Representative.....

Telephone No.(Bus.)

Date

**PERSONAL DETAILS OF NOMINEE**

Relevant Qualifications .....

.....

.....

.....

Membership of Relevant Organisations .....

.....

.....

**CONTRIBUTION TO UniSport AND/OR UNIVERSITY SPORT OVER 10 YEARS (If the period of contribution has been for less than 10 years, please outline the exceptional circumstances which might justify waiving that requirement)**

.....

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.....

**ADDITIONAL COMMENTS**

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.....

**DRAFT PROPOSED CITATION**  
(Including a brief, concise tribute)

.....  
.....  
.....  
.....

..... **Signed**

..... **Date**

**SCHEDULE 3**

**NOMINATIONS FOR BOARD DIRECTOR**

(Rule 17.2.2 of the UniSport Australia Limited Constitution)

A nomination is hereby submitted on behalf of:

Full Name: \_\_\_\_\_

for the position of Director of UniSport Australia Ltd at the election to be held at the Annual General Meeting on \_\_\_\_\_

(Please note this nomination form must be signed by the authorised representative of the Members making and seconding the nomination.)

(1) Nominated by: \_\_\_\_\_  
(Name of Member)

Signed: \_\_\_\_\_  
(Name of Person signing and basis of authority to sign)

Date:

(2) Seconded by: \_\_\_\_\_  
(Name of Member)

Signed: \_\_\_\_\_  
(Name of Person signing and basis of authority to sign)

Date:

Consent by Nominee

I hereby accept nomination for the above position.

Signed: \_\_\_\_\_

Dated:

Please attach the relevant supporting information as outlined on the attached page.

**RECEIPT OF NOMINATIONS CLOSES**

**{Insert time and date and address}**

**SCHEDULE 4**

**NOTICE APPOINTING PROXY FOR VOTING AT A MEETING OF MEMBERS OF  
UniSport**

**[Rule 18.4.12]**

Name of Member .....

Name and Signature of Member's Delegate.....

Telephone No of Delegate (Bus.)

Date

Name and Signature of Proxy for the Delegate:

Date of Meeting at which proxy vote is to be exercised:

Specify the Agenda Item for which the proxy vote is to be exercised and whether the proxy vote is for or against the resolution and whether or not the proxy can vote on amendments to the resolution (If authority is to be given to vote more than one Item on the agenda, specify each item separately. A general proxy is not valid)