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NAME

1. The name of the Association shall be "**DARTS VICTORIA INC.**" (hereinafter referred to as "DV" whose area of jurisdiction shall be the State of Victoria.

INTERPRETATION

2. In this constitution unless the contrary intention appears :-
 - 2.1 **Active Member** means all active members who hold the Darts Victoria inc Charter.
 - 2.2 **Associated Association** shall mean a "Kindred Association" or similar organisation Associated with DV but without voting rights.
 - 2.3 **Executive** means the Executive Council appointed pursuant to Section 15, Membership of DV Executive.
 - 2.4 **By-Laws** means any By-Laws of DV for the time being adopted by DV.
 - 2.5 **Charter** means the grant of the privilege of administering the sport of darts within a defined geographic area for and on behalf of the Darts Victoria Inc.
 - 2.6 **Darts** means the game of Darts in all various forms including modified forms for both Senior and Junior Players as administered by DV, its Active Members, their Associated Association and Associate member bodies.
 - 2.7 **Delegate to a General Meeting** shall mean a delegate of an Active Member.
 - 2.8 **Expulsion** - The Act of terminating membership in its various forms and deeming that a member is ineligible to regain membership of DV.
 - 2.9 **DV** means the Darts Victoria Inc.
 - 2.10 **Financial year** means the year ending 31st December each year.
 - 2.11 **Junior Player** is defined as a player who has not attained the age of eighteen (18) years on the day following the event in question.
 - 2.12 **Levy** shall mean the amount other than affiliation and registration fees, which Associates may be called upon to pay to DV.
 - 2.13 **Member** means a Member of DV namely Active Member, Associate Member, Life Member, Representative Member and Player Member.
 - 2.14 **Minor** is defined as a player who has not attained the age of eighteen (18) years.
 - 2.15 **Month** shall mean calendar month.
 - 2.16 **Office Bearer** means a member of the Executive Council as defined in Section 15, Membership of DV Management.
 - 2.17 **Officer** means any servant, agent, officer or employee of DV.
 - 2.18 **Official** means an Official as defined in Section 15, Membership of DV Management.
 - 2.19 **Player Member** for financial purposes any player who is due to pay the whole or part of an affiliation fee to a Club, a Sub Association, or an Association of an Active Member.

- 2.20 Quorum** - At all Executive meetings of DV representation from five [5] Active Members shall form a quorum. The Chairperson shall be deemed as a person qualified to vote.
At all **Delegates** meetings representation from 70% of active members will constitute a quorum.
- 2.21 Resolution** means an ordinary resolution passed by a simple majority in accordance with the Constitution and/or By laws of DV.
- 2.22 Special General Meeting** means a General Meeting of DV requisitioned in accordance with this Constitution for the purpose of addressing pre-advised specific items of business only.
- 2.23 Special Resolution** means a resolution passed by a majority of not less than seventy five (75) per cent of those members entitled under this Constitution to vote, and as may be present in person at any General Meeting of which notice specifying the intention to propose the resolution as a Special Resolution was given in accordance with this Constitution.
- 2.24 Suspension** - Act of suspending - to exclude for a time some privilege, usually a punishment : *to suspend membership, suspend from a meeting.*
- 2.25 Termination** - Act of terminating; to bring to an end; *to end membership.*
- 2.26 The Act** means the Incorporation, Association, or Administering Act including any amendments thereto or re-enactment thereof for the State or Territory in which DV is Incorporated.
- 2.27 Singularity** - Unless the contrary intention appears, words of singular shall be deemed to include the plural and vice-versa.
- 2.28 Voting Delegate to a General Meeting** means any person or any delegate from, or delegate representing an Active Member, who is entitled to vote at a General Meeting.
- 2.29 W.D.F** shall mean the World Darts Federation.
- 2.30 Gender** - With the exception of reference to gender specific competitions, committees and players, all references to the masculine or the feminine gender shall be deemed to be gender neutral.
- 2.31 DA.** shall mean the Darts Australia.

OBJECTIVES

3. The objectives of DV are :-
 - 3.1 To foster the Sport of Darts and to encourage the playing of Darts competitions.
 - 3.2 To continue to be a Member of the DA and to deal with and participate in meetings of and co-operate with the DA and to deal with the Darts Associations of the states And territories of Australia for the advancement and control of darts in the world without limitation of place.
 - 3.3 To exercise jurisdiction over all members in all matters pertaining to Sport of Darts including and without limiting the generality of the foregoing to expel, suspend, disqualify, reprimand or otherwise deal with any category of Member or individual.
 - 3.4 To participate in National and International competition and to sustain a position as one of the highest ranking dart States in Australia.
 - 3.5 To develop talent identification programmes for coaches, officials, and players.
 - 3.6 To build and maintain a strong profile in the community at large as a popular and successful sport.
 - 3.7 To increase the number of dart players in Victoria at all levels.
 - 3.8 To establish and maintain financial security by obtaining funds from all sources, including grants, private, government and institutional sources and from Members through loans, levies and affiliation fees.
 - 3.9 To maintain an efficient administration both at a State level and between DV and its members.
 - 3.10 To promote and/or conduct and/or arrange and/or control competitions including State and national competition at all levels.
 - 3.11 To be non-political at all times.
 - 3.12 To do all such things as are incidental and/or conducive to the attainment of the above objects.
 - 3.13 To establish a process to minimise disputes arising within, and between Active and Associate members.
 - 3.14 To promote and foster the powers of equity and social justice within the Victorian Dart community.
 - 3.15 To ensure that all competitions conducted under the auspices of DV are drug free.

4. POWERS

The powers of DV shall be:-

- 4.1 Subject to these Rules, DV shall exercise the following powers, functions and duties with respect to darts in DV's area of jurisdiction.
- 4.2 To establish and conduct the business of DV through the Active Members.
- 4.3 To standardise within DV playing area, rules, equipment in respect to the Sport of Darts and associated statistical recording.
- 4.4 To ensure the Rules of Play for games of darts as amended from time to time by the DA and/or WDF are adopted where appropriate by DV.
- 4.5 To the extent of this Constitution and in accordance with the By-Laws, DV may impose fines or other penalties on an Active, Associate, Representative or Life Member for the time being under its control.
- 4.6 To arrange National Championships and, in association with DA and its Associates, International tournaments.
- 4.7 To be Associated with the DA and any other Sporting Bodies with similar objects as DV deems is desirable.
- 4.8 To take such steps as may from time to time be deemed expedient to raise funds by subscriptions, affiliation fees, registration fees, levies, loans, or other receipts, accepting donations of real or personal property to be applied for the purposes of DV, seeking and accepting sponsorships in money and/or kind and by conducting or organising other fund raising ventures not inconsistent with the intention of this Constitution.
- 4.9 To subscribe to, become a member of and co-operate with any other association, club or organisation whose objects are altogether or in part similar to those of DV provided that DV shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on DV under or by virtue of Section 22.10 of this Constitution.
- 4.10 In furtherance of the objects of DV to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of DV or persons frequenting DV's premises.
- 4.11 To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of or capable of being conveniently used in connection with, any of the objects of DV provided that in the case DV shall take or hold any property which may be subject to any trusts, DV shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- 4.12 To take any gift of property whether subject to any special trust or not, for any one or more of the objects of DV but subject always to the proviso in Section 4.11 hereof.
- 4.13 To enter into arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of DV, to obtain from any such Government or Authority any rights, privileges and concessions which DV may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- 4.14 To appoint, employ, remove, suspend or terminate such appointment to employment of such managers, clerks, secretaries, servants, staff, workers and other persons as may be necessary or convenient for the purpose of DV whether they be in a paid or voluntary capacity.

- 4.15** To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or part of DV's property or assets present or future and to purchase, redeem or pay-off any such securities.
- 4.18** To invest and deal with the money of The Council of DV not immediately required in such manner as may from time to time be directed by the Executive.
- 4.19** To take or otherwise acquire, and hold shares, debentures, or other securities of any company or body corporate.
- 4.21** In furtherance of the objects of DV to lend and advance money or give credit to any person or body corporate, to guarantee and give guarantees or indemnities for the payment of money in the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
- 4.22** To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- 4.23** In furtherance of the objects of DV, to sell, improve, manage, develop, exchange, lease, dispose of, or otherwise deal with all or any part of the property and rights of DV.
- 4.24** To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of DV's property of whatsoever kind sold by DV, or any money due to DV from purchasers and others.
- 4.25** To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of DV in the shape of donations, annual subscriptions or otherwise.
- 4.26** To publish or join with any other person or persons or legal organisation in publishing any newspaper, journal, periodical, book or other literary production relating to the Sport of Darts or calculated directly or indirectly to benefit the Sport of Darts.
- 4.27** To arrange activities for the purpose of making donations for patriotic, charitable or community purpose.
- 4.28** To settle disputes arising within and between Active members.
- 4.29** To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of DV.

5. INCOME AND PROPERTY OF Darts Victoria

5.1 Solely for DV use.

The income and property of DV whencesoever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst persons including bodies corporate or unincorporated who are members of DV.

5.2 Interest Payments, Remuneration

Provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him or remuneration to any officers and servants of DV or to any member of DV in return for any services actually rendered to DV.

5.3 Other Payments

Provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper rent for premises let to DV.

5.4 Transfer of Money to Active Members

Furthermore nothing herein contained shall be construed so as to prevent the transfer to Active Members of moneys including profits earned by DV to be expended solely on the control or promotion of Darts.

6. LIAISON WITH STATE GOVERNMENT

6.1 Principal Means of Contact

DV shall be the principal means of contact with the VIS/Vic Government or other Departments of the State Government in respect of all matters associated with Darts.

6.2 Contacts

Such contacts shall be made through the Secretary or, in the absence of the Secretary, the Assistant Secretary, or in the absence of both, or when so requested, such persons as may be delegated by the President or Vice- President.

7. CLASSES OF MEMBERS

7.1 Members of DV shall consist of:-

7.1.1 Active Members

7.1.2 Life Members

7.1.3 Associate Members

7.1.4 Representative Members

7.1.5 Player Members

7.2 Active Members

7.2.1 Active Membership shall be constrained to the respective Victorian Leagues and/or Organisations who hold a Council Charter. Such Charters shall be confined to administer the Sport of Darts within the Victorian constitutional boundaries of the State of Victoria unless otherwise agreed by a majority decision of DV.

Each League or Association shall be required to have a Chartered Organisation.

7.2.2 To maintain their Active Member status League and Associations/ Organisations must have paid to DV all affiliation fees, levies, subscriptions and registration fees as determined by DV from time to time.

7.2.3 Active Members are responsible to DV for the effective management of the Sport of Darts within their Charter Area

7.2.4 To be an Active Member all player members must be registered to DV.

Application for memberships

7.25 To become an active member of DV a written application must be received by the secretary, stating they wish to become a member of DV and they will support the purpose of DV and

agree to comply to the rules of DV . The application must be signed by the applicant and accompanied by a joining fee

7.2.6 As soon as is practical after an application of membership is received, the Executive Committee must decide by resolution whether to accept the application. The executive must notify the applicant in writing of the decision as soon as is practical after the decision is made. If the application is rejected, DV must return all monies paid, by way of a refund. With no reason being required for the rejection .

7.2.7 New Membership. If an application for membership is approved, the resolution to accept membership must be recorded in the minutes, The secretary must as soon as is practical enter the name and address of the new member and the date of becoming a member in the register of members...

7.3 Life Members

Life Membership may be awarded to individuals who have provided long and meritorious service to the promotion and development of the Sport of Darts in Victoria.

7.3.1 Life Membership may be conferred upon any person nominated by an Active Member who in the opinion of the Annual General Meeting has rendered outstanding service to DV and to the Sport of Darts in the Victoria. A "pen picture" of the nominee's achievements must accompany the nomination.

7.3.2 The election as Life Member must be agreed upon by seventy-five per cent of the voting members attending the Annual General Meeting.

7.3.3 To be eligible for Life Membership a person must have been a member of DV either continuously or in the aggregate for a minimum of ten years.

7.3.4 Active Members and Office Bearers shall be notified of all nominees for Life Membership not less than thirty days prior to the Annual General Meeting.

7.3.5 Nominations for Life Members to be accepted from Active Members only.

7.4 Associate Members

7.4.1 Associate Membership shall have no vote and other conditions and fees shall be determined by DV on a case by case basis.

7.4.2 The principles covering such admissions shall be:-

7.4.2.1 The activity is seen as compatible with or not detract from the traditional darts format managed by DV.

7.4.2.2 Australia wide controlling bodies may be admitted directly to DV.

7.4.2.3 State controlling bodies [or Regional in the absence of a State body] may be admitted as conditional Associates to the respective Associate Members of DV. Such Members would represent that variation of the sport at DV Meetings.

7.5 Representative Members

7.5.1 Representative Members are:

7.5.1.1 Player Members who are selected to represent Victoria in State and in National and/or International Levels.

7.5.1.2 Players selected by their Active Member and approved by DV to represent Victoria as a recognised Victorian Player.

7.5.1.3 Team Officials who are appointed by DV to support players representing Victoria and/or Australia.

7.5.2 Unless otherwise determined by DV the duration of such Representative Memberships shall be for a period from selection until the Representative Members return to Victoria and has fully discharged their responsibilities to DV as determined by DV Executive Committee.

7.6 Player Members

7.6.1 Is any player who is a registered member of any Active member of DV.

8 PRIVILEGES OF MEMBERSHIP

8.1 Active Members

8.1.1 Active Members shall have full voting rights and are expected to be involved in the development of the Sport of Darts on an State wide basis.

8.2 Life Members.

8.2.1 Life Members shall be entitled to attend at their own cost all meetings of DV and may speak on any matter being debated but shall not be entitled to move or second or amend motions.

8.2.2 Life members shall not have voting rights at such meetings.

8.2.3 Life Members shall receive a Life Member badge to be presented at the next designated DV Awards Ceremony Life members are exempt from subscription fees and DV Masters entry fees.

8.3 Associate Members

8.3.2 An Associate Member shall not have voting rights.

8.4 Representative Members

8.4.1 Representative Members shall be accountable to the Executive Council for all matters during the tenure of their membership.

8.4.2 A Representative Member shall be entitled to wear the Victorian representative Uniform of the type determined by DV and in accordance with their category of representation. [See Section 7.5.1 above]

8.4.3 Representative members do not have any voting rights

8.5 Player Member

8.5.1 Player Members who are registered financial members of an Active Member shall have the right to:

8.5.1.1 Compete in Victorian and/or Australia Ranked or any open tournament conducted by DV, it's Active Members or their Associate Members.

8.5.1.2 Represent their Active Member.

8.5.1.3 Be eligible for selection or appointment to represent Victoria.

8.5.1.4 Be eligible for financial or other support by DV or it's Active Members.

8.5.1.5 Player members do not have any voting rights

9. MEMBERSHIP GENERALLY

9.2. Constitutions to comply:-

9.2.1 Active and Associate Members shall ensure that their respective constitutions or rules are not in conflict with this Constitution or Incorporations Act 2012 and where necessary, shall as soon as reasonably possible amend their Constitution to eliminate any such conflict.

9.2.2 The constitution or rules of such local associations shall provide (and where necessary shall as soon as reasonably possible be amended to provide) that no person may be admitted to membership of a local association whilst under suspension or ban by any other local association associated with DV in Australia.

10. DARTS VICTORIA CHARTERS

10.1 No darts management body shall be eligible for appointment as a Active Member of DV without being awarded a Charter by DV to administer, on behalf of DV, a dart organisation structure in any League or Association.

10.2 Notwithstanding Section 10.3 Council Charters shall only be issued within the State of Victoria.

10.3. Functional Charters may be issued to cover the activities of Associate Members as provided for under Section 7.4 above.

10.5 DV shall annually review the performance of each Active Member and determine that the re-issue of its Charter is in the best interests of the sport.

10.6 To undertake such reviews DV shall have the power to appoint investigator[s] to physically visit and inspect any aspect of the sport in that League or Association. The costs of any such inspection shall be borne by DV.

10.7 The awarding of a Charter and subsequent Active Membership is a privilege and not a right. Such Charters and Membership may be withheld, withdrawn or deferred by DV at any time.

10.8 The withholding, withdrawal or deferment of approval to grant a Charter or appoint to Active Membership shall be determined by an absolute majority vote of Council members present and entitled to vote at any legally constituted meeting of DV.

10.9 Applicants for the Initial Charter or a Review of the Charter shall submit to DV such information and advice as required by DV from time to time. Failure to supply such information or the incorrect supply of the required information may cause the awarding or re-issue of the Charter to be declined.

11. REGISTER OF MEMBERS

11.1 Register

The DV Executive shall cause a Register to be kept in which shall be entered the names and addresses of all Active Members, Life Members and Associate Members admitted to membership of DV and the dates of their admission.

11.2 Particulars of Members

DV shall maintain a Register of withdrawals, disqualifications, suspensions and re-instatements of membership and any further particulars as DV may require from time to time.

11.3 Register - Active Members are required to give DV a Register of all Player Members within their Charter.

12. MEMBERSHIP FEES

12.1 Affiliation Fees

Each Active Member shall pay to DV an equitable Annual Affiliation Fee, .

12.2 Fees

The amount of such affiliation fee for that particular year shall be as set out in the Budget as adopted by DV provided at the Annual General Meeting of DV. The Active Members of DV shall set the annual affiliation fee at the Annual General Meeting and the date the payment is determined to be due.

12.3 Payment of Fees

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12.3.2 DV shall not be obliged to render any invoice or account for any amount due for fees and any amount not paid by the due date herein specified shall be deemed in arrears.

12.3.4 Unfinancial Active Members and their Playing Members shall not be allowed to compete in any activities of DV during the period that such fees remain unpaid

12.3.5 Upon the subsequent paying of such fees and associated penalties the Executive shall cancel those restrictions imposed on the Active Member(s).

13. DISCIPLINARY ACTION

13.1 .Grounds for taking Disciplinary Action,

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

13.1.1 Has failed to comply with these rules

13.1.2 Refuses to support the purposes of DV

13.1.3 Has engaged in conduct prejudicial to DV

13.2 Then DV may consider whether such Membership may be Terminated, Suspended, Expelled or a Fine imposed.

13.2.1 The Member concerned shall be given a full and fair opportunity of presenting their case to DV. All costs shall be met by the Member concerned.

13.2.2 If DV resolves to terminate, suspend, expel or fine such Membership, DV shall instruct the Secretary to so advise the Member.

13.2.3 DV may reinstate membership when

13.2.3.1 The term of suspension is concluded

13.2.3.2 The rectification as required by DV of the misdemeanour or actions which caused such Termination, Suspension or Expulsion of Membership.

13.2.3.3 The fine levied is paid.

13.2.4 A member whose application for membership has been rejected or whose membership has been terminated or suspended may within Forty Eight Hours of receiving written notification thereof lodge with the Secretary written notice of his intention to appeal against the decision of DV.

13.2.5 Appeals against the decisions of DV in this regard shall be dealt with at a Disciplinary Sub Committee

13.2.6 There shall be no appeal from such a Disciplinary Sub Committee.

13.3 Other Player Member

Any Termination and Suspension or Expulsion or Fine of player members will generally but not exclusively be the responsibility of the Active Member in respect to their member. DV or the Executive Council may also terminate or suspend membership .

13.4 Self Termination of Active, Associate or Representative Membership

13.4.1 Any Active or Associate Member desiring to withdraw their affiliation with DV shall give to the Secretary a notice in writing of such intention .

13.4.2 Notwithstanding such withdrawal of membership any such member shall remain liable for and shall pay to DV all affiliation and other fees and levies which shall become payable to, or been imposed by DV prior to such withdrawal of affiliation becoming effective.

13.5 No Transfer of Membership

13.5.1 Any rights or privileges of Active or Associate Members by reason of their Membership of DV, shall not be transferred or transmitted to another Body or person, without the approval of DV and

13.5.1.2 Shall terminate upon the cessation of such Membership whether by resignation or otherwise.

14. MISCONDUCT AND HEARINGS

14.1 Misconduct when Representing DV.

14.1.1 In all cases of misconduct by a Player member, other persons or teams while representing DV or participating in tournaments or tours directly organised by DV, the Judicial Committee, when requested by DV, shall hold an inquiry and accord such decision, including expulsion or other penalty as it deems suitable.

14.1.2 The ruling of the Judicial Committee shall be observed by DV and by its members.

14.1.3 DV and/or the Executive shall be the sole judges of what constitutes misconduct.

14.1.4 Appeals against a decision of the Judicial Committee shall be to the Appeals Council.

14.2 Misconduct Active or Associate Members Life Member, Representative Member and Player Members Membership Terminated, Suspended, Expelled or Fined

14.2.1 Should DV have reason to believe that an Active or Associate Member has failed to conduct an inquiry or failed to make full inquiries into any case of misconduct or any other matter within the jurisdiction of such member, and calculated to bring discredit upon the game of Darts, DV may require such member to conduct or complete such inquiry immediately.

14.2.2 Failing compliance with such request, it shall be the duty of DV to obtain evidence and take such action as it deems fit. Any hearing required shall be before the Judicial Committee.

14.2.3 The Active or Associate member concerned shall be given a full and fair opportunity of

presenting their case through the Judicial Committee.

14.2.4 The ruling of the Judicial Committee shall be observed by the DV and by its Members

14.2.5 The Secretary shall, within seven (7) days of the Judicial decision, advise the Active or Associate member in writing, of the Judicial decision and of an appeal date if necessary.

14.2.6 DV and the Executive shall be the sole judges of what constitutes misconduct.

14.2.7 Appeals against a decision of Judicial Committee shall be in writing and given to the Disciplinary sub committee immediately after the vote is taken or to the secretary not later than 48 hours after the date.

14.2.8 If the person is given notice a disciplinary appeals committee must be convened, not later than 21 days after the notice is received.

14.4 Judicial Committee, Appeals Council and other Hearings

14.4.1 DV including the Judicial Committee and the Appeals Council shall have the power to call upon any member of DV other than the member appealing to attend any meeting of DV or investigation by a Committee of DV.

14.4.2 Should the said person, or member fail to comply without reasonable excuse or make misleading statements the said person, body or member may be suspended, expelled or otherwise dealt with at the discretion of DV including through the Judicial Committee and Appeals Council.

14.6 Appeals Against Council Decisions

14.6.1 All appeals shall be lodged with the Secretary within Forty Eight Hours of the decision appealed against.

14.6.2 The decision of DV Appeals Council in all cases shall be final

14.6.3 No other appeals will be accepted.

14.7 Judicial Committee/Appeals Council Quorum

14.7.1 The Judicial Committee shall consist of three (3) persons appointed by DV from time to time and approved by the Executive Members.

14.7.2 The Appeal Council shall consist of three (3) persons appointed by the executive from time to time and approved by the Active Members. Deputies for the Appeal Committee if needed will be appointed by Executive and approved by the Active Members.

14.7.3 The same member of DV Executive cannot be on both the Judicial Committee and Appeals Council for the same case.

14.8 Judicial Committee/Appeals Council Voting

14.8.1 The Chairperson shall be elected from and by the members of the Judicial Committee/Appeal Council as appropriate.

14.8.2 The Chairperson shall have a deliberate vote but not a second or casting vote at the hearings.

14.8.3 All votes must be taken by secret ballot..

14.9 Judicial Committee/Appeals Council Minutes

The respective Chairperson shall ensure that minutes are kept of all hearings and meetings of the Judicial Committee and Appeals Council with a minute secretary being appointed by the host Active Member.

14.10 Judicial Committees/Appeals Council Decision

14.10.1 The respective Chairperson shall be responsible for forwarding decisions and the minutes of hearings and meetings of the Judicial Committee/Appeals Board to the Secretary within seven [7] days of the completion of the subject meetings.

14.10.2 The ruling of the Judicial Committee shall be observed by DV and by its members

14.10.3 Appeals against a decision of Judicial Committee shall be to the Appeals Board.

14.10.4 The decision of the Appeals Board in all cases shall be final.

14.11 Convening Appeals

14.11.1 Upon receipt of a notification of the intention to appeal, the Secretary shall convene within Twenty One days of the date of receipt of such notice, a meeting of the Appeals Council to determine the appeal.

14.11.2 At any such meeting the appellant shall be given the opportunity to present its/his/her/their case and those members, Councils or Committees who or which instituted the decision which is being appealed may likewise have the opportunity of presenting their case either or both presentations shall be solely at the discretion of the Appeals Council.

14.11.3 The appeal shall be determined by the majority vote of the members of the Appeals Council by secret ballot

14.12 Grievance Procedure

14.12.1 Application

14.12.1.1 The grievance procedure set out in this Division applies to disputes under these Rules between—

- (a) a member and another member;
- (b) a member and the Executive;
- (c) a member and DV.

14.12.1.2 A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

14.12.2 Parties must attempt to resolve the dispute

14.12.2.1 The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

14.12.3 Appointment of mediator

14.12.3.1 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—

- (a) notify the Executive of the dispute; and
- (b) agree to or request the appointment of a mediator; and
- (c) attempt in good faith to settle the dispute by mediation.

14.12.3.2 The mediator must be—

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Executive; or
 - (ii) if the dispute is between a member and the Executive or DV—a person appointed or employed by the Dispute Settlement Centre of Victoria.

14.12.3.3 A mediator appointed by the Executive may be a member or former member of DV but in any case must not be a person who—

- (a) has a personal interest in the dispute; or
- (b) is biased in favour of or against any party.

14.12.4 Mediation process

14.12.4.1 The mediator to the dispute, in conducting the mediation, must—

- (a) give each party every opportunity to be heard; and
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties throughout the mediation process.

14.12.4.2 The mediator must not determine the dispute.

14.12.5 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

15.MEMBERSHIP OF THE EXECUTIVE

15.1 The business affairs and affairs of DV shall be under the control of the Executive.

15.2 The following areas of responsibility of the Executive shall be allocated to the members of DV.

15.2.1 The Office Bearers of the Executive Council shall be:

15.2.1.1 President, Vice President, Secretary, Treasurer, Men's Contest Director, Ladies Contest Director, Assistant Secretary and Assistant Treasurer who shall constitute the Executive of DV.

15.2.1.2 The Executive shall be responsible to manage the day to day affairs in accordance with the established Policy and Procedures of DV.

15.2.3 The President and Treasurer, Assistant Secretary and Ladies CD shall be elected for a period of two (2) years.

15.2.4 The Vice President and Secretary, Assistant Treasurer, Men's CD shall be elected for a period of two (2) years.

15.3 Power to Co-opt

DV or the Executive may appoint other such officers, officials or staff under such terms and conditions as it think fits.

15.4 Duties and Responsibilities

15.4.1 The functions of DV and/or the Executive shall be to do all things necessary to further the objectives of DV including the appointment of any sub-committees and to determine and police activities to be undertaken in the framework of the Constitution.

15.4.2 The President may be an Ex Officio member of all portfolio committees.

15.5 Voting

15.5.1 In the event of the votes cast for two or more candidates being equal in number, the Chairperson shall exercise casting vote/s as necessary to determine election amongst candidates.

15.5.2 For all elections if the number of candidates nominated be less than the number of positions to be filled, the Executive shall be empowered to accept nominations from the floor for the remaining positions only

16. VACANCIES ON THE EXECUTIVE COUNCIL

16.1 Casual Vacancies

16.1.1 DV shall have the power to fill a casual vacancy caused by any of the persons elected pursuant to this Constitution and/or By-Laws ceasing (for whatever reason) to hold office.

16.1.2 In the case of a casual vacancy of an Active Member delegate, DV shall request that particular Active Member to appoint a person to fill the vacancy.

16.1.3 A person so appointed to fill a casual vacancy shall be subject to retirement at the same time as if he or she had been elected on the day on which the person in whose place he or she is appointed was last elected to office.

17. FUNCTIONS OF COUNCIL

17.1 Control and Management

17.1.1 Except as otherwise provided by this Constitution and Rules and subject to resolutions of the members of DV carried at any General Meeting, DV shall have the general control

and management of the whole of the administration of the affairs, property and funds of DV.

17.1.2 The Executive shall have the authority to interpret the meaning of this constitution and rules and any matter relating to DV on which this Constitution and rules are silent.

17.1.3 DV may exercise all the powers of DV.

17.2 Meetings

17.2.1 DV shall meet in General Meetings at such times and in such places as it may deem Necessary for properly conducting the business and operations of DV, provided always that DV shall meet at least four times per year .

17.2.2 The Executive shall meet at such times and in such places as it may deem necessary for properly conducting the business and operations of DV, provided always that the Executive shall meet at least Four (4) times per year.

17.2.3 The President or in his/her absence, the Vice President, or in the absence of both, a Chairperson elected from those members present and entitled to vote, shall preside at each meeting of DV.

17.3 Notice of Meetings

The Secretary shall give to Members of DV at least twenty one (21) days' notice of each General meeting of DV.

17.3.1 The notice must specify the date time and place of the meeting and indicate the general nature of each item of business to be considered at the meeting.

17.3.2 If a special resolution is to be proposed the notice must state the full resolution, state the intention to propose the resolution as a special resolution

17.3.3 Must comply with rule 17.15

17.4 Quorum

17.4.1 At all Executive Meetings five (5) Executive Members shall form a quorum The Chairperson shall be deemed as a person qualified to vote.

17.4.2 At all DV General meetings representation from 70% of active members shall constitute a quorum.

17.5 Moving & Speaking to Motions

At any meeting of DV, each Active Members two representatives present except the Chairperson shall be entitled to move and/or second and speak to any motion.

17.6 Adjournment of Meetings

Any meeting of DV may be adjourned to such time and place as the Meeting may decide.

17.7 Minutes

17.7.1 The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of Council meetings to be entered in a book to be open for inspection at all reasonable times by any financial member who previously applies to the Secretary for that inspection.

17.7.2 For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Council meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding Council meeting verifying their accuracy.

17.7.3 Any appointed Minute Secretary shall record the minutes only and liaise solely with the Secretary. The compilation and distribution of minutes is to be the responsibility of the Secretary .

17.7.4 One copy of minutes to be forwarded to each Executive, Active Members and Life Members within thirty (30) days of meeting.

- 17.7.5 Any required amendment to minutes of meetings by the Active Members shall be reported to the Secretary within two (2) weeks of receiving the minutes. The Executive shall be empowered to confirm amendments after considering any such reports within 30 days thereof and ratified by Active Members at the next meeting
- 17.8 Appointments
DV, may at any time, appoint persons, other Councils, Committees and/or Sub-Committees, whether members of DV or not, to exercise from time to time, such of its powers as it may deem fit, and may, at any time, terminate such appointment.
- 17.9 Delegation of Powers
DV may delegate to Active and Associate Members such powers as shall be necessary to meet the aims and objectives of DV.
- 17.10 Resignations
Members may resign from membership of DV at any time by giving notice in writing to the Secretary but such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- 17.11 Suspension or Removal from Office
Any Office Bearer, any member of DV, any Official or any Officer guilty of misconduct may be suspended or removed from office by a special resolution properly passed at a duly constituted meeting of DV provided that no Office Bearer shall be suspended or removed from office unless:-
- 17.11.1 He/she has, in the opinion of the meeting suspending him/her or removing him/her from office, been guilty of misconduct or conduct prejudicial to the interests of DV or in the opinion of the Executive or the President failed to carry out the duties as required or failed to carry out a lawful directive of the President or the Executive
- 17.11.2 The motion suspending him/her or removing him/her from office or being found guilty of misconduct or conduct prejudicial to the interests of DV has been properly passed; and
- 17.11.3 He/she shall have been given at least fourteen days previous notice in writing of the intention to move his/her suspension or removal from office. Such notice shall invite him/her to attend at the meeting and to speak to the motion.
- 17.12 Vacancies
- 17.12.1 The office of an Officer, Official, Officer Bearer or member of DV shall ipso facto become vacant if he or she:-
- 17.12.1.1 Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- 17.12.1.2 Resigns their office by notice in writing to DV; or
- 17.12.1.3 Has had a motion of No Confidence passed by 75% of DV Members present.
- 17.12.2** The office of an Officer Bearer or member of DV shall ipso facto become vacant if he or she:-
- 17.12.2.1 Becomes bankrupt; or
- 17.12.2.2 Is absent for more than three consecutive meetings without permission of DV from meetings of DV held during that period; or

17.12.2.3 If, in the opinion of DV, after full disclosure by the Office Bearer or DV Member, a vested interest is determined in a particular transaction which DV decides constitutes a conflict of interest.

17.13 Deemed Casual Vacancies

Any such removal or vacating of office of an Official Office Bearer, Member of DV or Officer as set out in Section 18.15 or Section 18.16 shall be deemed to constitute a casual vacancy.

17.14 Representation

17.14.1 Where DV is to be represented the President or Vice President should represent DV as required at all functions.

17.14.2 Where the President or Vice President is unavailable then the secretary or another delegate appointed by the Executive shall deputise.

17.15 Proxies - A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.

17.15.1 The appointment of a proxy must be in writing and signed by the member making the appointment.

17.15.3 The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.

17.15.4 If the Executive has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.

17.15.5 Notice of a general meeting given to a member under rule 17.23 must—

17.15.5.1 state that the member may appoint another member as a proxy for the meeting; and

17.15.5.2 include a copy of any form that the Executive has approved for the appointment of a proxy.

17.15.6 A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.

17.15.7 A form appointing a proxy sent by post or electronically is of no effect unless it is received by DV no later than 24 hours before the commencement of the meeting.

17.16 Use of technology

17.16.1 A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

17.16.2 For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

18. ANNUAL GENERAL OR GENERAL MEETINGS

18.1 Subject to these Rules one Annual general meeting of DV shall be held each financial year. The first meeting must be held within 5 months following the close off of DV's financial year.

18.2 The business to be transacted at every Annual General Meeting shall be:-

- The receiving of minutes and business arising there from and the adoption of same;
- The receiving of Executive Council reports, Reviewed financial report and annual reports, and adoption of same;
- Office Bearers, Active Members, Associates, Official's Reports
- Correspondence
- Notices of motion;
- The election of Life Member/s if any
- The election of Public Relations Officer;
- The election of Executive Officers of DV;
- The appointment of Public Officer
- The election of contest directors
- To confirm or vary the annual amounts of subscription or joining fee.
- To conduct any other business of which notice has been given in accordance with these rules.

18.3 The business to be transacted at Ordinary Meetings shall be:-

- The receiving of minutes and business arising there from and the adoption of same;
- The receiving of reports and adoption of same;
- The receiving of financial statement
- Correspondence
- General Business

18.4 The business to be transacted at a Special General Meeting shall be only the business for which the meeting has been convened.

18.5 A Special General Meeting may be called by DV on requisition of not less than thirty Percent (30%) Active Members. The requisition must state the object of the meeting and must be signed by the requisitionists and given to the secretary..of several documents in like form each signed by one or more of the requisitionists. The requisitionists must be Active Members whose subscriptions to DV are not in arrears at the date of the requisition.

18.6 On receipt of such request the shall within twenty eight (28) days forward notice of the meeting to all members stating the purpose of the meeting and the date and venue. Should the Secretary fail to convene such meeting then the requisitionists may convene the meeting on giving a minimum of fourteen (14) days further notice to all office bearers and active members.

18.7 No minors are entitled to vote at any General Meeting.

18.8 A quorum for Annual meetings shall be the same as provided in these Rules for a quorum in respect of ordinary meetings of DV.

18.9 No business shall be transacted at any General Meeting unless a quorum of DV members is present at the time when the meeting commences.

18.10 If within half an hour from the time appointed for the commencement of a General Meeting a quorum is not present, the meeting, if convened upon the requisition of members of DV, shall lapse. Such meeting shall be deferred until the next General Meeting. If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.

18.11 The Chairperson may, with the consent of any meeting at which a quorum is present (or if so directed by the meeting shall), adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned

for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting.

18.12 Unless otherwise provided by these Rules at every General Meeting:-

18.12.1 The President shall preside as Chairperson or if there is no President or if he/she is not present within ten minutes after the time appointed for holding the meeting, the Vice-President shall be Chairperson or if the Vice President is not present at the meeting then members may choose one of their number to be Chairperson of the meeting.

18.12.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.

18.12.3 Every question, matter or resolution shall be decided by a majority of votes of the members present at the Annual General Meeting and the General Meetings of DV except for special resolutions which must be passed by no less than 75% of the voting members at the meeting whether in person or by proxy

18.13 Minutes of the meeting

18.13.1 The minutes of every General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting provided that the minutes of any Annual General Meeting shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding General Meeting or Annual General Meeting.

18.13.2 The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result

18.13.3 The minutes of each annual general meeting must include

18.13.3.1 The names of the members attending the meeting

18.13.3.2 Proxy forms given to the chairperson of the meeting

18.13.3.3. The financial statements submitted to the members in accordance with the rules

18.13.3.4 The certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of DV

19 SECRETARY

Duties of Secretary

19.1 The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association

19.2 Must maintain a register of members

19.3 Distribute a list showing inward and outward correspondence to Active Members.

19.4 provide members with access to register of members and the minutes of general meetings

20 Treasurer

Duties of the Treasurer

20.1 receive all moneys paid to or received by DV and issue receipts for those moneys in the name of DV

20.2 ensure that all moneys received are paid into the account of the DV within 5 working days after receipt

20.3 make any payments authorised by the Executive or by a general meeting of DV from the DV's funds

20.4 ensure cheques are signed by at least 2 committee members.

20.5 ensure that the financial records of DV are kept in accordance with the Act

20.6 coordinate the preparation of the financial statements of DV and their certification by the Executive prior to their submission to the annual general meeting of DV.

(3) The Treasurer must ensure that at least one other executive member has access to the accounts and financial records of DV

21. VOTING POWERS AT MEETINGS

21.1 EXECUTIVE MEETINGS

21.1.1 At Executive Council meetings each officer shall be entitled to one vote. In the case of an equality of votes the Chairperson shall have a second or casting vote.

21.1.2 No member shall be entitled to vote at any Executive meeting if his or her annual subscription is more than one month in arrears at the date of the meeting.

21.2 DV MEETINGS

20.2.1 At DV meetings each Active Member is entitled to two (2) votes at each meeting provided that both delegates are in attendance when the motion is put.

20.2.1 In the case of an equality of votes the Chairperson shall have a second or casting vote.

20.2.3 No member shall be entitled to vote at any general meeting if their annual subscription is more than one month in arrears at the date of the meeting.

20.2.4 members may vote personally or by proxy

22 Method of Voting at Meetings

22.1 Voting at a general meeting shall be by show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot and the result of the ballot shall be deemed to be the resolution of the meeting at which such ballot was demanded.

22.2 Voting at a general meeting on a special resolution shall be by secret ballot

22.3 Voting for the Executive of DV must be by secret ballot

23 Funds and Accounts

23.1 The funds of DV shall be banked in the name of DV in such bank or building society as DV may from time to time direct.

23.2 Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of DV and the particulars usually shown in books of a like nature.

23.3 All moneys shall be banked as soon as practicable after receipt thereof.

23.4 Amounts in excess of an amount set by DV shall be paid by cheque signed by any two of:

- President
- Secretary
- Treasurer
- Vice President

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or by Credit Card authorised by DV.

23.5 Cheques shall be crossed "not negotiable" except those in payment of wages, allowances or petty cash recoupment which may be open.

23.6 DV shall determine the amount of petty cash which shall be kept on the imprest system.

23.7 All expenditure shall be approved or ratified at a DV meeting.

23.8 As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing particulars of :-

23.8.1 The income and expenditure for the financial year just ended, and

23.8.2 The assets and liabilities and all mortgages, charges, and securities affecting the property of DV at the close of that year.

23.9 The income and property of DV whence so ever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein. No portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of DV provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him or her to DV or otherwise owing by DV to him or her of remuneration to any officers or servants of DV or to any member of DV or other person in return for any services actually rendered to DV provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by DV or reasonable and proper rent for premises let to DV.

23.10 No moneys whether in cash or by cheque shall be accepted during the course of the meeting of DV.

23. FINANCIAL YEAR

The financial year of DV shall close on the 31st day of December each year.

24. DOCUMENTS

24.1 Safekeeping

DV shall provide for the safe custody of books, documents, instruments, of title and securities of DV.

25. INDEMNITY

25.1 Application

25.1.1 Every Member of DV, and every Office Bearer, Official, Officer and Servant of DV shall be indemnified by DV against losses and expenses which any Member of DV, Office Bearer, Official, Officer or Servant may incur or be liable to, by reason of any contract entered into, or act or deed done by such person as a Member of DV, Office Bearer, Official, Officer or Servant, or in any way

in the discharge of his duties. The amount for which such indemnity is provided shall immediately attach as a lien on the property of DV and have priority between the Active Members over all other claims.

25.1.2 It will be the duty of DV to pay all costs out of the funds of DV.

25.2 Limitation of Liabilities

No Member of DV, Officer Bearer, Official, Officer or Servant of DV shall be liable for the accounts, receipts, neglect or default of any other member of DV, Office Bearer, Official, Officer or Servant or for the joining in any receipt or other act of conformity, or for any loss or expense happening to DV through the insufficiency or deficiency of the title to any property acquired by order of DV for or on account of DV, or for the insufficiency or deficiency of any securities in or upon which any of the moneys of DV shall be invested, or for any loss or damage arising from the bankruptcy, insolvency, or tortious acts of any person with whom any moneys, securities, or effects shall be deposited, or for any loss, damage or misfortune, whatever which shall happen in the execution of the duties of his office or in relation thereto, unless the same happen through his own act of wilful default.

26. DISSOLUTION AND DISTRIBUTION OF SURPLUS ASSETS

DV may be dissolved or wound up by a resolution at and General Meeting or at a Special General Meeting called for such purpose. If upon the dissolution or winding up of DV there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed among the Associates of DV. It shall be given to some other Association, institution or body having objects similar wholly or in part to the objects of DV, provided that DV, institution, body or object shall prohibit the distribution of its income and property among its members, or it shall be paid to or transferred to some charitable object, which Council, institution approved by the Commissioner of Taxation as a fund referred to in Section 23 of the Income Tax Assessment Act 1936., body or object shall be determined by the active members of DV at or before the time of the dissolution or winding up. In default of any resolution such payment, transfer or distribution shall be determined by a Judge of the District Court.

27. AMENDMENTS TO THE CONSTITUTION

27.1 Amendments Approved

These rules may only be altered by special resolution of a General Meeting of the Association...

27.2 Notice of Motion

31.2.1 Notice of any such motion shall be signed by the President or Secretary in the absence of the President and the Secretary of an Active Member or by two members of DV.

31.2.2 Notices of Motion shall be forwarded in writing to the Secretary to reach him in the ordinary course of the post, at least four (4) weeks prior to the meeting at which the motion will be addressed.

31.2.3 The Secretary shall forthwith on receipt of such notice forward a copy to each active member.

28. NON-PROFIT

The income and property of DV shall be applied solely towards the promotion of the objects of DV. No portion of the income or property shall be paid, transferred to, distributed directly or indirectly to the active members of DV, provided that nothing shall prevent the payment in good faith of remuneration to any officer or employee of DV or to any person other than an Associate in return for services rendered to DV.