

Constitution

and

By-laws

of

Otago Softball Association (Inc.)



*Issued and Authorised by
Otago Softball Association
Amended 27th July 2009*

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1. THE NAME

The name of the Association shall be the "Otago Softball Association (Incorporated)" hereinafter referred to as the Association.

2. OBJECTS

- a) To become affiliated to the National Association
- b) To promote, organise and control the game of softball within the Otago Land District (as defined in the rules of the National organisation) for all players.
- c) To undertake the management of all Otago representative teams
- d) To ensure that the rules of the game of amateur softball as laid down by the National Association to which the Otago Softball Association shall be affiliated, shall be adhered to except where variation from them is absolutely necessary to suit domestic conditions.
- e) To provide rules, regulations and By-Laws for attaining the objects of the Association.
- f) To attend other matters beneficial to Softball

3. MEMBERSHIP

The following shall be members of the Association

- a) Affiliated clubs sub associations and other bodies
- b) Financial members of an affiliated body, provided they are free of obligation to any other Softball Association.
- c) Patron and or Patroness
- d) Life Members
- e) Officers and Executive members affiliated to one of 3(a)
- f) Any new club wishing to affiliate must prove to be sound financially and payment of all affiliation and team registration fees will be required prior to the first playing Saturday.

4. APPLICATION FOR MEMBERSHIP

- a) Each existing club, sub association or other body must affiliate to the Association by completing the official affiliation form (to be supplied). This form must be in the hands of the Executive Officer by 20th September annually, accompanied by the affiliation fee which shall be set by the Executive. Full affiliation with voting rights or minor affiliation without voting rights.
- b) The Executive Officer shall submit each application to the first Executive meeting held after receipt.
- c) Each affiliated body must register its players on the official registration form (to be supplied) which must be in the hands of the Executive Officer, no later than the first playing Saturday in October each year. Late registrations will be accepted up until and including the third Saturday in October without incurring the late registration fee. A team fee will be set by the Executive and shall be payable by the 20th November each year.
- d) All players playing in school grades must be registered through their registered body. Players playing in senior grades must register for the Senior Grade irrespective of earlier registration for schoolgirl / schoolboys. Senior team and registration fees are applicable to such players, exception being, in the case of teams consisting of nine or more school children, with a maximum registration of four (4) adults, team fee to be set annually by the incoming Executive.
- e) Players requiring to be registered must be listed separately on the score sheet prior to the commencement of the game. Players so registered to be charge to their respective clubs on the next account issued by the Association, or earlier if deemed necessary.

5. TERMINATION OF MEMBERSHIP

Termination of membership may be brought about by:

- a) A member may resign from the Association at any time by giving notice in writing of his/her intention to do so. Such notice shall not relieve a member from liability.
- b) A member ceasing to be a member of an affiliated body, unless the Executive confirms his/her stay of membership.
- c) Any affiliated club, sub association or other body acting in a manner that would jeopardise the interests of the Association may, by resolution of the Executive on a two thirds majority, have its affiliation cancelled.
- d) Any individual found guilty of improper conduct or of breaking any rule of the Association may, by resolution of the Executive on a two thirds majority, have their membership cancelled or suspended. Such cancellation or suspension to continue in force until lifted or reviewed by the Executive.
- e) If any member, club or sub association or other body fails to fulfill their financial obligation to the Association.

6. LIFE MEMBERSHIP

- a) The distinction of Life Membership may be conferred for signal service rendered to the Association
- b) Life members shall be elected by ballot at the Annual General Meeting and one vote in five shall exclude.
- c) Life members shall be entitled to attend all meetings of the Association with power to vote at Annual General Meeting and Special General Meetings only and must exercise his/her right to vote in person and can not be represented by proxy. Such votes not to be considered when calculating voting strength.
- d) Life members may only nominate through an existing affiliated body.

7. OFFICERS

The officers shall consist of the Chairperson, Deputy Chairperson and Executive Officer

All Officers shall be elected at the Annual General Meeting except where the Executive Officer is an employee of the Association.

8. EXECUTIVE

- a) An Executive consisting of the Chairperson, Deputy Chairperson, Executive Officer and eight (8) ordinary members shall be elected at the Annual General Meeting. An Executive so elected shall be vested with the control and management of the affairs of the Association.
- b) There shall not be at any time more than four (4) members of any one affiliated body on the Executive.
- c) Any member (including a non playing member) of a club, sub association or other body affiliated to the Association shall be eligible for election to the Executive on being nominated as hereinafter provided in Rule (9)
- d) The Executive may appoint a delegate from the Umpires Association and Scorers Association to sit on the Executive each year, but without the power to vote

9. NOMINATIONS FOR OFFICERS AND EXECUTIVE

- a) Each fully affiliated body may nominate as regards the Officers, Executive, Patron and or Patroness of the Association at least four (4) weeks prior to the Annual General Meeting on the nomination form provided.
- b) The Executive may nominate persons for election in the same manner and to the same extent as clubs, sub associations and other bodies.
- c) In the event of more than one person being nominated for one position the election shall be by ballot.
- d) In the event of insufficient nominations being received, the Chairperson may accept nominations for that position at the meeting. If nominations are more than required voting shall be on the extra nominations only by ballot.

10. FUNCTIONS AND POWERS OF THE EXECUTIVE

Further to elsewhere mentioned in these rules, the power and functions of the Executive shall be

- a) Executive Officer. The Executive Officer shall be appointed, employed and paid under contract by the Executive. The functions of the Executive Officer shall be :-
 1. To manage the OSA in terms of Executive Policies
 2. The Executive Officer shall be accountable to the OSA Executive.
- b) Staffing. The Executive shall establish staffing levels. Any staff to be accountable to the Executive Officer.
- c) To arrange grounds and facilities, and to regulate and control all inter club, inter school, inter provincial and other games and competitions controlled by the Association for all grades and both sexes, within the Otago land district.
- d) To grant or refuse affiliation to any club, sub association or other body throughout the season.
- e) To assist and control clubs, sub associations and other bodies in conformity with the Constitution of the Association.
- f) To assess, levy and impose such fees, levies, charges, dues and other payments as it may deem necessary or expedient and to impose fines (but not exceeding a \$200.00 fine in respect of any one infringement) or other penalties for refusal or default in payment thereof.
- f) To fill vacancies that may occur on the Executive except that of Chairperson.
- g) To appoint sub committees for any purpose relating to the affairs of the Association and to prescribe the duties and powers thereof and delegate to them such powers and duties as the Executive may think necessary or expedient and to revoke any such appointments and delegation.
- i) To co-opt any person or persons to assist in the conduct and management of any of the Associations activities and to dismiss such persons.
- j) To call for nominations for managers, coaches, chaperones and captains for representative teams.
- k) To appoint managers, chaperones, coaches and captains for representative teams. Recommendations from coaches for captains will be considered.
- l) To appoint selectors or a panel of three (3) for selecting representative teams, one of whom must be the coach of the particular team.
- m) To see that no member or members of the Association shall participate in any activity connected with the game of softball for their own financial gain, without prior consent of the Executive.
- n) To make, alter or rescind by laws, traveling rules, standing orders which the Executive may think fit.
- o) That a Junior Management Committee to be constituted with the Convenor to be an Executive member of the Association. This committee is to manage all junior softball and to be responsible to the Association for the running of all such softball. Any club or school registering a junior team must have a delegate on the Junior Management Committee with voting rights. Any club with three or more teams may have two(2) delegates.
- p) All protests shall be dealt with by a protest committee appointed by the Association with at least one qualified umpire and preferably two other Association members. Whether a protest is dealt with at the time or at a later date, one member from each team and the umpire involved in the protest game should attend such a meeting.

11. EXECUTIVE MEETINGS

- a) The Executive shall meet as required by the Executive Officer.
- b) Meetings of the Association may be called by the Chairperson, Executive Officer or upon the request of a majority of Executive members.
- c) A quorum shall consist of five(5) members personally present at the meeting.
- d) Any member or members missing three(3) consecutive meetings at which they are required to be present, without accepted written apology, shall render their position vacant and the Executive have the power to appoint another member in his/her place.
- e) A special meeting of the Executive shall be called by the Executive Officer upon instructions from the Chairperson of the Executive or upon receipt of a written request stating the object of such meeting and signed by the secretaries of at least three(3) affiliated clubs.

12 GENERAL MEETINGS

- a) A General meeting of the Association to be called the Annual General Meeting shall be held before the AGM of the National Association, at a date and place to be decided by the Executive. Six(6) weeks written notice of such meeting to be sent to the Secretaries of all clubs, sub associations and other affiliated bodies, calling for nominations for Patron and or Patroness, Officers and Executive, Notices of Motion and remits to be submitted at the AGM to be in the hands of the Executive Officer not later than four(4) weeks before the meeting, such business to be circulated to all members not later than fourteen(14) days prior to the date of the AGM. Advertisements shall also be inserted in daily newspaper circulating in the Dunedin District.
- b) The purpose of the meeting shall be
 - 1) Receipt of the Chairpersons report, balance sheet and statement of accounts for the past year.
 - 2) Election of Officers of the Association and eight(8) members of the Executive.
 - 3) Such other business as shall have been specified in the notice convening the meeting.
- c) Notice of any business to be submitted at the meeting shall be given in writing to the Executive Officer not later than four(4) weeks prior to the meeting however, new business may be submitted to the meeting without notice, only upon unanimous resolution of the meeting.
- d) The Chairperson, or any three(3) members of the Executive may, and the Executive Officer shall, when required to do so by a requisition signed by at least four(4) affiliated clubs, sub associations or other bodies, and stating the business to be dealt with, call a special general meeting of the Association. Fourteen(14) days notice to be sent to all members setting forth the subject of such meeting. If a special general meeting is not convened within one month after receipt of the requisition by the Executive Officer, the clubs concerned may convene the meeting themselves. Notice for special general meetings must be published in a newspaper circulating in the Dunedin District.
- e) One half of the voting strength at the time will be sufficient to form a quorum at any general meeting of the Association, and should there not be a quorum, the members shall at the expiration of one half hour from the time appointed for the meeting, adjourn the meeting to the same day in the next week at the same time and place (if practicable).
- f) All members of the Association shall be entitled to attend general meetings and to speak on any subject on the agenda.
- g) Affiliated clubs, sub associations and other bodies shall be entitled to be represented by two(2) delegates. The names of the delegates must be in writing and handed to the Executive Officer before the meeting commences.

13. VOTING AT GENERAL MEETINGS

- a) At any general meeting of the Association each affiliated body is entitled to two(2) votes, providing that the affiliated body is represented by two(2) delegates. In the event of only one delegate being present, he/she may exercise the two votes for the respective club, sub association etc. provided that the written sanction of the club, sub association etc. entitling him/her to do so is received by the Executive Officer before such meeting.
- b) Officers and Executive members are entitled to one vote at any general meeting of the Association and must exercise his/her right to vote in person and cannot be represented by proxy. An Officer or Executive member cannot represent a club, sub association or other body without forfeiting the right to vote as an Officer or Executive member.
- c) Any affiliated body unable to send at least one delegate to any meeting of the Association may, by giving notice to the Executive Officer, appoint any delegate to act on his behalf, exercising its vote. The names of proxy delegates must be received by the Executive Officer before the commencement of any such meeting. A proxy delegate can not be an existing delegate.
- d) Life members are entitled to vote in accordance with 6c)
- e) The Chairperson may exercise a casting vote in addition to any deliberative vote to which he/she is entitled.
- f) All motions at all meetings, with the exception of personal elections, shall be decided by show of hands, unless a secret ballot is requested by any financial member.

14. FINANCE

- a) Accounts shall be opened in the name of the Association in such bank as the Executive shall appoint.
- b) Any monies withdrawn from the account must be jointly handled by the Chairperson and Executive Officer. The total value of any one expenditure (other than fees to the National body or the expenditure of funds received as a result of applications to gaming machine trust or similar) shall not exceed \$5,000.00 (five thousand dollars) without prior approval of a special general meeting.
- c) Investments of funds of the Association shall be carried out only upon approval of the Executive.
- d) The funds of the Association may be obtained from
 - 1) Affiliation, Team and registration fees.
 - 2) Such levies as may be decided by the Executive.
 - 3) Ground fees.
 - 4) Donations.
 - 5) Special functions.
 - 6) Any other ways or means approved by the Executive.
 - 7) All levies for the current season to be set and advise the clubs each year dependant on information received from the National body.
- e) The accounts shall be audited by an Auditor who shall not be an Officer nor a member of the Association.
- f) All accounts shall be paid after being passed by the Executive
- g) Reasonable accommodation and traveling expenses shall be paid for delegates attending South Island Associations meeting and/or the National bodies annual meeting.
- h) At least fourteen(14) day before the AGM each affiliated body shall receive a copy of the financial statements and balance sheet, which shall have been audited by the Associations auditor.
- i) The financial year of the Association shall terminate on the last day of May each year.

15. POWER TO BORROW

The Executive may raise or borrow money by way of loan or otherwise on behalf of the Association in such a manner and upon security (if any) but such power shall be exercised only if passed by resolution of a special or annual general meeting of the Association.

16. PECUNIARY GAIN

The income, property and funds of the Association shall be devoted solely to the furtherance of the objects of the Association. A member of the Association shall not derive any pecuniary gain from the operations or property of the Association. The income, property or funds of the Association, shall not be paid directly or indirectly by way of dividend or bonus to any member of the Association.

17. DUTIES OF THE EXECUTIVE OFFICER

As stipulated in the current "Job description" of the position.

18. DUTIES OF AFFILIATED BODIES

- a) To forward to the Association Executive Officer the affiliation form by 20th September annually
- b) To see that the registration of all players is in the hands of the Executive Officer not later than the first playing Saturday each season.
- c) To see that all registered playing members are wearing registered uniform no later than the 30th November annually
- d) To forward nominations for Patron and or Patroness, Officers and Executive members 12(a)

- e) To give assistance to the Association whenever required.
- f) To pay all fees due to the Association by the date required.
- g) To abide by the rules set herein.
- h) To forward nominations for managers, coaches, chaperones for representative teams.
- i) Affiliated bodies shall forward to the Association an Annual Report and audited financial Statement before 1st September annually.
- j) Failure to comply with 18 a) b) c) f) i) may result in a fine being imposed, loss of competition points or playing rights being withdrawn.

19. COMMON SEAL

The Association shall adopt and control a Common Seal, which shall be held for the Association by the Executive Officer. The seal shall only be affixed to any document in the presence of two(2) members of the Executive and the Executive Officer.

20. INSURANCE

It shall be the duty of the Executive to effect an insurance against loss or damage where possible.

21. AUDITOR AND SOLICITOR

An auditor and solicitor shall be appointed at the annual general meeting. These persons do not have any voting rights nor should they be an officer or member of the Association.

22. INDEMNITY

The Executive and Officers of the Association shall be indemnified by the Association against losses or expenses incurred in or about the discharge of their duties except such as happens by their willful act, neglect or default. A member of the Executive shall not be responsible for any other member of the Executive or for any Officer or servant of the Association or for any loss caused by the insufficiency of deficiency of value or of title to property or security acquired on behalf of the Association, or by anything done in the execution of his/her duties of his/her office except due to his/her own willful act.

23. WINDING UP OF THE ASSOCIATION

If upon the winding up or dissolution of the organisation there remains after the satisfaction of all debts and liabilities any property whatsoever the same shall not be paid or distributed among members of the organisation but shall be given or transferred to some other body having objects similar to the object of this organisation within New Zealand.

24. ALTERATION TO THE RULES

No addition to or alteration or rescission of the rules shall be approved without the Inland Revenue Departments approval, and by the consent of seventy five per cent (75%) of the members present and entitled to vote at the AGM or at a special general meeting called for the purpose. No alteration to the rules shall be deemed to be in order unless set out in length among the business to be transacted in the notice convening the meeting. At least fourteen(14) days notice of such meeting shall be given to all clubs sub associations and other affiliated bodies.

25. INTERPRETATION

Should any question arise as to the meaning, application or any matter not dealt with by these rules, the Executive shall have the power to decide. Such decision to be final.

26. EQUAL RIGHTS

The Association shall strive at all times to provide equal rights as to the use of facilities, equipment, controlling personnel and grounds under its control for the betterment of softball for all participating members.

BY – LAWS

A. PLAYING SEASON

The playing season shall be from October to March provided grounds are available.

B. COMPETITIONS

- 1) Competitions shall be open to all clubs registered with the Association. Upon the decision of the format of each competition, the various conditions concerning the respective competitions are to be forwarded to the competing teams
- 2) Teams shall be graded by the Executive, or by the sub committee set up for this purpose.
- 3) The winners of the various grades shall be declared on the number of points gained. In the event of a tie for first place and if a play off is not possible the tied teams formula will be used.
- 4) All games shall be played under the official rules of Softball New Zealand.
- 5) The Association may appoint a committee to prepare draws and competition formats and to organize the day to day running of the competition. This committee to have such functions and powers as delegated by the Association.

C. CLUBS

A new club may be formed in accordance with the Constitution of the Otago Softball Association rule 3(f). Each new club upon affiliation shall be provided with a copy of the rules and by laws of the Association and any of the alterations, rescissions or additions thereto and shall be bound by such rules and by laws.

D. SUB ASSOCIATIONS

Any softball association now and hereafter existing within the Otago Land District may be affiliated as a sub association with the Association in the manner provided in rule 4(a)

- 1) Each sub association must register its players on the official registration form (to be supplied) in the manner provided by rule 4(c) of the Constitution of the Association.
Registration and capitation fees to be computed as at the first of the month in which payment is required by Softball New Zealand on membership as at the above date.
- 2) Each sub association, when applying for affiliation, shall submit to the Association for approval a copy of the rules of the sub association and all amendments thereto, and also the proposed headquarters of the sub association.
- 3) Each fully affiliated sub association shall be entitled to be represented by two delegates or proxies (in accordance with rules 13(a) and (c) of the Constitution of the Association to attend and vote at all General meetings of the Association.
- 4) Each sub association shall have local control with the right of referring any matter to the Executive for its decision which shall be final.
- 5) Each sub association shall submit to the Association for approval their proposed representative colours and uniform.
- 6) The players of each sub association shall be eligible for Representative places in Otago teams and to attend National Championships.
- 7) Each sub association shall be governed by the rules and by laws of the Association as far as they are applicable and the decision of the Executive as to the applicability or otherwise of any such rule or by law shall be final.

E. CONDUCT AND DISCIPLINE

The Association may reprimand, suspend the rights and privileges of any club, team or player or expel from membership any person who:-

- 1) a) Neglects or refuses to comply with the Otago Softball Association rules or Softball New Zealand rule book.
- b) By its conduct may bring reproach or disgrace upon the Association
- c) Fails to function in accordance with its Constitution.
- 2) a) Senior Softball. Playing infringements:-
Playing offences will be notified within 24 hours of the alleged offence and a disciplinary hearing will be scheduled for the next Monday. Players are still eligible to participate in games up until the outcome of the hearing.
Players who chose not to attend are bound by the decision of the disciplinary hearing. Refer to the "What to do if ordered off" sheet.
- b) Any incident involving juniors, players will be spoken to by the JMC representative and may be referred to the Club or School concerned through the Association
- c) Non playing infringements. At least five(5) days notice in writing shall be given to any individual, club, team player or organisation against whom misconduct is alleged. Any individual, club, team, player or organisation required to appear before a disciplinary hearing is entitled to attend with two(2) duly appointed representatives and the alleged offender / offenders may call witnesses in support and give evidence.
- 3) The Association instead of imposing any other provided penalty may impose a fine not exceeding Two Hundred Dollars (\$200.00) Plus GST on any individual or club. If such a fine shall not be paid within 14 days or such further time as may be allowed by the meeting imposing such a fine there may be imposed after due notice to the offender such other penalty provided hereunder.
- 4) At any general meeting or Executive committee meeting no person against whom any allegation is made or who represents an Association or is a member of any club or team against whom any allegation is made, shall be entitled to vote or take part in the meeting except to make representations as hereinbefore provided so far as it relates to such misconduct.

APPEALS

Any Association, club or team under the jurisdiction of the Association and any person being a member of any such Association, club or team on whom any penalty is imposed may appeal to the Association against the decision of the Association on any one or more of the following grounds.

- 1) a) That the Association failed to act in accordance with its Constitution or in accordance with these rules or any regulation hereunder.
- b) That the decision of the Association was contrary to the declared policy of the Association.
- c) That the decision of the Association was reached without the affected person, club, team or Association having reasonable opportunity to be heard.
- 2) The Executive shall not proceed with any appeal under paragraph 1 of this clause unless it is satisfied that one or more of the grounds of appeal mentioned in paragraph 1 hereto have been established. On the hearing of the appeal the Executive committee may after hearing the appeal, either uphold the decision to which the appeal relates or substitute its own decision for that of the Association or may disallow the decision appealed from and refer the matter again to the Association for decision..
- 3) All appeals must be lodged within three(3) days.
- 4) Appeals may be made under rule 6 of the Administration and By Laws of Softball New Zealand or the appellant may seek local mediation. Should mediation be selected the Association must be advised within seven(7) days (Refer Mediation Notice)

F. UMPIRES

- 1) In the event of any player being ordered off, the umpire shall report the matter to the Executive Officer of the Association and the Club within 24 hours after the match and shall be required to attend the meeting called in accordance with the by laws of the Association to deal with the matter the following Monday evening. (Refer to Umpire Discipline sheet)
- 2) All fines on clubs for failing to umpire etc. will be sent out on the 20th of every month and must be paid within 14 days.
- 3) The fine money which is imposed on clubs for failing to umpire shall be retained by the Association except that a proportion of the money may be paid to the club who actually supplied the umpires.

G. GAMES

- 1) Clubs wishing to arrange games with other clubs, whether affiliated to this Association or not, must apply in writing to the Association Executive Officer. The Executive has the power to accept or decline any such application.
- 2) All local games arranged by the Association to have umpires and scorers appointed by the Executive in co operation with the respective bodies.
- 3) Players involved in umpiring or scoring previous games must be allowed ten(10) minutes warm up break before their team goes on to play.
- 4) The score sheet must record, prior to commencement of the game, the names of all players and substitutes who are to participate in the game including position and uniform numbers. Top numbers must be worn by all senior players. Only those players listed on the score sheet prior to the start of the game are eligible to participate.
- 5) In other than senior section, no team shall commence a game with less than eight(8) players. In senior section teams must start the game with no less than nine(9) players. Should a team be short of players they are entitled to pick up prior to the commencement of play, two players from any club to complete a team. A team may pick up a maximum of four (4) players pre, and post Christmas. A team picking up one Premier player must bat that player at 9 and field them in position 9. A team picking up two Premier players in one game must bat those players at 8 & 9 and they must field in positions 8 & 9. A team picking up in excess of the 4 players will play but forfeit any points. As a courtesy, advise the Coach/Manager of the team a player is being picked up from.
- 6) Should other registered members of the team arrive late, they will replace the pick up players
- 7) When a side has two outs and the catcher is a runner on base, he may be substituted by the last batter out to enable him to get kitted up.
- 8) Finals Format to be a 3 game series for 1st and 2nd position – i.e. best of three.
Game 1 - 1 v 2 – winner to finals, Game 2 - 3 v 4 loser = 4th, Game 3 - loser Game 1 v Winner Game 2. Final = Winner Game 1 v Winner Game 3 (3 game series) Champions Cup will be scheduled to suit local competition rounds. Seeding - from full season of competition results. No pick up players permitted

H. DEFAULTS

- 1) Any team having to default shall notify the opposing team and the Executive Officer of the Association 24 hours before such a game is due to commence. Failure to do so will result in a fine as set by the Executive from time to time. Repeated un notified defaults without justifiable cause, may result in the team being withdrawn from competition.
- 2) All matches shall commence at the time appointed in the advertised draw and any team not fielding the required number of players on the ground and ready to commence play within five(5) minutes after the appointed time shall have lost the match by default providing that the opposing team shall have complied with the by laws.

I. EQUIPMENT

Teams shall use equipment as specified in Softball New Zealand rules. Failure to comply with safety regulations as stipulated may result in forfeiture of the game.

J. CLUB UNIFORMS

Each club upon affiliation must register and obtain approval of its colours and uniforms from the Executive and the club first registering any colour or uniform shall subject to such approval, have the exclusive right to use them.

- 1) All players except those designated by the Association shall appear in the registered uniform of their club or team by the first playing day in October unless dispensation has been granted by the Executive.
- 2) A club entering more than one team in the same grade shall be required to have distinguishing colours and or uniforms for the teams and shall designated by distinguishing names.

K. TRANSFERS, GRADINGS & REGRADING OF PLAYERS

No player shall play for more than one club at the same time. However, school children may participate in both school grade and open grade on any one playing day.

EXCEPTION BEING Children under the age of **15 years** can not participate in open grade. Only exception to this rule can be granted by the Executive on written application to the Association.

- 1) Coaches registering with a new club must obtain a financial clearance from their previous club.
- 2) Where a club has more than one team in the same grade the Senior Reserve Rule will apply. Both teams registrations to be approved by the Executive.
- 3) Each season when a player has played three(3) games in any one grade, that a player shall not play for a team in a lower grade without a re-grade granted by the Executive, such re-grade to lapse immediately the player plays in a higher grade. This rule does not apply to outside tournaments e.g. Intercity. However teams in open grade may register nine(9) players in that clubs first team. The rest of the team to be registered in the clubs next highest open grade team and have the right to play for either team without penalty. Players registered in the open grade first team cannot play down without a re-grade.
- 4) Any player wishing to transfer from one club to another shall apply to the Executive Officer of the Association on the official transfer form (to be supplied) which provides for the written release from his/her club. This form must be accompanied by the fee set by the Executive from time to time. Transfers must be in the hands of the Executive Officer no later than 6.00pm on the Monday prior to the next playing Saturday.
- 5) The club applied to for a transfer shall notify its consent or refusal to the player concerned within seven(7) days. If the club refuses to release the applicant, such club shall immediately forward its reason for doing so to the Executive. In the event of a player being refused a clearance on financial grounds it is the players responsibility to exhaust all avenues to resolve the matter before approaching the Executive.
- 6) In the event of a player being refused a clearance by any club the player may appeal to the Executive who may consent to such transfer without requiring such clearance if the applicant is fully financial and there is no justifiable reason why such transfer should not be granted.
Fully financial to mean:-
 - Not owing any money including membership fees, fundraising money, levies, loans or fines, indeed having no financial obligation whatsoever.
 - Not owing any uniforms or equipment owned by the club.
- 7) Mid season transfers. Transfers after opening day will only be granted at the discretion of the Executive in exceptional circumstances. The applicant shall state the reasons for requesting such transfer and may if considered necessary be required to appear in person before the Executive.
- 8) A member of a college or school team, shall on leaving school be eligible to play for any club without applying for a transfer.
- 9) Any player transferring to another club after a time lapse of two consecutive seasons is still required to obtain a written release from the past club as in Rule 11(d) but the transfer fee is waived.
- 10) Not withstanding anything elsewhere contained the Executive shall not be bound to consent any transfer and may in its sole discretion refuse to consent such transfer.

- 11) Any team playing a notified new registration later than the 3rd playing Saturday shall be liable to a fee set down by the Executive. Any team playing an un-notified new registration later than the 3rd playing Saturday shall be liable to a fee set down by the Executive. Any team playing a player from a higher grade shall forfeit all games that player took part in. If both teams are guilty of this by law, each shall be debited with a loss. Any team playing an un-financial or un-transferred player loses by default.
- 12) No player shall be eligible to play in any competition unless he/she has resided in the Otago District for at least seven(7) days before such game, provided however that where dispensation from the players affiliated body has been received by the Association permission may be granted before the seven day time period.

L. DUTY TEAM

Each playing day, duty club/s may be named as duty teams for that day and will be required to fulfill duties set by the Executive.

Clubs may be required to assist with umpiring school children's games. The Executive may impose Fines for non performance of duties.

M. SCORERS AND SCORECARDS

- 1) When an official scorer is present the responsibility for the score card rests with the scorer.
- 2) When no official scorer is provided, clubs shall provide a scorer for each team, or other person mutually agreed to act as scorer and co-operate with the umpire at all times
- 3) It shall be the responsibility of the winning team to hand in the score card at a place to be specified by the Executive, immediately after the conclusion of the game. Failure to do so may result in the game being recorded as a loss to both teams.

N. REPRESENTATIVE TEAMS

- 1) The official playing representative uniform is to include the colours white, blue and gold. Any other uniform worn by any member of a representative team must have prior permission of the Executive.
- 2) The representative uniform must not be altered without the prior approval of the Executive.
- 3) A player is not eligible for any representative team unless he/she is registered as a member of the Association through his/her affiliated club and has fulfilled his/her financial obligation to that club. All clubs must have met all financial commitments with the Association before players are eligible for representative teams.
- 4) Players withdrawing from representative teams are required to forward reasons for such withdrawal in writing to the Executive who will act according to the circumstances.
- 5) All coaches and managers reports must be in writing and are to be in the hands of the Executive Officer within six (6) weeks of the tournament or game.
- 6) Representative badges / bars will be awarded to all senior team members including coaches and managers who have represented Otago for a full National season.
- 7) All representative members of teams other than senior to receive a certificate for a full seasons play.
- 8) All representative teams to include a coach and manager who are jointly responsible for the conduct of their respective team at all times.

O. DISPENSATIONS

- 1) Dispensation must be approved by the Executive of the Otago Softball Association at committee meetings or emergency meetings if necessary.
- 2) Dispensation may be granted to any team having a representative or representatives. Three team members in representative teams will automatically qualify for dispensation.
- 3) Notice in writing must be in the hands of the Executive Officer no later than 6.00pm on the Monday before the next playing Saturday. This is the clubs responsibility.
- 4) Every team has the opportunity to apply for dispensation once a season (outside representative fixtures). The names of players and specific reasons must be given when applying for dispensation. The Association will look at each request and will exercise its discretion.

- 5) Injuries that have been used to claim dispensation should be supported by a medical certificate should it be asked for.
- 6) Dispensation will only be deemed valid on the official notification by the Association.
- 7) Upon dispensation being granted, the teams will mutually agree on re scheduling. The Association to be advised of the re scheduling. If agreement cannot be reached the Association retains the right to direct teams.

P. EMERGENCY COMMITTEE

The emergency committee to act when it is not possible to contact all members of the Executive, shall consist of the Office Bearers of the Association and or a committee member – totaling 3 persons.

Q. PROTESTS

All protests to be lodged in accordance with Softball New Zealand Rule 11 accompanied by the appropriate fee as set by the Executive

SENIOR RESERVE RULE

When two teams from the one club (refer by law K.2) are entered into the same grade they will be treated as two individual clubs.

Registrations:- Two separate individual registration forms required.

Where a player is brought up from the 2nd team to play for the 1st team – this can only happen twice with the same player.

On the 3rd occasion he/she must then be considered as a 1st team player and cannot then go back down to the 2nd team.

Only two players can be brought into the 1st team from the 2nd team on any one playing day.

This excludes a pitcher / catcher.

Any other movement between the teams would be treated as transfers and would have to apply under the normal transfer rule but at no cost.

WHAT TO DO IF ORDERED OFF

This is a general outline of the procedure that occurs in the Otago District.

- 1) You must appear before the Otago Softball Association Disciplinary Committee on the next Monday at 7.00pm at the rooms at Ellis Park
- 2) You may bring any 2 persons who can assist you and the committee. All may address the committee and give evidence.
- 1) A copy of the Umpires report on the incident will be handed to you on arrival, but the umpire will not usually attend.
- 2) The Disciplinary Committee will deliberate and announce its decision that night and give its reasons.
- 4) Verbal advice followed by written confirmation of the decision will be given to your club secretary.
- 5) You have the right to appeal to the Otago Association. This appeal must be lodged within 3 days of the Disciplinary Committees decision. The Association will meet as soon as possible and the umpire will usually attend and be heard at the appeal.
- 6) Occasionally it is inconvenient for the Disciplinary Committee or the player to appear at the scheduled time. If you have a good reason you must get a club officer to contact the Chairperson of the Association as soon as possible to arrange a suitable time. If the Committee cannot meet at the specified time, your club secretary will, as soon as possible, be notified by the Chairman with an alternative time.

MEDIATION

Should any dispute or difference arise between the parties concerning this agreement they agree that they will, in good faith, endeavour to resolve the dispute by consultation and negotiation. However, any party may at any time in respect of any dispute, instigate a mediation process as follows:-

- 1) Any party may by written notice (The Mediation Notice) to the other party, require that any dispute between parties be referred to mediation. A Mediation Notice shall set out the nature of the dispute, but need not detail the background of the party's position to the dispute.
- 2) A Mediation Notice shall not derogate from the obligation of the parties to seek resolution of the dispute by consultation and negotiation.
- 3) If the parties are unable to agree on a suitable person within 7 days of the giving of the Mediation Notice, either party may require Sport Otago or the Patron to nominate a suitable person to act as mediator.
- 4) The parties shall within (3) three days of agreement or nomination, appoint the agreed nominated person as mediator to consult with the parties and assist the parties to reach agreement in respect of the dispute.
- 5) The mediator shall, in consultation with the parties, settle upon a timetable and the procedures to be adopted during the mediation. The decision of the mediator on any such matters shall be binding on the parties and, in particular, the mediator shall be entitled to call any meeting between the parties at such times and places as the mediator considers appropriate
- 6) The parties shall attend all meetings called by the mediator and at such meetings shall conduct their negotiations in good faith, and shall use their best endeavours to reach an agreed solution which is acceptable to both parties. While the parties may, if they wish, have the assistance of legal counsel in such negotiations, all proceedings of the mediation shall be conducted on a "without prejudice" basis in that nothing that transpires during the course of negotiations (other than any settlement agreement) is intended or shall affect the rights or prejudice the position of the parties to the dispute or in any subsequent adjudication, arbitration, or other legal proceedings of any kind.
- 7) All costs incurred in mediation shall be borne by the appellant or apportioned as the mediator should see fit.
- 8) If the dispute remains unresolved after 21 days after the appointment of the mediator either party may refer the dispute to Softball New Zealand.