



**CONSTITUTION
OF
ATHLETICS PAPUA NEW GUINEA.**

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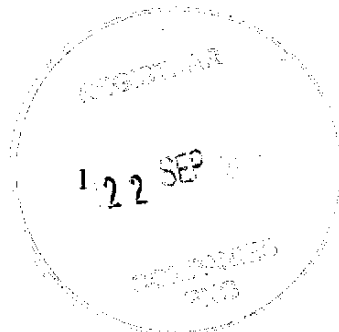
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CONSTITUTION
OF
ATHLETICS PAPUA NEW GUINEA.

PREAMBLE.

Adoption of the Constitution.

We, the members of APNG, having resolved to enact a Constitution for APNG, establish, adopt and give to ourselves this Constitution to come into operation on a date determined by us, the members of APNG in the manner as prescribed in the Schedule.

Objectives of APNG.

We, the members of APNG, accordingly set before ourselves the Objectives of APNG that underlie our *Constitution*.

The objectives being –

- (a) to improve and enhance the physical, mental and social well-being of the citizens of Papua New Guinea through the encouragement of maximum participation in Athletics; and
- (b) to ensure that APNG operates within the Constitution and the rules of IAAF and OAA; and
- (c) to promote and control Athletics in Papua New Guinea in accordance with the Constitution and the Rules of IAAF and OAA; and
- (d) to arrange, manage and control all international athletic events, competitions and tournaments held in Papua New Guinea; and
- (e) to provide for the adequate representation of Papua New Guinea at Mini Pacific Games, Pacific Games, Commonwealth Games, Olympic Games and other International Meetings; and

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- (f) to foster and create good relationships through co-operation with other authorities and sporting bodies in Papua New Guinea and overseas with a view to promoting sports and athletics in particular; and
- (g) to liaise and co-operate with the Papua New Guinea Olympic Committee, the Papua New Guinea Sports Foundation, IAAF and OAA with a view to improving the growth and development of athletics in Papua New Guinea; and
- (h) To prevent the use of prohibited substances, as specified by the Rules of IAAF, by the athletes in and out of competitions sanctioned by APNG.

PART I – PRELIMINARY.

1. INTERPRETATION.

In this Constitution –

“Athlete” is a participant who abides by the eligibility rules of the IAAF;

“Athletics” includes track and field events, road running, cross country and walking events, competition and tournaments;

“Athletic association” a club or association associated with and engaged in the organisation, control, co-ordination and management of the sport of athletics in the provinces;

“The Executive” the Executive Committee of APNG provided for under Part IV;

“IAAF” International Association Athletic Federations;

“Member” an athletic association, which has paid the prescribed affiliation fee under clause 13;

“OAA” Oceania Athletic Association;

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“Repealed Constitution” the previous Constitution of APNG and the Rules and By-laws made under that Constitution repealed by this Constitution under Section 4;

“This Constitution” includes the Rules and By-laws made under this Constitution;

“APNG” Athletics Papua New Guinea.

2. ALTERATION OF THE CONSTITUTION.

- (1) This Constitution may be altered by a motion, in writing, which –
 - (a) is expressed to be a motion to alter this Constitution; and
 - (b) Shall state the provision of the Constitution to be altered or shall state the clause to be added; and
 - (c) Shall state, as the case may be, the alternative provision to be inserted in the Constitution.
- (2) A motion to alter this Constitution shall –
 - (a) be signed by the mover and seconder of the motion and delivered to the Secretary one month before the date of the annual general meeting of APNG; and
 - (b) be circulated to all the members no later than fifteen days before the next annual general meeting of APNG; and
 - (c) on the next meeting of APNG, be debated in full and then be voted upon.
- (3) Notwithstanding Section 41(1) (a), a vote on the motion to alter this Constitution shall be decided by a two thirds majority vote of members present and voting.
- (4) An alteration of the Constitution shall have no effect and be null and void if Subsection (1), (2) and (3) are not complied with.

3. APPLICATION

- (1) The Constitution applies to the Members.
- (2) This Constitution is subject to the Rules, By-laws and other laws governing athletics in Papua New Guinea and overseas.

4. REPEAL.

- (1) The previous Constitution of APNG is hereby repealed.
- (2) The repealed Constitution ceases to operate on the coming into operation of this Constitution.

PART II – APNG

5. ESTABLISHMENT.

APNG is established.

6. NAME APNG

The name APNG shall be “Athletics PNG.”

7. OFFICE OF APNG

The office of APNG shall be situated in a location as determined by the members from time to time.

8. POWERS OF APNG

- (1) APNG shall have such rights and perform such powers as are necessary for carrying out its normal activities and duties and to pursue and achieve its objectives.
- (2) APNG claims absolute jurisdiction in the control, administration and the operation of Athletics throughout Papua New Guinea.

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(3) Without limiting the generality of Sub-section (1), APNG shall have the power to -

- (a) institute and regulate athletics championships in Papua New Guinea in such events as may from time to time to be determined and to delegate to any of its Provincial association, the organisation and staging thereof; and
- (b) borrow and raise money through subscriptions from member associations and fund raising activities and through other means as APNG thinks fit; and
- (c) act as a medium for bringing benefits to the members in the form of aid, donation or gifts given by a person or body; and
- (d) act as a medium for the members in any proceedings, deliberation or activity in which APNG participates in with other groups and organisations and to report to the members; and
- (e) ensure that fit and proper persons are engaged to assist in the administration and management of APNG activities; and
- (f) enter into such arrangements with persons and bodies for courses and clinics to be conducted for the benefit of APNG in the areas of coaching, officiating and administration of athletics; and
- (g) provide professional advice, instructions and directions to individuals and provincial athletic associations on matters affecting the interest of athletics in Papua New Guinea and overseas; and
- (h) invest and deal with the monies of APNG in such a manner as may be determined by the Executive Committee from time to time; and

- (i) make By-laws and Rules to give effect to this Constitution provided that the By-laws and Rules are not inconsistent with this Constitution or with the Rules of IAAF and OAA; and
- (j) determine from time to time for what events and upon what conditions Papua New Guinea records may be granted, and to receive and adjudicate on applications by the Provincial associations for the recognition of Papua New Guinea records in such events; and
- (k) inquire into allegations of breaches of this Constitution and hear appeals where necessary on matters affecting APNG and athletics; and
- (l) conduct and report on in the out of competition doping test carried out by APNG; and
- (m) take such action as it thinks desirable for the benefit of APNG and its members.

9. EXERCISE OF POWER.

The powers of APNG shall be exercised by the Executive in a manner which is beneficial to all the members.

10. COMMITTEES OF APNG

- (1) APNG may, from time to time, appoint a committee of APNG to perform certain functions of APNG.
- (2) The membership of such committees shall comprise of members of the athletic associations.
- (3) The members of the committee shall hold office for a period until the committee completes the task for which it was appointed and APNG shall then disband the committee.
- (4) In this Section, "Committee" includes a Sub-committee.

PART III - MEMBERSHIP OF APNG.

11. COMPOSITION OF MEMBERS.

- (1) The membership of APNG shall comprise of all the athletic associations and other bodies involved in the organisation and operation of athletics recognised by APNG in conference as the bodies controlling athletics in the respective provinces within Papua New Guinea.
- (2) For the purpose of transacting the business of APNG, the membership of APNG shall comprise of -
 - (a) the members of the Executive appointed under Part IV; and
 - (b) not more than three delegates from each of the athletics associations.

12. ELIGIBILITY TO BE A MEMBER.

- (1) An athletic association is eligible to be a member of APNG if -
 - (a) it applies, in writing, to APNG to be admitted as a member; and
 - (b) it submits a -
 - (i) copy of its Constitution; and
 - (ii) a report on its activities from the previous year, including its financial report; and
 - (iii) list of its office bearers, to APNG; and
 - (c) it pays the prescribed affiliation fee determined under Section 13.
- (2) APNG shall, in writing, inform the athletic association of its admittance as a member of APNG.

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13. AFFILIATION FEE.

- (1) The members of APNG shall determine the annual affiliation fee to be paid by an athletic association under Section 12, at an annual general meeting of APNG, at the beginning of every year.
- (2) An athletic association shall pay a prescribed affiliation fee, annually, at the beginning of every year within the registration period, as determined by the members, to be the deadline for registration.
- (3) An athletic association which pays a prescribed affiliation fee, becomes a member on the date of the payment of the prescribed affiliation fee.
- (4) A receipt of the payment of the prescribed affiliation fee shall be furnished to the athletic association by the Treasurer.

14. RIGHT OF MEMBERS, ETC...

- (1) The members, through their delegates, shall have the right to -
 - (a) vote and deliberate on any matter in a meeting of APNG; and
 - (b) participate in any activities of APNG; and
 - (c) benefit from the finances of APNG by way of loans or any assistance APNG may provide from time to time.
- (2) Upon becoming a member of APNG, the athletic association is bound by this Constitution, By-laws, and Rules and to accept and to enforce all the decisions of APNG made in accordance with this Constitution.

15. CESSATION OF MEMBERSHIP

- (1) An athletic association may cease to be a member, by writing, to the President informing him of its intention to cease to be a member.
- (2) The President shall, in writing, inform an athletic association of the acceptance of its intention to cease to be a member.
- (3) An athletic association ceases to be a member upon receipt of an acceptance letter referred to under Sub-section (2).
- (4) Notwithstanding Sub-section (1), an athletic association shall cease to be a member if -
 - (a) it fails to pay its affiliation fees within the registration period; or
 - (b) it is, adjudged by the Judiciary Committee under Part VIII, to be acting continuously against the interest of APNG.

16. MEMBERSHIP OF OTHER ORGANISATION.

The Members of APNG shall determine the membership of APNG to other organisation from time to time.

17. REGISTER OF MEMBERS.

The Secretary shall keep a register of all the members, which shall contain all the relevant particulars of a member as determined by APNG from time to time.

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PART IV – EXECUTIVE COMMITTEE

18. ESTABLISHMENT OF EXECUTIVE

The Executive is established.

19. COMPOSITION OF EXECUTIVE.

The members of the Executive shall comprise of –

- (a) the President; and
- (b) the Vice President; and
- (c) the Secretary; and
- (d) the Treasurer; and
- (e) the Legal Officer; and
- (f) the Chairman of Fundraising; and
- (g) the Director of Marketing and Promotion; and
- (h) two delegates of Athletic Associations
- (i) the Director of Coaching, ex-officio.

20. APPOINTMENT.

- (1) The members of the Executive, other than the Director of Coaching, shall be nominated and elected bi-annually by the members at an annual general meeting of APNG. Members of the Executive shall hold office for a term of four years and
- (2) Nominations for candidates for a post in the Executive shall -
 - (a) be made, in writing, by Member association; and
 - (b) be submitted to the Secretary no later than twenty eight days prior to the annual general meeting of APNG.

- (3) An athletic association is entitled to make one nomination of a candidate for each post in the Executive.
- (4) If no nomination is made in accordance with Sub-section (2), the Chairman shall call for and accept nominations of candidates at the commencement of the annual general meeting of APNG.
- (5) Where a vacancy occurs in a post in the Executive, a by-election shall be held in accordance with Part V.

21. TERM OF OFFICE.

- (1) The members of the Executive, other than the Director of Coaching, shall hold office for four years until the annual general meeting of APNG at the end of the fourth year. Fifty per cent shall retire by rotation at each annual general meeting at which elections are held.
- (2) The members of the Executive are eligible for re-election.

22. RESIGNATION.

- (1) The President may resign from office by a notice in writing to APNG.
- (2) A member of the Executive, other than the President, may resign by a notice in writing to the President.

23. REMUNERATION.

Subject to this Constitution, the members of the Executive shall-

- (a) not be entitled to remuneration; and
- (b) not receive a remuneration,

for the performance of their functions and duties under this Constitution.

24. POWERS AND FUNCTIONS OF THE EXECUTIVE.

- (1) The Executive shall perform the following powers and functions -
- (a) to be responsible for the day to day administration and management of APNG; and
 - (b) to commit funds and make other financial arrangements for the benefit of athletics in Papua New Guinea; and
 - (c) to make decisions on any matter arising from the annual general meeting, Executive meeting and from other organisations affecting APNG and athletics; and
 - (d) to implement the decisions reached at an annual general meeting or any meeting of APNG; and
 - (e) informing APNG of any action taken by the Executive on any matter arising from the various meetings of APNG; and
 - (f) to liaise closely with other athletic associations on all matters affecting athletics in the country; and
 - (g) to institute and maintain records covering all phases and branches of Athletics both at the national and international level; and
 - (h) to approve, on the recommendation of the Selection Committee, all athletic teams representing Papua New Guinea; and
 - (i) to perform other powers and functions as provided for under this Constitution.

PART V – BY-ELECTIONS, ETC.

25. BY-ELECTIONS.

- (1) A by-election may be conducted in respect of an office in the Executive, where a member of the Executive -
 - (a) dies; or
 - (b) resigns in accordance with Section 22; or
 - (c) is suspended from office under Part VIII; or
 - (d) is unable to perform the functions of his office by reason of mental or physical infirmity.
- (2) A by-election under this Section shall be conducted in accordance with Sub-section (3).
- (3) Notwithstanding Section 20 (3), where a vacancy occurs in a post in the Executive -
 - (a) the President shall call for nomination of candidates for that post; and
 - (b) an athletic association shall make and submit, in writing, a nomination to the Secretary no later than fourteen days before the date set for the by-election; and
 - (c) the members shall, through a postal ballot, vote for a candidate for a post in the Executive.
- (4) APNG, shall, within seven days of a post in the Executive being vacated, set a date for a by-election.

26. MOTION OF NO CONFIDENCE

- (1) subject to this Section, a motion of no confidence may be moved against an individual member of the Executive, a member of a committee elected or appointed under the provisions of this Constitution or the whole Executive, as the case maybe.
- (2) A motion of no confidence under Sub-section (1) shall -
 - (a) be, in writing and expressed to be a motion of no confidence in an individual member of the Executive, a member of a Committee elected or appointed under the provisions of this Constitution or the whole Executive, as the case may be; and
 - (b) nominate the alternative member of the Executive or member of the Committee or the alternative Executive, as the case may be; and
 - (c) be delivered to the Secretary seven days before the vote is taken on the motion; and
 - (d) be signed by at least one third of affiliated members
 - (e) specify the grounds upon which the motion of no confidence is based.
- (3) The Secretary shall -
 - (a) upon receipt of a notice of the motion of no confidence, inform APNG of it; and
 - (b) on the expiration of the seven days; (i) conduct a postal ballot for the purpose of dealing with the motion of no confidence in an individual member of the Executive or a member of a Committee elected or appointed under the provisions of this Constitution; or (ii) in the case of a motion of no confidence in the whole Executive, convene a special meeting for the purpose of dealing with the motion.

- (4) Notwithstanding Section 41 (1) (a), the motion of no confidence shall be decided by an absolute majority of the votes of the members present and voting.
- (5) A motion of no confidence under this Section shall not be moved within a period of six months of the appointment or election of the member of the Executive or a member of a Committee.
- (6) Where a vote on the motion of no confidence is successful, the alternative member of the Executive or Committee or the whole Executive shall take office.

PART VI – OFFICIALS OF APNG.

27. SELECTION COMMITTEE

- (1) APNG shall, at an election annual general meeting, elect a Selection Committee comprising of three persons and the Director of Coaching, ex-officio.
- (2) An athletic association shall submit, in writing, its nomination for the membership to the Selection Committee to the Secretary at least twenty eight days prior to the date of the annual general meeting.
- (3) The Selection Committee shall be responsible for recommending to the Executive, the selection of athletic teams to participate in the Pacific Games; the Pacific Mini Games; the Oceania Championships and the Commonwealth Games.
- (4) The Executive Committee may, at its discretion, delegate to the Selection Committee the responsibility for recommending athletes to represent PNG at any other athletic event, championship or tournament in Papua New Guinea and overseas.
- (5) The members of the Selection Committee shall hold office for a four year term and are eligible for re-election.

28. DIRECTOR OF COACHING.

- (1) The office of the Director of Coaching for APNG is established.
- (2) APNG shall, at an annual general meeting, appoint a Director of Coaching.
- (3) An athletic association shall, submit, in writing, its nominee and his qualifications for the post of Director of Coaching to the Secretary within twenty eight days of holding the annual general meeting of APNG.
- (4) Subject to Sub-section (5), the Director of Coaching, shall hold office for two years until the next annual general meeting of APNG at which elections are held.
- (5) Where APNG employs a person as a Director of Coaching on such terms and conditions, as determined by the Executive from time to time -
 - (a) his term of office shall be determined by the terms and conditions of his employment; and
 - (b) his terms and conditions of employment shall be submitted by the Executive to APNG for ratification at an annual general meeting of APNG.

29. PAPUA NEW GUINEA OLYMPIC COMMITTEE DELEGATES.

- (1) APNG shall, at an annual general meeting, appoint two persons from member associations as delegates of APNG to the Papua New Guinea Olympic Committee.
- (2) A Member association shall, submit, in writing, its nominee for the post of a delegation of APNG to the Papua New Guinea Olympic Committee, to the Secretary within twenty eight days of holding the annual general meeting of APNG.
- (3) The delegates of APNG to the Papua New Guinea Olympic Committee, shall hold office for two years until the next annual general meeting at which elections are held.

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30. TEAM OFFICIALS.

- (1) The Executive shall appoint team officials of Papua New Guinea representative teams from time to time to accompany any representative team to athletic, events, competitions or tournaments.
- (2) The Executive, may call for nominations for team officials of Papua New Guinea representative team from time to time.
- (3) A member may -
 - (a) submit, in writing, its nomination for the post of a team official to the Secretary before the date specified by the executive as the closing date for nominations; and
 - (b) submit a letter of endorsement of its nominee by stating his/her qualifications and other particulars as may be prescribed by the Executive.
- (4) Subject to Sub-section (3), where the Executive is of the opinion that none of the nominees for the post of a team official possess the necessary qualifications or experience required of the particular post, or where the Executive believes that there are other valid reasons for not making an appointment from the applications received, then the Executive may -
 - (a) call for further nominations of the post of team officials; or
 - (b) appoint a person it sees fit to carry out the duties of the team official.
- (5) The Executive shall determine the number of team officials to accompany a representative team from time to time.
- (6) The team officials shall hold office for a period as determined by the Executive.
- (7) Notwithstanding this Section, the Executive shall have the discretion to appoint any person it sees fit as a team official, whether that person applied for the position or not.

31. CONGRESS, SEMINARS AND COURSE DELEGATES.

The Executive shall appoint suitably qualified persons from within the Executive or from the athletic associations as delegates to represent APNG in a Congress, Seminar or Course for the benefit of the sport of athletics in Papua New Guinea conducted by IAAF or OAA within Papua New Guinea or overseas.

32. IAAF AND OAA POSITIONS.

- (1) The Executive, may approve a nomination by a member association of a person as a candidate for election to a position with the IAAF or OAA that may arise from time to time.
- (2) Notwithstanding Sub-section (1), the Executive may nominate a suitably qualified person as a candidate for election to a position within the IAAF or OAA that may arise from time to time.
- (3) A person under this Section shall hold office in accordance with the terms of his appointment as determined by the IAAF and OAA.

33. ONE NOMINEE ONLY.

A Member association is only entitled to make one nomination for a post under this Part.

PART VII – MEETINGS.

34. MEETINGS.

(1) APNG may hold -

- a. an annual general meeting; and
- b. a special general meeting; and
- c. an Executive meeting,

in accordance with this Constitution.

(2) In an annual general meeting -

(a) the following persons shall attend -

- (i) the members of the Executive appointed under Part IV; and
 - (ii) a maximum of three delegates from each of the member athletic associations; and
- (b) if a delegate of a Member association is unable to attend the meeting, the athletic association shall notify, in writing, the Secretary of the name of the alternate delegate two hours before the holding of meeting.

(3) In an Executive meeting -

- (a) only the members of the Executive appointed under Part IV shall attend; and
- (b) if a delegate of an athletic association is unable to attend a meeting, the relevant athletic association shall notify, in writing, the Secretary of the name of the alternate delegate two hours before the holding of the meeting.

(4.) An observer to a meeting of APNG or Executive may attend a meeting but shall not have voting rights and may express his opinion and address the meeting or a matter only with the express permission of the Chairman.

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- (5.) An alternate delegate of a delegate of an athletic association has the same rights as a delegate.
- (6.) A special general meeting of APNG -
 - (a) may be held -
 - (i) during any National Championships provided that a majority of the members are in attendance; or
 - (ii) within a month when a notice, in writing, of a Special General Meeting is given to APNG, by two-thirds of the members; and
 - (c) shall be attended by -
 - (i) the persons under Sub-section (2) (a)(i) (ii); and
 - (ii) a representative from each of the athletic associations in favour of the notice of the meeting under Paragraph (a) (ii)

35. NOTICE OF MEETINGS.

- (1) Subject to Sub-section (4), the Secretary shall give to all the members of the Executive, a notice of a meeting of the Executive, by post, at least twenty eight days prior to holding the meeting.
- (2) The Secretary shall give to all the members a notice of a special general meeting or an annual general meeting of APNG, by post, at least twenty eight days prior to holding the meeting.
- (3) A notice of a meeting under this Section shall state the venue and the time of the meeting.
- (4) The requirements under Sub-section (1) may be waived, if all the members of the Executive agree that is necessary to do so.

36. CALLING OF MEETINGS

- (1) The Executive shall meet as often as the business of the Executive requires at such times and place as the Executive determines or as the President determines, but in any event shall meet not less than twice in every year.
- (2) APNG shall meet as often as the business of APNG requires at such time and place as the President determines, but in any event shall meet once in every year.

37. MINUTES AND PROCEEDINGS

- (1) The Executive and APNG shall cause minutes of their meetings to be recorded and kept by the Secretary.
- (2) Subject to this Constitution, the proceedings of the Executive and APNG are as determined by the Executive.

38. QUORUM

- (1) At a meeting of the Executive, five members of the Executive form a quorum.
- (2) At a meeting of APNG, one quarter of the total number of the members form a quorum.

39. REPORT

The Executive shall, at an annual general meeting of APNG at the end of each every year, furnish to the members a report on the progress and performance of APNG in relation to the pursuance and achievement of its objectives, for the current year.

40. PRESIDING IN MEETINGS.

At a meeting of APNG or the Executive –

- (a) the President shall preside; or
- (b) in the absence of the President, the Vice President shall preside; or
- (c) in the absence of the Vice President, the members present shall appoint a member to preside for that meeting from amongst their number.

41. VOTING

- (1) At a meeting of APNG or the Executive -
 - (a) matters arising shall be decided by a majority of votes of the members present and voting; and
 - (b) the person presiding has a deliberative vote, and in the event of an equality of vote on any matter, also has a casting vote.
- (2) Voting for positions which APNG or the Executive calls nomination for, shall be conducted by the exhaustive ballot system.
- (3) A Member association shall have only one vote at the annual general meeting of APNG on any matter considered by APNG.
- (4) Where a Member of APNG or the Executive is unable to attend a meeting, that member may vote by proxy provided that he informs the Secretary twenty four hours prior to the holding of meeting of the name of the proxy.

PART VIII – DISCIPLINARY PROVISIONS.

42. APPOINTMENT OF JUDICIARY COMMITTEE.

- (1) The Executive shall at any time appoint a Judiciary Committee, which shall consist of -
 - (a) the President or his nominee; and
 - (b) two members of the Executive, as determined by the Executive.
- (2) The members of the Judiciary Committee shall hold office for one year until the next annual general meeting.

43. FUNCTION OF JUDICIARY COMMITTEE

- (1) The functions of the Judiciary Committee are -
 - (a) to investigate all breaches of the Constitution, rule or by-laws of APNG referred to it by APNG through the Secretary; and
 - (b) to determine whether the alleged breached may be dealt with by the evidence produced in writing, or whether through a hearing; and
 - (c) to consider the alleged breach and advise APNG of its decision and its reason for making such a decision.
- (2) In carrying out its functions under Sub-section (1), the Judiciary Committee shall -
 - (a) ensure that the relevant matters relating to the breach are brought before it, which shall include --
 - (i) the relevant provisions of the Constitution relating to the alleged breach; and
 - (ii) facts relating to the alleged breach; and
 - (iii) other relevant facts or details of the case; and

- (b) consider and act in an impartial manner by taking into account the principle of natural justice; and
- (c) make a decision in good faith, based on the evidence before the Committee with a view to serving the interest of athletics; and
- (d) hear and make a decision based upon the conclusion of the submission of the parties.

44. COMMENCEMENT OF PROCEEDING.

- (1) If APNG is of the opinion, based on a complaint laid by a member or an official of APNG, that a member of APNG, Executive or an athletic association has breached this Constitution, the Secretary may refer the matter to the Judiciary Committee.
- (2) The Secretary shall, in writing, submit all the relevant facts relating to the breach to the Judiciary Committee.
- (3) The Judiciary Committee shall, upon receipt of the documents under Sub-section (2), notify the Secretary that the alleged breach may be dealt with through the evidence produced in writing or through a hearing.

45. CONSIDERATION OF MATTER.

- (1) If the alleged breach is to be dealt with through the evidence produced in writing -
 - (a) the Secretary shall obtain and place before the Committee a Statutory Declaration from the person alleging the breach of the Constitution, stating -
 - (i) the relevant provisions of the Constitution relating to the alleged breach; and
 - (ii) the facts relating to the alleged breach; and
 - (iii) other relevant facts or details of the case; and

- (b) the Secretary shall –
 - (i) furnish a copy of the allegation to the person or athletic association against whom the allegation is made against; and
 - (ii) direct that person to reply to the allegation within twenty one days of receiving a notice of the allegations; and
 - (c) if the Judiciary Committee is of the opinion that a declaration under Paragraph (a) does not establish a prima facie case against the person or an athletic association alleged to have committed the breach, it shall dismiss the allegations and then advise APNG accordingly; and
 - (d) the Judiciary Committee after consideration of all evidence before it, may require further evidence if it is necessary to do so, before a decision is made; and
 - (e) if the Judiciary Committee after consideration of evidence before it, is of the opinion that a breach of the Constitution has been committed, it may –
 - (i) advise APNG of its decision and the reasons for the decision; and
 - (ii) recommend an appropriate penalty to be imposed by APNG under Section 46.
- (2) If the alleged breach is to be dealt with through a hearing, the Secretary shall -
- (a) summon the Judiciary Committee to appoint a date for the hearing and shall forward to the person or athletic association against whom the allegation is made, a copy of the allegation and a notice of the hearing within a reasonable time; and

- (b) summon any other person required by the Judiciary Committee to give evidence at the hearing; and
 - (c) inform the person or athletic association that it has the right to be represented at the hearing by another member of his athletic association or by any person of his own choice.
- (3) If the Judiciary Committee, after hearing under Sub-section (2) all the evidence before it, is of the opinion that the evidence does not establish a prima facie case against the person or an athletic association alleged to have committed the breach, it shall dismiss the allegation and then advise APNG accordingly.
- (4) If the Judiciary Committee, after hearing of all the evidence before it under Sub-section (2) is of the opinion that a breach of this Constitution has been committed, it may -
- (a) advise APNG of its decision and the reasons for that decision; and
 - (b) recommend an appropriate penalty to be imposed by APNG.
- (5) APNG shall -
- (a) consider and make a decision on a decision of the Judiciary Committee under this Section; and
 - (b) forward its decision to the Executive for its implementation.
- (6) The Secretary, after APNG has made a decision in accordance with Sub-sections (1) (c) and (e) and (3) and (4) and having the decision forwarded to the Executive, shall, in writing -
- (i) advise the person or an athletic association of the decision and reasons of APNG; and
 - (ii) the penalty imposed by APNG under Section 46.

- (1) A person or an athletic association who contravenes this Constitution is liable to be penalised under this Section.
- (2) Subject to Section 15(4), APNG may -
 - (a) impose a fine not exceeding K1000.00; or
 - (b) suspend a person or an athletic association from APNG for a period to be determined by the Executive.
- (3) Notwithstanding Section 41(1) (a), a penalty under Sub-section (2) may be imposed if agreed to by a two-thirds majority vote of the members present and voting.

47. APPEALS

- (1) The Appeal Committee shall comprise of -
 - (a) the President; and
 - (b) Vice President; and
 - (c) Secretary; and
 - (d) Other persons drawn from the Executive.
- (2) The Appeal Committee shall hold office for one year until the next annual general meeting of APNG.
- (3) The Appeal Committee shall have the power to hear appeals against the decision of APNG.
- (4) A person or an Athletic Association who is aggrieved by a decision of APNG may make an appeal to the Appeal Committee within one month of receiving the decision of APNG under Section 45 (6)

- (5) An appeal shall -
 - (a) be made in assigned notice of appeal addressed to the Secretary; and
 - (b) be accompanied by a fee of twenty kina, which is refundable upon the successful hearing of an appeal.
- (6) The Appeal Committee may, after considering and hearing all evidence before it -
 - (a) allow the appeal; or
 - (b) dismiss the appeal; or
 - (c) refer the matter back to the Judiciary Committee to re-consider it.

PART IX – FINANCES

48. MONIES OF APNG

- (1) The monies of APNG shall comprise of -
 - (a) contributions of affiliation fees from the members; and
 - (b) monies received from fund raising activities; and
 - (c) sponsorships and donations from other organisations and individuals.
- (2) The Treasurer shall maintain an account in the name of Athletics Papua New Guinea and deposit the monies of APNG in a prescribed bank as determined by the Executive.
- (3) The Treasurer, on a recommendation of the Executive, may invest a proportion of the money of APNG in any security or guarantee provided by a bank.

- (4) Monies drawn on an account of APNG shall be signed by a member of the Executive, as determined by the Executive from time to time.
- (5) In this Section, "an account" includes a passbook account, a cheque account, or any other account where monies of APNG are deposited or withdrawn.
- (6) The Treasurer shall maintain the books and accounts of APNG by ensuring that all relevant details of the account are properly kept.
- (7) The books and accounts of APNG -
 - (a) shall be subject to an audit by an independent auditor once a year; and
 - (b) shall contain details of all relevant expenditure and receipt of APNG monies.

49. EXPENDITURE

- (1) APNG shall expend its monies in a manner as determined by the Executive from time to time.
- (2) Notwithstanding Sub-section (1), APNG may expend its monies to -
 - (a) foster its objectives; and
 - (b) carry out its programs and other activities for the benefit of the members and the sport of athletics.
- (3) The Treasurer shall keep proper records of any expenditure or transaction under this Section.

PART X – MISCELLANEOUS

50. PATRON OF APNG

- (1) APNG, at an annual general meeting of APNG, may nominate a person to be the Patron of APNG.
- (2) APNG may nominate a Patron who shall -
 - (a) be a person of high integrity; and
 - (b) be of good social standing; and
 - (c) be sports orientated.
- (3) APNG, upon the acceptance of the nomination by a person to be the Patron of APNG, shall appoint that person to be the Patron.
- (4) The Patron shall hold office for one year and is eligible for re-appointment as the Patron.

51. LIFE MEMBERSHIP AND MERIT AWARD.

- (1) APNG may confer the life membership of APNG to any person who has rendered distinguished service and contribution as the officer of APNG or an athletic association.
- (2) A life member of APNG may attend any APNG meeting but not have any voting rights unless he occupies a position as an elected official of APNG.
- (3) APNG may confer a merit award on any person who has rendered distinguished service and contribution as an officer of APNG or Athletic Association.
- (4) A merit award under Sub-section (3) shall consist of -
 - (a) a medallion of a design approved by APNG and inscribed with name of the recipient; and
 - (b) a certificate of merit.

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- (5) A nomination for a life membership or merit award shall -
- (a) be made in writing by an athletic association or officers of APNG, accompanied by a resume stating the qualification of the nominee; and
 - (b) be submitted to the Secretary no later than twenty eight days prior to the date of the annual general meeting; and
 - (c) be sent in copies, by the Secretary no later than fourteen days before the annual general meeting, to all athletic associations.

52. RULES AND BY-LAWS

- (1) APNG may from time to time make rules and by-laws to implement this Constitution.
- (2) The Rules and by-laws are not effective until they are approved by APNG at an annual general meeting.

53. CONSTITUTION OF ATHLETIC ASSOCIATION

- (1) An athletic association, prior to becoming a member, shall adopt a Constitution.
- (2) An athletic association shall submit -
 - (a) its Constitution; and
 - (b) an amendment to the Constitution;
 - (c) a Rule or By-law made under that Constitution,

to the Executive within twenty one days of adopting such a law.

- (3) The Executive, may approve a law under Sub-section (2, if it is of the opinion that it does not contravene this Constitution and the Rules and By-laws of the IAAF and OAA.
- (4) A law made under this Section if of no effect until it is approved by the Executive.

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54. POWER TO REMOVE

Unless the contrary intention appears, where this Constitution confers a power on a body to make an appointment under Part VI, the power includes the power to remove or suspend a person so appointed, and to appoint another person temporarily in the place of the person so removed or suspended.

55. DOPING CONTROL

- (1) APNG shall, from time to time, conduct out-of-competition dope tests in respect of prohibited substances listed in the Rules of the IAAF on an athlete who has participated or is to participate in an athletic event, competition, tournament or championship sanctioned by APNG held in Papua New Guinea.
- (2) APNG shall, at the end of every year, submit a report on the out-of-competition dope tests conducted during the year under Sub-section (1) to the IAAF by post.
- (3) Notwithstanding Sub-section (1), the IAAF, in co-operation with APNG, may conduct out-of-competition dope tests in respect of prohibited substances listed in the Rules of the IAAF on an athlete who has participated or is to participate in national championship or any other event held in Papua New Guinea or overseas.
- (4) The out-of-competition dope tests under this Section shall be conducted in accordance with the procedural guidelines as specified in the Rules of the IAAF.
- (5) Notwithstanding this Constitution, the other rules under the Rules of the IAAF in respect of -
 - (a) out-of-competition dope testing; and
 - (b) doping control; and
 - (c) disciplinary procedures for doping offences; and
 - (d) other matters incidental to the matters specified under (a), (b) or (c),shall apply to this Constitution.

56. ATHLETES REPRESENTATIVES

- (1) subject to Sub-section (2), APNG shall not -
 - (a) grant its consent to an athlete to use an athletes representative to assist the athlete, in co-operation with APNG, in the planning, arranging and negotiation of the athletes athletics programme; and
 - (b) authorise an athletes representative to act for an on behalf of the athlete in all matters effecting the athlete.
- (2) APNG may grant its consent and authorise an athletes representative under Sub-section (1), if the athlete can show, in writing to the satisfaction of APNG, that a contract exists between the athlete and his representative which contains the minimum terms set out in the IAAF Regulations concerning Federation/Athletics Representative, for the representative to act for and on behalf of the athlete.
- (3) Notwithstanding this Constitution, the other rules under the Rules of the IAAF in respect of the athletes' representative shall apply to this Constitution.

57. TRANSITIONAL PROVISIONS

- (1) A person who, immediately before the coming into operation of this Constitution, held an office in APNG under the repealed Constitution, shall on the coming into operation of this Constitution, be deemed to hold the equivalent office in APNG.
- (2) All assets and liabilities, immediately before the coming into operation of this Constitution, which were owned by or vested in APNG under the repealed Constitution, shall on the coming into operation of this Constitution, continue to be assets and liabilities of APNG.
- (3) Any agreement or contract entered into or made with or addressed to APNG under the repealed Constitution immediately before the coming into operation of this Constitution, to the extent that they were binding on or of full and of full force and effect against or in favour of APNG, on the coming into operation of this Constitution.
- (4) A Constitution of an athletic association approved by the Executive under the provisions of the repealed Constitution, immediately before the coming into operation of this Constitution, shall continue to operate, on the coming into operation of this Constitution.
- (5) An athletic association which was a member of APNG, immediately before the coming into operation of this Constitution, shall continue to be a member of APNG, on the coming into operation of this Constitution.