

CONSTITUTION
of the
WODONGA
HOCKEY CLUB INC.



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THE CONSTITUTION

GOVERNANCE OF THE WODONGA HOCKEY CLUB INC.

Note

The persons who from time to time are members of the Club are an incorporated association by the name given in rule 1 of this Constitution.

Under section 46 of the **Associations Incorporation Reform Act 2012**, this Constitution is taken to constitute the terms of a contract between the Club and its members.

PART 1—PRELIMINARY

1 Name

- (1) The name of the incorporated association is "Wodonga Hockey Club Incorporated".
- (2) Incorporation Registration number A13958T, incorporated 28th July 1987, ABN 66 061 460 248. Website: www.wodongahockey.com.au
- (3) Border Indoor Hockey Incorporated, established in 2016, operates under the auspice of Wodonga Hockey Club.

Note

Under section 23 of the Act, the name of the club and its registration number must appear on all its business documents.

2 Statement of purpose

The purposes of the Wodonga Hockey Club Inc. are—

- (1) To promote, develop and increase participation in, and enjoyment of the sport of hockey in Wodonga and the surrounding communities.
- (2) To grow the Wodonga Hockey Club Inc. by providing—
 - (a) a safe, welcoming and inclusive environment where all people are valued, and members are encouraged and supported to fulfil their potential;
 - (b) a structure of management committed to meeting members needs and expectations.

3 Financial year

The financial year of the Club is each period of twelve (12) months ending on the 31st of October.

4 Definitions

In this Constitution—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

annual general meeting (AGM) means a meeting of the members convened in accordance with Rule 30;

associate member means a member referred to in rules 8 and 14(1);

BIH means Border Indoor Hockey;

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

Committee means the Committee of elected members having management of the Club;

committee meeting means a meeting of the Committee held in accordance with this Constitution;

committee member means a member of the Committee elected or appointed under Part 5, Division 3;

disciplinary meeting means a meeting of the disciplinary subcommittee convened for the purposes of rule 22 and rule 24;

disciplinary subcommittee means the subcommittee appointed under rule 20;

Executive Officer means a member elected or appointed to the position of President, Vice-President, Secretary or Treasurer under Part 5, Division 3;

financial year means the twelve (12) month period specified in rule 3;

general meeting means a general meeting of the members of the Club convened in accordance with Part 4 and includes an annual general meeting and a special general meeting;

honorary member means a member referred to in rules 8 and 14 (1);

member means a member of the Club;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

round four means the fourth week of the Winter Competition, as set by the Association;

special resolution means a resolution that requires not less than three quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Association means the Association the Club is affiliated with;

the By-Laws means the set of rules approved in accordance with this Constitution;

the Club means the Wodonga Hockey Club Incorporated (Inc);

the Club's Code of Conduct means the statement of expected behaviour of all members and supporters of the Wodonga Hockey Club Incorporated, as found in the By-Laws of the Wodonga Hockey Club Incorporated;

the Constitution means the terms of a contract between the Club and its members;

the Policies and Procedures means the set of guidelines approved in accordance with this Constitution;

the Registrar means the Registrar of Incorporated Associations.

PART 2—POWERS OF THE CLUB

5 Powers of the Club

- (1) Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Club may—
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise money on any terms and in any manner as it thinks fit;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract, hold any licence and any insurance it considers necessary or desirable;
 - (h) borrow money, expend capital outside of normal budgeted operating expenses or enter into any extraordinary financial obligations only with the prior approval of members at a general meeting of the Club.
- (3) The Club may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Club must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Club from paying a member—
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member—
if this is done in good faith on terms no more favourable than if the member was not a member.

NOTE

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Club must have at least five (5) members.

8 Classes of membership

- (1) Members—
 - (a) Senior members eighteen (18) years and over—
this includes players, non-players, umpires, officials and social members; and

- (b) Life members.
- (2) Associate members—
 - (a) Junior members under the age of eighteen (18);
 - (b) Legend members; and
 - (c) Parents / guardians of junior members who are not holding any other class of membership.
- (3) Honorary members—
 - (a) Any persons formally associated with the Club as deemed by the Committee and who are not holding any other class of membership—

This includes sponsors, visiting dignitaries, guests and spectators and visiting players, officials and umpires of other registered clubs or hockey associations.
 - (b) Such visiting members shall be members of the Club for the day of the competition / events only.

9 Application for membership

- (1) To apply to become a member of the Club, a person must submit a written application on the form prescribed, or otherwise approved by the Committee. Refer to Appendix 1. The application must be lodged with the Secretary of the Club, or the delegated Committee member, in the manner determined by the Committee, stating that the person—
 - (a) wishes to become a member of the Club; and
 - (b) supports the purposes of the Club; and
 - (c) agrees to comply with this Constitution, the Club's By-Laws, and the Policies and Procedures; and
 - (d) complies with the Constitution and the By-Laws of the Association.
- (2) The application—
 - (a) must be signed by the applicant; and
 - (b) may be accompanied by all or part of the annual subscription determined by the Club under rule 12 (2).
- (3) An application for membership made on the prescribed or approved form and in the manner determined shall be referred by the Secretary to the Committee as soon as practicable.

10 Consideration of application

- (1) As soon as practicable after an application for membership is received from a new member, the Committee must decide by resolution whether to accept or reject the application.
- (2) If an application is rejected the Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

11 New membership and renewal of membership

- (1) If an application for membership is approved by the Committee—

- (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
 - (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Club and, subject to rule 13(2), is entitled to exercise the rights of membership from the date, whichever is the later, on which—
- (a) the Committee approves the person's membership; or
 - (b) the person pays the prescribed subscription in accordance with rule 12.
- (3) Members must re-apply for membership of the Club annually in accordance with the process determined by the Committee unless the Committee otherwise determines in relation to an individual member or class of members.
- Upon re-application a member must provide details of any change to personal details, and any other information reasonably requested by the Committee.

12 Annual subscription and fee on joining

- (1) There is no joining fee.
- (2) The annual subscription is the relevant amount stated in the fees schedule as set annually by the Treasurer and ratified by the Committee.
- (3) New or renewing members joining after round 4, will pay a percentage of their due fee, as resolved by the Committee.
- (4) Members who have not paid Club fees in accordance with this rule will have no voting rights, no Club entitlements and are not eligible to play.

13 General rights of members

- (1) A member of the Club who is entitled to vote has the right—
 - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at a general meeting; and
 - (e) to have access to the minutes of general meetings and other documents of the Club as provided under rule 75, and
 - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
 - (a) the member is a member other than an associate or honorary member; and
 - (b) more than ten (10) business days have passed since becoming a member of the Club; and
 - (c) the member's membership rights are not suspended for any reason. Refer to rule 22.

14 General rights of associate and honorary members

- (1) An associate or honorary member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.
- (2) Junior members are entitled to be elected to Committee under rule 44(2)b.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion, or death.
- (2) If a person ceases to be a member of the Club, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Club.

NOTE

Rule 74(3) sets out how notice may be given to the club. It includes by post or by handing the notice to a member of the Committee.

- (2) A member is taken to have resigned if—
 - (a) the member's annual subscription is more than twelve (12) months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Secretary has made a written request to the member to confirm the wish to remain a member; and
 - (ii) the member has not, within three (3) months after receiving that request, confirmed in writing the wish to remain a member.

18 Register of members

- (1) The Secretary must keep and maintain a register of members that includes—
 - (a) for each current member—
 - (i) the member's name;
 - (ii) the member's date of birth;
 - (iii) the address for notice last given by the member;
 - (iv) the date of becoming a member;
 - (v) if the member is an associate member, a note to that effect;
 - (vi) any other information determined by the Committee; and
 - (b) for each former member, the date of ceasing to be a member, as required by rule 16(2).
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members subject to conditions outlined in rule 75.
- (3) Any member granted an inspection of the register of members is not permitted to obtain a copy of the register of members except for such information necessary in order to contact members under rule 32(3).
- (4) Any request to inspect the register of members must be recorded in the minutes of the next committee meeting.
- (5) The information on the register or collected at the time of registration will only be used for Club or Association purposes. The information will not be sold or passed to a third party for any purpose including as a bulk mail database.

NOTE

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

19 Grounds for taking disciplinary action

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

- (1) has failed to comply with this Constitution, the Club By-Laws, or the Club Policies and Procedures; or
- (2) refuses to support the purposes of the Club; or
- (3) has engaged in conduct prejudicial to the Club.

20 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The decision of the disciplinary subcommittee under rule 22 must be referred to Committee.
- (3) The members of the disciplinary subcommittee—
 - (a) may be Committee members, members of the Club or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

21 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) stating that the Club proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place, and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the ***disciplinary meeting***); and
 - (d) advising the member of the option to do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than twenty-eight (28) days, and no later than fourteen (14) days, before the disciplinary meeting is held.

22 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—

- (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may recommend to the Committee that—
- (a) no further action be taken against the member; or
 - (b) subject to subrule (3) that—
 - (i) the member be reprimanded; or
 - (ii) membership rights of the member be suspended for a specified period; or
 - (iii) the member be expelled from the Club.
- (3) The member may not be fined.
- (4) As soon as practical after the recommendation has been made, the disciplinary subcommittee must inform the Committee of the decision made and the Secretary must notify the member, in writing, of the decision within twenty-four (24) hours.
- (5) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the member is informed.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Club under rule 22 may give notice of the intention to appeal against the suspension or expulsion.
- Such an appeal can only proceed if—
- (a) there is credible new evidence; or
 - (b) a miscarriage of justice has thought to have occurred.
- (2) Any application for appeal must be lodged, to the Secretary, in writing, not later than forty-eight (48) hours after notice of a suspension or expulsion has been given. The appeal notice must expressly set out the new evidence or the reasoning why a miscarriage of justice has taken place.

24 Conduct of disciplinary appeal meeting

- (1) The disciplinary subcommittee must reconvene within seven (7) days to consider any new evidence put before it under rule 23 (1). In the absence of any such evidence the original decision shall stand.
- (2) If an appeal is made based on of a miscarriage of justice as per rule 23 (1) the disciplinary subcommittee and 3 (three) further persons appointed according to rule 20 (3) must meet within seven (7) days to consider the matter.
- (3) After considering the appeal the disciplinary subcommittee must inform the Committee of the outcome and the Secretary must inform the member, in writing, within twenty-four (24) hours.

Division 3—Grievance procedure

25 Application

- (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 Committee;
 - (c) a member and the Club.
- (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.

26 Parties must attempt to resolve the dispute

- (1) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.
- (2) Where a Member Protection Information Officer (MPIO) has been appointed, parties to the dispute have the option to approach the MPIO for guidance.

27 Appointment of mediator

- (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 ten (10) days—
- (a) notify the Committee 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.
- (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 Committee; or
 - (ii) if the dispute is between a member and the Committee or the Club—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Club 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.

28 Mediation process

- (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.
- (2) The mediator must not determine the dispute.
- (3) Within seven (7) days of the conclusion of the mediation the mediator shall submit a written report to Committee stating—
- (a) the reason for mediation;
 - (b) the persons involved; and
 - (c) the outcome.

29 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.

PART 4—GENERAL MEETINGS OF THE CLUB

30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Club to be held within two (2) months after the end of each financial year.
- (2) The Committee may determine the date, time, and place of the annual general meeting.
- (3) The ordinary business of the annual general meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then; and
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Club during the preceding financial year; and
 - (ii) the financial statements of the Club for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act; and
 - (iii) the indicative budget for normal operations in the ensuing financial year including the estimated fees schedule; and
 - (iv) any known extraordinary financial matter [see rule 5(2)(h)] requiring member approval, as presented in accordance with rule 30(4) and voted on in accordance with rule 39; and
 - (c) to elect the members of the Committee.
- (4) The annual general meeting may also conduct any other business of which notice has been given in accordance with this Constitution.

31 Special general meetings

- (1) Any general meeting of the Club, other than an annual general meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks necessary.
- (3) A member, intending to bring any business before a meeting may notify the Secretary, in writing, of that business. The Secretary must include that business in the notice calling for the next general meeting.
- (4) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

NOTE

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of committee members at the meeting agree.

32 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least twenty percent (20%) of the total number of members entitled to vote.

- (2) A request for a special general meeting must—
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be sent to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
 - (a) must be held within three (3) months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.

33 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Club—
 - (a) at least twenty-one (21) days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least fourteen (14) days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) specify the date, time, and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
 - (iii) comply with rule 34(5).

34 Proxies

- (1) A member may appoint another member as proxy to vote and speak on their behalf at a general meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote. In the absence of specific direction, the proxy may vote independently.
- (4) The member may use the form Appendix 2, 'Appointment of Proxy', or any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 must—
 - (a) state that the member may appoint another member as a proxy for the meeting; and
 - (b) include a copy of the form Appendix 2, 'Appointment of Proxy', approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.

- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club no later than twenty-four (24) hours before the commencement of the meeting.

35 Use of technology

- (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.
- (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.

36 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of ten percent (10%) of the members entitled to vote.
- (3) If a quorum is not present within thirty (30) minutes after the notified commencement time of a general meeting—
 - (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved.

NOTE

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

- (b) in any other case—
 - (i) the meeting must be adjourned to a date not more than twenty-one (21) days after the adjournment, and
 - (ii) notice of the date, time, and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within thirty (30) minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting, if not fewer than three (3), may proceed with the business of the meeting as if a quorum were present.

37 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
 - (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.

EXAMPLE

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for fourteen (14) days or more, in which case notice of the meeting must be given in accordance with rule 33.

38 Voting at general meeting

- (1) On any question arising at a general meeting—
 - (a) subject to subrule (3), each member who is entitled to vote, in accordance with rule 13(2), has one (1) vote; and
 - (b) members may vote personally or by proxy; and
 - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

39 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

NOTE

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from Office;
- (b) to alter these Rules, including changing the name or any of the purposes of the Club.

40 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost — and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three (3) or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

41 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
 - (c) the financial statements submitted to the members in accordance with rule 30(3)(b)(ii); and
 - (d) the certificate signed by two (2) Executive Officers certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and
 - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

42 Role and powers

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

43 Delegation

- (1) The Committee may delegate to a member of the Committee, a sub-committee or staff, any of its powers and functions other than—
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of committee and duties of members

44 Composition of committee

- (1) Executive Officers
 - (a) The Executive consists of—

- (i) a President; and
 - (ii) a Vice-President; and
 - (iii) a Secretary; and
 - (iv) a Treasurer.
- (b) Excluding the Vice-President, to be an Executive Officer of the Club a member must have served a minimum of one (1) year on the Committee.
- (2) Ordinary members
- (a) a minimum of two (2) ordinary members and up to eight (8) ordinary members may be elected under rule 53; and
 - (b) In addition, two (2) junior members may be elected to or invited to join the committee with input into discussions but with no voting rights and being ineligible to be included in the number of members required for a quorum.

45 General duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with this Constitution, the Act, the By-laws and the Policies and Procedures of the Club.
- (2) The Committee is collectively responsible for ensuring that the Club complies with the Act and that individual members of the Committee comply with this Constitution and the Act, and the By-laws, and the Policies and Procedures of the Club.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Club, and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—
 - so as to gain an advantage for themselves or any other person or to cause detriment to the Club.

NOTE

See also Division 3 (Duties of Officers) of Part 6 (Management) of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by this Constitution, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

46 President and Vice-President

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, and are unable to preside, the Chairperson of the meeting must be—
 - (a) in the case of a general meeting — a member elected by the other members present; or
 - (b) in the case of a committee meeting — a committee member elected by the other committee members present.

47 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

EXAMPLE

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the Club with the Registrar.

- (2) The Secretary must—
 - (a) maintain the register of members in accordance with rule 18; and
 - (b) keep custody of the common seal (if any) of the Club and, except for the financial records referred to in rule 70 (3), all books, documents, and securities of the Club in accordance with rules 72 and 75; and
 - (c) subject to the Act and this Constitution, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) perform any other duty or function imposed on the Secretary by this Constitution.
- (3) Within fourteen (14) days of appointment to the position, the Secretary must notify the Registrar of the appointment.

48 Treasurer

- (1) The Treasurer must—
 - (a) receive all monies paid to or received by the Club and issue receipts for those monies in the name of the Club; and
 - (b) ensure that all monies received are paid into the account of the Club within five (5) working days after receipt; and
 - (c) make any payments authorised by the Committee or by a general meeting of the Club from the Club's funds; and
 - (d) ensure withdrawals are signed by at least two (2) Executive Officers.
- (2) The Treasurer must—
 - (a) ensure that the financial records of the Club are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Club and their certification by the Committee prior to their submission to the annual general meeting of the Club; and
 - (c) prepare and submit to the annual general meeting, an indicative budget for normal operations of the Club for the ensuing financial year as per rule 30(3)(b)(iii). Such budget should be based on past actual income and expenditure, with some margin for minor variations in income and costs.
- (3) The Treasurer must ensure that at least one (1) other Executive Officer has access to the accounts and financial records of the Club.

Division 3—Election of Committee members and tenure of office

49 Who is eligible to be a Committee member—

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is eighteen (18) years or over; and
- (b) is entitled to vote at a general meeting; and
- (c) is eligible under rule 44; and
- (d) is financial in accordance with rule 12.

50 Positions to be declared vacant

At the annual general meeting of the Club, and after the annual report and financial statements of the Club have been received, the Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

51 Nominations

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position. Such nominations will be accepted prior to, or at the meeting.
- (2) An eligible member of the Club, in accordance with rule 44, may—
 - (a) self-nominate; or
 - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

52 Election of Executive Officers

- (1) At the annual general meeting, separate elections must be held for each of the following positions—
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Treasurer.
- (2) If only one (1) member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one (1) member is nominated, a ballot must be held in accordance with rule 54.
- (4) Upon election, the new President may take over as Chairperson of the meeting.

53 Election of ordinary members

- (1) A single election may be held to fill the positions of ordinary members, in accordance with rule 44(2).
- (2) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (3) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.

- (3) Before the ballot is taken, each candidate may make a short speech in support of the election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
 - (a) each member present in person; and
 - (b) each proxy appointed by a member.

EXAMPLE

If a member has been appointed the proxy of five (5) other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one (1) position—
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote; and
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one (1) vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one (1) position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because two (2) or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

55 Term of office

- (1) Subject to subrule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Club may—
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Club to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.
- (5) The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

56 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member upon—
 - (a) ceasing to be a member of the Club; or
 - (b) failing to attend three (3) consecutive committee meetings without leave of absence under rule 67. The count excludes special or urgent committee meeting; or
 - (c) being found to be in serious breach of this Constitution; or
 - (d) becoming an insolvent-
 - (i) under administration within the meaning of the Corporations Law; or
 - (ii) whilst a member of the Club; or
 - (e) otherwise ceasing to be a committee member by operation of section 78 of the Act.

NOTE

Section 78 of the Act includes but is not limited to—

- (a) matters of insolvency and administration;
- (b) matters of legal proceedings, either personal or professional;
- (c) the matter of a committee member being unable to hold the office of secretary if that member does not reside in Australia.

57 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Club to fill a position on the committee that—
 - (a) has become vacant under rule 56; or
 - (b) was not filled by election at the last annual general meeting.
- (2) If an Executive position becomes vacant rule 44(1) (b) applies.
- (3) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within fourteen (14) days after the vacancy arises.
- (4) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (5) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

58 Meetings of Committee

- (1) The Committee must meet at least eight (8) times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Club at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any five (5) members of the Committee.

59 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than seven (7) days, and the agenda provided at least two (2) working days, before the date of the meeting.
- (2) Notice may be given of more than one (1) committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

60 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

61 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

62 Use of technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member, and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee 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.

63 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) Any five (5) members of the committee, in person or as allowed under rule 62, constitute a quorum for the conduct of the business of a meeting of the committee. Of the five (5) members, two (2) must be Executive Officers of the Club and may not be junior committee members.
- (3) If a quorum is not present within thirty (30) minutes after the notified commencement time of a committee meeting—

- (a) in the case of a special meeting—the meeting lapses;
- (b) in any other case—the meeting must be adjourned to a date no later than fourteen (14) days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

64 Voting

- (1) On any question arising at a committee meeting, each committee member, except junior members, present at the meeting has one (1) vote.
- (2) Questions arising at a meeting of the committee, or an appointed sub-committee, shall be determined by a show of hands or, if a member requests, by poll, in such manner as the Chairperson directs.
- (3) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (4) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (5) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (6) Voting by proxy is not permitted.

65 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.

NOTE

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This Rule does not apply to a material personal interest—
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Club is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Club.

66 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
 - (a) the names of the members in attendance at the meeting; and
 - (b) the business considered at the meeting; and
 - (c) any resolution on which a vote is taken and the result of the vote; and
 - (d) any material personal interest disclosed under rule 65.

67 Leave of absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding three (3) months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

68 Source of funds

The funds of the Club may be derived from annual subscriptions, donations, sponsorships, fund-raising activities, grants, interest and any other sources approved by the Committee.

69 Management of funds

- (1) The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Club, the Committee may approve expenditure on behalf of the Club.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Club (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two (2) Executive Officers.
- (5) All funds of the Club must be deposited into the financial account of the Club no later than five (5) working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

70 Records

- (1) The Club must keep financial records that—
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Club must retain the financial records for seven (7) years after the transactions covered by the records are completed.
- (3) The Treasurer must keep custody, or control of —
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

71 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Club are met.
- (2) Without limiting subrule (1), those requirements include—

- (a) the preparation of the financial statements;
- (b) if required, the review or auditing of the financial statements;
- (c) the certification of the financial statements by the Committee;
- (d) the submission of the financial statements to the annual general meeting of the Club;
- (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

72 Common seal

- (1) The Club may have a common seal.
- (2) If the Club has a common seal—
 - (a) the name of the Club must appear in legible characters on the common seal; and
 - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two (2) committee members; and
 - (c) the common seal must be kept in the custody of the Secretary.

73 Registered address

The registered address of the Club is—

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

74 Notice requirement

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
 - (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by electronic transmission.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Club or the Committee may be given—
 - (a) by handing the notice to a member of the Committee; or
 - (b) by sending the notice by post to the registered address;
 - (c) if the Committee determines that it is appropriate in the circumstances by electronic transmission to the address of the Club.

75 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
 - (a) the register of members; and
 - (b) the minutes of general meetings; and
 - (c) subject to subrule (2), the financial records, books, securities, and any other relevant document of the Club, including minutes of Committee meetings.

NOTE

See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.
- (3) The Committee must on request make copies of these Rules available to members and applicants for membership free of charge.
- (4) Subject to subrule (2), a member may make a copy of any of the other records of the Club referred to in this Rule.
- (5) For purposes of this rule—
relevant documents mean the records and other documents, however compiled, recorded, or stored, that relate to the incorporation and management of the Club and includes the following—
 - (a) its membership records; and
 - (b) its financial statements; and
 - (c) its financial records; and
 - (d) records and documents relating to transactions, dealings, business or property of the Club.

76 Winding up and cancellation

- (1) The Club may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any members or former members of the Club.
- (3) Subject to the Act and any court order made under Section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

77 Alteration of the Rules of the Constitution

The Rules of this Constitution may only be altered by special resolution of a general meeting of the Club.

NOTE

Any alteration does not take effect unless or until it is approved by the Registrar.

78 Club awards

Club awards are detailed in the By-Laws of the Wodonga Hockey Club Inc. Alterations are permitted in accordance with these By-Laws.

79 By-Laws of the Club

- (1) Committee is responsible for formulating the Club's By-Laws—
 - (a) the Committee may formulate, interpret and amend such By-Laws as it thinks necessary or desirable for the proper management and administration of the Club and the advancement of the Club's Statement of Purpose; and
 - (b) the By-Laws must be consistent with this Constitution; and

- (c) the By-Laws may only be altered by special resolution of a general meeting of the Club.
- (2) By-Laws binding—
All By-Laws shall be binding on the Club and its members.

80 The Code of Conduct

The Wodonga Hockey Club Inc. Code of Conduct is included in the By-Laws of the Club.

81 Policies and Procedures of the Club

- (1) Committee is responsible for formulating the Club's Policies and Procedures—
 - (a) the Committee may formulate, interpret and amend such Policies and Procedures as it thinks necessary or desirable for the proper management and administration of the Club and the advancement of the Club's Statement of Purpose; and
 - (b) Such Policies and Procedures, must be consistent with this Constitution and the Club By-Laws; and
 - (c) New or amended Policies and Procedures may be approved at a committee meeting in accordance with rule 64.
- (2) Policies and Procedures Binding—
All Policies and Procedures shall be binding on the Club and its members.
- (3) Policies and Procedures Deemed Applicable—
All Policies and Procedures of the Club in force at the date of the approval of this Constitution insofar as such Policies and Procedures are not inconsistent with or have been replaced by this Constitution and the Club By-Laws, shall be deemed to be Policies and Procedures under this Rule.
- (4) Reviewing Policies and Procedures—
Policies and Procedures should be reviewed every two (2) to three (3) years, or sooner if required, to reflect the changing needs of the Club and the Association, and to reflect State and Federal legislation.

82 Amendment dates for reference

- (1) 28th July 1987 — The Club was Incorporated and adopted the Model Rules.
- (2) 2nd March 2004 — Replaced the Model Rules with Own (Club) Rules.
- (3) 16th December 2010 — Updated Club Rules.
- (4) 7th December 2021 — The Club Rules replaced with the Constitution and the By-Laws.

PART 8 —APPENDICIES

Appendix 1 – Membership Application – Refer to Rule 9

- (1) The Wodonga Hockey Club Inc. application form will be completed annually by all current and new members and must include but is not restricted to requesting the following information—
 - (a) Medical details, contact details, date of birth; and
 - (b) Information required by the Association, State legislation or Commonwealth legislation.
- (2) Relevant information will be placed in the Club and / or Association register.
- (3) Members will be provided the following information via website, newsletter, or information sheet—
 - (a) Details and contact telephone numbers for the Secretary, Treasurer, Coach and Manager;
 - (b) Code of Conduct; and
 - (c) Other information as deemed necessary by the Committee.
- (4) The following statement must be included on the membership application form.

I,, of

desire to become / remain* a member of the Wodonga Hockey Club Inc.

I understand under rule 10 of the Club Constitution that my application is subject to approval by Wodonga Hockey Club Inc.

I / my child* agree to comply with the Rules of the Wodonga Hockey Club Inc. and of the Association.

I / my child* has read and understood and agree to abide by the Code of Conduct of the Wodonga Hockey Club Inc.

I understand under rule 12 of the Club Constitution, Club fees are due in accordance with the fee schedule and that if they are not paid I / my child* will not be covered by insurance, will have no voting rights, no Club entitlements and I / my child* will not be eligible to play.

I give / do not give permission for photographs of myself / my child* to appear on the Wodonga Hockey Club Inc. website or in other forms of media releases and to include my name.

.....Date:/...../.....

Signature of the applicant OR guardian / parent* if applicant is 18 years or under.

Applications for membership, electronically submitted, will be authenticated.

WODONGA HOCKEY CLUB INC.

CODE OF CONDUCT

Wodonga Hockey Club Inc. expects members and supporters to show good sportsmanship and act lawfully and respectfully to all players, officials, and spectators.

Any actions that bring the Club or sport into disrepute will not be tolerated.

**Delete as applicable*

Appendix 2 – Form of Appointment of Proxy – Refer to Rule 34

FORM OF APPOINTMENT OF PROXY

I,
(full name)

of
(address)

being a member of Wodonga Hockey Club Inc.

appoint
(full name of proxy holder)

of
(address)

being a member of the Wodonga Hockey Club Inc., as my proxy to vote for me on my behalf at the Annual / Special*General Meeting of the Club to be held on—

...../...../.....
(date of meeting)

and at any adjournment of that meeting.

- My proxy is authorised to vote in favour of the following resolution(s).
- My proxy is authorised to vote against the following resolution(s).
- I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution(s).

[insert details of the resolution(s)]

Signed:

Date:/...../.....

*Delete as applicable