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Busselton Hockey



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The Rules

Please note this version number sequencing has been reformatted from previous versions

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1. DEFINITIONS – TERMS USED

In these rules, unless the contrary intention appears –

ACT means the Associations Incorporation Act 2015;

Association means the incorporated association to which these rules apply; Busselton Hockey Association Incorporated (abbreviated to BHA) comprises of affiliated Clubs from the Shires of Busselton, Margaret River, Capel and Bunbury; including affiliated clubs competing in the South West League;

Board comprising of a maximum of (10) Directors ; referenced as the Management Committee;

books, of the Association, includes the following –

- (a) a register;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

by laws means by-laws made by the Association under rule 23;

chairman means the Committee member holding office as the chairman of the Association;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

committee means the management committee of the Association; referenced as the Board;

committee meeting means a meeting of the committee;

committee member means a member of the committee;

executive committee of the Board – shall be (5) of the (10) Directors of the Board, specifically the Chairman, Senior Vice Chairman, Junior Vice Chairman, Finance Director & Governance Director;

financial records includes –

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers and
- (b) documents of prime entry; and
- (c) working papers and other documents need to explain –
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

financial report, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act;

financial statements means the financial statements in relations to the Association required under Part 5 Division 3 of the Act;

financial year, of the Association, has the meaning given in rule 26;

general meeting, of the Association, means a meeting of the Association that all members are entitled to receive notice of and to attend;

grievance officer means a person appointed by the management committee to conduct disputes resolutions – member/non-member and association;

life member means a honorary category of membership, nominated by ordinary members for a member who has served many years to benefit the Association;

member means a person (including a body corporate) who is an ordinary member or an associate member of the Association;

member protection information officer (MPIO) is the first point of contact for a member reporting a complaint, providing impartial and confidential support to person making the complaint

non-member means a person who is not a ordinary member or an associate member – Employee, Volunteer, Parent, Spectator – present at the Association sporting facility; event or function authorised by the management committee;

officer of an incorporated associations, means any of the following –

- (a) a member of the management committee of the association;
- (b) a person, including an employee of the association, who makes, or participates in making, decisions that affect the whole, or a substantial part, of the operations of the association;
- (c) a person who has the capacity to significantly affect the association's financial standing;
- (d) a person in accordance with whose instructions or wishes the management committee of the association is accustomed to act (but excluding a person who gives advice to the association in the proper performance of functions attaching to the person's professional capacity or to the person's business relationship with members of the management committee or with the association);

ordinary member means a member with the rights referred to in rule 4.4(a)(ii);

register of members means the register of members referred to in section 53 of the Act;

rules means these rules of the Association, as in force for the time being;

secretary means the committee member holding office as the secretary of the Association – *Governance Director*

special general meeting means a general meeting of the Association other than the annual general meeting;

special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

subcommittee means a subcommittee appointed by the management committee under rule 2.1(o);

tier 1 association means an incorporated association to which section 64(1) of the Act applies;

tier 2 association means an incorporated association to which section 64(2) of the Act applies;

tier 3 association means an incorporated association to which section 64(3) of the Act applies;

treasurer means the committee member holding office as the treasurer of the association – *Finance Director*

2. FINANCIAL YEAR

- (1) The first financial year of the Association is to be the period notified to the Commissioner under section 7(4)(e) or, if relevant, section 29(5)(e) of the Act.
- (2) Each subsequent financial year of the Association is the period of 12 months commencing at the termination of the first financial year or the anniversary of that termination.

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ASSOCIATIONS INCORPORATION ACT (2015) (WA)
BUSSELTON HOCKEY ASSOCIATION INCORPORATED
RULES

PART I - OBJECTS, POWERS AND INTERPRETATION

1.1 NAME OF ASSOCIATION

The name of the Association is Busselton Hockey Association Incorporated herein referred to as the " Association " or abbreviated to "BHA"

1.2 OBJECTS OF THE ASSOCIATION

The objects for which the Association is established and maintained are:

- a) to foster and promote the game of hockey in the Busselton area in the State of Western Australia, and especially the playing of hockey by amateurs;
- b) to promote, conduct and control International, Interstate and Interclub matches and tours of teams, clubs, associations, state and national bodies in the Busselton area;
- c) to publish or join with any person or persons in producing or publishing through any medium, material relating to the game of hockey or calculated directly or indirectly to benefit the game of hockey;
- d) to lay out, construct, build, erect, alter or maintain upon the premises, for the time being belonging to or occupied by the Association, playing fields, grandstands, changing rooms and other buildings and improvements incidental there to, and to furnish, fit up and maintain the same for the use of the members of the Association or any of them, and if thought fit, provide all the necessary equipment, appliances and conveniences therefore;
- e) to become affiliated with or subscribe to any other association or bodies whose objects are like the objects of the Association, and if thought fit, to withdraw or retire from any such association or body;
- f) to obtain one or more liquor licenses, raffle permits and such other licenses as may be considered of benefit to the Association;
- g) to abide by the rules of the Liquor Act of Western Australia, 1988 and pertaining to the relevant incorporation the Association belongs to;
- h) to support and sponsor other sporting activities using the artificial turf and surrounding hockey fields, by providing the use of the facilities according to the signed MoU agreements;
- i) to apply the property and income of the Association to the promotion of those objects or purposes and no part of that property or income will be paid or distributed, directly or indirectly to members, except in good faith in the promotion of those objects or purposes;
- j) to use and protect the Intellectual Property of the Association in the pursuit of these objects and the sport of Hockey;
- k) to promote and protect the interests of all the Association members and other participants of Hockey;

1.3 POWERS OF ASSOCIATION

Solely for furthering the objects set out above, in addition to the rights, powers and privileges conferred on it as set out under section 124 of the Act, the Association has the legal capacity and powers of a company:

- 1) to acquire, hold, deal with, and dispose of any real or personal property;
- 2) to open and operate bank accounts;
- 3) to invest its money – in any security in which trust monies may be invested; or in any other manner authorised by the rules of the Association;
- 4) to give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- 5) to employ agents, employees or officers to transact any business of the Association on its behalf for reward or otherwise;
- 6) to accept donations and gifts in accordance with the objects of the Association;
- 7) to print and publish any information by any media including newsletters, newspapers, articles, leaflets or electronic media for promotion of the Association;
- 8) to provide gifts, awards and prizes in accordance with the objects of the Association;
- 9) to organise social events for members and the promotion of the Association;
- 10) to enter into any other contract the Association considers necessary or desirable to promote the objects of the Association.
- 11) to raise money by affiliation fees, registration fees, subscriptions and levies and by such other methods as from time to time are appropriate to the objects of the Association;
- 12) to purchase, take on lease, exchange, hire or otherwise acquire any real or personal property which may be deemed necessary or convenient for any of the objects of the Association;
- 13) to borrow or raise upon loan any sum or sums of money and for securing payment thereof to execute or give any mortgage charges, bonds debentures, bills of exchange, promissory notes or other securities over all or any of the property of the Association as may be deemed necessary and to liquidate, redeem or pay off such obligations;
- 14) to adjudicate on all matters brought before it which in any way affect the Association; or refer breaches of these Rules, Associations Incorporation Act 2015 and Hockey WA Constitution to the appointed Grievance Officer or Member Protection Information Officer (MPIO) and/or the Disputes Panel (refer to clause 10. MEMBER, VOLUNTEER, EMPLOYEE, OFFICIAL, SPECTATOR, OR PARENT)
- 15) to appoint sub-committees and to delegate to such sub-committees such powers as it may deem necessary; with the option to apply Terms of Reference
- 16) to generally, appoint all such administrative powers as may be necessary for the carrying out of the objects of the Association in conjunction with these rules

1.4 INTERPRETATION IN THESE RULES:

- a) a reference to a function includes a reference to a power, authority and duty;
- b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty;
- c) words importing the singular include the plural and vice versa;
- d) words importing any gender include the other genders;
- e) references to persons include corporations and bodies politic;

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- f) references to a person include the legal personal representatives, successors and permitted assigns of that person;
 - g) a reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any legislative authority having jurisdiction); and
 - h) a reference to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic mail.

1.5 SEVERANCE

If any provision of these Rules or any phrase contained in them is invalid or unenforceable in any jurisdiction, the phrase or provision is to be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable. If the rule or phrase cannot be so read down it shall be severed to the extent of the invalidity or unenforceability. Such severance shall not affect the remaining provisions of these Rules or affect the validity or enforceability of any provision in any other jurisdiction.

1.6 EXPRESSIONS IN ACT

Except where the contrary intention appears, in these Rules, an expression that deals with a matter dealt with by a particular provision of the Act, has the same meaning as that provision of the Act.

PART II - ASSOCIATION AND REGISTERED MEMBERS

2.1 Association

The Association is a member of Hockey WA and is required to administer and develop Hockey, in accordance with the objects of both the Association and Hockey WA. The Association shall consist of such members as are admitted in accordance with these Rules.

2.2 Operation of Rules. The Association agrees:

- a) that it is bound by these Rules and that these Rules operates to create uniformity in the way in which the objects of the Association and the sport of Hockey are to be conducted, encouraged, promoted and administered;
- b) to act in good faith to ensure the maintenance and enhancement of the sport of Hockey, its standards, quality and reputation for the collective and mutual benefit of the Members and the sport of Hockey;
- c) to make full and proper disclosure of all matters of importance to the Association members, relevant bodies and the sport of Hockey;
- d) not to acquire a private advantage at the expense of the Association, Hockey WA or the sport of Hockey;
- e) to act for and on behalf of the interests of the sport of Hockey, the Association and the Members.

PART III – MEMBERSHIP

3. MEMBERS

3.1 Category of Members

The Members of the Association shall consist of such persons; hockey clubs and hockey associations as may be or have been admitted to membership of the Association by resolution of a two-thirds majority of those members of the Association and whose membership has not been terminated under or by these Rules.

3.1.1 The Association consists of ordinary members and any associate members provided for under subrule (3.1.2)

3.1.2 The Association may have any category of associate membership approved by resolution at a committee meeting, including junior membership, senior membership, honorary membership and life membership.

3.1.3 An individual who has not reached the age of 18 years is only eligible to be an associate member.

3.1.4 A person can only be an ordinary member or belong to one category of associate membership.

3.1.5 An ordinary member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.

3.1.6 An associate member has the rights referred to in subrule (3.1.5) other than full voting rights.

3.1.7 The number of members of any category is not limited unless otherwise approved by resolution at a general meeting.

a) The following membership categories shall apply:

i) **TEMPORARY MEMBERSHIP** are persons who;

- 1) on any day are visiting The Association as a member, official, or a person assisting, a team that is to contest a pre-arranged event in sport on that day; or,
- 2) at the invitation of an ordinary member to engage in sport on that day, may be taken to be a person who is accorded temporary membership; and,
- 3) shall have no voting rights;

ii) **ORDINARY MEMBERS** who shall be persons of affiliated clubs playing in matches scheduled by the Association; and shall have voting rights at Annual General Meetings and Special General Meetings called by members.

iii) **JUNIOR MEMBERS** who shall be persons under eighteen (18) years of age as at 1st January of that year, playing in matches scheduled by the Association and shall have no voting rights;

iv) **ASSOCIATED ASSOCIATIONS** are members of other associations affiliated with Hockey WA and shall have no voting rights;

v) **ASSOCIATE MEMBERS**, who shall be persons who are not members of any clubs and may by application for Associate membership shall be made in writing to the Association and be signed by a proposer and seconder, each of whom must be ordinary members, and their membership will be voted on at the next committee meeting of the board;

vi) **HONORARY LIFE MEMBERS** are members who have rendered outstanding volunteer service to the Association over a period of at least 10 years; shall have the same voting rights and benefits of Ordinary members at general meetings; added to BHA register

(1) members may be recommended for election as an Honorary Life Member of the Association with the recommendation being made in writing;

(2) be signed by the Proposer and Secunder;

(3) subject to the nomination of the candidate for Honorary Life Membership being approved by the Board, such nomination shall be recorded at the next committee meeting of the board

(4) The Management Committee shall appoint a Life Member in accordance with the Volunteer Recognition Criteria Policy.

vii) **SOCIAL MEMBERS** to be added to BHA register on receipt of annual fee (reviewed annually) for invitations to BHA social events and newsletters; shall have voting rights; added to BHA register

b) The Association shall keep an up to date register of members in respect of each class of membership. This register must be continually available for inspection at the Association premises, including email addresses; the custodial officer will be an Officer authorised by the Board.

c) a statutory declaration must be provided by members requesting a copy of the above register of members, setting out the purpose for which the copy is required and the Association reserves the right to charge an appropriate fee.

d) Such new categories of Members, created in accordance with **Rule 3.2** below.

3.2 Creation of New Categories

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The Management Committee has the right and power from time to time to create new categories of membership with such rights, privileges and obligations as are determined applicable (other than voting rights), even if the effect of creating a new category is to alter rights, privileges or obligations of an existing category of Members. No new category of membership may be granted voting rights.

4 MEMBERSHIP APPLICATIONS

4.1 Application for Membership

Membership shall commence from the first fixture date in March or April of any competition sanctioned by the Association for a period of 12 months; and only if the member is a financial member of an affiliated club of the Association

4.2 Discretion to Accept or Reject Application

- a) the Association may accept or reject an application. If an application is rejected, upon request by the applicant, the reasons for the rejection of the membership application shall be provided.
- b) Where the Association accepts an application, the applicant shall become a Member. Membership of the Association shall be deemed to commence upon acceptance of the application by the Association.
- c) Where the Association rejects an application, the Association shall refund any fees forwarded with the application and the application shall be deemed rejected by the Association.

4.3 Membership Renewal

Individual Members shall:

- a) otherwise remain affiliated financial members of the Association in accordance with the procedures applicable from time to time; to include training, competitions and development clinics approved by the Association

4.4 Membership Termination

Shall be terminated by any one of the following events:

- a) resignation or death;
- b) winding up of the affiliated club or member association;
- c) motion of the Board to that effect if;
- d) notice of the intention to move the termination of the membership shall be sent to the last-known address of the member or its last known or notified address by registered post or certified mail at least twenty-one (21) days before the Board meeting at which the motion for termination of membership is to be dealt with; and,
- e) such motion is carried by at least a three-fourths majority of those present and entitled to vote at the Board meeting.

5. SUBSCRIPTIONS AND FEES

5.1 The membership subscription, fees and any levies payable by Members (or any category of Members) to the Association, the basis of, the time for and manner of payment shall be as determined by the Management Committee from time to time, or as referenced in the by-laws.

5.2 Any Member or Club which or who has not paid all monies due and payable by that Member to the Association, shall (subject to the Management Committee's discretion) have all rights under these Rules immediately suspended from the expiry of the time prescribed for payment of those monies. Such rights will be suspended until such time as the monies are fully paid or otherwise in the Management Committee's discretion. In the meantime, the Member shall have no automatic right to resign from the Association, and shall be dealt with in the Management Committee's discretion, which includes the right to expel, suspend, disqualify, fine, discipline or retain that Member as a

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Member, or impose such other conditions or requirements as the Management Committee considers appropriate.

6. REGISTER OF MEMBERS

- 6. a) The Officer authorised by the Board is responsible for the requirements imposed on the Association under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Association.
- 6. b) In addition to the matters referred to in section 53(2) of the Act, the Register must contain:
 - 6. b) i) the full name of each Member;
 - 6. b) ii) a contact postal, residential or email address of each Member;
 - 6. b) iii) the class of membership held by the Member; and
 - 6. b) iv) the date on which the Member became a Member
- 6. c) Any change in membership of the Association must be recorded in the Register within 28 days after the change occurs.
- 6. d) The Register must be kept and maintained at such place as the Board decides.

6.1 Inspecting the Register

- 6.1 a) Any Member is able to inspect the Register free of charge, at such time and place as is mutually convenient to the Association and the Member.
- 6.1 b) A Member must contact the Officer authorised by the Board to request to inspect the Register.

6.2 Copy of the Register

- 6.2 a) A Member may make a request in writing to the Officer authorised by the Board for a copy of the Register under section 56(1) of the Act.
- 6.2 b) If a Member wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act, the Board may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.
- 6.2 c) The Member has no right to remove the Register for any purpose.
- 6.2 d) The Association may charge a reasonable fee to the Member for providing a copy of, or extract from, the Register, the amount to be determined by the Board from time to time.

6.3 When Using the Information in the Register is Prohibited

A Member must not use or disclose the information on the Register in breach of section 57 of the Act, or:

- 6.3 a) To gain access to information that another Member has denied them (that is, in the case of social, family or legal differences or disputes);
- 6.3 b) To contact, send material to the Association or other Members for the purpose of advertising for political, religious, charitable or commercial purposes; or
- 6.3 c) For any other purpose unless the use of the information is approved by the Board and for a purpose that is:
 - 6.3 c) i) directly connected with the affairs of the Association; or
 - 6.3 c) ii) related to administering the Act.

7. EFFECT OF MEMBERSHIP

Members acknowledge and agree that:

These Rules constitutes a contract between each of the members and the Association and that they are bound by the Rules and grievance procedure.

8. DISCONTINUANCE OF MEMBERSHIP

8.1 Notice of Resignation

Subject to these Rules any Member who has paid all monies due and payable to the Association and has no other liability (contingent or otherwise) to the Association, may resign from the Association by giving one months' notice in writing to the Association of such intention to withdraw or resign and upon the expiration of that period of notice, the Member shall cease to be a Member.

8.2 Expiration of Notice Period

Subject to **Rule 9.5** upon the expiration of any notice period applicable under **Rule 9.1** an entry, recording the date on which the Member who or which gave notice ceased to be a Member shall be recorded in the register.

8.3 Forfeiture of Rights

A Member who or which ceases to be a Member, for whatever reason, shall forfeit all right in and claim upon the Association and its property including Intellectual Property. Any Association documents, records or other property in the possession, custody or control of that Member shall be returned to the Association immediately.

8.4 Membership may be Reinstated

Membership which has lapsed, been withdrawn or terminated under these Rules may be reinstated at the discretion of the Management Committee, on application in accordance with these Rules and otherwise on such conditions as it sees fit.

8.5 Cessation of Membership

Where a Member ceases to be a Member in accordance with these Rules or the Act, the Individual Members may cease or remain Members to the extent (if any) and for such time (if any) as is determined at the sole discretion of the Management Committee.

9. DISCIPLINE OF MEMBER, VOLUNTEER, EMPLOYEE, OFFICIAL, SPECTATOR OR PARENT

9.1 Disciplinary Action

Members, Volunteers, Employees, Officials, Parents and Spectators are bound by BHA Conditions of Entry, BHA Codes of Behaviour, Hockey Australia Safe Hockey Codes of Behaviour, Hockey Australia Safe Hockey Framework and these Rules

Where the Management Committee is advised or considers that a Member, Volunteer, Employee, Official, Parent and Spectator has allegedly:

- a) breached, failed, refused or neglected to comply with a provision of these Rules, the By-Laws, BHA Policy & Procedures, BHA Codes of Behaviour, HA Membership Protection Policy, Hockey Australia Safe Hockey Codes of Behaviour, Hockey Australia Safe Hockey Framework and these Rules or any resolution or determination of the Management Committee or any duly authorised committee; or
- b) acted in a manner unbecoming of a Member, Volunteer, Employee, Official, Parent and Spectator or prejudicial to the objects and interests of the Association and/or the sport of Hockey; or
- c) brought the Association or the sport of Hockey into disrepute;
the Management Committee may commence or cause to be commenced disciplinary proceedings against that Member, Volunteer, Employee, Official, Parent and Spectator and that Member, Volunteer, Employee, Official, Parent and Spectator will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms (if any) of the Association as set out in these Rules.

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9.2 DISCIPLINARY PROCEDURE FOR MEMBER, VOLUNTEER, EMPLOYEE, OFFICIAL, SPECTATOR OR PARENT

Disciplinary Procedures, Grievance Procedures (BHA Rule 32-32.4), Complaints Handling Process Procedures and Hockey Australia Member Protection Informal and Formal Complaints processes shall apply and be conducted initially by the appointed Grievance Officer or Member Protection Information Officer and may be referred to a Disciplinary Tribunal.

The Disciplinary Tribunal will be implemented in accordance with these Rules and the following format:

- a) The management committee shall appoint three persons to the tribunal and one of whom, will be appointed chairperson.
- b) no member of the disciplinary tribunal shall be permitted to hold any office on the management committee.
- c) a vacancy on the disciplinary tribunal may be filled by an impartial committee member.
- d) three members of the disciplinary tribunal shall constitute a quorum.
- e) where the committee deems an alleged breach exists, the tribunal shall inform the Member, Volunteer, Employee, Official, Parent and Spectator in writing, as soon as practicable, the details and their options to either attend or provide a written statement prior to the hearing.
- f) the Member, Volunteer, Employee, Official, Parent and Spectator shall be provided every opportunity to be heard and the tribunal must determine whether the alleged breach occurred.
- g) neither the committee nor the Member, Volunteer, Employee, Official, Parent and Spectator is entitled to legal representation at the tribunal hearing.
- h) the tribunal may either dismiss the matter or apply an appropriate penalty, dependent upon their determination.
- i) there is no right of appeal available to either the association or the Member, Volunteer, Employee, Official, Parent and Spectator. The decision by the tribunal is final and binding.

PART IV - GENERAL MEETINGS

10. GENERAL MEETINGS

- 10.1** An Annual General Meeting of the Association shall be held in accordance with the provisions set out in section 50 of the Act and these Rules, that is in every calendar year within 6 months after the end of the Association's financial year, except for the first annual general meeting which may be held within 18 months after incorporation and on a date and at a venue to be determined by the Management Committee.
- 10.2** All General Meetings other than the Annual General Meeting shall be Special General Meetings and shall be held in accordance with these Rules.
- 10.3** Special General meetings may be called by the Management Committee or on the written request of more than ten percent of members of the Association.

11. NOTICE OF SPECIAL GENERAL MEETING

11.1 Notice of Special General Meetings

- a) Notice of every Special General Meeting shall be given to the Members at the address appearing in the register kept by the Association. No other person shall be entitled to receive notices of Special General Meetings.
- b) Notice of a Special General Meeting shall be given at least 28 days prior to the Special General Meeting and shall specify the place and day and hour of the Special General Meeting.

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- c) The agenda for the Special General Meeting stating the business to be transacted at the Special General Meeting shall be given at least 28 days prior to the Special General Meeting, together with any notice of motion received from the Members.

11.2 Entitlement to Attend Special General Meeting

- a) Notwithstanding any other Rule, no Member shall be represented at, or take part in a Special General Meeting, unless all monies (set in accordance with **Rule 5** due and payable to the Association are paid.

12. BUSINESS

12.1 Business of General Meetings

- a) The business to be transacted at the Annual General Meeting includes the consideration of accounts, reports of the Management Committee (including in relation to the activities of the Association during the preceding Financial Year), the election of Directors and [confirmation / election] of Life Membership.
- b) All business that is transacted at a Special General Meeting, and also all that is transacted at the Annual General Meeting, with the exception of those matters set out in **Rule 12.1(a)** shall be special business. "Special Business" is business of which a notice of motion has been submitted in accordance with **Rule 13.1**.

12.2 Business Transacted

No business other than that stated on the notice shall be transacted at these general meetings.

13. NOTICES OF MOTION

13.1 Notice of Motion to be Submitted

All notices of motion for inclusion as special business at a Special General Meeting must be submitted in writing to the Office Manager not less than 28 days (excluding receiving date and meeting date) prior to the Special General Meeting.

13.2 Unsuccessful Motion

A motion of which due notice has been given, if unsuccessful, cannot be resubmitted, nor may any other motion having similar effect be moved at a subsequent Special General Meeting for a period of 12 months. The chair of the Special General Meeting shall determine whether a motion is a motion having a similar effect.

14. PROCEEDINGS AT GENERAL MEETINGS

14.1 Quorum

- a) No business shall be transacted at any Annual General Meeting unless a quorum is present at the time when the meeting proceeds to business.
- b) No business shall be transacted at any Special General Meeting unless a quorum is present at the time when the meeting proceeds to business.

14.2 Chair of General Meetings

The Chairman shall, subject to these Rules, preside as chair at every Special General Meeting of the Association. If the Chairman is not present, or is unwilling or unable to preside, the Senior Vice Chairman or the Junior Vice Chairman shall preside as chair for that meeting only; if the Senior Vice Chairman or the Junior Vice Chairman is unwilling or unable to preside, then the Management Committee shall choose one of their number present who shall preside as chair for that meeting only, subject to these Rules.

14.3 Adjournment of Meeting

If within half an hour from the time appointed for the Annual or Special General Meeting a quorum is not present the meeting shall be adjourned to such other day and at such other time and place as the chair may determine. If at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be competent to discharge the business of the meeting.

14.4 Recording of Determinations

A declaration by the chair that a resolution has, on a show of hands, been carried or carried unanimously or by a particular majority or lost and an entry to that effect in the book containing the minutes of the proceedings of the Association shall be conclusive evidence of the fact, without proof of the number of the votes recorded in favour of or against the resolution.

14.5 Resolutions at General Meetings

Except as otherwise provided in these Rules, in the case of an equality of votes on a question at each Annual or Special General Meeting, the Chairman is entitled to a casting vote.

14.6 Minutes

The Officer authorised by the Board shall ensure that minutes of the resolutions and proceedings of each Annual or Special General Meeting are kept in books provided for that purpose, together with a record of the names of persons present at all meetings.

15. VOTING AT GENERAL MEETINGS

15.1 Each Member shall, subject to these Rules, be entitled to one vote at each Annual or Special General Meetings.

15.2 A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion

15.3 If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote

15.4 A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.

15.5 If a secret ballot is needed, the chairman of the meeting must decide how the ballot is to be conducted

16. PROXY AND POSTAL VOTING

16.1 Proxy Voting Not Permitted

Proxy voting shall not be permitted at Annual or Special General Meetings.

16.2 Postal Ballot

Postal ballot voting shall not be permitted at Annual or Special General Meetings.

5. PART V - THE MANAGEMENT COMMITTEE

17. MANAGEMENT COMMITTEE

17.1 The Management Committee shall be vested in the Board of the Association and elected by the members at the Annual General Meeting. The Board shall comprise of:

- i. The Chairman,
- ii. Senior Vice Chairman
- iii. Junior Vice Chairman
- iv. Governance Director
- v. Finances Director

and five (5) ordinary members;

- vi. Seniors Director
- vii. Juniors Director
- viii. General Services Director
- ix. Sponsorship and Marketing Director
- x. Masters and Volunteers Director;

up to ten (10) members in total on the Board.

- a) The Executive shall each have signing authority on the Association accounts with any (2) signatures required on each transaction; and comply to Australian Accounting Standards for Tier 2 reporting under Section 71 & Section 73 of the Act.
- b) The Board may delegate decision making powers to the Executive with minutes recorded and distributed to the Board for the next meeting;
- c) At any meeting of the Board, the Chairman or in the Chairman's absence, any person acting as the Chairman, shall be entitled to exercise a casting vote, and all Directors shall be entitled to exercise a deliberative vote;
- d) All urgent Out of Session Motion adjudication or approval by the Board requires a 60% for or against vote by email. Records of the motion and votes to be tabled and recorded at the next meeting of the Board;
- e) The Officer authorised by the Board shall keep an up to date register of Board members, including email addresses, mobile numbers, terms of expiry.

17.2 No person shall hold more than one position on the Management Committee at any one time. A person shall cease to be a member of the Management Committee at the conclusion of the Annual General Meeting which concludes their term of office and they will be eligible for re-election.

17.3 If the Chairman or the Senior Vice Chairman or the Junior Vice Chairman is unable to attend the Management Committee meeting, then a chairperson nominated by the meeting shall chair that meeting.

17.4 A member of the management committee may lose his or her seat on the committee for the following

- i. Absence from three or more meetings without leave of absence.
- ii. Being a natural person, dies
- iii. Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health.
- iv. Resigns their office in writing to the Association.
- v. Without prior consent or later ratification of the Members in General Meeting holds any position of profit under the Association.
- vi. Is removed from office by Special Resolution in a General Meeting.

18. POWERS OF THE MANAGEMENT COMMITTEE

18.1 The Management Committee shall carry out the day-to-day running of the Association and shall execute the Powers of the Association as relating to **Rule 1.3** of these Rules.

18.2 Adjudicate on all matters brought before it which in any way affect the Association

18.3 Cause minutes to be made of all proceedings at meetings of the Management Committee and Special General Meetings of members;

18.4 Make, amend and rescind By-laws; Such By-laws must be consistent with these Rules.

18.5 All By-laws made under this rule shall be binding on the Association and Members.

18.6 The Management Committee have the power to form and appoint any sub- committee/s as required for specific purposes; according to Terms of Reference

- 18.8** The Management Committee have the power to appoint an officer/s or agent of the Management Committee to have custody of the Association's records, documents and securities
- 18.9** The Management Committee will appoint members of the committee to portfolios to take responsibility for specific duties that are deemed appropriate from time to time. The number and appointments to these portfolios will be at the discretion of the Management Committee.

18.10 Responsibilities of Board Members

- a) exercise their powers with due care and diligence;
- b) ensure that any business decisions are made in good faith and in the best interests of the association; ensure confidentiality of the association business;
- c) act in good faith and in the best interests of the association;
- d) not make improper use of information or their position for personal profit;
- e) declare conflict of interest; abstain from debate/resolution which must be recorded in the minutes;
- f) exercise powers in accordance with the rules of the association; and
- g) not allow the association to incur a debt when the association is insolvent or there are reasonable grounds to believe that by incurring the debt the association will become insolvent.

19. ELECTION OF DIRECTORS:

The election of directors for the Association board will be undertaken by;

- 19.1** a) the Officer authorised by the Board, will be nominated as the Returning Officer who will;
- 19. a) 1. call for Expressions of Interest to nominate for Board positions after the August meeting;
 - 19. a) 2. call for nominations to be in writing from eligible members six (6) weeks before the date of the AGM and at the same time announce which director terms of office have expired;
 - 19. a) 3. receive those nominations up to 21 days prior to the date of the AGM; and,
 - 19. a) 4. will advertise those nominations 14 days before the AGM.
- b) at the AGM, a separate election must be held for each expiring position of the Board as follows:
- c) if there is no nomination for a position, the chairman of the meeting may call for nominations from the ordinary members at the meeting;
 - d) if only one member has nominated for a position, the chairman of the meeting must declare the Member elected to the position;
 - e) where the number of nominations for Elected Directors, is greater than the number of positions to be elected, voting shall be by secret ballot. Voting shall be recorded on the ballot papers by placing the figure "1" opposite the first preference, the figure "2" opposite the second preference and so on. All candidates must be given a number or the voting paper shall be invalid. The scrutineers (two or more) to be appointed by the Chairman of the meeting shall tally the votes. The candidate with the lowest tally shall be elected. In the event of a tied vote then the Chairman of the meeting shall have a casting vote.
 - f) a member who has nominated for the position may vote for themselves;
 - g) on the member's election, the new chairperson of the Board may take over as the chairperson of the meeting;
 - h) there shall be no more than four (4) Director position/portfolios on the Board from the same affiliated club during the same term of service, or no more than 40% of the total board from the same affiliated club and a minimum of at least (3) of either gender.
- 19.2 Term of Office**
- a) each director shall hold office for two (2) years and may renominate for the same or another Board position at the end of their term of office;
 - b) there will be a rolling term of office election of 50% of the Directors so that the entire board does not retire all at the same time;

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- c) each Director shall be entitled to hold office until the expiry of term of office for the Board position [see Rule 19.2 e) & f)], when that director is due to retire, unless dismissed by a three-quarter majority of those present and eligible to vote at a Management Committee Meeting.
 - d) The Management Committee shall be elected in accordance with these rules for a term of two years, which shall commence from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the second Annual General Meeting following
 - e) Should any adjustment to the term of the Management Committee elected under these Rules be necessary to ensure rotational terms in accordance with these Rules, this shall be determined by the Management Committee.
 - f) Board Positions - Terms of Office - Uneven Year Financial Reporting: Commencing 2020 AGM Senior Vice Chairman, Finance Director, Junior Vice Chairman, General Services Director, Seniors Director
 - g) Board Positions - Terms of Office - Even Year Financial Reporting: Commencing 2021 AGM Chairman, Governance Director, Sponsorship & Marketing Director, Masters & Volunteers Director, Juniors Director

19.3 Removal of a Management Committee member

- a) The Association in a Management Committee Meeting may by Special Resolution remove any Management Committee member, before the expiration of their term of office. If a Management Committee member is removed in accordance with this Rule the office of the Management Committee member becomes vacant and shall be filled in accordance with the procedure set out in **Rule 19.4**.
- b) Where the Management Committee member to whom a proposed resolution referred to in **Rule 19.3(a)** makes representations in writing to the Office Manager and requests that such representations be notified to the Members; the Officer authorised by the Board may send a copy of the representations to each Member or, if they are not so sent, the Management Committee member may require that they be read out at the meeting, and the representations shall be so read.

19.4 Casual Vacancies

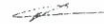
- a) A vacancy in the position of a Management Committee member shall be filled by the Management Committee until the next Annual General Meeting of the Association. If the term of the Management Committee member has not expired, the Members shall vote to fill the vacancy from the financial members of the Association, and such member duly elected shall hold office for the unexpired portion of the predecessor's term.

20. MEETINGS OF THE MANAGEMENT COMMITTEE

20.1 Management Committee to Meet

The Association will hold the following meetings;

- a) The Board must determine the date, time and place of the annual general meeting within 6 months after the end of the Association's financial year, usually April
- b) the Office Manager shall give members fourteen (14) days' notice of the date fixed for the Annual General Meeting;
- c) the business of the Annual General Meeting shall be:
 - i. Apologies
 - ii. Confirmation of the previous AGM;
 - iii. Reviewed Financial Statement;
 - iv. Reports;
 - v. Motions of Notice;
 - vi. Returning Officer's Report;
 - vii. Endorsement of elected Board Members

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- viii. Election of vacant positions;
 - ix. Appointment of a Reviewer;
 - x. Appointment of a Grievance Officer
- d) the Officer authorised by the Board shall upon instructions from the Chairman or on receiving a requisition in writing by more than 10 percent of members of the Association stating the business for which it is required in writing and signed by all the requested members, to call a Special General Meeting.
 - e) the Board shall hold Committee Meetings monthly, except December, or as required, to conduct the business of the Association.
 - f) the Chairman or three (3) members of the Board together shall have the power to call an extraordinary meeting of the Management Committee.
 - g) each Board member and a nominated representative of each affiliated Club or sub-committee of the Association shall receive a copy of the minutes of each meeting of the Management Committee after confirmation that they are true and accurate.
 - h) The Officer authorised by the Board is to call for agenda items one week prior to Management Committee meetings.
 - i) Every disclosure made by a committee member of a material personal interest in the minutes of the committee meeting at which the disclosure is made must be recorded.
 - j) the presence of a board member, at a Management Committee meeting need not be by attendance in person but may be by that board member and each other board member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
 - k) a member who participates in a Management Committee meeting as allowed [20.1 j.] is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.
 - l) Ordinary Members, Honorary Members, delegates of Member Associations and individual members of clubs may be admitted to Management Committee meetings by invitation with the right to speak, but not to vote.
 - m) all members of the Management Committee must be financial members of the Association, except in the case of Honorary Members;
 - n) except where in these Rules, a right, power or duty is reserved to a specified person or group of persons, the Management Committee has full powers to set the Terms of Reference for a specific project.
 - o) the Management Committee shall have the power to delegate any of its powers, to deal with any matter or matters and upon such terms as the Management Committee may think fit. The Chairman or the Senior Vice Chairman or the Junior Vice Chairman shall be ex-officio members of all sub-committees.
 - p) all acts or decisions done or made by any meeting of the Management Committee or any member, notwithstanding that it be afterwards discovered that there was some defect in the appointment of such member or all or any members of the Management Committee, be as valid and effective as if they had all been properly appointed, unless it is proved that the appointment was made in fraud or bad faith.
 - q) In addition to **MANAGEMENT COMMITTEE 17.4**: A person ceases to be a board member if the person;
 - i) is removed from office or becomes ineligible to accept an appointment or act as a board member;
 - ii) Under section 39 of the model rules the following persons must not, without leave of the Commissioner, accept an appointment or act as a member of a Management Committee of an association if;
 - (1) a person who is, according to the Interpretation Act 1984 section 13D, a bankrupt or person whose affairs are under insolvency laws;
 - (2) a person who has been convicted, within or outside the State, of-

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- an indictable offence in relation to the promotion, formation or management of a body corporate; or
 - an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
 - an offence under Part 4 Division 3 or section 127 of the Act
 - Section 39 of the Act only applies to a person who has been convicted of the above offences only for a period of 5 years from the time of the person's conviction, or if the conviction results in a term of imprisonment, from the time of the person's release from custody.
- r) Where a person ceases to be a member of the board, that person, as soon as practicable after their membership ceases, is required to deliver to a member of the board or the Officer authorised by the Board all of the relevant documents, records and intellectual property they hold pertaining to the management of the association's affairs

20.2 Decisions of Management Committee

Subject to these rules, questions arising at any meeting of the Management Committee shall be decided by a simple majority of votes and all questions so decided shall for all purposes be deemed a determination of the Management Committee.

20.3 Resolutions not in Meeting

- a) A resolution in writing, signed or assented to by electronic mail or other form of visible or other electronic communication by all the Management Committee members shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the Management Committee.
- b) Without limiting the power of the Management Committee to regulate their meetings as they think fit, a meeting of the Management Committee may be held where one or more of the Management Committee members is not physically present at the meeting, provided that:
 - i. all persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously, whether by means of telephone or other form of communication.

20.4 Quorum

- a) At meetings of the Management Committee the number of Management Committee members whose presence (under clause 21.1 j) is required to constitute a quorum for meetings will be 50% of the committee members plus (1) – applies to Extraordinary Management Committee and Sub-committees
- b) ten (10) members at the Annual General Meeting of the Association;
- c) ten (10) percent of members at a Special General Meetings;

20.5 Notice of Management Committee Meetings

Unless all Management Committee members agree to hold a meeting at shorter notice (which agreement shall be sufficiently evidenced by their presence) not less than seven days oral or written notice of the meeting of the Management Committee shall be given to each Management Committee member by the Officer authorised by the Board.

20.6 Validity of Management Committee Decisions

A procedural defect in decisions taken by the Management Committee shall not result in such decision being invalidated.

20.7 Chair of Management Committee Meeting

The Chairman or Senior Vice Chairman or Junior Vice Chairman shall preside at every meeting of the Management Committee. If the Chairman or Senior Vice Chairman or Junior Vice Chairman is not present, or is unwilling or unable to preside, the Management Committee shall choose one of their number to preside as chair for that meeting only.

6. PART VI - MISCELLANEOUS

21. DELEGATIONS

21.1 The Management Committee may Delegate Functions to Committees

The Management Committee may by instrument in writing, create, establish or appoint from among its own members or otherwise, committees to carry out such duties and functions, and with such powers, as the Management Committee determines; according to Terms of Reference

21.2 Delegation by Instrument

The Management Committee may in establishing the instrument delegate such functions as are specified in the instrument, other than:

- (a) this power of delegation; and
- (b) a function imposed on the Management Committee by the Act or any other law, or these Rules.

21.3 Revocation of Delegation

The Management Committee may by instrument in writing, revoke wholly or in part any delegation made under this Rule, and may amend, repeal or veto any decision made by such committee under this Rule where such decision is contrary to these Rules, the By-Laws, the Act, the objects of the Association or the committee's delegation.

22. BY-LAWS

22.1 Management Committee to Formulate By-Laws

The Management Committee may (by itself or by delegation to a committee) formulate, approve, issue, adopt, interpret and amend such by-laws, regulations and policies ("By-Laws") for the proper advancement, management and administration of the Association, the advancement of the objects of the Association and the sport of Hockey as it thinks necessary or desirable. Such By-Laws must be consistent with these Rules.

22.2 By-Laws Binding

All By-Laws made under this Rule shall be binding on the Association and Members.

22.3 By-Laws Deemed Applicable

All by-laws, regulations and policies of the Association in force at the date of the approval of these Rules under the Act insofar as such by-laws, regulations and policies are not inconsistent with, or have been replaced by these Rules, shall be deemed to be By-Laws under this Rule.

23. RECORDS

23.1 Governance Director:

The Governance Director shall direct and assist the Officer authorised by the Board to:

- (a) prepare documentation for Management Committee meetings and General Meetings;
- (b) in conjunction with the Chairman prepare the agenda for all Management Committee Meetings and all General Meetings;
- (c) ensure that approved minutes of the proceedings of all meetings of the Management Committee and the Association are signed, distributed to members and pasted in the minute book and stored at the BHA Office both prepared and recorded; and
- (d) submits a report and correspondence on the activities of, and issues relating to the Association.
- (e) unless the members resolve otherwise at a general meeting, the custody of all books, minutes, documents, records, reports, registers and financial records of the Association,

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shall be kept and maintained by the Officer authorised by the Board, as directed by the Governance Director and the Finance Director at the BHA Office.

- (f) perform such other duties as are imposed by these rules on the Governance Director

23.2 Broad Power to Manage:

Subject to the Act, these Rules, the By-Laws and any directive of the Management Committee, the Officer authorised by the Board has power to perform operational procedures, as approved by the BHA Board according to Policy & Procedures and compliancy to the Associations Incorporation Act 2015, for the proper management and administration of the Association.

23.3 Inspection of Records

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association. A member may make a copy or take an extract of these documents; but shall have no right to remove the records for that purpose.

24. NOTICE

24.1 Manner of Notice

Manner of Notice may be given by the Officer authorised by the Board to any Member by email or by post and copies emailed to the member's Club President and Secretary

24.2 Notice of Special General Meeting

Notice of every Special General Meeting shall be given in the manner authorised and to the persons entitled to receive notice under these Rules; to the Club President and Secretary by email and/or other approved communications to members

25. ACCOUNTS

25.1 The Association financial year shall commence the first day of January.

The Finance Director shall direct and assist the Officer authorised by the Board to:

25.1 (a) comply on behalf of the Association with the Act 2015 with respect to the Tier 2 accounting records of the Association by:

- (i) keeping such accounting records and correctly record and explain the financial transactions and financial position of the Association;
- (ii) keeping accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
- (iii) submitting to members at each annual general meeting of the Association accounts showing the financial position of the Association at the end of the immediately preceding financial year.

25.1 (b) submit to the Management Committee a report, balance sheet or financial statement and monthly accounts for payments

25.1 (c) unless members resolve otherwise at a Management Committee meeting, the Officer authorised by the Board Manager shall have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (a) and (b).

25.2 Negotiable Instruments - Finances

- (a) All cheques, promissory notes, bank drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Association, shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any two of the five designated members of the executive – Chairman, Senior Vice Chairman, Junior Vice Chairman, Finance Director, Governance Director.
- (b) The Officer authorised by the Board shall be limited to a set amount of petty cash shall be determined in the BHA Petty Cash Policy approved and reviewed by the Board

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- (c) unless members resolve otherwise at a Management Committee meeting, the Officer authorised by the Board shall ensure custody of all securities, books and documents of a financial nature and accounting records of the Association, are secured at the BHA Office

26. SEAL

26.1 Use of the Common Seal

- a) The Seal shall display the name of the Association clearly and not be used or affixed to any deed or document except pursuant to a resolution of the Board and in the presence of at least any two (2) Directors, all of whom shall ascribe their names as witnesses.
- b) Every use of the common seal must be recorded in the Board's minute book.

26.2 Safe Custody of Seal

The Governance Director and Officer authorised by the Board shall provide for safe custody of the Seal at the BHA Office.

27. ALTERATION OF CONSTITUTION

- 27.1** These Rules shall not be altered except by Special Resolution, where a seventy-five per cent (75%) majority of those present and entitled to vote is required to pass any motion presented, under the rules of these Rules.

28. INDEMNITY

28.1 Management Committee to be Indemnified

Every Management Committee member, manager, volunteer, employee or agent of the Association shall be indemnified to the extent provided under the directors and officers insurance policy of the Association (if any) against any liability incurred by them in their capacity as Committee member, manager, volunteer, employee or agent in defending any proceedings, whether civil or criminal, in which judgement is given in their favour or in which they are acquitted or in connection with any application in relation to any such proceedings in which relief is, under the Act, granted to them by the Court.

28.2 Association to Indemnify

The Association shall indemnify its Committee and employees to the extent provided under the directors and officers insurance policy of the Association against all damages and costs (including legal costs) for which any such Committee member or employee may be or become liable to any third party in consequence of any act or omission except wilful misconduct:

- (a) in the case of a Committee member, performed or made whilst acting on behalf of and with the authority, express or implied by the Association; and
- (b) in the case of an employee, performed or made in the course of, and within the scope of his or her employment by the Association.

29. WINDING UP

Distribution of Property on Winding Up

If upon winding up or dissolution of the Association, there remains after satisfaction of all its debts and liabilities any assets or property, the same shall not be paid to or distributed amongst the Members of the Association but shall be given or transferred to some body or bodies being incorporated associations under Section 24 the Act 2015 or for charitable purposes. Such body or bodies to be determined by the Members of the Association at or before the time of dissolution, and in default thereof by such judge of the relevant Supreme Court or such other court as may have or acquire jurisdiction in the matter.

30. SOURCE OF FUNDS

The funds of the Association may be derived from membership subscriptions, fees and levies payable by Members, donations, grants, sponsorships and such other sources as the Management Committee determines.

31. APPLICATION OF INCOME

31.1 Income and Property Applied to Objects

The income and property of the Association shall be applied solely towards the promotion of the objects of the Association as set out in these Rules.

31.2 No Income to Members

Except as prescribed in these Rules:

- (a) no portion of the income or property of the Association shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise to any Member; and
- (b) no remuneration or other benefit in money or money's worth shall be paid or given by the Association to any Member who holds any office of the Association
- (c) the circumstances (if any) in which payment may be made to a member of the board out of the funds of the Association can only occur if the payment is authorised by a resolution of the Association

31.3 Payments in Good Faith

Nothing contained in **Rule 31.2** shall prevent payment in good faith of or to any Member for:

- a) any services actually rendered to the Association whether as an employee or otherwise;
- b) goods supplied to the Association in the ordinary and usual course of operation;
- c) interest on money borrowed from any Member;
- d) rent for premises demised or let by any Member to the Association;
- e) any out-of-pocket expenses incurred by the Member on behalf of the Association; or
- f) any other reason provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

32. RESOLVING DISPUTES

32.1 Disputes Arising under the Rules

32.1 a) This rule applies to:

32.1 a) i) disputes between Members; and

32.1 a) ii) disputes between the Association and one or more Members;
that arise under the:

32.1 a) iii) Rules or relate to the Rules of the Association; or

32.1 a) iv) By-Laws or relate to the By-Laws of the Association.

32.1 b) In this rule "Member" includes any former Member whose membership ceased not more than six months before the dispute occurred.

32.1 c) This rule does not apply to complaints and disputes arising from, or in relation to the behaviour or the actions of any player, official or spectator at a game of hockey. These complaints and/or disputes will be dealt with under the By-Laws.

32.2 Parties to Attempt to Resolve Dispute

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

32.3 Initiating the Grievance Process

32.3 a) If the parties are unable to resolve the dispute between themselves within the time required by rule 32.2, any party to the dispute may initiate a procedure under this rule by giving written notice to the Officer authorised by the Board, of:

- i) the parties to the dispute; and
- ii) the matter or matters that are the subject of the dispute.

32.3 b) The Officer authorised by the Board must convene a Board Meeting within 28 days after the Officer authorised by the Board receives notice of the dispute under rule 32.3a) for the Board to consider and determine the dispute.

32.3 c) The Officer authorised by the Board must give each party to the dispute written notice of the Board meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

32.3 d) The notice given to each party to the dispute must state:

- i) when and where the Board meeting is to be held; and
- ii) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Board about the dispute.

32.3 e) If:

- 32.3 e) i) the dispute is between one or more Members and the Association; and
- 32.3 e) ii) any party to the dispute gives written notice to the Officer authorised by the Board stating that the party:
 - 32.3 e) ii) a) does not agree to the dispute being determined by the Board; and
 - 32.3 e) ii) b) requests the appointment of a mediator under rule; the Board must not determine the dispute

32.3 f) If any party to the dispute gives written notice to the Officer or authorised by the Board requesting the appointment of a mediator under rule 32.6:

- 32.3 f) i) the Board must not determine the dispute; and
- 32.3 f) ii) a mediator must be appointed under rule 32.6.

32.4 Determination of Dispute by Board

32.4 a) At the Board Meeting to consider and determine the dispute, the Board must:

- 32.4 a) i) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
- 32.4 a) ii) give due consideration to any submissions so made; and
- 32.4 a) iii) determine the dispute.

32.4 b) The Officer authorised by the Board must give each party to the dispute written notice of the Board's determination, and the reasons for the determination, within 7 days after the Board meeting at which the determination is made.

32.4 c) A party to the dispute may, within 14 days after receiving notice of the Board's determination under rule 32.4a) give written notice to the Officer authorised by the Board requesting the appointment of a mediator under rule 32.6.

32.4 d) If notice is given under rule 32.4c), each party to the dispute is a party to the mediation.

32.5 Mediation

I certify that this is a true copy of the original document. Dated 18-02-2021

32.5 a) This rule applies if written notice has been given to the Officer authorised by the Board requesting the appointment of a mediator:

32.5 a) i) by a Member under rule 8.4; or

32.5 a) ii) by a party to a dispute under rule 32.3e), 32.3f) or 32.4c); or

32.5 b) Where the dispute relates to a proposal for the suspension or expulsion of a Member this rule does not apply until the procedure under Hockey WA Constitution rule 8.3, in respect of the proposed suspension or expulsion has been completed.

32.5 c) A mediator must be chosen or appointed under rule 32.6.

32.6 Appointing a Mediator

32.6 a) The mediator must be a person chosen:

32.6 a) i) if the appointment of a mediator was requested by a Member under BHA sub rule 32.4a) — by agreement between the Member and the Board; or

32.6 a) ii) if the appointment of a mediator was requested by a party to a dispute under rule 32.3e), 32.3f) or 32.4c) — by agreement between the parties to the dispute.

32.6 b) If there is no agreement for the purposes of rule 32.6a) i) or ii), then, subject to rules and the Board must appoint the mediator.

32.6 c) The person appointed as mediator by the Board must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by:

i) a member under *Hockey WA Constitution* rule 8.4; or

ii) a party to a dispute under rule 32.3e);

iii) a party to a dispute under rule 32.3f); or

iv) a party to a dispute under rule 32.4c) and the dispute is between one or more Members and the Association.

32.6 d) The person appointed as mediator by the Board may be a Member or former Member of the Association but must not:

i) have a personal interest in the matter that is the subject of the mediation; or

ii) be biased in favour of or against any party to the mediation.

32.6 e) The party or parties requesting the mediation must pay the costs of the mediation.

32.7 Mediation Process

32.7 a) The parties to the mediation must, in good faith, attempt to settle the matter that is the subject of the mediation.

32.7 b) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.

32.7 c) The mediator, in conducting the mediation, must:

32.7 c) i) give the parties to the mediation process every opportunity to be heard;

32.7 c) ii) allow all parties to give due consideration to any written statement submitted by another party; and

32.7 c) iii) ensure that natural justice is accorded to the parties to the mediation throughout the mediation process.

32.7 d) The mediator cannot determine the matter that is the subject of the mediation.

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32.7 e) The mediation must be confidential, and any information given at the mediation cannot be used in any other legal or other proceedings that take place in relation to the matter that is the subject of the mediation.

32.8 Inability to Resolve Disputes

If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

- 33. Reference to Hockey WA & Hockey Australia Rules/Constitution** - should these BHA Rules be found to not be conclusive to adhere to compliances under the Associations Incorporation Act 2015, then references should be made to Hockey WA and Hockey Australia Rules/Constitution for guidance and application.

| APPENDIX 1. TABLE OF AMENDMENTS – 28102020 (FULL COPY NEW RULES REFORMAT- numbering sequence up 1 number) | |
|---|--|
| DEFINITIONS: change to...Terms Used | Busselton Hockey Association Incorporated abbreviated to BHA <i>Officer Manager – changed to Officer authorised by the Board</i> |
| 2.1 POWERS OF ASSOCIATION | e) to employ agents or employees or Officers to transact.... n) to adjudicate on all matters.....; or refer breachesof these Rules, to the appointed Grievance Officer or Member Protection Information Officer (MPIO) and/or the Disputes Panel (refer to clause 10. DISCIPLINE OF MEMBER /OFFICIAL/SPECTATOR/PARENT) |
| 4 . MEMBERS reformatted to Part 3) | (4.1.2) Amend general meeting to committee meeting. - reformatted to 3.1.2 |
| Reformat- added 3.1.1-3.1.7; 3.a) vii Social Member 4.3 Life Member a) deleted; b) moved to 3.1.a) vi Honorary Life Members; 4.1 a) 4 delete Honorary Life Member nomination AGM agenda-replaced with 3.1.7 a) vi. Honorary Life Members 1-4 | v) Associate Membergeneral meeting amended to committee meeting. vi) Honorary Life Members are members who have rendered outstanding voluntary service... |
| 5.2 Discretion to Accept or Reject Application | Deleted – refer to BHA Rules 7 c) |
| 7. Register of Members [(Reformat 6.a) -6 d];6.2 Copy of Register | [s56 (1) Act 6.2] a) -6.2d ; 6.3 When using Information in Register is Prohibited- Model Rules (Associations) 2016 |
| 10. DISCIPLINE OF MEMBERS (REFORMAT 9.) | Amended to 10 MEMBER, VOLUNTEER, EMPLOYEE, OFFICIAL, SPECTATOR, OR PARENT – referenced to Hockey Australia Safe Hockey Framework |
| 13.2 Business Transacted (Reformat 12.2) | Amend toat these general meetings |
| 15. PROCEEDINGS AT GENERAL MEETINGS (Reformat 14.) 15.4 deleted- replaced with 20.e) secret ballot | references to quorum deleted (refer to BHA Rules 21.4 Quorum) (Reformat 20.4) |
| 16. VOTING AT GENERAL MEETINGS (Reformat 15.) | Model Rules (Associations) 2016 16.1.3 Chairman deliberate vote and casting vote |
| 18. MANAGEMENT COMMITTEE (Reformat 17.) | 18.1 b) The Board may delegate decision making powers to the Executive.....recorded next meeting |
| 18.3 A (Reformat 17.3) quorum of the Management Committee shall be half of its members plus one Move to replace – Rule Quorum 21.4 a) (Reformat 20.4 a) Reformat 18.4 to 18.3/18.5 to 18.4 (Reformat 17.3 17.4) | 18.1 c) ..the Chairman shall be entitled to exercise a casting vote and all Directors shall be entitled to exercise a deliberative vote; (Reformat 17.1 c) |
| 20. ELECTION OF DIRECTORS (Reformat 19.) 20. a) the Officer authorised by the Board, will be nominated as the Returning Officer, who will; reformat 1-4 to – 19. a) 1. – 19. a) | 18.1 d) All urgent Out of Session Motion... Records of the motion carried or lost to be tabled and recorded at the next meeting of the Board; (Reformat 17.1 d) |
| 20.2 Term of Appointment-Office [Reformat 19.2, 19.2 a), 19.2] 20.2 a) each director shall hold office for two (2) years... 20.2 b) there will be a rolling appointment term of office election of 50% of the directors.... | 18.1 e) refer to BHA Rule 27. Common Seal (Reformat 26) The Officer authorised by the Board shall keep an up to date register of Board members, including email addresses, mobile numbers and terms of expiry and common seal signatories. |
| 20.2 c) (Reformat 19.2 c) each Director shall be entitled to hold office until the expiry Term of Office... 20.2 d) [(Reformat 19.2 d)]The Management Committee shall be elected ...term of three (3) two (2) years, which shall commence from the conclusion of the Annual General Meeting at which the election occurred until the conclusion of the third second Annual General Meeting following | 20. e) Board Positions - Terms of Office - Uneven Year Financial Reporting: Commencing 2020 AGM Senior Vice Chairman, Finance Director, Junior Vice Chairman, General Services Director, Seniors Director 20.2 f) Board Positions - Terms of Office - Even Year Financial Reporting: Commencing 2021 AGM Chairman, Governance Director, Sponsorship & Marketing Director, Masters & Volunteers Director, Juniors Director |
| 21.1 Management Committee to Meet (Reformat 20.1) 21.1 q) [(Reformat 20.1 q)] Persons who are not to be members of Committees - error Model Rule section 37 of the Act reference number - replace with section 39 of the Act: | 21.4 (Reformat 20.4) Quorum 21.4 c) delete: five (5) at Management Committee meetings and Extraordinary Management Committee meetings/replace: a quorum at Management Committee meetings and Sub-Committee meetings shall be half of committee members plus (1) – applies to Extraordinary Management Committee and Sub-Committees |
| 24. RECORDS (Reformat 23.) 24.1 GOVERNANCE DIRECTOR (Reformat 23.1) The Governance Director shall direct and assist the Officer as authorised by the Board to: 24.1 (a) (Reformat 23.1 a) prepare documentation for Management Committee meetings..24.1(c) (Reformat 23.1 c) ensure that approved minutes of the proceedings of all meetings of the Management Committee ...and the are signed, distributed to members and pasted in the minute book and stored at the BHA Office; 24.1 (d) (Reformat 23.1 d) submits a report and correspondence on the activities of, and issues relating to the Association; 24.1 (e) (Reformat 24.1 e), the custody of all books, minutes, documents, records, reports, registers and financial records of the Association, shall be kept and maintained by the Officer authorised by the Board, as directed by the Governance Director and the Finance Director at the BHA Office | 24.2 Broad Power to Manage (Reformat 23.2) ...Officer authorised by the Board has power to perform operational procedures, as approved by the BHA Board according to Policy & Procedures and compliancy to the Association Incorporations Act 2015.... 25. NOTICE (Reformat 24.) 25.1 (Reformat 24.1) Manner of Notice Notices may be given by the Officer authorised by the Board to any Member by email or by post and copies emailed to the member's Club President and Secretary 25.2 (Reformat 24.2) Notice of Special General Meeting Notice of every Special General Meeting shall be given in the manner authorised and to the persons entitled to receive notice under these Rules, are to the Club President and Secretary by email 26. (Reformat 25.) ACCOUNTS -26. b)delete ..whenever directed by the Chairman, submit to the Management Committee a report ...replaced with Model Rules 2016 26.2 (Reformat 25.2) Negotiable Instruments – Finances 26.2 a) [Reformat 25.2 a)]All cheques, promissory notes, bank drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the Association, shall be signed, drawn, accepted, endorsed or otherwise executed, as the case may be, by any two of the five designated members of the executive – Chairman, Senior Vice Chairman, Finance Director, Governance Director 26.2 (b) [Reformat 25.2 b)]The Officer authorised by the Board shall be limited to a set amount of petty cash shall be determined in the BHA Petty Cash Policy approved and reviewed by the Board |
| 27.1 Affixing Seal Use of the Common Seal (Reformat 26) a)The Seal shall display the name of the Association ...in the presence of at least any two (2) Directors... b) Every use of the common seal must be recorded in the Board's minute book. 27.2 (Reformat 26.2) Safe Custody of Seal: The Governance Director and Officer shall provide for safe custody of the Seal at the BHA Office | Delete 33 – 33.4 GRIEVANCE PROCEDURE Amend to 33. (Reformat 32.) RESOLVING DISPUTES – sourced from Hockey WA Constitution Rule 27 33.1 – 33.8 (Reformat 32.1 – 32.8) ADD NEW RULE 34. (Reformat 33.) REFERENCE TO HOCKEY WA & HOCKEY AUSTRALIA RULES/CONSTITUTION - should these BHA Rules be found to not be conclusive to adhere to compliances under the ASSOCIATIONS INCORPORATIONS ACT 2015..... |

| Ratified /Revised | CONSTITUTION (Busselton Hockey Stadium Club Inc. 2013) | Appendix 1. Table of Amendments | |
|---|--|---|--|
| 1st November 1991. | 5. <i>Management - amended 16.5.94.</i> | 13. <i>Financial Year - amended 22.7.96</i> | 1 <i>Objects (g) - added 17.12.96</i> |
| 25.10.99 | <i>through the dissolution of the Busselton Women's Hockey Assoc. (Inc.) the Busselton & Districts Men's Hockey Assoc. (inc.) the Juniors Hockey Association with subsequent devolvement into the Busselton Hockey Stadium Club (inc.):</i> | | |
| 1 | <i>Preamble., Definition Chairman, "Council" changed to "Board", "Presidents" - Changed to "Chairman</i> | | |
| 2 <i>Powers</i> | 3 <i>Membership</i> | 5 <i>Management</i> | |
| 7 | <i>Meetings -7.1 July changed to August, 7.2 words deleted, 7.3 "Other" changed to "Special"</i> | | |
| 9 <i>Election of Directors</i> | <i>Functions - President to Chairman, Vice President to Snr. Vice Chairman, Hon.Sec. to Director Admin Hon Treas. to Dir.Fin.</i> | | |
| 24.02.2000 | 3. <i>Membership</i> | 5. <i>Subscriptions</i> | |
| June 2010 | 6. g, j) <i>Management</i> | 8.3 <i>Quorum</i> | 9c-h <i>Functions</i> |
| Revised 01/02/2011 | 6. i) <i>Management</i> 8.1 <i>Meetings</i> 8.2 <i>Special General Meetings</i> | 9. <i>Functions: add Junior Vice Chairman, Director of Veterans</i> | 10 a, b, f <i>Elections</i> 16 <i>Dissolution</i> |
| Revised 24/04/2019 RULES | <i>1.1 Name of Association change from Busselton Hockey Stadium club to Busselton Hockey Association Incorporated – IARN: A0822809R - 20/06/2019</i> | | |
| 9. Functions (deleted) 18.1 Management Committee Director title changes: | <i>[Director of Administration to Governance Director]; [Director of Finance to Finance Director]; [Director of Juniors to Juniors Director]; [Director of Fixtures to Seniors Director]; [Director of General Services and Maintenance to General Services Director]; [Director of Sponsorship and Marketing to Sponsorship and Marketing Director]; [Director of Masters to Masters and Volunteer Recruitment Director</i> | | |
| Schedule 1Associations Incorporation Act, 2015 | | (Rule 2019) | (Reformat 28/10/2020) |
| 1. The name of the incorporated association (no exemption) | | 1.1 | 1.1 |
| 2. The objects or purposes of the incorporated association (no exemption) | | 1.2 | 1.2 |
| 3. The eligibility criteria (if any) for a person to become a member of the association and details on when membership starts and ends | | 5.1 - 5.4 | 4.1- 4. 4 |
| 4. The register of members of the incorporated association | | 7. | 6 |
| 5.The entrance fees, subscriptions and other amounts to be paid by members | | 6. | 5 |
| 6. The name, composition and powers of the management committee | | 2.1 & 19. | 3.1 & 18. |
| 6a) The election or appointment of members of the committee | | 20. | 19 |
| 6b) The terms of office of members of the committee | | 20.2 | 19.2 |
| 6c) The grounds on which, or reasons for which, the office of a member of the committee shall become vacant | | 18.5 & 21.1 q) | 17.5 & (20.1 q) -s. 39 Act correction |
| 6d) The filling of casual vacancies occurring on the committee | | 20.4 | 19.4 |
| 6e) The quorum and procedure at meetings of the committee | | 21.4 | 20.4 |
| 6f) The making and keeping of records of the proceedings at meetings of the committee | | 15.7 | 14.6 |
| 6g) The circumstances (if any) in which payment may be made to a member of the committee out of the funds of the association | | 32.2-32.3 | 31.2-31.3 |
| 7. The quorum and procedure at general meetings of members of the incorporated association | | 15, 21.4 b) c) | 14, 20.4 b) c) |
| 8. The notification of members or classes of members of general meetings of the incorporated association and their rights to attend and vote at those meetings | | 5.1 - 5.4 | 4.1 -4.4 |
| 9. The time within which, and manner in which, notices of general meetings and notices of motion are to be given, published or circulated. | | 12. & 25 | 11.& 24. |
| 10. The percentage of membership, who may at any time require that a general meeting be convened. | | 21.1(d) | 20.1 f) |
| 11. The manner in which the funds of the association are controlled. | | 26 | 25 |
| 12. The day in each year on which the financial year of the incorporated association commences. | | 26.1 | 25.1 |
| 13. The intervals between general meetings and the manner of calling general meetings. | | 21(c) (d)(f) | 20.1 d) e) f) |
| 14. The manner of altering and rescinding the rules and of making additional rules of the incorporated association. | | 28. | 27. |
| 15. If it has one, provisions for the custody and use of the common seal of the incorporated associations | | 27 | 26. |
| 16. The custody of books and securities of the incorporated association. | | 24.1(e); 26 | 23.;25. |
| 17. The inspection by members of the incorporated association of records and documents of the incorporated association. | | 24.1(e) | 23. |
| 18. A procedure for dealing with any dispute under or relating to the rules between members and between members and the incorporated association. | | 10 & 33. | 9. & 32. |
| 19. The manner in which surplus property of the incorporated association must be distributed or dealt with if the association is wound up or its incorporation cancelled. | | 30. | 29. |
| 20. A statement that the property and income of the association must be applied solely towards the promotion of the objects or purposes of the association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the association, except in good faith in the promotion of those objects or purposes | | 32. | 31. |