

# ASSOCIATIONS INCORPORATION REFORM ACT 2012



## RULES of the WEST GIPPSLAND HOCKEY ASSOCIATION INCORPORATED A004426X

Adopted: AGM November 2013

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**ASSOCIATIONS INCORPORATION REFORM ACT 2013**  
**RULES OF THE WEST GIPPSLAND HOCKEY ASSOCIATION INC**  
**A004426X**

**1. NAME**

The name of the incorporated Association is WEST GIPPSLAND HOCKEY ASSOCIATION INCORPORATED A004426X (in these rules called “the Association”).

**2. STATEMENT OF PURPOSE**

To further the interests of hockey in West Gippsland.

To arrange and administer hockey in West Gippsland.

To select and manage teams for inter-association hockey competition.

To affiliate with such organisations as the Committee may determine.

**3. FINANCIAL YEAR**

The financial year of the Association is each period of 12 months ending on 30th September

**4. DEFINITIONS**

“Committee” means the Committee of Management of the Association.

“General Meeting” means a general meeting of members convened in accordance with Rule 13.

“The Act” means the Association Incorporation Reform Act 2013 and includes any regulations under the Act.

“Member” means a financial member of an affiliated Club of the Association and Life Members and Direct Members.

“Life Member” means a person who has been granted Life Membership of the Association in accordance with Rules 7.4

“Direct member” is a member who registers directly with the Association.

“Secretary” means the person holding office under these rules as Secretary according to the Act.

**5. POWERS OF ASSOCIATION**

5.1 Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.

5.2 Without limiting subrule 5.1, the Association 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 and borrow 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 it considers necessary or desirable.

5.3 The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

## **6. NOT FOR PROFIT ORGANISATION**

6.1 The Association must not distribute any surplus, income or assets directly or indirectly to its members.

6.2 Subrule 6.1 does not prevent the Association 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.

## **7. MEMBERSHIP**

Membership of the Association shall consist of the following:

7.1 Members of an affiliated club with the association where the affiliated club has paid all fees and subscriptions due.

7.2. Direct Membership of Association

7.2.1 For players over the age of 18 years and have paid all fees and subscriptions due.

(a) Direct Membership is by electronic application or in accordance with Appendix 1

7.2.2 For parent(s) or guardian(s) of players under the age of 18 years and have paid all fees and subscriptions due.

7.3 Life Members of the Association.

(a) The Association may confer Life Membership on any person who has rendered special service to the Association or the game of hockey.

(b) Have full member rights and are not required to pay an annual subscription.

(c) Such recommendations must be made in writing in accordance to Appendix 2 and sent to the minute secretary no later than six weeks prior to a General Meeting.

(d) The nomination shall be placed before the Committee and their recommendations shall be presented to the next General Meeting and must be endorsed by not less than three quarters of the members present and entitled to vote.

## **8. ANNUAL SUBSCRIPTION**

The annual subscription shall be the amount set by the Committee prior to the commencement of the playing season.

## **9. REGISTER OF MEMBERS**

9.1 The Secretary shall keep and maintain a register of members in which shall be entered

- (a) the members' full name,
- (b) address from notice last given by the member
- (c) date of becoming a member and
- (d) for each former member, the date of ceasing to be a member.

9.2 Affiliated clubs are required to notify the Secretary within 30 days of changes to their membership

9.3 Any member may, within a reasonable time, on appointment and free of charge, request to inspect -

- (a) the register of members;
- (b) the minutes of general meetings;
- (c) subject to subrule 9.4, the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

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.

9.4 The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

## **10. CEASING AND RESIGNING MEMBERSHIP**

A member of the Association who has paid all moneys due and payable by the member to the Association may resign from the Association by giving one weeks' notice in writing to the Secretary of his or her intention to resign and upon the expiration of that period of notice; the member ceases to be a member.

10.1 The membership of a person ceases on resignation, expulsion or death.

10.2 If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

10.3 Direct membership ceases:

- (a) when the Direct Member becomes a member of an affiliated club;
- (b) or upon resignation;
- (c) the member's annual subscription is more than 3 months in arrears;

## **11. GENERAL RIGHTS OF MEMBERS**

11.1 A member of the Association 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 Association as provided under rule 9.3; and
- (f) to inspect the register of members.

11.2 A member is only entitled to vote if

- (a) the member's membership rights are not suspended for any reason, and
- (b) the member is of age 18 years or older.

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

## **12. DISCIPLINARY ACTION**

### **12.1 Grounds for taking disciplinary action**

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

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

### **12.2 Disciplinary subcommittee**

(a) 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.

(b) The members of the disciplinary subcommittee—

- (i) may be Committee members, members of the Association or anyone else; but
- (ii) must not be biased against, or in favour of, the member concerned.

### **12.3 Notice to member**

12.3.1 Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

- (a) stating that the Association 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 that he or she may 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
  - (iii) setting out the member's appeal rights under Rule 12.5

12.3.2 The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## **12.4 Decision of subcommittee**

12.4.1 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.

12.4.2 After complying with subrule 12.4. 1, the disciplinary subcommittee may—

- (a) take no further action against the member; or
- (b) reprimand the member; or
- (c) suspend the membership rights of the member for a specified period; or
- (d) expel the member from the Association; or
- (e) fine the Member.

12.4.3 The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

## **12.5 Appeal rights**

12.5.1 A person whose membership rights have been suspended or who has been expelled from the Association under rule 12.4 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

12.5.2 The notice must be in writing and given—

- (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
- (b) to the Secretary not later than 48 hours after the vote.

12.5.3 If a person has given notice under subrule 12.5.2, a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 14 days, after the notice is received.

12.5.4 Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—

- (a) specify the date, time and place of the meeting; and
- (b) state—

- (i) the name of the person against whom the disciplinary action has been taken; and
- (ii) the grounds for taking that action; and
- (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

## **12.6 Conduct of disciplinary appeal meeting**

12.6.1 At a disciplinary appeal meeting—

- (a) no business other than the question of the appeal may be conducted; and
- (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
- (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

12.6.2 After complying with subrule 12.6.1, the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

12.6.3 A member may not vote by proxy at the meeting.

12.6.4 The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

## **13. GRIEVANCE PROCEDURES**

### **13.1 Application**

(1) The grievance procedure set out applies to disputes under these Rules between—

- (a) a member and another member;
- (b) a member and the Committee;
- (c) a member and the Association.

(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.

### **13.2 Parties must attempt to resolve the 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.

### **13.3 Appointment of mediator**

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 13.2, the parties must within 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 Association—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 Association 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.

#### **13.4 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.

#### **13.5 Failure to resolve dispute by mediation**

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

### **14. ANNUAL GENERAL MEETING**

- 14.1 The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- 14.2 The Committee may determine the date, time and place of the annual general meeting.
- 14.3 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;
  - (b) to receive and consider—
    - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
    - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act
  - (c) to elect the members of the Committee;
- 14.4 The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

## **15. SPECIAL GENERAL MEETING**

- 15.1 Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- 15.2 The Committee may convene a special general meeting whenever it thinks fit.
- 15.3 No business other than that set out in the notice under rule 17 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 17 and the majority of members at the meeting agree.

## **16. SPECIAL GENERAL MEETING HELD AT REQUEST OF MEMBERS**

- 16.1 The Committee must convene a special general meeting if a request to do so is made in accordance with subrule 16.2 by at least nine (9) of the total number of members.
- 16.2 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 given to the Secretary.
- 16.3 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.
- 16.4 A special general meeting convened by members under subrule 16.3 —
- (a) must be held within 3 months after the date on which the original request was made; and
  - (b) may only consider the business stated in that request.
- 16.5 The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule 16.3.

## **17. NOTICE OF GENERAL MEETINGS**

- 17.1 The Secretary (or, in the case of a special general meeting convened under Rule 16), the members convening the meeting must give to each member of the Association—
- (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- 17.2 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

(d) comply with rule 18.5

17.3 This rule does not apply to a disciplinary appeal meeting.

## **18. PROXIES**

- 18.1 A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- 18.2 The appointment of a proxy must be in writing and signed by the member making the appointment. As per appendix 3
- 18.3 The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- 18.4 If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- 18.5 Notice of a general meeting given to a member under rule 17 must—
- (a) state that the member may appoint another member as a proxy for the meeting; and
  - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- 18.6 A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- 18.7 A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

## **19. USE OF TECHNOLOGY AT GENERAL MEETING**

- 19.1 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.
- 19.2 For the purposes of this Part, a member participating in a general meeting as permitted under subrule 19.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

## **20. QUORUM AT GENERAL MEETING**

- 20.1 No business may be conducted at a general meeting unless a quorum of members is present.
- 20.2 The quorum for a general meeting is the presence (physically, by proxy or as allowed under Rule 19) of nine (9) members entitled to vote.
- 20.3 If a quorum is not present within 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 16—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 16

(b) in any other case—

- (i) the meeting must be adjourned to a date not more than 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.

20.4 If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule 20.3(b), the members present at the meeting (if not fewer than 5) may proceed with the business of the meeting as if a quorum were present.

## **21. ADJOURNMENT OF GENERAL MEETING**

21.1 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.

21.2 Without limiting subrule 21.1, 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.

21.3 No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

21.4 Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 17.

## **22. VOTING AT GENERAL MEETING**

22.1 On any question arising at a general meeting—

- (a) subject to subrule 22.3, each member who is entitled to vote has one 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.

22.2 If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

22.3 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.

22.4 This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 12.6.

## **23. 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 Association.

## **24. DETERMINING WHETHER RESOLUTION CARRIED**

24.1 Subject subrule 24.2 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.

24.2 If a poll (where votes are cast in writing) is demanded by three 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.

24.3 A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.

24.4 A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

## **25. MINUTES OF GENERAL MEETING**

25.1 The Committee must ensure that minutes are taken and kept of each general meeting.

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

25.3 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 18(6); and
- (c) the financial statements submitted to the members in accordance with rule 14.3(b)(ii); and
- (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
- (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

## **26. COMMITTEE OF MANAGEMENT**

### **26.1 Role and powers**

- (a) The business of the Association must be managed by or under the direction of a Committee.
- (b) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association
- (c) The Committee may establish subcommittees consisting of members with terms of reference it considers appropriate.

### **26.2 Composition of Committee**

The officers of the Association shall be -

- (a) a President;
- (b) a Vice-President;
- (c) a Treasurer
- (d) a Secretary/ Minute Secretary
- (e) 5 General Committee Members
- (f) a delegate from each affiliated club

Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

- 26.2.1 The President, Vice-President, Treasurer and Secretary shall constitute the executive committee and shall have the power to act in an emergency or as directed by the committee and any action shall be reported to the next Committee Meeting.
- 26.2.2 Each officer of the Association shall hold office until the positions of the Committee are declared vacant at the next annual general meeting, after the date of his or her election but is eligible for re-election.
- 26.2.3 In the event of a casual vacancy in any office referred to in sub-clause 26.2 the Committee may elect an eligible member of the Association to fill the vacant position.
- 26.2.4 All members of the Committee of Management should be “members” of the Association.
- 26.2.5 If the position of Secretary or Treasury becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- 26.2.6 The Committee may continue to act despite any vacancy in its membership.
- 26.2.7 Affiliated Clubs may provide a substitute delegate to act in place of their nominated delegate at any meeting of the committee provided:
  - (a) The Chairman or Secretary is informed prior to the commencement of the committee meeting of the person acting as substitute delegate,
  - (b) The proposed substitute delegate is not already a member of the committee,
  - (c) The elected delegate is not present at the meeting.

## **26.3 Election of Officers and Vacancy**

- 26.3.1 A member is eligible to be elected or appointed as a committee member if the member—
- (a) is 18 years or over; and
  - (b) is entitled to vote at a general meeting.
- 26.3.2 The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for positions as per Rule 26.2 (a) to (e) of accordance with 26.4 to 26.7
- 26.3.3 The name of the delegate of each affiliated Club shall be supplied to the Secretary by each corresponding affiliate Club.
- 26.3.4 Nominations of candidates for election as Committee of Management shall be -
- (a) made in writing, signed by two members of the Association and accompanied by written consent of the candidate. As per Appendix 4; and
  - (b) delivered to the Secretary of the Association prior to the appointed starting time of the annual general meeting.

## **26.4 Nominations**

If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and the Chairperson of the meeting must call for further nominations to fill the remaining vacant positions

- 26.4.1 An eligible member of the Association may—
- (a) nominate himself or herself; or
  - (b) with the member's consent, be nominated by another member.
- 26.4.2 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.
- 26.4.3 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.

## **26.5 Ballot**

- 26.5.1 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.
- 26.5.2 The returning officer must not be a member nominated for the position.
- 26.5.3 The election must be by secret ballot.
- 26.5.4 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 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- 26.5.5 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.

26.5.6 If the ballot is for more than one position—

- (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
- (b) the voter must not write the names of more candidates than the number to be elected.

26.5.7 Ballot papers that do not comply with subrule 26.5.6(b) are not to be counted.

26.5.8 Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.

26.5.9 The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.

26.5.10 If the returning officer is unable to declare the result of an election under subrule 26.5.9 because two 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 26.5.4 to 26.5.9 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.

**Examples**

The choice of candidate may be decided by the toss of a coin.

26.5.11 A nomination of a candidate for election under this clause is not valid if that candidate has been elected to another office at the same election.

## **26.6 Vacation of Office**

For the purposes of these Rules, the office of a Committee of Management becomes vacant if the member -

- (a) ceases to be a member of the Association;
- (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or bankruptcy
- (c) resigns from office by notice in writing given to the Secretary.
- (d) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence

## **26.7 Leave of absence**

26.7.1 The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.

26.7.2 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.



## **27. MEETINGS OF COMMITTEE**

- 27.1 The Committee shall meet at least 4 times in each year at such place and such times as the Committee may determine.
- 27.2 Special meetings of the Committee may be convened by the President or by any four of the executive members of the Committee.
- 27.3 Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- 27.4 If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- 27.5 The only business that may be conducted at the meeting is the business for which the meeting is convened.
- 27.6 Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 27.7 No business shall be transacted unless a quorum is present. If within half an hour of the time appointed for the meeting to commence, a quorum is not present, the meeting shall stand adjourned to the same place and at the same time of the same day in the following week; unless the meeting was a special meeting in which case it lapses.
- 27.8 Any member of the Association is permitted to attend and participate in discussion under the guidance of the chairperson.
- 27.9 At meetings of the Committee -
  - (a) the President or in the President's absence the Vice-President shall preside; or
  - (b) if the President and the Vice-President are absent, one of the remaining executive members of the Committee may be chosen by the members present, to preside.

## **28. USE OF TECHNOLOGY AT COMMITTEE MEETING**

- 28.1 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.
- 28.2 For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule 28.1 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

## **29. VOTING AT COMMITTEE MEETING**

- 29.1 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, in such a manner as the person presiding at the meeting may determine.
- 29.2 Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question; the person presiding may exercise a second or casting vote.

29.3 Voting by proxy is not permitted

29.4 Voting is by Committee members only.

29.5 A substitute delegate is entitled to one vote on each question arising at a meeting of the committee providing they satisfy Rule 26.2.7

### **30. URGENT COMMITTEE MEETING**

30.1 In cases of urgency, a meeting can be held without notice being given in accordance with rule 27.7 provided that as much notice as practicable is given to each committee member by the quickest means practicable.

30.2 The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

### **31. CONFLICT OF INTEREST**

31.1 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.

31.2 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.

31.3 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 Association is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Association.

### **32. MINUTES OF COMMITTEE MEETING**

32.1 The Committee must ensure that minutes are taken and kept of each committee meeting.

32.2 The minutes must record the following—

(a) the names of the members in attendance at the meeting;

(b) the business considered at the meeting;

(c) any resolution on which a vote is taken and the result of the vote;

(d) any material personal interest disclosed under rule 31.

### **33. FINANCIAL & GENERAL MATTERS**

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

#### **33.1 Management of funds**

- 33.1.1 The Association must maintain an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- 33.1.2 Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- 33.1.3 The Committee may authorise the Treasurer to expend funds on behalf of the Association (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.
- 33.1.4 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- 33.1.5 All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- 33.1.6 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.

#### **33.2 Financial records**

- 33.2.1 The Association 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.
- 33.2.2 The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- 33.2.3 The Treasurer must keep in his or her custody, or under his or her control—
  - (a) the financial records for the current financial year; and
  - (b) any other financial records as authorised by the Committee.

#### **33.3 Financial statements**

- 33.3.1 For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- 33.3.2 Without limiting subrule 33.3.1 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 Association;
  - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

### **33.4 Common Seal**

The association does not hold a common seal.

### **33.5 Alteration of Rules and Statement of Purposes**

These Rules may only be altered by special resolution of a general meeting of the Association.

#### **Note**

An alteration of these Rules does not take effect unless or until it is approved by the Registrar of Consumer Affairs of Victoria (CAV).

### **33.6 Registered address**

The registered address of the Association 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.

### **33.7 Notice Requirements**

33.7.1 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 email

33.7.2 Subrule 33.7.1 does not apply to notice given under rule 16.

33.7.3 Any notice required to be given to the Association 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; or
- (c) by leaving the notice at the registered address; or
- (d) if the Committee determines that it is appropriate in the circumstances by email to the email address of the Association or the Secretary;

### **33.8 Winding up and Cancellation**

33.8.1 The Association may be wound up voluntarily by special resolution.

33.8.2 In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.

33.8.3 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 Association and which is not carried on for the profit or gain of its individual members.

33.8.4 The body to which the surplus assets are to be given must be decided by special resolution

### **33.9 Custody and inspection of books and records**

33.9.1 The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

33.9.2 Subject to Rule 9.3, a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

33.9.3 For purposes of this rule -

*relevant documents* means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Association.

Additional Rules not included in the new WGHA Rules of Association under the Act as per letter from Consumer Affairs Victoria, dated 16<sup>th</sup> December 2013. In accordance with Section 48 (3) of the Act, model rule numbers 47 (2) and 55 (3) are deemed to be included in the Rules of WGHA as they have not been included in the new rules of WGHA Nov 2013

### **47 Secretary – Custody of records, securities and other relevant documents.**

(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 Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and
- (c) subject to the Act and these Rules, 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 these Rules.

### **55 Term of office – procedure for the appointment and removal of the secretary of the incorporated association**

(3) A general meeting of the Association may—

- (a) by special resolution remove a committee member from office; and
- (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.



**APPENDIX 1**  
**West Gippsland Hockey Association Incorporated A004426X**

**New Player Manual Registration Year \_\_\_\_\_**

**Note: This information will be uploaded to the Hockey Victoria Hockeynet Individual registration website by the Secretary or the appointed committee member**

**Please Complete in Block Letters**

Surname \_\_\_\_\_ First Name \_\_\_\_\_ Middle Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_ Town \_\_\_\_\_ Postcode \_\_\_\_\_

Postal Address \_\_\_\_\_ (if different from above)

Phone Number \_\_\_\_\_ Mobile Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date of Birth \_\_\_\_\_ GENDER: Male / Female (please circle)

I hereby agree to the Hockey Victoria Codes of Behavior published on the Hockey Victoria website at [www.hockeyvictoria.org.au](http://www.hockeyvictoria.org.au). (Please tick to accept)

Player Signature \_\_\_\_\_

**For Players under the age of 18 years as of registration please complete**

Parent/Guardian Full Name: \_\_\_\_\_

I hereby agree to the Hockey Victoria Codes of Behavior published on the Hockey Victoria website at [www.hockeyvictoria.org.au](http://www.hockeyvictoria.org.au). (Please tick to accept)

Parent Signature: \_\_\_\_\_

Club Secretary Signature \_\_\_\_\_

Emergency Contact Name: \_\_\_\_\_ PH: \_\_\_\_\_

Emergency Contact Name#2 \_\_\_\_\_ PH: \_\_\_\_\_

Medical Conditions: Epilepsy, Migraines, Asthma, Diabetes, Other \_\_\_\_\_  
(Please indicate clearly)

Do you have any disabilities? No / Yes

Condition: \_\_\_\_\_

Are you Aboriginal or Torres Strait Islander? No / Yes

Association Secretary Signature \_\_\_\_\_ Date: Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

**NOTE:** If transferring from another club or association, a clearance is required.

**APPENDIX 2**



**West Gippsland Hockey Association Incorporated A004426X  
Life Membership Nomination Form**

I, \_\_\_\_\_  
(Name)

of \_\_\_\_\_  
(Address)

being a member of the West Gippsland Hockey Association Incorporated A004426X,

hereby nominate \_\_\_\_\_  
(Name)

for Life Membership of the West Gippsland Hockey Association Incorporated A004426X

Signed: \_\_\_\_\_ Date : \_\_\_\_\_

I, \_\_\_\_\_  
(Name)

of \_\_\_\_\_  
(Address)

being a member of the West Gippsland Hockey Association Incorporated A004426X,

hereby second the nomination of \_\_\_\_\_  
(Name)

For Life Membership of the West Gippsland Hockey Association Incorporated A004426X

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

We recommend this person for the following reasons:

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**Official Use Only**

Date received: \_\_\_\_\_

Signed Secretary: \_\_\_\_\_

### APPENDIX 3



West Gippsland Hockey Association Incorporated A004426X

### Appointment of Proxy Form

I, \_\_\_\_\_  
(Full name of applicant)

of \_\_\_\_\_  
(Address)

being a member of West Gippsland Hockey Association Incorporated A004426X appoint

\_\_\_\_\_ of address \_\_\_\_\_

---

being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the general meeting of the Association (include annual general meeting or special general meeting, as the case may be) to be held on \_\_\_\_\_

(Date)

and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details)

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Signed: \_\_\_\_\_

Date: \_\_\_\_\_



## APPENDIX 4



### West Gippsland Hockey Association Incorporated A004426X Committee Position Nomination Form

I, \_\_\_\_\_  
(Name)

of \_\_\_\_\_  
(Address)

being a member of the West Gippsland Hockey Association Incorporated A004426X,

hereby nominate \_\_\_\_\_  
(Name)

for the position of \_\_\_\_\_

on the Committee of Management of the West Gippsland Hockey Association Incorporated  
A004426X

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_  
(Name)

of \_\_\_\_\_  
(Address)

being a member of the West Gippsland Hockey Association Incorporated A004426X,

hereby second the nomination of \_\_\_\_\_  
(Name)

for the position of \_\_\_\_\_

on the Committee of Management of the West Gippsland Hockey Association Incorporated  
A004426X

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

I, \_\_\_\_\_  
(Name)

of \_\_\_\_\_  
(Address)

hereby accept the nomination for the position of \_\_\_\_\_

on the Committee of Management of the West Gippsland Hockey Association Incorporated  
A004426X

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

#### Official Use Only

Date received: \_\_\_\_\_

Signed Secretary: \_\_\_\_\_