

1. Name

- 1.1 The name of the Association is "*The Western Australian Ice Hockey Association (Inc.)*", hereinafter designated "*The Association*" or "*WAIHA*".
- 1.2 The Association trading name is "*Ice Hockey WA*".

2. Definitions

- 2.1 In this Constitution, unless the contrary intention appears:
- "address"* includes residential, postal and electronic addresses;
- "annual general meeting"* is the meeting convened under Clause 19.1b;
- "Council meeting"* means a meeting referred to in Clause 18.1;
- "Council member"* means a person referred to in Clause 11;
- "convene"* means to call together for a formal meeting;
- "correspondence"* means written communication and includes electronic correspondence;
- "department"* means the government department with responsibility for administering the Associations Incorporation Act (1987);
- "Executive member"* means person referred to in Clause 11.2;
- "financial year"* has the meaning given by Section 3 (1) of the Act being a period not exceeding 15 months fixed by the Council, being a period commencing on the date of incorporation of the Association and ending on 15 October; and thereafter each period commencing 16 October and ending on 15 October in the following year;
- "general meeting"* means a meeting to which all ordinary and life members are invited;
- "junior team"* means a team entered in a grade competition run by the Association in the main season (March to September), where player eligibility is subject to an age limit of eighteen years

New Location

Junior and Senior teams defined to allow later definition of Clubs/ Affiliate Members. Junior

and under, or as determined by Council from time to time.

"member" means member of the Association;

"ordinary resolution" means resolution other than a special resolution;

"poll" means voting conducted in written form (as opposed to a show of hands);

"senior team" means a team, which is not a junior team, entered in a grade competition run by the Association in the main season (March to September) in the highest grade played in the Association as referred to in rule 5 (1) (a);

"special general meeting" means a general meeting other than the annual general meeting;

"special resolution" has the meaning given by section 24 of the Act, that is:

- (i) A resolution is a special resolution if it is passed by a majority of not less than **three-fourths** of the members of the Association who are entitled under this Constitution to vote and vote in person or, where proxies or postal votes are allowed by this Constitution by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with this Constitution.
- (ii) At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with this Constitution or, if this Constitution does not make provision as to the manner in which a poll may be demanded, by at least 3 members of the Association present in person or, where proxies are allowed, by proxy.
- (iii) If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

"the Act" means the Associations Incorporation Act 1987;

specified by age; Seniors are all other teams

Defines persons as members (not clubs)

Junior and Senior teams defined to allow definition of Clubs/ Affiliate Members

Standard definition from the Act.

Special resolutions need to have 75% in favour to pass, based on those present and proxies held. Proxy rule later.

<p><i>"the Association"</i> means the Association referred to in Clause 1;</p> <p><i>"the Chairperson"</i> means:</p> <ul style="list-style-type: none"> (i) in relation to the proceedings at a Council meeting or general meeting, the person presiding at the Council meeting or general meeting in accordance with Clause 12; or (ii) otherwise than in relation to the proceedings referred to in the preceding paragraph, (i), the person referred to in Clause 11.1a, or, if that person is unable to perform his or her functions, the person referred to in Clause 11.1b; <p><i>"the Commissioner"</i> means the Commissioner designated under Section 39A exercising powers under the Act;</p> <p><i>"the Council"</i> means the Council of Management of the Association referred to in Clause 11.1;</p> <p><i>"the President"</i> means the President referred to in Clause 11.1a;</p> <p><i>"the Vice-President"</i> means the Vice-President referred to Clause 11.1b.</p> <p><i>"the Secretary"</i> means the Secretary referred to in Clause 11.1c;</p> <p><i>"the Treasurer"</i> means the Treasurer referred to in Clause 11.1d;</p> <p><i>"the Membership Coordinator"</i> means Membership Coordinator referred to in Clause 11.1e.</p> <p>3. Objectives</p> <p>3.1 The Association is the peak body for the administration of the sport of Ice Hockey in Western Australia.</p> <p>3.2 The objectives for which the Association is established and maintained, are to:</p> <ul style="list-style-type: none"> a. Participate as a member of a single uniform entity through and by which Ice Hockey in Australia is conducted, encouraged, promoted, and administered. b. Affiliate and otherwise liaise with Australian Ice Hockey Federation(AIHF) or other 	<p><i>The Commissioner is part of the Dept of Commerce, responsible for governance of Associations</i></p> <p><i>This is a fifth person on executive; needs a title.</i></p> <p><i>No Change</i></p>
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<p>strategically aligned bodies, in the pursuit of these purposes.</p> <ul style="list-style-type: none">c. Provide for the encouragement, conduct, promotion, control, and administration of Ice Hockey throughout Western Australia, for the mutual and collective benefit of the Association, AIHF, the Members and Ice Hockey.d. Act in good faith and loyalty to ensure the maintenance and enhancement of the Association, the Members and Ice Hockey.e. Promote the importance of Ice Hockey laws, standards, techniques, awards and education to bodies involved in or related to Ice Hockey.f. Strive for and maintain government, commercial and public recognition of the Association as the authority for Ice hockey in Western Australia.g. Pursue through itself or others, such commercial arrangements, including sponsorship and marketing opportunities, as are appropriate to further the purposes of the Association.h. Further develop the Association and Ice Hockey in Western Australia into an organised institution and having regard to these purposes, to foster, regulate, organise, control, conduct and manage Ice Hockey Championships, competitions, events, displays and other activities in Western Australia.i. Promote the health and safety of Ice Hockey players.j. Act as arbiter on all matters pertaining to the conduct of Ice Hockey in Western Australia, including disciplinary matters.k. Select and control teams or sides to represent Western Australia or the Association. <p>3.3 The property and income of the Association shall be applied solely towards the promotion of the objectives of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objectives.</p>	
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4. Powers

- 4.1 Subject to this Constitution, and section 13 of the Act, the Association may do all things necessary or convenient for carrying out its objectives and purposes, and in particular, may:
- a. acquire, hold, deal with, and dispose of any real or personal property;
 - b. open and operate bank accounts;
 - c. invest its money:
 - (i) in any security in which trust monies may lawfully be invested; or
 - (ii) in any other manner authorised by the Clauses of the Association;
 - d. borrow money upon such terms and conditions as the Association thinks fit;
 - e. give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
 - f. appoint agents to transact any business of the Association on its behalf;
 - g. enter into any other contract it considers necessary or desirable; and
 - h. may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the Act or this Constitution.
- 4.2 The powers conferred on the Association by Section 13 of the Act are subject to the following additions, exclusions or modifications.
- 4.3 Solely for furthering the objects set out above, and in addition to the rights, powers and privileges provided under the ACT, the Association has the legal capacity and powers of a natural person.

Clause 4.1 is an addition, using standard terminology from the Act.

5. Patron

5.1 The Association may from time to time appoint, subject to his or her acceptance, a Patron and one or more Vice-Patrons at a general meeting of members on the recommendation of the Council.

6. Membership

6.1 Membership shall consist of the following categories.

- a. Ordinary Members, who shall be individuals comprising:
 - (i) Players registered with the Association;
 - (ii) Off-ice Officials registered with the Association and who meet the requirements for coaching, managing or administering players, teams, training and development clinics and the like, as determined by the Council from time to time and set out in the By-Laws of the Association;
 - (iii) On-ice Officials registered with the Association and who meet the requirements for officiating games as determined by the Council from time to time and set out in the By-Laws of the Association; or
 - (iv) Non-players registered with the Association, who support the objects and purposes of the Association.
- b. Life Members, who shall be individuals who been conferred life membership by the Association for distinguished service to Ice Hockey in Western Australia or for other sufficient reason, subject to Clause 6.2.
- c. Affiliate Members, which shall
 - (i) be properly incorporated ice hockey clubs or associations in Western Australia whose members are ordinary or life members of the Association; and
 - (ii) subject to these rules and By-Laws of the Association, enter a minimum of two teams in grade competitions run by the Association.

Option for the Association to appoint a Patron, to further to objectives of the Association and raise the profile of Ice Hockey

Changes include that ordinary members are people only: players, officials, non-players, each broadly defined.

Retained, with description added at 6.2

While the Association comprises individual members, clubs/teams are changed to Affiliate members. This makes it easier to define the workings of the Council of Management. Requires the Affiliates to be incorporated, which means organised, office bearers, etc (previously Rule 5.1.a)

<p>6.2 The Council may recommend to a general meeting that any natural person who has rendered distinguished service to Ice Hockey where such service is deemed to have assisted the advancement of Ice Hockey in Western Australia be appointed as a Life Member:</p> <ul style="list-style-type: none"> a. By special resolution to confer life membership; and b. A person must accept or reject the Association's resolution to confer life membership in writing. c. Upon written acceptance, the person's details shall be entered upon the register, and from time of entry on the register the person shall be a Life Member. 	<p><i>Process for inducting Life Members (previously Rule 5.1. d, e, f)</i></p>
<p>6.3 A person who wishes to become an ordinary member is required to register for membership to the Council-Association in writing in such form as the Council from time to time directs, and the person shall sign to acknowledge the conditions of membership.</p> <ul style="list-style-type: none"> (i) signed by that person and (ii) in such form as the Council from time to time directs. 	<p><i>No Change</i></p>
<p>6.4 An organisation may apply for admission as an affiliate membership to the Association in writing in such form as the Council from time to time directs, which includes at least:</p> <ul style="list-style-type: none"> a. A list of members of the organisation who are also ordinary or life members of the Association; b. Articles of incorporation, with details of office bearers; c. At least two team lists for entry in the main season grade competitions run by the Association and player transfer papers raised in accordance with the By-laws of the Association; and d. Such fees or charges required by Council in advance of admission to the Association. 	<p><i>New detail of rules to admit affiliate member (clubs/ associations) to IHAWA (previously Rule 5.4)</i></p> <p><i>New clubs have to be incorporate, which inherently provides a for level of organisation</i></p> <p><i>Have teams to put in competition</i></p>
<p>6.5 The Council of the Association shall have the power to admit an eligible organisation as an affiliate member of the Association, by resolution of a two-thirds majority of those members of the Council</p>	<p><i>No Change (Previously Rule 5.4)</i></p>

<p>present and eligible to vote at a meeting of the Council. In the case of an affiliate member that has previously been a member, the Council may decide to readmit the affiliate member subject to such fees or conditions or both as it sees fit.</p>	
<p>6.6 Council must consider each application for membership made under Clause 6.3 or Clause 6.4 at a Council meeting and must at the Council meeting or the next Council meeting accept or reject that application for registration or admission.</p>	<p><i>No Change (Previously Rule 5.3)</i></p>
<p>6.7 An applicant whose application for registration or admission for membership of the Association is rejected under Clause 6.4 or Clause 6.4 must, if he or she the person or organisation wishes to appeal against that decision, give notice to the Secretary of his or her their intention to do so within a period of 14 days from the date he or she they are advised of the rejection.</p>	<p><i>Redress process</i></p>
<p>6.8 When notice is given under Clause 6.7, the Association in a general meeting no later than the next annual general meeting, must either confirm or set aside the decision of the Council to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting.</p>	<p><i>Redress process</i></p>
<p>7. Register of Members of Association</p>	
<p>7.1 The Membership Coordinator, on behalf of the Association, must comply with section 27 of the Act by keeping and maintaining:</p> <p style="padding-left: 40px;">in an up to date condition a register of the members of the Association and their postal or residential addresses, e-mail address and membership category and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.</p>	<p><i>Change from Secretary to new 5th executive member to look after register of members. Optional to increase the number of executives; however, with common usage of electronic addresses, this member is responsible for maintaining the list accurately and the privacy of the list. This task is too much to add to Secretary job. (Previously Rule 6.1)</i></p>
<p>7.2 The register must be so kept and maintained at the Membership Coordinator's place of residence or at such other place as the members at a general meeting decide.</p>	<p><i>Previously Rule 6.1</i></p>
<p>7.3 The Membership Coordinator must cause the name of a person who dies or who ceases to be a</p>	<p><i>Previously Rule 6.2</i></p>

member under Clause 10 to be deleted from the register of members referred to in Clause 7.1.

8. Fees and Charges of Members of Association

8.1 The Council shall have the power to fix the amount of annual subscription, fees, and charges for each financial year.

8.2 The Association financial year shall be from 16th October to 15th October in any year.

8.3 A Schedule of Fees for Players, Off-ice Officials, On-ice Officials and Non-players, and Affiliate members shall be determined not later than February Council Meeting. Council may defer the determination to not later than four (4) weeks prior to the scheduled start of the "home and away" grade competitions, at which time the Schedule of Fees determined for the previous year shall stand.

8.4 Subscription Fees are set in two (2) parts.

a. Ordinary Members Annual Subscription is payable to the Association in two (2) parts, comprising:

(i) at least one half of the total WAIHA ordinary player subscription, paid by 3 pm Friday, prior to the first scheduled home and away game for that season.

(ii) The final payment paid to the Association by Friday 3 pm, four (4) weeks after the start of the 'home and away' grade competitions.

b. Affiliate Member Annual Subscription is payable to the Association four (4) weeks prior to the start of the 'home and away' grade competitions by affiliate members planning to participate that year.

8.5 A person exercises all the rights and obligations of an Ordinary member for the purposes of this Constitution if his or her subscription is paid on or before the relevant date fixed by or under Clause 8.4a or within 3 months thereafter, or such other time as the Council allows.

a. The above fees must be set by the Council no later than at the February monthly Association

Previously Rule 7.0

Format changes, reference to ordinary members (people) and affiliates (clubs) members

meeting of that year. The setting of the fees may be deferred to a date no later than four (4) weeks prior to the scheduled start of the 'home and away' season, if agreed to at that said meeting. If the fees are not set by that date, the decision for the previous year will stand.

8.6 An Affiliate member which fails to pay a subscription (including those of its Association ordinary members), fee, or charge by the date and time stipulated for each such payment, shall be deemed 'un-financial', and as such:

- a. shall not score competition points in any game played by the teams of that affiliate member until such time as the amount owing in relation to that subscription, fee or charge is paid; and
- b. is suspended and has no right of voting at a Council meeting.
- c. payments of an affiliate member to become financial made by 3:00 pm on each Friday shall to enable subsequent competition points to be scored and enable that affiliate member to vote at a Council meeting held within the subsequent seven (7) days.

8.7 Management of subscriptions fees and charges including both ordinary and affiliate members shall be in accordance with the By-Laws of the Association.

8.8 An ordinary member, who is not a member of an affiliate member of the Association, are subject to the same requirements of payment and management of subscriptions, fees and charges as an ordinary member who is a member of an affiliate member of the Association.

~~f) Any subscriptions, fees, or charges, other than the Club Annual Subscription or the Player Annual Subscription, will be posted to the said Club by the means agreed to between the Association and the Club at the beginning of that year. It is the responsibility of the Club to provide notice to the Association within at least seven (7) days to amend their address.~~

~~g) Any invoices sent to Clubs requesting payment will allow at least 7 days to pay. All terms of payment must be made by 3:00 pm Friday.~~

~~h) All payments to the Association must be addressed to the Honorary Treasurer and be sent to the~~

Process arrangement moved to Bylaws section.

<p>Associations Post Office box, unless other arrangements in writing, have previously been approved. (to the by laws/process regulations)</p> <p>8.9 An ordinary member must apply for and receive Council approval to transfer from an affiliate member prior to playing for another affiliate member, subject to the Association Treasurer receiving:</p> <ul style="list-style-type: none">a. a correctly completed transfer form incorporating the responses and approval of the original affiliate member; andb. a transfer fee payable to the Association. <p>8.10 A transfer fee may not be payable where the Council deems the transfer is in the best interests of Ice Hockey in general.</p> <p>9. Termination of Ordinary Membership of the Association</p> <p>9.1 Ordinary membership of the Association may be terminated upon:</p> <ul style="list-style-type: none">a. receipt by the Association Secretary or another Council member of a notice in writing from an Ordinary member of his or her resignation from the Association. Such person remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of termination; orb. non-payment by an Ordinary member of his or her subscription within three months of the date fixed by the Council for subscriptions to be paid, unless the Council decides otherwise; orc. expulsion of a member in accordance with Clause10. <p>10. Suspension or expulsion of members of Association</p> <p>10.1 If the Council considers that a member should be suspended or expelled from membership of the Association because his or her conduct is detrimental to the interests of the Association, the</p>	<p><i>Previously Rule 7.1 Transfers</i></p> <p><i>Previously Rule 7.1 Transfers</i></p> <p><i>Previously Rule 8.0 Resignation</i></p> <p><i>Previously Rule 9.0 Expulsion of Members</i></p>
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Council must communicate, either orally or in writing, to the member:

- a. notice of the proposed suspension or expulsion and of the time, date and place of the Council meeting at which the question of that suspension or expulsion will be decided; and
- b. particulars of that conduct, not less than 30 days before the date of the Council meeting referred to in paragraph a

10.2 At the Council meeting referred to in a notice communicated under Clause 10.1, the Council may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Council, suspend or expel or decline to suspend or expel that member from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

10.3 Subject to Clause 10.5, a member has his or her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under Clause 10.2.

10.4 A member who is suspended or expelled under Clause 10.2 must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in Clause 10.3.

10.5 When notice is given under Clause 10.4:

- a. the Association in a general meeting, must either confirm or set aside the decision of the Council to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting; and
- b. the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Council to suspend or expel him or her is confirmed under this Clause.

11. Council

11.1 Subject to Clause 11.9, the affairs of the Association will be managed exclusively by a Council consisting of:

- a. a President;
- b. a Vice-President;
- c. a Secretary;
- d. a Treasurer;
- e. a **Membership Coordinator**;
- f. a Referee in Chief appointed by the On-ice Officials registered with the Association at a meeting before the commencement of the playing season;
- g. a Coaching Director appointed ~~by their peers~~ by the Off-ice Officials registered with the Association as Coaches at a meeting before the commencement of the playing season;
- h. **up to four representatives of each affiliate member according to the following:**
 - (i) 1 for junior teams given the affiliate member has a minimum of two junior teams;
 - (ii) 1 for senior teams given the affiliate member has a minimum of three senior teams;
 - (iii) 1 'super league' representative given the affiliate member has a team entered in the highest skilled competition run by the Association; and
 - (iv) 1 club representative given the affiliate member has a minimum of six teams entered in grade completions run by the Association.

All Council members must be Ordinary or Life Members of the Association.

11.2 Subject to Clause 11.11, the President, Vice President, Secretary, Treasurer **and Membership Coordinator** shall form the Executive Committee of Council. Subject to this Constitution and

Additional member of Council to handle the electronic membership data and privacy, including police check info, for instance. Needs agreed title

Format change only; defines who elects

Format change only; defines who elects

Main Change: definition of representation on Council according to teams fielded per affiliate (club), up to 4 reps. Definitions in list at Clause 2

Executive committee to include the 5th member

Voting Process at AGM

<p>procedures described in the By-laws from time to time, Executive members shall be elected by proportional voting at the annual general meeting of members and shall hold office subject to this Constitution and the By-laws. The Chairperson holds a deciding vote in addition to his or her deliberative vote. Elected members of the Council shall assume their appointments at the conclusion of the annual general meeting at which their election is declared.</p> <p>11.3 Subject to provisions in this constitution relating to the appointment of the Council Executive members, the term of office for Council Executive officers is 2 years.</p> <p>11.4 The Council shall ensure the following initial terms for the Executive:</p> <ul style="list-style-type: none"> a. The President and the Secretary shall be or will have been elected at a relevant general Meeting for a term of two (2) years. b. The Vice-President and the Treasurer shall be or will have been elected at the same general meeting for a period of one (1) year. c. At the next following annual general meeting the Vice-President and the Treasurer shall be elected for a term of two (2) years. d. The Membership Coordinator shall be or will have been elected at a relevant general meeting for a term of two (2) years. e. The terms of office of the Executive will thereafter be governed by Clause 11.3. <p>11.5 A retiring Council member is eligible for re-election or re-appointment as appropriate.</p> <p>11.6 Subject to Clause 11.10 a person is not eligible for election of membership or appointment to the Council unless:</p> <ul style="list-style-type: none"> a. the ordinary member has been nominated for election by delivering notice in writing of that nomination, signed by a nominator and approved by the Executive of the affiliate member of which they are a member, to the Association Secretary not less than 14 days before the day on which the annual general meeting at which that election is to be held. 	<p><i>No Change (Previously Rule 10.1 (e))</i></p> <p><i>Formatting change (Previously Rule 10.1 (e))</i></p> <p><i>Adjusted wording referring to second AGM</i></p> <p><i>Executive committee to include the 5th member</i></p> <p><i>Nominations period reduced to 14 days prior to elections.</i></p> <p><i>Change is that nominations close <u>after</u> the notification of the AGM.</i></p>
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<p>b. the nominee signifies their willingness in writing to the Association Secretary to stand for election or be nominated in the case of an affiliate member representative, indicating that they have no conflict of interest and provides the contact details they wish to use for correspondence.</p>	<p><i>Addition of requirements of the Act on conflict of interest, address</i></p>
<p>c. they are not holding any place of profit or financial gain from the employment or ownership of or with any company or incorporated association where there is any contractual arrangement or where there is a strong possibility of a contractual arrangement with the Association.</p>	<p><i>Inclusion from the Act</i></p>
<p>11.7 A person who is eligible for election or re-election under this Clause may:</p> <p>a. propose or second himself or herself for election or re-election; and</p> <p>b. vote for himself or herself.</p>	<p><i>No Change</i></p>
<p>11.8 The Secretary shall ensure that notice of all persons seeking election to membership of the Council is given to all ordinary members not less than 7 days prior to the annual general meeting at which that election is to be held.</p>	<p><i>Notice of nominations to members closer to AGM date</i></p>
<p>11.9 If the number of persons nominated in accordance with Clause 11.7 for election to membership of the Council does not exceed the number of vacancies in that membership to be filled:</p> <p>a. the Secretary must report accordingly to; and</p> <p>b. the President must declare those persons to be duly elected as members of the Council at the annual general meeting concerned.</p>	<p><i>No change</i></p>
<p>11.10 If vacancies remain on the Council after the declaration under Clause 11.9, additional nominations of Council members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the President must declare those persons to be duly elected as members of Council. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Council, elections for those positions must be conducted.</p>	<p><i>No Change</i></p>

<p>11.11 If a vacancy remains on the Council after the application of Clause 11.10, or when a casual vacancy within the meaning of Clause 16 occurs in the membership of the Council:</p> <ul style="list-style-type: none">a. the Council may appoint a member to fill that vacancy; andb. a member appointed under this Clause will:<ul style="list-style-type: none">(i) hold office until the election referred to in Clause 11.2; and(ii) be eligible for election to membership of the Council at the next following annual general meeting. <p>11.12 Individuals who are not eligible under Clause 11.6 to be on the Council may at the invitation of the Council attend and participate in discussions where the content of the discussions is relevant to decisions being made by the Council.</p> <p>11.13 Upon receipt of the nomination for appointment to the Council, the existing members of the Council must convene a Council meeting to determine the eligibility of the nominee as a member of the Council. A nominee will not be eligible without a majority of not less than three-fourths of the existing members' votes. The determination of the nominee's eligibility is at the sole discretion of the existing members of the Council and is in no way limited by any clause in the Constitution.</p> <p>11.14 The Council in a general Council meeting may, by resolution, remove any member of the Council (excluding the Executive) before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first-mentioned member.</p> <ul style="list-style-type: none">a. A member who is the subject of a proposed resolution referred to in Clause 11.14 may make representations in writing to the Executive of the Association and may request that the representations be provided to the Council of the Association.b. The Executive may give a copy of the representations to the Council of the Association or, if they are not so given, the member may require that they be read out at the meeting <p>11.15 The Council may delegate, in writing, to one or more Committees (consisting of such member or</p>	<p><i>No Change</i></p> <p><i>Addition of detail on appointing members to Council</i></p> <p><i>Addition of detail on Council delegation to</i></p>
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13.1 The Secretary must:

- a. co-ordinate the correspondence of the Association;
- b. keep full and correct minutes of the proceedings of the Council and of the Association;
- c. comply on behalf of the Association with section 28 of the Act by keeping and maintaining in an up to date condition the Constitution of the Association and, upon the request of a member of the Association, must make available the Constitution for the inspection of the member and the member may make a copy of or take an extract from the Constitution but will have no right to remove the Constitution for that purpose;

~~(i) section 27 of the Act with respect to the register of members of the Association, as referred to in Clause 7;~~

~~(ii) section 28 of the Act by keeping and maintaining in an up to date condition the Constitution of the Association and, upon the request of a member of the Association, must make available the Constitution for the inspection of the member and the member may make a copy of or take an extract from the Constitution but will have no right to remove the Constitution for that purpose; and~~

~~(iii) section 29 of the Act by maintaining a record of:~~

~~(1) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by this Constitution, including all offices held by the persons who constitute the Council and persons who are authorised to use the common seal of the Association under Clause 28; and~~

~~(2) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association~~

~~and the Secretary must, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;~~

Rule 13.1.c (i) &(iii) to be delegated to 5th Executive member, except for section 28, managing the Constitution

- 13.2 unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, ~~including those referred to in Clause 13.1e~~ but other than those required by Clause 14 and Clause 15 to be kept and maintained by, or in the custody of, the Treasurer and the Membership Coordinator respectively; and
- 13.3 perform such other duties as are imposed by this Constitution on the Secretary.

14. Treasurer

14.1 The Treasurer must:

- a. be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Association and must issue receipts for those moneys in the name of the Association;
- b. pay all moneys referred to in Clause 14.1a into such account or accounts of the Association as the Council may from time to time direct;
- c. make payments from the funds of the Association with the authority of a general meeting or of the Council and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Council member, or by any two others as are authorised by the Council;
- d. comply on behalf of the Association with sections 25 and 26 of the Act with respect to the accounting records of the Association by:
 - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and

Greater detail included

- (iv) submitting to members at each annual general meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- e. whenever directed to do so by the President, submit to the Council a report, balance sheet or financial statement in accordance with that direction;
- f. unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in Clause 14.1d and Clause 14.1e; and
- g. perform such other duties as are imposed by this Constitution on the Treasurer.

15. Membership Coordinator

15.1 The Membership Coordinator must:

- a. comply on behalf of the Association with:
 - (i) section 27 of the Act with respect to the register of members of the Association, as referred to in Clause 7; and
 - (ii) section 29 of the Act by maintaining a record of:
 - (1) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by this Constitution, including all offices held by the persons who constitute the Council and persons who are authorised to use the common seal of the Association under Clause 28; and
 - (2) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association.

and must, upon the request of a member of the Association to the Secretary, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that

5th Executive member proposed to share the load of membership development and tracking, Working With Children Clearance register etc.

Included from Rule 13.1.c (i) & (iii) in Secretary duties.

purpose;

b. perform other such duties related to the membership as are determined by Council; and

c. perform such other duties as are imposed by this Constitution on the Membership Coordinator.

16. Casual vacancies in membership of Council

16.1 A casual vacancy occurs in the office of an Executive member and that office becomes vacant if the Council member:

a. dies;

b. resigns by notice in writing delivered to the President or, if the Council member is the President, to the Vice-President and that resignation is accepted by resolution of the Council;

~~a) resigns by notice in writing delivered to the Secretary of the Association;~~

c. is convicted of an offence under the Act;

d. is permanently incapacitated by mental or physical ill-health;

e. is absent from more than:

(i) 3 consecutive Council meetings; or

(ii) ceases to be a member of the Association; or

(iii) is the subject of a resolution passed by a general meeting of members terminating their tenure as a Council member.

17. General Powers of Council

17.1 The Council may exercise all such powers and do all such things as are permitted under this Constitution and which are not hereby or by statute required to be done by members in General

Format changes

Addition of the general powers of Council on behalf of Association, as required in Schedule

<p>Meeting.</p> <p>17.2 These powers include the making of By-laws in respect of any matter within the power of the Association or of the Board, but subject nevertheless to the provisions of any Western Australian laws and the Constitution and directions given from time to time by the members in General Meeting.</p> <p>17.3 The power to make By-laws under this Constitution shall include the power to rescind or vary any By-law.</p>	<p><i>1, para 6 of the Act</i></p> <p><i>Power make by-laws</i></p>
<p>18. Proceedings of Council</p> <p>18.1 The Council shall meet together for the dispatch of business not less than once in each calendar month and the President may at any time convene a meeting of the Council.</p> <p>18.2 Each Council member has a deliberative vote.</p> <p>18.3 A question arising at a Council meeting shall be decided by a majority of votes, but, if there is an equality of votes, the person presiding at the Council meeting shall have a casting vote in addition to his or her deliberative vote.</p> <p>18.4 At a Council meeting five Council members of those listed at Clause 11.1 constitute a quorum, of which 3 must be affiliate member representatives.</p> <p>18.5 Subject to these rules, the procedure and order of business to be followed at a Council meeting shall be determined by the Agenda.</p> <p>18.6 A Council member having any direct or indirect pecuniary interest referred to in Section 21 or 22 of the Act shall comply with that section.</p> <p>18.7 Subject to these rules, only Council members shall attend Council meetings, except that:</p> <p>a. a Life Member has the right to attend Council meetings and be heard, but has no voting rights at Council; and</p> <p>b. Ordinary Members and non-members may attend and be heard Council meetings at the</p>	<p><i>No Change</i></p> <p><i>Addition from the Act</i></p> <p><i>Non-Councillor attendance at general council meetings</i></p>

invitation of the President or the person presiding at the meeting.

19. General Meetings

19.1 The Council:

- a. may at any time convene a special general meeting;
- b. must convene annual general meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner; and
- c. must, within 30 days of:
 - (i) receiving a request in writing to do so from not less than thirty members, convene a special general meeting for the purpose specified in that request; or
 - (ii) the Secretary receiving a notice under Clause 10, convene a general meeting to deal with the appeal to which that notice relates.
- d. must, after receiving a notice under Clause 6.7, convene a general meeting, no later than the next annual general meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Association at that next annual general meeting in relation to the Council's rejection of his or her application and the Association at that meeting must confirm or set aside the decision of the Council.

19.2 The members making a request referred to in Clause 19.1c(i) must:

- a. state in that request the purpose for which the special general meeting concerned is required; and
- b. sign that request.

19.3 If a special general meeting is not convened within the relevant period of 30 days referred to:

No change

Convene means to summon to meeting with a time and place

<p>a. in Clause 19.1c(i), the members who made the request concerned may themselves convene a special general meeting as if they were the Council; or</p> <p>b. in Clause 19.1c(ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Council.</p> <p>19.4 When a special general meeting is convened under Clause 19.3a or 19.3b the Association must pay the reasonable expenses of convening and holding the special general meeting.</p> <p>19.5 Subject to Clause 19.7, the Secretary must give to all members not less than 21 days notice of a special general meeting and that notice must specify:</p> <p>a. when and where the general meeting concerned is to be held; and</p> <p>b. particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.</p> <p>19.6 Subject to Clause 19.7, the Secretary must give to all members not less than 21 days notice of an annual general meeting and that notice must specify:</p> <p>a. when and where the annual general meeting is to be held;</p> <p>b. the particulars and order in which business is to be transacted, as follows:</p> <p>(i) first, the consideration of the accounts and reports of the Council;</p> <p>(ii) second, the election of Council members to replace outgoing Council members; and</p> <p>(iii) third, any other business requiring consideration by the Association at the general meeting.</p> <p>19.7 A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in Clause 19.5 or 19.6, as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.</p>	<p><i>The advice to members convening a meeting shall give at least 21 day notice.</i></p>
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<p>19.8 The Secretary must give a notice under Clause 19.5, Clause 19.6 or Clause 19.7 by serving it in the manner of notice under Clause 27.2</p> <ul style="list-style-type: none">a. on a member personally at the member's address as shown in the register of members or such other address;b. by sending by post in a prepaid envelope to the member's address as shown in the register of members or such other address; orc. by sending it to the fax number or electronic address which the member has supplied to the Association for the giving of notices. <p>19.9 When a notice is sent by post under sub rule (9) (b), sending of the notice shall be deemed to be properly effected if the notice is sent to the address provided by the member being a postal, electronic mail or facsimile address appearing in the register of members kept and maintained under section 27 of The Act.</p> <p>20. Quorum and Proceedings at General Meetings</p> <p>20.1 At a general meeting 20 Ordinary or Life members present in person or by proxy constitute a quorum. Affiliate members do not contribute to a quorum.</p> <p>20.2 If within 30 minutes after the time specified for the holding of a general meeting in a notice given under Clause 19.5 or Clause 19.6:</p> <ul style="list-style-type: none">a. as a result of a request or notice referred to in Clause 19.1c or as a result of action taken under Clause 19.3 a quorum is not present, the general meeting lapses; orb. otherwise than as a result of a request, notice or action referred to in Clause 20.2a, the general meeting stands adjourned to the same time on the same day in the following week and to the same venue. <p>20.3 If within 30 minutes of the time appointed by Clause 20.2b for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may</p>	<p><i>Addition of electronic communication as official notification</i></p> <p><i>Defines the members eligible to be in quorum</i></p> <p><i>Otherwise no change</i></p>
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nevertheless proceed with the business of that general meeting as if a quorum were present.

- 20.4 The President may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- 20.5 There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- 20.6 When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under Clause 19 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- 20.7 At a general meeting:
- a. an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to Clause 20.9; and
 - b. a special resolution put to the vote will be decided in accordance with section 24 of the Act, and, if a poll is demanded, in accordance with Clauses 20.9 and 20.11.
- 20.8 A declaration by the President of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with Clause 20.9.
- 20.9 At a general meeting, a poll may be demanded by the President or by 3 or more members present in person or by proxy and, if so demanded, must be taken in such manner as the President directs.
- 20.10 If a poll is demanded and taken under Clause 20.9 in respect of an ordinary resolution, a declaration by the President of the result of the poll is evidence of the matter so declared.
- 20.11 If the result of the poll under Clause 20.10 is a tie, the President may elect to declare a casting vote in addition to their deliberative vote.
- 20.12 A poll demanded under Clause 20.9 on the election of a person to preside over a general

meeting or on the question of an adjournment shall be taken forthwith on that demand being made.

21. Minutes of Meetings of Association

21.1 The Secretary must cause proper minutes of all proceedings of all general meetings and Council meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Council meeting, as the case requires, in a minute book kept for that purpose.

21.2 The President must ensure that the minutes taken of a general meeting or Council meeting under Clause 21.1 are checked and signed as correct by the President of the general meeting or Council meeting to which those minutes relate or by the President of the next succeeding general meeting or Council meeting, as the case requires.

21.3 When minutes have been entered and signed as correct under this Clause, they are, until the contrary is proved, evidence that:

- a. the general meeting or Council meeting to which they relate (in this Clause called "the meeting") was duly convened and held;
- b. all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
- c. all appointments or elections purporting to have been made at the meeting have been validly made.

22. Voting Rights of Members of Association

22.1 Subject to this Constitution, each ordinary member and each life member present in person or by proxy at a general meeting is entitled to a deliberative vote.

23. Proxies of Members of Association

~~23.1 A member (in this rule called "the appointing member") may appoint in writing another member~~

No Change

Ordinary and life members have a vote at general meetings, not affiliate members.

People have a vote, not the clubs. (Clubs have votes at Council with the Executive, but ordinary members do not)

<p>be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting, the member present will only exercise the right to vote for one proxy.</p> <p>(a) all members under sixteen years of age shall be represented by a parent / guardian at General meetings to have their deliberate right to vote.</p> <p>23.1 An ordinary or life member (in this rule called "the appointing member") may appoint in writing another ordinary or life member be the proxy of the appointing member and to attend and vote on behalf of the appointing member at any general meeting.</p> <p>23.2 The member present will only exercise the right to vote for one proxy for each motion.</p> <p>23.3 The member present as proxy may also exercise their own deliberative vote at the same general meeting.</p> <p>23.4 All ordinary members under sixteen years of age:</p> <p>a. May be represented by a parent or guardian (who is not required to be an ordinary member) at general meetings to exercise their deliberate right to vote; and</p> <p>b. may not appoint a proxy nor be appointed to be a proxy.</p> <p>23.5 A parent or guardian of more than one ordinary member under sixteen years of age and present at a general meeting may:</p> <p>a. exercise a deliberative vote for each child being a member under sixteen years of age; and</p> <p>b. if an ordinary or life member in their own right:</p> <p>(i) exercise their own deliberative vote; and</p> <p>(ii) hold one proxy under Clause 0.</p> <p>24. Rules Constitution of Association</p> <p>24.1 The Association may alter or rescind the Rules of the Constitution, or make Rules additional to</p>	<p><i>Rules for proxies are defined in more detail (previously in Rule 28.0, Notes to Annexure 1) no change.</i></p> <p><i>A member can carry one proxy.</i></p> <p><i>Parents may vote for each member under 16.</i></p> <p><i>Members under 16 can't appoint or be appointed as a proxy.</i></p> <p><i>If an ordinary member, parents can hold only one proxy, besides one each for their children under 16.</i></p> <p><i>The power to make changes to the</i></p>
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<p>these Rules, in accordance with the procedure set out in Sections 17, 18 and 19 of the Act, which is as follows:</p> <ol style="list-style-type: none">a. Subject to Clause 24.2 and Clause 24.3, the Association may alter its Constitution by special resolution but not otherwise;b. Within one month of the passing of a special resolution altering its Constitution, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Council certifying that the resolution was duly passed as a special resolution and that the Constitution of the Association as so altered conform to the requirements of this Act;c. An alteration of the Constitution of the Association does not take effect until Clause 24.1b is complied with. <p>24.2 An alteration of the Constitution of the Association having effect to change the name of the Association does not take effect until Clauses 24.1a to Error! Reference source not found. are complied with and the approval of the Commissioner is given to the change of name.</p> <p>24.3 An alteration of the Constitution of the Association having effect to alter the objectives or purposes of the Association does not take effect until Clauses 24.1a to Error! Reference source not found. are complied with and the approval of the Commissioner is given to the alteration of the objectives or purposes.</p> <p>24.4 The exercise of the power conferred by this Clause shall be reported fully in the Minutes of the Meeting of the Association at which it is made. and shall become effective fourteen (14) days after that meeting.</p> <p>24.5 This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by all its provisions.</p>	<p><i>Constitution is provided for by addition of detail from the Act that details how changes can be made. (Previously Rule 21.1)</i></p> <p><i>Changes must be passed by <u>special resolution</u> at general meeting – 75% of those present in favour. (See Definitions in Clause 2 above)</i></p>
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~~24.6 — These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.~~

~~24.7 — The Association shall have the power to make a Rule or Rules and to alter or repeal an existing Rule. The exercise of the power conferred by this Clause shall be reported fully in the Minutes of the Meeting of the Association at which it is made and shall become effective fourteen (14) days after that meeting.~~

~~24.8 — The Association may disallow the making, alteration or repeal of a Rule at a duly constituted meeting on the motion of which due notice has been given and to the extent that it is disallowed the Rule made or the Rule repealed or the alteration of the Rules becomes void and of no effect as from the date of the Association Meeting. Provided a Rule is not inconsistent with this Constitution /Act it is binding on all members and shall be construed as part of the Constitution.~~

25. By-laws

25.1 Under Clause 17, the Council may also, from time to time, make alter and repeal By-laws for:

- a. Regulating the use of premises by members of the Association or their individual members and the admission thereto by visitors for the purpose of playing thereon or watching the play thereon.
- b. Regulating the holding of Ice-hockey competitions and matches.
- c. Generally for the good conduct of the affairs of the Association, including:
 - (i) Council governance procedures
 - (ii) administrative procedures
 - (iii) membership procedures
 - (iv) finance, accounting and auditing procedures
 - (v) conduct of elections and voting procedures

By-laws are provided for to make alter or repeal.

The wording is changed to differentiate between Rules (or clauses) in the Constitution and By-laws, which are governing regulations, binding on the members

(Previously Rule 21.2, 21.3, 21.4, & Rule 25.0)

- 25.2 The exercise of the power conferred by this Clause shall be reported fully in the Minutes of the Meeting of the Association at which it is made and shall become effective fourteen (14) days after that meeting.
- 25.3 The Association may disallow the making, alteration or repeal of a By-law at a duly constituted general meeting on a motion of which due notice has been given and to the extent that it is disallowed the By-law becomes void and of no effect as from the date of the Council Meeting.
- 25.4 The By-laws from the previous year must be updated by the first council meeting after the Annual General Meeting.
- 25.5 Provided a By-Law is not inconsistent with this Constitution it is binding on all members and shall be construed as part of the Constitution.

26. Protests and Disputes Tribunal

- 26.1 There shall be a Protest and Disputes Tribunal which ~~is recommended to~~ shall comprise of not less than three (3) members with provisions for up to ten (10) proxies for each such member provided that the hearing members shall be independent of the subject matter of the hearing.
- a. Hear all charges, complaints, protests, disputes and appeals against players, officials, clubs and member Associations and particularly in relation to the participation in or the result of a game of ice hockey in Western Australia.
 - b. Receive and examine all evidence and make such decisions and inflict such penalties, disqualifications and fines as they shall think fit to impose.
 - c. Hear any matter which the Council may from time to time refer to the tribunal.
 - d. Re-open and re-hear any case previously dealt with, if the tribunal in its discretion shall consider such a re-hearing to be justified.
 - e. Every decision of this tribunal shall be reported to the Council, which shall receive it and where applicable the Council shall give effect to the decision. A record of each decision shall

*The word "Recommended" is removed.
Otherwise same as previously in Rule 26.0.*

be kept by the Secretary and recorded in the minutes of Council.

- f. Members and proxy members of the Tribunal shall be appointed by the Council.
- g. In the course of hearing any matter, the alleged offending player and the player offended against should be in attendance.
- h. The Tribunal is empowered to adjourn a hearing as from time to time as it deems fit.

26.2 The substance of any charge, protest, dispute, complaint or the like that relates to ice hockey activities shall be delivered in writing to the office of the Secretary of the Association within forty eight (48) hours of the occurrence of the incident concerned. The Secretary shall advise such persons and Affiliate members as are involved. The Tribunal shall meet to consider such reports at least twenty four (24) hours before the next scheduled match of the persons / Affiliate members concerned.

27. Communications

27.1 The Association accepts electronic mail (e-mail), facsimiles (faxes) and all forms of posted mail as correct documents to the Secretary and its Council members, as forms of communication in and out, to and from the Association members.

27.2 Manner of Notice:

- a. Notices may be given by the Secretary to any Member by sending the notice by pre-paid post or facsimile transmission or where available, by electronic mail, to the Member's registered address or facsimile number or electronic mail address.
 - (i) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting the notice. Service of the notice is deemed to have been effected three (3) business days after posting.
 - (ii) Where a notice is sent by facsimile transmission, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the facsimile

Addition of provision for electronic communications as official mail of the Association.

Eg, Email for notification of General Meetings

(Previously Rule 27.0)

<p>was sent to/or received at the facsimile number to which it was sent.</p> <p>(iii) Where a notice is sent by electronic mail, service of the notice shall be deemed to be effected upon receipt of a confirmation report confirming the electronic mail message was received at the electronic mail address to which it was sent.</p> <p>b. Notice of every general meeting shall be given in the manner authorised and to the persons entitled to receive notice under these Rules.</p> <p>c. Notice to Ordinary Members, Life Members or Affiliate Members (where appropriate) shall be deemed given by notice being given in accordance with these Rules to the Affiliate Member of that Ordinary or Life Member or Affiliate Member.</p> <p>28. Common Seal of Association</p> <p>28.1 The Association must have a common seal on which its corporate name appears in legible characters.</p> <p>28.2 The common seal of the Association must not be used without the express authority of the Council and every use of that common seal must be recorded in the minute book referred to in Clause 21.</p> <p>28.3 The affixing of the common seal of the Association must be witnessed by any two of the President, the Secretary and the Treasurer.</p> <p>28.4 The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Council from time to time decides.</p> <p>29. Inspection of Records, etc. of Association</p> <p>29.1 A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association. The member may make a copy of or take an extract from the books, documents, records and securities but shall have no right to remove any of them for that purpose.</p> <p>30. Grievance Disputes and Mediation</p>	<p><i>No Change (Previously Rule 22.0)</i></p> <p><i>No Change (Previously Rule 23.0)</i></p> <p><i>Addition in accordance with s27 of the Act.</i></p>
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<p>30.1 The grievance procedure set out in this Clause applies to disputes under this Constitution between:</p> <ul style="list-style-type: none">a. a member and another member; orb. a member and the Association; orc. if the Association provides services to non-members, those non-members who receive services from the Association, and the Association. <p>30.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.</p> <p>30.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.</p> <p>30.4 The mediator must be-</p> <ul style="list-style-type: none">a. a person chosen by agreement between the parties; orb. in the absence of agreement:<ul style="list-style-type: none">(i) in the case of a dispute between a member and another member, a person appointed by the Council of the Association;(ii) in the case of a dispute between a member or relevant non-member (as defined by Clause 30.1c and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation. <p>30.5 A member of the Association can be a mediator.</p> <p>30.6 The mediator cannot be a member who is a party to the dispute.</p> <p>30.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.</p> <p>30.8 The mediator, in conducting the mediation, must:</p> <ul style="list-style-type: none">a. give the parties to the mediation process every opportunity to be heard;	<p><i>(Previously Rule 26.0)</i></p> <p><i>Addition to the Rules; for problem resolution between members and non-members or combinations, as the case may be, to mitigate against escalation to the detriment of the sport.</i></p>
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<p>b. allow due consideration by all parties of any written statement submitted by any party; and</p> <p>c. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.</p> <p>30.9 The mediator must not determine the dispute.</p> <p>30.10 The mediation must be confidential and without prejudice.</p> <p>30.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.</p> <p>31. Distribution of Surplus Property on Winding Up of Association</p> <p>31.1 If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members.</p> <p>31.2 The surplus property must be given or transferred:</p> <p>a. to another association incorporated under the Act which has similar objectives and which is not carried out for the purposes of profit or gain to its individual members; or</p> <p>b. for charitable purposes,</p> <p>which incorporated association or purposes, as the case requires shall be determined by the resolution of the members when authorising and directing the Council under Section 33 (3) of the Act to prepare a distribution plan of the surplus property of the Association.</p> <p>31.3 In the event of the winding up or dissolution of the association, the Commissioner of Taxation shall be advised of the date of dissolution within 30 days of the dissolution.</p>	<p><i>No Change</i> <i>(Previously Rule 24.0)</i></p>
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