

TWEED BORDER  
HOCKEY ASSOCIATION INC.  
CONSTITUTION



# Tweed Border Hockey Association Incorporated

## Table of Contents

<b>Part 1 – Preliminary</b>		
1.	Definitions	4
2.	Name and affiliations	5
3.	Objects	5
<b>Part 2 - Membership</b>		
4.	Membership generally	5
5.	Nomination for membership	6
6.	Cessation of membership	6
7.	Membership entitlements not transferable	6
8.	Resignation of membership	7
9.	Register of members	7
10.	Fees and subscriptions	7
11.	Members liabilities	7
12.	Resolution of disputes	8
13.	Disciplining of members	8
14.	Right of appeal of disciplined member	8
<b>Part 2 – Management Board</b>		
15.	Management by Management Board	9
16.	Powers of the Management Board	9
17.	Composition of members of Management Board	9
18.	Election of Management Board members	10
19.	Secretary	10
20.	Treasurer	10
21.	Casual vacancies	11
22.	Co-option of Management Board members	11
23.	Removal of Management Board members	11
24.	Management Board meetings and quorum	11
25.	Delegation by Management Board to sub-committees	12
26.	Voting and decisions	13
<b>Part 4 – General Meetings</b>		
27.	Annual general meetings – holding of	14
28.	Annual general meetings – calling of and business at	14
29.	Special general meeting – calling of	14
30.	Notice	15
31.	Quorum for general meetings	15
32.	Presiding member	16
33.	Adjournment	16
34.	Making of decisions	16
35.	Special resolutions	16
36.	Voting	17
37.	Proxy votes not permitted	17
38.	Postal ballots	17
39.	Public Officer	17
<b>Part 5 Miscellaneous</b>		
40.	Operational Policy Manual/s	18
41.	Insurance	18
42.	Funds – source	18
43.	Funds – management	19
44.	Change of name, objects and constitution	19
45.	Custody of books etc.	19
46.	Inspection of books etc.	19
47.	Service of notices	19
48.	Financial year	19
49.	Judiciary committee	20

**PART 1 –PRELIMINARY**

**1. Definitions**

In this Constitution unless the context otherwise required:

**The Act** means the *Associations Incorporation Act 2009*.

**The Regulation** means the *Associations Incorporation Regulation 2010*.

(2) In this constitution:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

**Affiliated Club** means a member of Tweed Border Hockey Association.

**Management Board** means the elected ruling body of Tweed Border Hockey Association.

**Delegate** means a person appointed by an Affiliated Club to represent it at any meeting.

**Financial year** means the year ending on 30 September.

**FIH** means International Hockey Federation.

**HA** means Hockey Australia Incorporated.

**HQLD** means Hockey Queensland

**Secretary** means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no such person holds that office - the public officer of the association.

**Special general meeting** means a general meeting of the association other than an annual general meeting.

**Management Board meeting** means a meeting of the Management Board

**Life Member** means a member who has been accepted as a life member by TBHA and whose name appears in the books and records of TBHA as a life member, which are available for inspection by members of TBHA on request.

**Operational Policy Manual** means the document/s governing the operations policies and procedures for (a) the Management Board and (b) the Delegates Competitions Committee formerly known as the 'by-laws'.

# Tweed Border Hockey Association Incorporated

## 2. Name Location and Affiliations

- (1) The name of the Association shall be Tweed Border Hockey Association (TBHA) Incorporated (referred to in these rules as “the Association”).
- (2) Headquarters of the Association HQ will be, Brisbane Street Murwillumbah or such other place within the State of Queensland as the Board may determine from time to time.

## 3. OBJECTS

The objects of the Association shall be:

- (1) To foster and control the game of hockey throughout the Tweed Shire and such other places adjoining the Shire as from time to time permitted by Hockey Queensland (hereinafter called the area).
- (2) To arrange, manage and control all games involving teams visiting the area.
- (3) To arrange for the representation of the Association or other body or bodies formed for the purpose of promotion and/or controlling hockey in any part of the world.
- (4) To promote the physical enjoyment and recreation of members.

## PART 2: MEMBERSHIP

### 4. Membership Generally

Membership is open to all individuals and organisations who accept the objects and rules of the Association.

- (1) The membership of the Association will consist of the following classes:
  - (a) Voting members consisting of Affiliated Clubs; and
  - (b) Non-voting members consisting of Individual Members and Life Members.

The numbers in each case will be unlimited.

- (2) All of the rights of membership, including voting and other rights at meetings, will be suspended during such time as any fees, levies or subscriptions remain unpaid after the due date for payment.

#### (3) Affiliated Clubs

Affiliated Clubs consist of such Clubs which have been admitted as Affiliated Clubs

#### (4) Life Members

The Association may at an Annual General Meeting elect as a life member of the Association any member or former member of the Association who has made an outstanding contribution to the advancement of hockey in the area provided that only one life member may be elected in any one year.

- (a) Life membership of the Association may be conferred on a person recommended by the Board at an Annual General Meeting by a Special Resolution of the members present and entitled to

(b) vote.

- (c) Life membership may be withdrawn at an Annual General Meeting.

# Tweed Border Hockey Association Incorporated

(d) Life Members may attend an Annual General Meeting but will not be entitled to move or second motions or vote unless otherwise qualified.

(e) Life Members will be entitled to such additional privileges as may be determined by the Board from time to time.

## **(5) Individual Members**

Individuals who accept the objects and rules of the Association and pay the prescribed individual members fee and are accepted as Individual Members by the Management Board.

## **5. Nomination for Membership**

(1) Individuals and organisations wishing to become members of the Association shall apply to the Management Board for membership.

(2) The Management Board shall determine whether or not to accept an application for membership. The Management Board is not required to supply reasons for accepting or rejecting an application for membership.

(3) Members shall pay such fees as are determined by the Association at an annual/special general meeting.

(4) Membership fees shall fall due on the date determined by the Board of Management. The financial year of the Association shall run from October 1 to September 30 or such other period as is determined by the Management Board.

## **6. Cessation of Membership**

An individual Member or Affiliated Club ceases to be a member of the association if the person:

(a) dies, or

(b) resigns membership, or

(c) is expelled from the association, or

(d) fails to pay the annual membership fee under clause 10 (2) within 3 months after the fee is due.

(e) in the case of non-payment of affiliation fees from clubs then any club failing to pay affiliation fees within thirty (30) days of the due date for payment shall be deemed to have forfeited all matches contested by that club whilst the affiliation fees remain unpaid and delegates from that club shall not be entitled to vote at any meeting of the Association or its Sub-Committees whether or not the delegates themselves are financial members of the Association.

## **7. Membership entitlements not transferrable**

A right, privilege or obligation which a person has by reason of being a member of the association:

(a) is not capable of being transferred or transmitted to another person, and

(b) terminates on cessation of the person's membership.

## **8. Resignation of membership**

(1) A member of the association may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other

# Tweed Border Hockey Association Incorporated

period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

- (2) If a member of the association ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## **9. Register of members**

- (1) A register of members shall be kept by the Association Secretary showing the name, address and date of commencement of membership for each member. Provision for noting the date of cessation of membership shall also be contained in the register.
- (2) The register of members must be kept in New South Wales:
  - (a) at the main premises of the association, or
  - (b) if the association has no premises, at the association's official address.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (4) A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
  - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
  - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

## **10. Fees and subscriptions**

- (1) A member of the association must, on admission to membership, pay to the association a fee of \$1 or, if some other amount is determined by the committee, that other amount.
- (2) In addition to any amount payable by the member under subclause (1), a member of the association must pay to the association an annual membership fee of \$2 or, if some other amount is determined by the committee, that other amount:
  - (a) except as provided by paragraph (b), before 1 October in each calendar year, or
  - (b) if the member becomes a member on or after 1 October in any calendar year - on becoming a member and before 1 October in each succeeding calendar year.

## **11. Members' liabilities**

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 8.

## **12. Resolution of disputes**

A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be

referred to an external body for mediation

**13. Disciplining of members**

- (1) A complaint may be made to the Management Board by any person that a member of the association:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
  - (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 7 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.
- (6) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 12, whichever is the later.
  - (c) in the case of a playing member, a player who is under suspension is not entitled to take part in the competition until the appeal is resolved

**14. Right of appeal of disciplined member**

- (1) A member may appeal to the association in Management Meeting against a resolution of the committee under clause 13 within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under subclause (3):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the committee and the member must be given the opportunity to state their

# Tweed Border Hockey Association Incorporated

respective cases orally or in writing, or both, and

- (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.
- (6) any further appeal can be lodged with Hockey Queensland. Any determination by the Management Board stands until there is an outcome from Hockey Queensland

## **PART 3: THE MANAGEMENT BOARD**

### **15. Management by the Management Board**

The Association shall have its affairs controlled and managed by the office bearers and other members known as the Management Board.

### **16. Powers of the Management Board**

Subject to the Act, the Regulation and this constitution and to any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

### **17. Composition and membership of the Management Board**

(1) The Management **Board** is to consist of:

- (a) the office-bearers of the association, and
- (b) at 3 ordinary Management Board members, each of whom is to be elected at the annual general meeting of the association under clause 18.

(2) The total number of Management Board members is to be 7.

(3) The office-bearers of the association are as follows:

- (a) the president,
- (b) the vice-president,
- (c) the treasurer,
- (d) the secretary.

(4) No member of the Management Board shall continue in the same office for more than four consecutive years. Except in the event of any office bearer positions having no nominations

(5) Each member of the Management Board is, subject to this constitution, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election

### **18. Election of Management Board members**

(1) Nominations of candidates for election as office-bearers of the association or as ordinary committee members:



## Tweed Border Hockey Association Incorporated

- (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
- (b) must be delivered to the secretary of the association at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary committee members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A person nominated as a candidate for election as an office-bearer or as an ordinary committee member of the association must be a member of the association.

### **19. Secretary**

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers and members of the committee, and
  - (b) the names of members of the committee present at a committee meeting or a general meeting, and
  - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

### **20. Treasurer**

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

### **21. Casual vacancies**

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

## Tweed Border Hockey Association Incorporated

- (2) A casual vacancy in the office of a member of the committee occurs if the member:
  - (a) dies, or
  - (b) ceases to be a member of the association, or
  - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
  - (d) resigns office by notice in writing given to the secretary, or
  - (e) is removed from office under clause 19, or
  - (f) becomes a mentally incapacitated person, or
  - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
  - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
  - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

### **22. Co-option of Management Board members**

- (1) The Management Board can 'co-opt' to the Management Board members for their special expertise
- (2) Co-opted members do not have voting rights

### **23. Removal of committee members**

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.
- (3) A member of the Management Board shall cease to hold office if absent from three successive Management Board meetings without approval by the Management Board.

### **24. Management Board meetings and quorum**

- (1) The Management Board shall meet as often as necessary to conduct the business of the Association and not less than once in each month from February 1 to September 30 each year and thereafter as often as the Management Board sees fit.
- (2) Additional meetings of the Management Board may be convened by the President or any two members of the Management Board.
- (3) Written notice of a meeting of the Management Board must be given by the secretary to each member of the Management Board at least 48 hours (or such other period as may be unanimously agreed on by the members of the Management Board ) before the time appointed for the holding of the meeting.

## Tweed Border Hockey Association Incorporated

- (4) Notice of Management Board meetings shall be given at the previous Management Board meeting or by such other means as the Management Board may decide upon. Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any (4) members of the Management Board constitute a quorum for the transaction of the business of a meeting of the Management Board.
- (6) No business is to be transacted by the Management Board unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the Management Board:
  - (a) the president or, in the president's absence, the vice-president is to preside, or
  - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the Management Board as may be chosen by the members present at the meeting is to preside.
- (9) The Management Board may function validly provided its numbers are not reduced below the quorum. Should Management Board numbers fall below the quorum the remaining Management Board members may act only to appoint new Management Board members.

### **25. Delegation by the Management Board to sub-committee**

- (1) The Management Board may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the Management Board as are specified in the instrument, other than:
  - (a) this power of delegation, and
  - (b) a function which is a duty imposed on the Management Board by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the Management Board may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Management Board.
- (6) The Management Board may, by instrument in writing, revoke wholly or in part any delegation under this clause.

**(a) Delegates Competition Committee**

i. The Delegates Committee is responsible for the operations of the TBHA competition **excluding** the development of the structure of the competition draw. The structure of the draw will include the venue and time slots for competition.

ii. The Delegates Competition Committee will comply with the Delegates Competition Operational Policy Manual. Changes to the Manual may only be made by the process in Clause 41 (2)

**(b) Representative Committee**

The Management Board shall arrange and control all representative fixtures but may delegate such arrangements to the appropriate Committee. The Management Board shall appoint a Representative Committee. The Representative Committee will appoint Representative Coaches, Managers, and Selectors.

**26. Voting and decisions**

- (1) Questions arising at a meeting of the Management Board or of any sub-committee appointed by the Management Board are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting. In case of an equality of votes the person appointed to chair the meeting will have a second or casting vote.
- (2) Each member present at a meeting of the Management Board or of any sub-committee appointed by the Management Board (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 24 (5), the Management Board may act despite any vacancy on the Management Board.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Management Board or by a sub-committee appointed by the Management Board, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

**PART 4: GENERAL MEETINGS**

**27. Annual General Meetings – holding of**

- (1) An Annual General Meeting of the Association shall be held each year within six months from the end of the financial year of the Association
- (2) (1) The association must hold its annual general meetings:
  - (a) within 6 months after the close of the association's financial year, or
  - (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

**28. Annual general meetings - calling of and business at**

- (1) The annual general meeting of the association is, subject to the Act and to clause 28, to be convened on such date and at such place and time as the Management Board thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

## Tweed Border Hockey Association Incorporated

- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
- (b) to receive from the Management Board reports on the activities of the association during the last preceding financial year,
- (c) to elect office-bearers of the association and ordinary committee members,
- (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (e) election of the Delegates Competition Committee President and Secretary. Appointment of working groups grading, men's and women's registrars, juniors, and umpires working groups are appointed by the Delegates at the first Delegates meeting after the AGM.
- (f) appointment of Grounds and Fixtures Sub-Committees.
- (g) appointment of any additional working groups as necessary.
- (h) appointment of Delegates to Hockey Queensland
- (i) appointment of the Public Officer
- (J) appointment of Patrons
- (k) appointment of the Auditor

(3) An annual general meeting must be specified as such in the notice convening it.

### **29. Special general meetings - calling of**

- (1) The Management Board may, whenever it thinks fit, convene a special general meeting of the Association. A special general meeting must be convened by the Management Board within twenty-eight (28) days of receiving a written request to do so from three (3) Management Board members.
- (2) The Management Board must, on the requisition in writing of at least 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
  - (a) must state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and
  - (c) must be lodged with the secretary, and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.

### **30. Notice**

## Tweed Border Hockey Association Incorporated

- (1) Written notice of all annual/special general meetings shall be given to members or via email.
- (2) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (3) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (4) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 29 (2).
- (5) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.
- (6) At least fourteen (14) days notice of all annual/special general meetings and notices of motion shall be given to members. In the case of general meetings where a special resolution is to be proposed, notice of the resolution shall be given to members at least twenty-one (21) days before the meeting.

### **31. Quorum for general meetings**

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) One half plus one of the current membership present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
  - (a) if convened on the requisition of members, is to be dissolved, and
  - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 4) are to constitute a quorum.

### **32. Presiding member**

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### **33. Adjournment**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### **34. Making of decisions**

- (1) A question arising at a general meeting of the association is to be determined by either:
  - (a) a show of hands, or
  - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

### **35. Special resolutions**

- (1) A special resolution must be passed by an annual/special general meeting of the Association to effect the following changes:
  - (a) a change of the Association's name;
  - (b) a change of the Association's rules;
  - (c) a change of the Association's objects;
  - (d) an amalgamation with another Incorporated Association;
  - (e) to voluntarily wind up the Association and distribute its property;
  - (f) to apply for registration as a Company or Co-operative.
- (2) A special resolution shall be passed in the following manner:
  - (a) a notice must be given to all members advising that a general meeting is to be held to consider a special resolution;
  - (b) the notice must give details of the proposed special resolution and give at least twenty-one (21) days notice of the meeting;
  - (c) a quorum must be present at the meeting;
  - (d) at least three-quarters of those present must vote in favour of the resolution;
  - (e) in situations where it is not possible or practicable for a resolution to be passed as described above, a request may be made to the Department of Fair Trading for permission to pass the resolution in some other way.

### **36. Voting**

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (4) A member is not entitled to vote at any general meeting of the association if the member is under 18 years of age.

### **37. Proxy votes not permitted**

All votes shall be given personally and there shall be no voting by proxy.

### **38. Postal ballots**

All votes shall be given personally and there shall be no voting by proxy.

### **39. Public Officer**

- (1) The Management Board shall ensure that a person is appointed as Public Officer.
- (2) The Management Board may at any time remove the Public Officer and appoint a new Public Officer provided the person appointed is eighteen (18) years of age or older and a resident of New South Wales.
- (3) The Public Officer shall be deemed to have vacated their position in the following circumstances:
  - (a) death
  - (b) resignation
  - (c) removal by the Management Board or at an annual/special general meeting
  - (d) bankruptcy or financial insolvency
  - (e) mental illness
  - (f) residency outside New South Wales

When a vacancy occurs in the position of Public Officer, the Management Board shall within fourteen (14) days notify the Department of Fair Trading by the prescribed form and appoint a new Public Officer.

- (4) The Public Officer is required to notify the Department of Fair Trading by the prescribed form in the following circumstances:
  - (a) appointment (within fourteen (14) days)
  - (b) a change of residential address (within fourteen (14) days)
  - (c) a change in the Association's objects or rules (within one month)
  - (d) a change in the membership of the Management Board (within fourteen (14) days)
  - (e) of the Association's financial affairs (within one month after the Annual General Meeting)
  - (f) a change in the Association's name (within one month).

### **40. Operational Policy Manual/s**

- (1) The Management Board or an annual/special general meeting has the power to make or amend the Management Board Operational Policy Manual.



# Tweed Border Hockey Association Incorporated

- (2) The Delegates Competition Committee has the power to make or amend the Delegates Competition Committee Operational Policy Manual by:-
- (a) written notice submitted to the TBHA Secretary who will circulate to the affiliated clubs
  - (b) the notice is to include an outline of the reason for the amendment or addition to the manual
  - (c) one month/14 days prior to a Delegates Competition Committee General Meeting
  - (d) Decisions are to be determined by a majority of the members present.

## **PART 5 - MISCELLANEOUS**

### **41. Insurance**

The Association shall effect and maintain insurance as is required under the Associations Incorporation Act together with any other insurance, which may be required by law or regarded as necessary by the Association.

### **42. Funds - source**

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.

The funds of the Association shall be derived from the fees of the members, donations, grants and such other sources approved by the Association.

The Association may at any time pass a special resolution determining how any surplus property is to be distributed in the event that the Association should be wound up. The distribution of surplus property shall be in accordance with Section 53 of the Associations Incorporation Act 1984.

The income and property of the Association shall be used only for promotion of the objects of the Association and shall not be paid or transferred to members by way of dividend bonus or profit.

- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **43. Funds - management**

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

### **44. Change of name, objects and constitution**

An application to the Director-General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

### **45. Custody of books etc**

All records, books and other documents relating to the association are under the custody of the TBHA Secretary and kept at the association head quarters.

#### **46. Inspection of books etc**

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
  - (a) records, books and other financial documents of the association,
  - (b) this constitution,
  - (c) minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.

#### **47. Service of notices**

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
  - (a) by delivering it to the person personally, or
  - (b) by sending it by pre-paid post to the address of the person, or
  - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

#### **48. Financial year**

- (1) The financial year of the association is:
  - (a) the period of time commencing on the date of incorporation of the association and ending on the following 30 June, and
  - (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1 October and ending on the following 30 September
  - (c) Once at least in every year the accounts of the Association shall be examined and the correctness of the statement and balance sheet ascertained by duly elected auditors. Such auditors shall be elected at the Annual General Meeting and shall hold office until the next Annual General Meeting.
- (2) Service of documents on the Association is effected by serving them on the Public Officer or by serving them personally on two members of the Management Board.
- (3) The rules of hockey for the time being as recognised by the Australian Hockey Association will be observed in all matches controlled by the Association.

#### **49. Judiciary Committee**

- (1) The Judiciary Committee is made up of authorised members of the Delegate Competition Committee with the exception of the club involved in any matter brought before the Judiciary Committee
- (2) Operation of the Judiciary Committee is defined in the Delegate Competition Committee Operation Manual

.