



## **CONSTITUTION AND RULES OF HOCKEY TASMANIA INC.**

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**Amended February 2007**

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## **CONSTITUTION AND RULES OF HOCKEY TASMANIA INC.**

### **NAME OF ASSOCIATION**

1. The name of the Association is **Hockey Tasmania Inc.**

### **INTERPRETATION**

2. In these rules –

**“Act”** means the *Associations Incorporation Act 1964*;

**“the Association”** or **“Hockey Tasmania”** wherever used in these Rules means the Association referred to in rule 1;

**“Affiliated Club”** means a club, some of the members of which play hockey for that club in Local Hockey Competitions, which has been admitted to membership of the Association pursuant to these Rules;

**“auditor”** means the person appointed as the auditor of the Association under rule 10;

**“basic objects of the Association”** means the objects and purposes of the Association stated in accordance with section 7 of the Act for the incorporation of that Association;

**“Board”** means a Board of management as defined by rule 22;

**“Chairperson”** means the person appointed as Chairperson pursuant to rule 23(1)(a);

**“Constitution and Rules”, “Constitution”** or **“rules”** mean the Constitution and Rules of the Association contained in this document as amended from time to time;

**“Hockey”** means all elements of hockey as embraced by the F.I.H (Federation Internationale de Hockey);

**“Individual member”** means a person who has been admitted as a member of the Association pursuant to this Constitution and Rules;

**“Local Competition Committee”** means a committee established by the Board pursuant to these Rules with authorisation from the Board to conduct local hockey competitions;

**“Local Hockey Competition”** means the playing of hockey competitively at all levels in the regions governed by each of the Local Competition Committees;

**“Winter Roster”** means the roster for the playing of hockey in Local Hockey Competitions during the winter season.

### **ASSOCIATION’S OFFICE**

3. The office of the Association is to be at any place the Board determines.

### **OBJECTS AND PURPOSES OF THE ASSOCIATION**

- 4.

- 1) The basic objects and purposes of the Association will be to:
  - a. represent, promote and foster hockey in the State of Tasmania;
  - b. select and manage Tasmanian representative hockey teams;
  - c. act as a link between Tasmanian hockey and Hockey Australia or whatever body manages hockey at a national level and represent Tasmanian hockey on State or national sporting bodies;

- d. arrange and promote intra-state hockey and establish a consistent set of regulations for all competitions in Tasmania;
  - e. settle disputes arising between Affiliated Clubs and Local Competition Committees;
  - f. own assets, purchase, take on lease or in exchange, and hire or otherwise acquire any real or personal property necessary for any of the objects or purposes of the Association including the holding of leases or licences;
  - g. manage overall hockey operations in Tasmania including all aspects of hockey, through a policy framework and delegation of certain powers and functions to Local Competition Committees, a Finance Committee and any other committees which the Board deems necessary;
  - h. settle and publish such By Laws, in addition to or amendment of the By Laws of the Association updated in November 2007, as the Board deems appropriate for the proper management and administration of hockey in Tasmania;
  - i. employ, engage and retain, on terms to be approved by the Board or, if delegated, its delegate, such staff, employees, agents or contractors as are necessary from time to time to achieve the objects of the Association.
- 2) In addition to the basic objects of the Association, the objects and purposes of the Association include the following:
- a. the buying, selling, and supplying of, and dealing in, goods of all kinds;
  - b. the construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
  - c. the accepting of any gift for any one or more of the objects or purposes of the Association;
  - d. the taking of any step the Board or the members in a general meeting consider expedient for the purpose of procuring contributions to the funds of the Association;
  - e. the printing and publishing of any newspapers, periodicals, books, leaflets, or other documents the Board or the members in a general meeting consider desirable for the promotion of the objects and purposes of the Association;
  - f. the borrowing and raising of money in any manner and on terms-
    - i. the Board thinks fit; or
    - ii. approved or directed by resolution passed at a general meeting;
  - g. subject to the provisions of the Trustee Act 1898, the investment of any moneys of the Association not immediately required for any of its objects or purposes in any manner the Board determines;
  - h. the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which section 78(1)(a) of the Income Tax Assessment Act 1936 of the Commonwealth relates;
  - i. the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes and conveniences calculated to benefit employees or past employees of the Association and their dependants, and the granting of pensions, allowances or other benefits to employees or past employees of the Association and their dependants, and the making of payments towards insurance in relation to any of those purposes;
  - j. the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association;
  - k. the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities and engagements of any association with which the Association is amalgamated in accordance with the provisions of the Act and the rules of the

- Association;
- l. the doing of any lawful thing incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in this rule.

## **MEMBERSHIP OF ASSOCIATION**

5.

- 1) Subject to sub rule (8) of this rule, a club which, and any person who is not a member of an affiliated club who, applies for and is accepted to the membership as provided in these rules is eligible to be a member of the Association on payment of the annual subscription/levies fixed under these rules.
- 2) A club or person, not being a member of the Association after the 31st day of January 2009 will be admitted to membership of the Association when:-
  - a. that club or person applies for membership as provided in sub rule (3) of this rule;
  - b. the constitution of the club binds all its members by the Constitution and Rules of this Association; and
  - c. the Board exercises its discretion to accept the application which discretion will be exercised taking into account all matters the Board considers appropriate including the plans and ability of the club or person to contribute to the development of hockey in Tasmania.
- 3) The application for membership of the Association will be –
  - a. made in writing; signed by the Secretary/Public Officer of such club or by an individual member personally; and
  - b. lodged with the CEO who will refer the application to the Board for its determination.
- 4) Upon an application being approved, the CEO will notify the applicant club or person, in writing, that it has been approved for membership of the Association.
- 5) Subject to sub rule (7) of this rule, an individual member or affiliated club may, at any time, resign from the Association by delivering or sending by post to the CEO written notice of resignation, and upon receipt of that resignation, the CEO shall remove the name of the individual member or affiliated club from the register of members, whereupon that membership ceases.
- 6) All rights, privileges, or obligations of an individual member or Affiliated Club,
  - a. are not capable of being transferred or transmitted to another individual member or Affiliated Club; and
  - b. terminate upon the cessation of membership, whether by dissolution, resignation or otherwise.
- 7)
  - a. An Affiliated Club may not resign its membership of the Association other than by a special resolution of the membership of that club in accordance with its constitution, at a meeting held for that purpose;
  - b. An Affiliated Club may only resign its membership of the Association at the conclusion of the Winter Roster in which the club is then participating and no later than 3 calendar months before the commencement of a Winter Roster.
- 8) In the event that any one or more of Hockey South Inc., Northern Hockey Association Inc., Devon Hockey Association Inc., Burnie District Hockey Association Inc. and Circular Head Hockey Association Inc. amalgamates with the Association any club which is affiliated to, or a member of, that Association at the time shall automatically become an Affiliated Club of the

Association subject to that club paying the subscription on the terms set by the Board in accordance with rule 31.

- 9) Existing Life Members of the Hockey Tasmania Inc. shall continue to be life members of the Association.
- 10) Life membership of the Association may be awarded, in accordance with By Law 2 on the nomination of the Board, and approved by a simple majority vote at the Annual General Meeting of the Association.

#### **WINDING UP OF THE ASSOCIATION**

6.

- 1) If the Association is wound up –
  - a. Every member of the Association; and
  - b. Every member who, within the period of 12 months immediately preceding the commencement of winding up, was a member of the Association –  
is liable to contribute –
    - i. to the assets of the Association for payment of the debts or liabilities of the Association; and
    - ii. for the costs, charges and expenses of the winding up; and
    - iii. for the adjustment of the rights of the contributories among themselves.
- 2) Any liability under sub-rule (1) of this rule is not to exceed **\$50.00**.
- 3) A former member is not liable to contribute under sub-rule (1) in respect of any debt or liability of the Association contracted after it ceased to be a member.
- 4) The surplus assets must not be distributed among the members but must be given to another entity -
  - a. that has objects similar to the Association's objects; and
  - b. the rules of which prohibit the distribution of the entity's income and assets to its members.

#### **INCOME AND PROPERTY OF ASSOCIATION**

7.

- 1) The income and property of the Association is to be applied solely towards the promotion of the objects and purposes of the Association.
- 2) Except as provided in sub rule (3) of this rule, no portion of the income and property of the Association is to be paid or transferred to any member of the Association.
- 3) An individual member of the Association or an Affiliated Club who or which is also an employee, agent or contractor of the Association may be paid -
  - a. remuneration in return for services rendered to the Association or for goods supplied to the Association in the ordinary course of business; or
  - b. interest at a rate not exceeding 10% per annum on money lent to the Association; or
  - c. a reasonable and proper sum by way of rent for premises let to the Association.

#### **ACCOUNTS OF RECEIPTS AND EXPENDIATURE**

8.

- 1) True accounts are to be kept of –
  - a. all money received and expended by the Association and the manner in respect of which the receipt or expenditure takes place; and
  - b. the property, credits and liabilities of the Association.
- 2) The accounts are to be open to inspection by the members of the Association subject to any reasonable restrictions as to time and manner of inspecting the Association may impose.

- 3) The Board is to keep or arrange for the keeping of all general records, accounting books and records of receipts and expenditure connected with the operations and business of the Association in the form and manner the Board directs.
- 4) The accounts, books and records are to be kept at the Association's office or at any other place the Board decides.

## **BANKING AND FINANCE**

9.

- 1) The Board, on behalf of the Association, is to –
  - a. receive all money paid to the Association; and
  - b. immediately after the receipt issue official receipts.
- 2) The Board is to cause to be opened with any financial institution the Board selects, an account in the name of the Association into which all money received is to be paid as soon as possible after receipt.
- 3) The Board may –
  - a. receive from the Association's financial institution the cheques drawn by the Association on any of its accounts with the financial institution; and
  - b. release and indemnify the financial institution from and against all claims, actions, suits or demands that may be brought against the financial institution arising directly or indirectly out of those cheques.
- 4) The Board shall settle procedures and protocols for the conduct of banking, accounting and financial transactions of the Association and, where necessary, delegate relevant functions and duties to the appropriate committee and/or employees or agents of the Association, retaining formal records of all procedures and protocols settled and delegations made.

## **AUDITOR**

10.

- ~~1) At each annual general meeting of the Association the Association is to appoint a person nominated by the Board as the auditor.~~
- 1) At each annual general meeting of the Association, the Association is to appoint a person who is a registered auditor within the meaning of the Corporations Act as the auditor.
- 2) Any audit of the Association's accounts is to be conducted in accordance with the Australian Auditing Standards that are applicable at the time of the audit.
- 2)3) The auditor is to hold office until the annual general meeting next after that at which he or she is appointed, and is eligible for re-appointment.
- 3)4) If an appointment is not made at an annual general meeting the Board is to appoint an auditor for the current financial year of the Association.
- 4)5) Except as provided in sub-rule ~~(43)~~ of this rule, the auditor may only be removed from office by special resolution of ~~the Board~~ or the members of the Association at a general meeting.
- 5)6) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the Board may appoint a person as the auditor to hold office until the next succeeding annual general meeting.

## **AUDIT OF ACCOUNTS**

11.

- 1) The auditor is to examine the accounts of the Association at least once in each financial year of the Association.

- 2) The auditor is to carry out the audit of the accounts of the Association in accordance with the Australian Auditing Standards and provide a certified report on the Association accounts to be presented to the Association at the annual general meeting. –
  - a. ~~certify as to the correctness of the accounts of the Association; and~~
  - b. ~~report to the Association at the annual general meeting;~~
- 3) ~~In the report and in certifying to the accounts, the auditor is to state if–~~
  - a. ~~he or she has obtained the required information, and~~
  - b. ~~in his or her opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association–~~
    - i. ~~according to the information at his or her disposal and the explanations given; and~~
    - ii. ~~as shown by the books of the Association; and~~
  - c. ~~the rules relating to the administration of the funds of the Association have been observed.~~
- 4) ~~The Board is to cause to be delivered to the auditor a list of all the accounts, books and records of the Association.~~
- 5) ~~The auditor may–~~
  - a. ~~have access to the accounts, books, records, vouchers and documents of the Association; and~~
  - b. ~~require from the servants of the Association any information and explanations he or she considers necessary for the performance of the duties as auditor; and~~
  - c. ~~employ persons to assist in investigating the accounts of the Association; and~~
  - d. ~~in relation to the accounts of the Association, examine any member of the Board or any servant of the Association.~~

## **SPECIAL GENERAL MEETINGS**

12.

- 1) The Board shall convene a special general meeting either by itself giving notice or on the petition in writing of individual members and/or Affiliated Clubs the members of which in combination represent, through Affiliated Clubs and individual members, at least one tenth of the membership of the Association.
- 2) A notice or petition for a special general meeting -
  - a. is to state the objects of the meeting; and
  - b. is to be signed by the Chairperson or the petitioners; and
  - c. is to be deposited at the office of the Association; and
  - d. if a petition, may consist of several documents, each signed by one or more of the petitioners.
- 3) If the Board does not cause a special general meeting to be held within 21 days from the date on which a petition is deposited at the office of the Association, the petitioners, or any of them may convene a meeting within 3 months from the day of the deposit of the petition.
- 4) A special general meeting is to be convened in the same manner as nearly as possible as the annual general meeting convened by the Board.
- 5) Notice of any business to be considered at a special general meeting will be given to the Board, all Affiliated Clubs and individual members in writing at least 21 days prior to the date of such meeting, together with the date, time and place of such meeting.
- 6) Prior to the holding of a special general meeting all interested parties will endeavour to resolve any dispute or issue by discussion and if necessary mediation.

## **ANNUAL GENERAL MEETING**



13.

- 1) The Association will hold an annual general meeting in the first five months of each calendar year for the purpose of electing persons to the Board of the Association and to receive a report on the activities of the Association.
- 2) The annual general meeting is to be held on a day to be determined in a location convenient to the membership of the Association
- 3) The notice convening the annual general meeting is to be given under the hand of the Board and shall specify the purpose of the meeting and be given to individual members and Affiliated Clubs at least 21 days before the date on which the meeting is to be held.
- 4) The ordinary business of the annual general meeting is to be as follows:
  - a. to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - b. to receive from the Board, Committees, and employees or agents of the Association reports on the financial position and business of the Association during the last preceding financial year;
  - c. to elect persons to vacant positions on the Board of the Association;
  - d. to appoint the auditor;
  - e. to confer life membership or awards in accordance with By-Law 3, as determined by the Board.
  - f. Other business notice of which has been given to the CEO in writing no later than 7 days prior to the meeting. which has been duly advised to the Association prior to the notice of meeting
  - f.g. The Chairperson may open the meeting for other business which has not been advised in accordance with Clause 13(4)(f), however any vote or poll in relation to that business will not be binding on the Association or its officers.

## MEMBERS MEETINGS

14.

- 1) At least once in every year the Board shall convene a Members Meeting to provide a forum to discuss general issues of importance to hockey and the hockey community in Tasmania.
- 2) A Members Meeting will be convened by notice in the same way as an Annual General Meeting and may be convened in any month except the month in which the Annual General Meeting is held and in a location or locations which provide members in all regions with an opportunity to attend
- 3) Any Members Meeting convened pursuant to sub rule (1) of this rule will be for the sole purpose of providing information and advice and obtaining feedback from members of the Association and will have no decision making role.

## QUORUM

15.

- 1) Business is not to be transacted at a general meeting of the Association unless a quorum of members entitled to vote is present at the time the meeting is due to commence.
- 2) A quorum for the transaction of the business of a general meeting is representation of at least 50% of the Affiliated Clubs of the Association present and entitled to vote or represented by proxy in accordance with rule 21.
- 3) If a quorum is not present thirty minutes after the appointed time for the commencement of a general meeting, the meeting -
  - a. if convened on the requisition of members, is to be dissolved; or

- b. in any other case, is to be adjourned to the same day in the next week at the same time at the same place.
- 4) If at an adjourned meeting a quorum is not present thirty minutes after the time appointed for the commencement of the meeting, the meeting is to be dissolved.
- 5) The Chairperson, by written notice or at the time of the adjournment, may specify another place to which a meeting is to be adjourned.

#### **CHAIRPERSON TO PRESIDE AT GENERAL MEETINGS**

16. The Chairperson, or in his or her absence, a person appointed by the Board for the purpose of chairing the meeting, is to preside as the chairperson at the meeting.

#### **VOTES**

17.

- 1) On any question arising at a general meeting of the Association, an individual member has one vote only.
- 2) At a general meeting the Chairperson may, on any question arising in general business or on matters other than those referred to in rule 19(1)(c) determine the question on a show of hands without taking a formal vote. In the event that a formal vote is chosen by the Chairperson, or a poll is demanded pursuant to rule 19 to determine the question, the question will be determined by vote in accordance with the provisions of sub-rules (3) to (7) inclusive of this rule
- 3) Affiliated Clubs voting at a general meeting through their authorised representative or proxy are entitled to a vote equal to the number of registered members of the club at the end of the calendar year immediately prior to the meeting.
- 4) If a person is a registered member of more than one Affiliated Club that person is entitled to one vote only and the person must notify the President of each club of which that person is a registered member which club may exercise that person's single vote for the meeting.
- 5) Votes may be given personally or by proxy.
- 6) Any question arising at a general meeting other than one involving an amendment to the Constitution and Rules of the Association shall be decided by simple majority. Any amendment to the Constitution and Rules of the Association shall require a majority of least 75% of the votes cast.
- 7) In the case of an equality of voting on a question, the Chairperson has a second or casting vote.

#### **TAKING OF POLL**

18.

- 1) If at a general meeting of the Association a poll on any question is demanded –
  - a. it is to be taken at that meeting in accordance with rule 18, and
  - b. the result of the poll is taken to be the resolution of the meeting on that question
- 2) Any amendment to the Constitution, Rules or the structures of the Association shall not be the subject of a poll.

#### **WHEN POLL TO BE TAKEN**

19.

- 1) A poll on a question of adjournment, is to be taken immediately.
- 2) A poll that is demanded on any other question is to be taken at any time before the close of the meeting as the chairperson directs.

## PROXY

20.

- 1) An individual member or an Affiliated Club may appoint a proxy to vote on behalf of the individual member or Affiliated Club at an annual general meeting or special general meeting of the Association.

~~2) A proxy vote may not be given to a Board Member.~~

- ~~3)~~2) An instrument appointing a proxy will be in such form as the Board may from time to time prescribe.

## AFFAIRS OF ASSOCIATION TO BE MANAGED BY A BOARD

21.

- 1) The affairs of the Association are to be managed by a Board.
- 2) The Board:
  - a. is to control and manage the business and affairs of the Association; and
  - b. may exercise all the powers and perform all the functions of the Association; and
  - c. has power to do anything that appears to the Board to be necessary for the proper management of the business and affairs of the Association.
  - d. shall appoint a person to be CEO on such terms and conditions as the Board determines.

## CONSTITUTION OF THE BOARD

22.

~~The Board shall consist of the following officers and directors elected at the annual general meeting of the Association—  
a Chairperson; and~~

~~subject to sub rule (2) of this rule, six Directors, one of whom shall be the Deputy Chairperson and another the Chairperson of the Finance Committee.~~

~~At least one Director must reside at a distance of at least 100 kilometres north of the Hobart GPO.~~

~~No one gender is to constitute less than three of the Board's membership unless the total number of Directors is nine in which case the minimum shall be four.~~

- 1) The Board shall consist of seven (7) Directors elected at the Annual General Meeting of the Association

(a) The positions of chair, deputy chair and finance director shall be appointed by the Board from amongst the Elected Directors as soon as practicable after each annual general meeting.

(b) At least one Director must reside at a distance of at least 100 kilometres north of the Hobart GPO.

(c) No one gender is to constitute less than three of the Board's membership unless the total number of Directors is nine in which case the minimum shall be four.

~~1)~~—

- 2) The Board may, from time to time, as the need arises co-opt to membership of the Board no more than two additional Directors. Any Director co-opted to the Board pursuant to this sub rule must retire from the Board at the Annual General meeting held next after that Director was co-opted to the Board.

- 3) A director, other than a director co-opted under sub rule (2) of this rule, is to hold office for a period of three years and is then eligible for re-election.
- ~~4) The Chairperson shall be elected for an initial term of three years and is eligible for re-election for further terms of three years. The directors elected for the initial terms specified in sub rule (3) of this rule are likewise eligible for re-election.~~
- ~~4) A director may not be elected to the Board for a period which exceeds more than three consecutive terms of three years. This includes any term served in the role of Chairperson.~~
- ~~5) Should an adjustment to include one additional term of three years for the Director who has served as Chairperson be necessary, this shall be determined by the Board.~~
- ~~6) The terms of the Elected Director positions shall run in an alternating pattern such that each year, the term expires for at least two (2) and in one year three (3) of the positions, so that over a three (3) year period, the term of all seven (7) positions will have expired.~~
- ~~7) Should any adjustment to the term of Elected Directors be necessary to ensure rotational terms in accordance with this Constitution, this shall be determined by the Board. Elections to subsequent Boards shall then proceed in accordance with the procedures in this Constitution with approximately one third of the Elected Directors retiring each year.~~

#### **PUBLIC OFFICER**

23. The CEO will also be the public officer for the Association, unless otherwise determined by the Board.

#### **ELECTION OF MEMBERS OF BOARD AND FILLING CASUAL VACANCIES**

24.
  - 1) Nominations of candidates for election as officers of or directors of the Board are to be –
    - a. made in writing signed by 2 individual members of the Association or an Affiliated Club, endorsed by the President of the Affiliated Club and accompanied by the written consent of the candidate (which may be endorsed on the nomination); and
    - b. addressed to the CEO and delivered to the office of the Association at least 10 days before the date fixed for the holding of the annual general meeting.
  - 2) If no nominations are received for any Board position further nominations can be received at the annual general meeting and can be given verbally from at least 2 individual members or an Affiliated Club, with the consent of the candidate.
  - 3) If only one nomination is received for a Board position the person nominated is to be elected.
  - 4) If more than one nomination is received, a ballot is to be held.
  - 5) The ballot for the election of an officer or director of the Board is to be conducted at the annual general meeting in the manner directed by the Board.
  - 6) In the event of a casual vacancy for the position of an officer or director of the Board the Board shall have the sole power to fill that vacancy until the expiry of the term of the Director who gave rise to the casual vacancy, when an election will be held to formally fill the vacancy.

#### **VACATION OF OFFICE**

25. For the purpose of these rules, the office of an officer or a director of the Board of the Association becomes vacant ("a casual vacancy") if the officer or director –
  - a. dies; or

- b. becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his or her creditors, or makes any assignment of his or her estate for their benefit; or
- c. becomes of unsound mind; or
- d. resigns his/her office in writing addressed to the Board; or
- e. ceases to be resident in the State; or
- f. fails, without leave granted by the Board, to attend 3 consecutive meetings of the Board.

## MEETINGS OF BOARD

26.

- 1) Except as otherwise provided in these rules, the Board shall regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- 2) The Board may permit directors to participate in a particular meeting or all meetings by-
  - a. telephone; or
  - b. video conference; or
  - c. any other means of communication approved by the Board.
- 3) A director who participates in a meeting under a permission granted under sub-rule (2) of this rule is taken to be present at the meeting.
- 4) The Board is to keep accurate minutes of meetings.

## DISCLOSURE OF INTEREST IN CONTRACTS

27.

- 1) A member of the Board who is interested in any contract or arrangement made or proposed to be made with the Association is to disclose the interest –
  - a. at the first meeting of the Board at which the contract or arrangement is first taken into consideration, if the interest then exists; or
  - b. in any other case, at the first meeting of the Board after the acquisition of the interest.
- 2) If a member of the Board becomes interested in a contract or arrangement after it is made or entered into, he or she is to disclose the interest at the first meeting of the Board after he or she becomes so interested.
- 3) A member of the Board is not to vote as a member of the Board in respect of any contract or arrangement in which he or she is interested and any such vote is not to be counted.

## COMMITTEES

28. ~~The Board shall establish~~

~~Local Competition Committees to conduct and manage the competitive sport of hockey within financial parameters determined by the Board;~~

~~a Finance Committee; and~~

~~such other committees as are appropriate to carry out the objects and functions of the Association~~

- 1) The Board shall establish any such committees as it considers appropriate to carry out the objects and function of the Association.

~~1)2)~~Any committee established by the Board shall operate under Terms of Reference approved by the Board which may include, but not be limited to scope, responsibility, delegated powers (if any) and reporting guidelines-

#### **EXECUTIVE COMMITTEE OF THE BOARD**

29.

- ~~2)3)~~The Chairperson, the Deputy Chairperson and the Chairperson of the Finance Committee, who must be a Director, constitute the executive committee of the Board.
- ~~3)4)~~The executive committee may issue instructions to the CEO and the employees, agents or contractors of the Association, and take all such necessary action, in matters of urgency connected with the management of the affairs of the Association during the period between meetings of the committee.
- ~~4)5)~~The executive committee is to report on any instructions issued or actions taken under sub rule (2) of this rule to the next meeting of the Board.

#### **ANNUAL SUBSCRIPTION**

30.

- 1) The Board shall establish fees and subscriptions and charges payable for membership and related matters and shall determine the time or times for the payment of any such fees, charges or subscriptions.
- 2) The membership of the Association of an Affiliated club or an individual member ceases if that club or member ceases to be a financial member of the Association or ceases to be a member of the Association by virtue of these rules or the By Laws.

#### **FINANCIAL YEAR**

31. The financial year of the Association is the period 1 January to 31 December of each year.

#### **NOTICES**

32.

- 1) A notice may be served by or on behalf of the Association on any Affiliated Club by sending it through the post in a prepaid envelope addressed to the Secretary or President of the Affiliated Club at its usual or last known address.
- 2) A notice to an individual member may be served by sending it by pre paid post in an envelope addressed to the member at the address provided by the member in his or her current membership subscription.

#### **EXPULSION OF MEMBERS**

33.

- 1) The Board, may expel a member from the Association if, in the opinion of the Board, the member is guilty of conduct detrimental to the objects and purposes of the Association.
- 2) The expulsion of a member under sub rule (1) of this rule does not take effect until whichever of the following is the later date:
  - a. the expiration of 14 days after the service on the member of a notice under sub-rule (3) of this rule;
  - b. if the member exercises their right of appeal under this rule, the conclusion of the special general meeting convened to hear the appeal.

- 3) If the Board expels a member from the Association, the Chairperson of the Association, without undue delay, is to cause to be served on the member a notice in writing -
  - a. stating that the Association has expelled the member; and
  - b. specifying the grounds for the expulsion; and
  - c. informing the member of a right to appeal against the expulsion under rule 34.

#### **APPEAL AGAINST EXPULSION**

34.

- 1) A member may appeal against an expulsion under rule 33 by delivering or sending by post to the CEO, within 14 days after the service of a notice under rule 33(3), a requisition in writing demanding the convening of a special general meeting of the Association for the purpose of hearing the appeal.
- 2) On receipt of a requisition -
  - a. the CEO is to as soon as practicable notify the Board of its receipt; and
  - b. the Board is to cause a special general meeting of the Association to be held within 21 days after the date on which the requisition is received.
- 3) At a special general meeting convened for the purpose of this rule -
  - a. no business other than the question of the expulsion is to be transacted; and
  - b. the Board may place before the meeting details of the grounds of the expulsion and the Board's reasons of the expulsion; and
  - c. the expelled member is to be given an opportunity to be heard; and
  - d. the members present are to vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- 4) If at the special general meeting a simple majority of the members present vote in favour of the lifting of the expulsion -
  - a. the expulsion is to be taken to have been lifted; and
  - b. the expelled member is entitled to continue as a member of the Association.
- 5) If at the special general meeting a simple majority of the members present vote in favour of the confirmation of the expulsion -
  - a. the expulsion takes effect; and
  - b. the expelled member ceases to be a member of the Association.

#### **DISPUTES**

35.

- 1) A dispute between a member and the Association is to be determined at first instance by the executive committee of the Board. If the dispute is not resolved by that determination it must then be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*.
- 2) This rule does not affect the operation of rule 35.

#### **SEAL OF THE ASSOCIATION**

36.

- 1) The seal of the Association is to be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".

- 2) The seal of the Association is not to be affixed to any instrument except by the authority of the Board.
- 3) The affixing of the seal is to be attested by the signatures of -
  - a. 2 members of the Board; or
  - b. one member of the Board and the public officer of the Association or any other person the Board may appoint for that purpose.
- 4) Attestation under sub rule (3) is sufficient for all purposes that the seal was affixed by authority of the Board.
- 5) The seal is to remain in the custody of the public officer

#### **BY LAWS**

37. The Board may, from time to time, make, alter and repeal the By Laws of the Association. The By Laws may relate to the playing of hockey or the affairs of the Association. Penalties may be imposed for breach of these By Laws. For the time being the By Laws are the By Laws updated in November 2007 and in existence on the 5th day of July 2008, except where they are required to be altered by the amendments to the Constitution and Rules made at the July meeting referred to in rule 5.

#### **AFFILIATION WITH THE NATIONAL ASSOCIATION**

38. The Board will maintain affiliation with Hockey Australia or whatever body controls and manages hockey at a national level.

#### **AMENDMENT OF THE CONSTITUTION AND RULES**

39. Any clause of this Constitution and Rules may be altered only by special resolution as provided by the Associations Incorporation Act 1964 as amended from time to time.

#### **INDEMNITY**

40. Every member of the Board, auditor, employee and volunteer of the Association shall be indemnified out of the property of the Association against any liability incurred by that person in the capacity of board member, auditor, employee or volunteer in defending any proceedings, whether civil or criminal.



## **BY LAWS**

### **(1) — PLAYER RULES:**

~~Eligibility of a player to be selected for a State team shall be subject to that player being at all relevant times, a financial member of a member association and eligible for selection to play in that association. Any player who has received a suspension from being eligible to play for a member association, shall be ineligible, during the term of that suspension, for State selection.~~

~~A player who has played for another State or member association within Tasmania, or who has a debt which has remained due to Hockey Tasmania for more than 70 days, is not eligible for selection to play in any State team, intrastate team or any team which plays in a competition conducted by or under the auspices of Hockey Tasmania or a member association, until:~~

~~that debt has been paid, or,~~

~~the other State or region has, through its executive officer or secretary, confirmed in writing that the player is not subject to a suspension from playing, and that the player is not in arrears of payment of any subscription, fine or other sum due to that association or region.~~

~~In the event of a dispute as to eligibility for selection, the matter shall be referred to the Board whose decision shall be final and not subject to appeal. Any party whose interests may be affected by the decision in question shall be entitled to be heard by the Board, but shall not be entitled to legal representation.~~

### **(2) — LIFE MEMBERSHIP**

~~The Award of Life Membership to Hockey Tasmania Inc. is to be made to reward long and meritorious achievement at the highest level of the sport of hockey in Tasmania.~~

~~It is to be awarded to a person who fulfils one or more of the following criteria:~~

~~Is, or has been, a member of the Board or Council of Hockey Tasmania or of the Council of the Tasmanian Hockey Association or Tasmanian Women's Hockey Association;~~

~~Has coached at the State level;~~

~~Has been a manager of State teams;~~

~~Has, as a player, official or administrator, represented Tasmania with distinction;~~

~~Has otherwise represented Hockey Tasmania Inc., at a National Level, by way of membership of a national board, committee etc.~~

~~Nomination for Life Membership may be made by either a member of the Board or Council and shall be accompanied by a synopsis showing the candidate's achievements and involvement upon which it is considered Life Membership is warranted. The Board will review the nomination and by consensus, determine whether the nomination fulfils the criteria laid down in 2 (a), (b), (c), (d), or (e) above. Recommendation for the award will be passed to the Council for ratification.~~

~~Appointment to the position of Life Member shall be by resolution of the Council made at the Annual General Meeting.~~

~~Appointment to the position of Life Membership does not carry with it, any right to vote or otherwise take part in the management of the affairs of Hockey Tasmania Inc.~~

~~A person, who has been appointed a Life Member of either the Tasmanian Hockey Association or the Tasmanian Women's Hockey Association, shall be deemed to be automatically, a Life Member of Hockey Tasmania Inc.~~

~~Upon the granting of a Life Membership the Council shall cause to be circulated to all regions the fact of the award and summary of the contribution by the person on which it has been made.~~

~~(3) — AWARD of MERIT~~

~~The Council may make an Award of Merit to such persons who from time to time are considered to have rendered meritorious personal service to Hockey Tasmania Inc. or, for some other reason, are considered deserving of special recognition.~~

~~Nominations for an Award of Merit may be made by either a member of the Board or Council and shall be accompanied by a synopsis showing the candidate's achievements and involvement upon which it is considered an Award of Merit is warranted.~~

~~An Award of Merit shall be granted by resolution of the Council at the Annual General Meeting.~~

~~An award of an Award of Merit does not carry with it, any right to vote or otherwise take part in the management of the affairs of Hockey Tasmania Inc.~~

~~Upon the granting of an Award of Merit the Council shall cause to be circulated to all regions the fact of the award and summary of the contribution by the person on which it has been made.~~

~~(4) — STATE TEAM ELIGIBILITY~~

~~Pursuant to Rule 37 of the Constitution of Hockey Tasmania, The Board has determined as follows:~~

~~Eligibility of a player to be selected for a State team shall be subject to that player being at all relevant times, a financial member of a member association and eligible for selection to play in that association. Any player who has received a suspension from being eligible to play for a member association, shall be ineligible, during the term of that suspension, for State selection.~~

~~A player who has played for another State or member association within Tasmania, or who has a debt which has remained due to Hockey Tasmania for more than 70 days, is not eligible for selection to play in any State or member association team, until:~~

~~that debt has been paid,~~

~~or,~~

~~the other State or region has, through its executive officer or secretary, confirmed in writing that the player is not subject to a suspension from playing, and that the player is not in arrears of payment of any subscription, fine or other sum due to that association or region,~~

~~as the case may be.~~

~~In the event of a dispute as to eligibility for selection, the matter shall be referred to the Board whose decision shall be final and not subject to appeal. Any party whose interests may be affected by the decision in question shall be entitled to be heard by the Board, but shall not be entitled to legal representation.~~