

Mines Hockey Club Incorporated CONSTITUTION



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Terms used

In these rules, unless the contrary intention appears —

Act means the *Clubs Incorporation Act 2015*;

Association means the Eastern Goldfields Hockey Association to which the club is affiliated.

Annual General Meeting, (AGM) of the Club, means a meeting of the Club that all members are entitled to receive notice of and to attend;

Club means the incorporated Club to which these rules apply (Mines Hockey Club Incorporated);

Constitution means the rules set out by the club (this document)

Committee means the management committee (executive and ordinary committee members) of the Club;

Committee Meeting means a meeting of the committee members;

Committee Member means a member of the committee;

Financial Member means a member who has paid their membership as per club set fees;

Member means a person who is an ordinary member (senior, junior,

social) or an associate member of the Club;

Non-delegable duty means a duty imposed on the committee by the Act or another written law.

Poll means the process of voting in relation to a matter that is conducted in writing

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

Rules mean these rules of the Club, as in force for the time being;

Special General Meeting means a general meeting of the Club other than the AGM;

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

Sub-committee means a subcommittee appointed by the committee;

The Rules of the Association of MINES HOCKEY CLUB (INC).

1. Name of the club

The name of the Club shall be Mines Hockey Club Incorporated (Referred herein as the *Club*).

2. Objects of the Club

- (a) The fostering of hockey and events and the promotion of good fellowship amongst members of the Club
- (b) The promotion of health, safety, community and sportsmanship of hockey
- (c) To generate income by registration fees, fundraising, sponsorship and other methods as the committee determines
- (d) The provision, storage and maintenance of club equipment to be applied for the object of the club
- (e) To incorporate and keep incorporated the club as a Club under the provisions of the Clubs Incorporation Act 2015
- (f) Fostering partnerships with the regional, state and national hockey associations
- (g) The property and income of the *Club* must be applied solely towards the promotion of the objects or purposes of the *Club* and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.

3. Interpretation and provision of Constitution

- (a) A copy of, or link to, the Constitution of the club must be given to each person who becomes a member of the Club.
- (b) The Committee is the sole authority for the interpretation of the Constitution and of the policies made hereunder, and the decision of the committee shall be final and binding on all members.

4. Membership

- (a) Eligibility for membership

Any person who supports the objects or purposes of the Club is eligible to apply to become a member. Each person admitted to membership shall be:

- (i) bound by the constitution and policies of the club, in addition, the constitution and policies of the Eastern Goldfields Hockey Association. If neither constitutions have relevant guidance, the Club reverts to the state and federal governing bodies

(ii) liable for such fees as may be fixed by the club

(b) Applying for membership

A person who wants to become a member must apply in writing to the Club via the club's registration form

The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

(c) Classes of membership

The Club may have the following membership classes: junior membership, senior membership, social membership, associate membership and life membership.

(i) Senior Members

- Persons over the age of 17 years on 30th June for that year who are deemed financial shall be entitled to become senior members of the Club, subject to such restrictions and conditions as the committee may from time to time impose
- Senior members are entitled to hold office within the Club's committee after they have reached 18 years of age.

(ii) Junior Members

- Persons the age of 17 years or under on 30th June for that year who are deemed financial shall be entitled to become junior members of the Club, subject to such restrictions and conditions as the committee may from time to time impose
- Junior members are not entitled to hold office within the Club's committee

(iii) Life Members

- Any member who has given outstanding service to the Club may be elected by the committee as a life member
- Any member may nominate a person for life membership to the committee for election who will then call a special general meeting. A sub-committee comprising of the committee and current life members will then determine whether to accept or decline the nomination
- Under no circumstances is the member nominated for life membership to be made aware of the nomination or of the special general meeting, its outcomes or processes involved in arriving at the decision
- No more than two life members may be elected in any one Club year
- Life members are entitled to hold office within the Club's committee

(iv) Social Members

- Persons who are interested in promoting the interests of the Club who shall be entitled to all social privileges however will have no voting rights as a general member

- Are not able to play for the Club
- Social members are entitled to elect for office within the Club's committee and are entitled to have voting rights should they be appointed as a committee member

(v) Associate Members

- An associate member may be appointed by the committee for some gain by the Club
- Are not able to play for the Club
- Associate members are entitled to elect for office within the Club's committee and are entitled to have voting rights should they be appointed as a committee member
- Termination of the associate member's position can be reviewed by the committee at any time

(d) When membership ceases

A person ceases to be a member when any of the following takes place —

- (i) for a member who is an individual, the hockey season ends for that year
- (ii) for a member who is an individual, the individual dies
- (iii) for a member who is a body corporate, the body corporate is wound up
- (iv) the person resigns from the club
- (v) the person is expelled from the club

The secretary must keep a record, for at least one year after a person ceases to be a member, of —

- (1) the date on which the person ceased to be a member; and
- (2) the reason why the person ceased to be a member

(e) Resignation

A member may resign from membership of the club by giving written notice of the resignation to the secretary. The resignation takes effect —

- (1) when the secretary receives the notice; or
- (2) if a later time is stated in the notice, at that later time

(i) A person who has resigned from membership of the club remains liable for any fees that are owed to the club (the owed amount) at the time of resignation. Clearance to play for another club will not be given until that amount has been paid in full

(ii) The owed amount may be recovered by the club in a court of competent jurisdiction as a debt due to the club

(f) Rights not transferable

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

5. Membership fees

- (a) The committee must determine the annual membership fee and/or any entrance to be paid for membership of the club
- (b) The fees determined under subrule (a) may be different for different classes of membership
- (c) A member must pay the annual membership fee to the treasurer, or another person authorised by the committee to accept payments, by the date determined by the committee
- (d) All life members are exempt from annual membership fees due in part to their outstanding contribution to the Club
- (e) A member must pay their fees in full or have a reasonable payment plan approved in writing by the treasurer, by the date determined by the committee
- (f) A member must be financial to be eligible to play for any finals
- (g) If a person who has ceased to be a member under subrule (e) offers to pay the annual membership fee after the period referred to in that sub rule has expired —
 - (i) the committee may, at its discretion, accept that payment; and
 - (ii) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted

6. Register of members

- (a) The secretary, or another person authorised by the committee, is responsible for the requirements imposed on the club under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the club
- (b) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member
- (c) The register of members must be kept at the secretary's place of residence, or at another place determined by the committee
- (d) A member who wishes to inspect the register of members must apply to the committee in writing. The provision of such information is subject to the relevant privacy legislation

If —

- (i) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
- (ii) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members, the committee may require the member to provide a statutory declaration setting out the

purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the club.

7. Committee

The committee members are the persons who, as the management committee of the Club, have the power to manage the affairs of the Club. Subject to the Act, these rules, the by-laws (if any) and any resolution passed at the annual general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Club.

The committee must take all reasonable steps to ensure that the Club complies with the Act, these rules and the by-laws (if any).

The committee consist of —

- (i) the office holders of the Club; and
 - (ii) at least one ordinary committee member.
- (a) The committee must determine the maximum number of members who may be ordinary committee members.
- (b) The following are the office holders of the Club — the President, the Deputy President, the Secretary, and the Treasurer. As per subrule 7(d), office holders must provide the club with a valid/clear accredited National Police Clearance/Check (NPC). Officer holders are acting in their roles until NPC has been received and processed.
- (c) A person may be a committee member if the person is —
- (i) an individual who has reached 18 years of age; and
 - (ii) a membership valid for committee membership as outlined in clause 4(c)
- (d) A person is not eligible to become a member of the committee if they -
- (i) are an undischarged bankrupt or whose affairs are under insolvency law;
 - (ii) have been convicted of an offence in connection to the promotion, formation or management of a body corporate; or
 - (iii) an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months.

Where a person is prohibited from being a committee member because they have been convicted of an offence they cannot be a committee member for a period of five years from their conviction, except where the conviction resulted in imprisonment, in which case they cannot be a committee member for five years from their release from custody.

- (e) A person must not hold two (2) or more of the offices mentioned in subrule (b) at the same time.
- (f) A member becomes a committee member if the member —
- (i) is elected to the committee at an Annual General Meeting (AGM); or
 - (ii) is appointed to the committee by the committee to fill a casual vacancy.

8. Powers of the Committee

The committee shall carry out the day to day running of the Club and shall have power to:

- (a) Make, rescind and amend rulings and policies as they may from time to time consider necessary for the management of their own proceedings and the wellbeing of the Club
- (b) To administer the finances of the Club
- (c) To appoint the financial signatories with the club bank
- (d) To direct the opening of banking accounts for specific purposes and to transfer funds from another, and to close any such account as deemed necessary.
- (e) To fix fees and subscriptions payable by members and decide such levies, fines and charges as is deemed necessary and advisable, and to enforce payment thereof;
- (f) To engage, control or dismiss the Club's servants and paid officials employed to undertake certain duties as deemed necessary for the betterment of the Club;
- (g) To record minutes of all proceedings at club meetings
- (h) To enter into all contracts and to execute and effectuate transfers and all other documents;
- (i) To form and appoint sub-committees as it shall see fit;
- (j) To accept the resignation of any member of the committee of the Club and to fill any vacancy;
- (k) To adjudicate on all matters presented before it, in which affects the Club.

9. Nominations of committee members

- (a) At least fourteen (14) Days before an annual general meeting, the secretary must send written notice to all the members —
 - (i) calling for nominations for election to the committee; and
 - (ii) stating the date by which nominations must be received by the secretary.
- (b) A member who wishes to be considered for election to the committee at the annual general meeting must nominate for election by sending written notice of the nomination to the secretary by the due date; or being present at the annual general meeting and nominating in person. The written notice must include the member's name and the position for which the member wishes to nominate.

10. Election of Committee Members

- (a) At the annual general meeting, the current committee members of the club shall retire but shall be eligible for re-election, if they have complied with clause (7) above.
- (b) At the annual general meeting, a separate election must be held for each position of office holder of the Club.

- (c) If there is no nomination for a position, the chairperson of the meeting may call for nominations from the ordinary members at the meeting.
- (d) If only one member has nominated for a position, the chairperson of the meeting must declare the Member elected to the position, and that nomination shall be proposed and seconded by members present at the annual general meeting
- (e) If more than one member has nominated for a position, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide who is to be elected to the position.
- (f) Each ordinary member present at the meeting may vote for one member who has nominated for the position.
- (g) A member who has nominated for the position may vote for himself or herself.
- (h) On the member's election, the new President of the Club may take over as the chairperson of the meeting.
- (i) The Treasurer must submit a Police Clearance to the committee within two (2) months of appointment.

11. Term of office

- (a) The term of office of a committee member begins when the member is elected at an annual general meeting; or is appointed to fill a casual vacancy. A committee member holds office until the positions are declared vacant at the next annual general meeting.
- (b) Where a person ceases to be a member of the committee that person is to, as soon as practicable after their membership ceases, deliver to a member of the committee all of the relevant documents and records they hold pertaining to the management of the Club's affairs.

12. Resignation and removal from office

- (a) A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the president.
- (b) The resignation takes effect when the notice is received by the secretary or president; or if a later time is stated in the notice, at the later time.
- (c) At a general committee meeting, the Club may by resolution remove a committee member from office; and elect a member who is eligible to fill the vacant position.
- (d) A committee member who is the subject of a proposed resolution under subrule (12)(c) may make written representations (of a reasonable length) to the secretary or president and may ask that the representations be provided to the members.
- (e) The secretary or president may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

13. When membership of committee ceases

A person ceases to be a committee member if the person —

- (a) reaches the end of their term as committee member

- (b) dies or otherwise ceases to be a member; or
- (c) resigns from the committee or is removed from office under rule 10 (c);
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (e) fails to attend 3 consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.

14. Filling casual vacancies

- (a) The committee may appoint a member who is eligible to fill a position on the committee that has become vacant or was not filled by election at the most recent annual general meeting.
- (b) Subject to the requirement for a quorum, the committee may continue to act despite any vacancy in its membership.
- (c) If there are fewer committee members than required for a quorum, the committee may act only for the purpose of —
 - (a) appointing committee members under this rule; or
 - (b) convening a general meeting.

15. Validity of acts

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member or member of a subcommittee.

16. Committee meetings

- (a) The committee must meet at least every two (2) months during the hockey season (as set by the Association).
- (b) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.
- (c) Special committee meetings may be convened by the President or any two (2) committee members.
- (d) The President, or committee member presiding as delegated, must chair at each committee meeting.
- (e) A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee. A person invited to attend a committee meeting cannot vote on matters raised at the meeting.
- (f) Attendance at a committee meeting may be via teleconferencing or videoconferencing, and votes taken via these methods are counted as taken to have voted in person.
- (g) Notice of each committee meeting must be given to each committee member at least forty-eight (48) hours before the time of the meeting.
- (h) The notice must state the date, time and place of the meeting and must describe the agenda (general nature of the business) to be discussed at the meeting.
- (i) Each committee member present at a committee meeting has one vote on any question arising at the meeting.

- (j) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion. If the votes are divided equally on a question, the President of the meeting has a second or casting vote.
- (k) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question. If a secret ballot is needed, the President, or delegate, of the meeting must decide how the ballot is to be conducted.
 - (i) If/when voting has taken place, the secretary will ensure the numbers of voting has been recorded in the minutes

17. Minutes of meetings

- (a) The committee must ensure that minutes are taken and kept of each AGM, committee or special meeting.
- (b) The minutes must record the names of the committee members present at the meeting; the name of any person attending the meeting through invitation, the agenda discussed at the meeting and any motion which required a vote be conducted and the subsequent result of the vote.
- (c) The minutes of a committee meeting must be sent to the committee members within thirty (30) days after the committee meetings are held.
- (d) The President must ensure that the minutes of a committee meeting are reviewed and accepted as correct by members at the following meeting.
- (e) When the minutes of a committee meeting have been accepted as correct they are, until the contrary is proved, evidence that —
 - (i) the meeting to which the minutes relate was duly convened and held; and
 - (ii) the matters recorded as having taken place at the meeting took place as recorded; and
 - (iii) any appointment purportedly made at the meeting was validly made.
- (f) In addition, the minutes of each annual general meeting must record —
 - (a) the names of the ordinary members attending the meeting; and
 - (b) any proxy names given to the secretary before the meeting
 - (c) the financial statements or financial report presented at the meeting

18. Quorum for meetings

- (a) Any five (5) committee members constitute a quorum for the conduct of the business of a committee meeting.
- (b) AGMs shall have a minimum of ten (10) members, with at least four (4) of those members being committee members.

No business is to be conducted at a committee meeting unless a quorum is present. If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—in the case of a special meeting—the meeting lapses; or, otherwise, the meeting is adjourned to the following week.

19. Subcommittees

To help the committee in the conduct of the Club's business, the committee may, in writing, appoint one or more subcommittees. A subcommittee may consist of the number of people, whether or not members, that the committee considers appropriate.

- (a) Subject to any directions given by the committee, a subcommittee may meet and conduct business as it considers appropriate.
- (b) The committee may, in writing, delegate to a subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than — (i) the power to delegate; and (ii) a non-delegable duty.
- (c) A power or duty, the exercise or performance of which has been delegated to a subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subcommittee or holder in accordance with the terms of the delegation.
- (d) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (e) The delegation does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (f) Any act or thing done by a subcommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the committee.
- (g) The committee may, in writing, amend or revoke the delegation.

20. Annual general meeting (AGM)

The AGM will be held under the following circumstances:

- (a) Held within three (3) months after the end of the Club's financial year.
- (b) Any ten (10) members personally present (being members entitled to vote under these rules at a general meeting) will constitute a quorum for the conduct of business at a general meeting.

- (c) The secretary shall give at least fourteen (14) days' notice of the date of the AGM to all members
- (d) The committee must determine the date, time and place of the annual general meeting.
- (e) All members are entitled to attend the AGM and all members are entitled to address the meeting.
- (f) Within fourteen (14) days of the AGM, the secretary will circulate the minutes to all members of the club.
- (g) Voting is consistent with clause (16)(i),(j),(k)
- (h) The standard agenda for the AGM shall include: opening of meeting, confirmation of minutes from previous AGM, to receive and consider Club financial statements, Office holder reports, election of Office holders and Ordinary Committee members, Call for nominations or election of coaching positions, special and other business, close of meeting with agreed to next meeting of the new office holders.
- (i) Members may appoint a proxy in their absence, which will have the voting rights of the member. Proxies must be made in writing to the Secretary prior to the commencement of the meeting.

21. Special general meetings

The committee may convene a special general meeting and must have at least twenty percent (20%) of the members require a special general meeting to be convened.

- (a) The members requiring a special general meeting to be convened must —
 - (i) make the requirement by written notice given to the secretary; and
 - (ii) state in the notice the business to be considered at the meeting; and
 - (iii) each sign the notice.
- (b) If the committee does not convene a special general meeting within that twenty-eight (28) day period, the members making the requirement (or any of them) may convene the special general meeting.
- (c) may only consider the business stated in the notice by which the requirement was made.
- (d) Within seven (7) days following the special general meeting, the Secretary will circulate the minutes to all members.

22. Financial Year

The financial year for the club runs from 1st November to the 31st October.

23. Control of funds

- (a) The Club must open an account in the name of the Club with a financial institution from which all expenditure of the Club is made and into which all funds received by the Club are deposited.
- (b) Subject to any restrictions imposed at a general meeting, only the committee may approve expenditure on behalf of the Club.

- (c) The committee may authorise the treasurer to expend funds on behalf of the Club up to a specified limit without requiring approval from the committee for each item on which the funds are expended.
- (d) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Club must be signed by a committee member who is registered as a signatory with the financial institution.
- (e) All funds of the Club must be deposited into the Club's account within ten (10) working days after their receipt.

A payment to a member out of the funds of the Club is authorised if it is —

- (f) the payment in good faith to the member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or
- (g) the reimbursement of reasonable expenses properly incurred by the member on behalf of the *Club*.

24. Financial statements and financial reports

- (a) For each financial year, the committee must ensure that the requirements imposed on the Club under Part 5 of the Act relating to the financial statements or financial report of the Club are met.
- (b) A financial report shall be prepared for each financial year
- (c) An auditor shall be appointed annually by the committee to review the financial report. The auditor shall examine and audit all the books and accounts of the Club, and they have the power to call for all financial records of the Club and must provide a report of the review. The auditor must not have a conflict of interest with the Treasurer of the Club.
- (d) The financial report, together with the auditor's report, will be presented at the annual general meeting.

25. Source of funds

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

26. Executing documents

The Club may execute a document if the document is signed by two (2) committee members, one of whom must be an office holder of the club.

27. Custody of books and securities

- (a) the books and any securities of the club must be kept in the secretary's custody or under the secretary's control. The record of committee members and other persons authorised to act on behalf of the club that is required to be maintained under section 58(2) of the Act must be kept in the secretary's custody or under the secretary's control.
- (b) The financial records and, as applicable, the financial statements or financial reports of the Club must be kept in the treasurer's custody or under the treasurer's control.

- (c) The books of the Club must be retained for at least seven (7) years.

28. Amendments

- (a) No alteration, repeal or addition shall be made to the Constitution except by special resolution at the AGM, or special general meeting called for the purpose. Notice in writing of all motions to alter, repeal or add to the Constitution shall be signed by the proposer and seconder, and sent to the Secretary at least six (6) weeks before the annual general meeting or special general meeting.
- (b) The Secretary shall forward such notices of motion to each member at least fourteen (14) days prior to a special general meeting or AGM.
- (c) Such motions or any part thereof shall be of no effect unless passed by a three quarter (75%) majority of those present and entitled to vote.
- (d) Within fourteen (14) days after the making of any amendment or alterations to the Constitution of the Club, the committee shall submit a certified copy of the amendment or alteration to the Consumer Protection registration system.

29. Duty of Care

- (a) A member of the committee must exercise his or her powers and discharge his or her duties with a degree of care and diligence that is practicable.
- (b) A member of the committee must undertake Club duties in good faith and the best interests of the Club; and for a justified purpose.
- (c) A member of the committee must not improperly use the position to gain an advantage for the person, or another person; or cause detriment to the Club.
- (d) A person who obtains information because the person is, or has been, a member of the committee, must not improperly use the information to gain an advantage for the person or another person; or cause detriment to the Club.
- (e) Committee members must disclose any conflict of interests and not participate in a decision if the conflict jeopardises the objects of the Club.

30. Inspection of records and documents

All members may inspect records of the club by contacting the secretary including the constitution, register of members, minutes of meetings and other decision making documentation. The member may take a copy of records that is directly connected to the affairs of the club, however, is not able to view or extract member personal details for privacy reasons.

31. Surplus property on winding up, dissolution or cancellation of incorporation

- (a) The Club shall not be dissolved except by special resolution at the annual general meeting, or a special general meeting, such meeting having been called for that purpose
- (b) The special resolution must be passed by a three quarters (75%) majority of those present and entitled to vote at the meeting.

- (c) For the purposes of this rule, surplus property, in relation to the Club, means property remaining after satisfaction of —
- (i) the debts and liabilities of the club; and
 - (ii) the costs, charges and expenses of winding up or cancelling the incorporation of the club,
- but does not include books relating to the management of the club.
- (d) On the dissolution, cancellation of the incorporation or the winding up of the club, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

32. Disciplinary action, disputes and mediation

- (a) The committee may decide to suspend a member's membership or to expel a member from the club if —
- (i) the member contravenes any of these rules; or
 - (ii) the member acts detrimentally to the interests of the club.

The secretary must give the member written notice of the proposed suspension or expulsion at least twenty-eight (28) days before the committee meeting at which the proposal is to be considered by the committee.

The notice given to the member must state —

- (iii) when and where the committee meeting is to be held; and
- (iv) the grounds on which the proposed suspension or expulsion is based; and
- (v) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;

At the committee meeting, the committee must —

- (vi) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
- (vii) give due consideration to any submissions so made; and
- (viii) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the club.

A decision of the committee to suspend the member's membership or to expel the member from the club takes immediate effect.

The committee must give the member written notice of the committee's decision, and the reasons for the decision, within seven (7) days after the committee meeting at which the decision is made.

A member whose membership is suspended or who is expelled from the club may, within 14 days after receiving notice of the Committee's decision, give written notice to the secretary requesting the appointment of a mediator.

During the period a member's membership is suspended, the member —

- (i) loses any rights (including voting rights) arising as a result of membership; and
- (ii) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the club.

When a member's membership is suspended, the secretary must record in the register of members —

- (iii) that the member's membership is suspended; and
- (iv) the date on which the suspension takes effect; and
- (v) the period of the suspension.

When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.

33. Resolving disputes

In this rule — ***grievance procedure*** means the procedures set out in this Division;

party to a dispute includes a person —

- (vi) who is a party to the dispute; and
- (vii) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

- (a) The procedure set out in this Division (the grievance procedure) applies to disputes
 - (i) between members; or
 - (ii) between one or more members and the club
- (b) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days after the dispute has come to the attention of each party.
- (c) If the parties to a dispute are unable to resolve the dispute between themselves within the time required, any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
 - (i) the parties to the dispute; and
 - (ii) the matters that are the subject of the dispute.
- (d) Within twenty-eight (28) days after the secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.

- (e) The secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least seven (7) days before the meeting is held.
- (f) The notice given to each party to the dispute must state —
 - (iii) when and where the committee meeting is to be held; and
 - (iv) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (g) If —
 - (v) the dispute is between one or more members and the club; and
 - (vi) any party to the dispute gives written notice to the secretary stating that the party —
 - (1) does not agree to the dispute being determined by the committee; and
 - (2) requests the appointment of a mediator

34. Determination of dispute by committee

- (a) At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - (i) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (ii) give due consideration to any submissions so made; and
 - (iii) determine the dispute.
- (b) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within seven (7) days after the committee meeting at which the determination is made.
- (c) A party to the dispute may, within fourteen (14) days after receiving notice of the committee's determination under subrule (a)(iii), give written notice to the secretary requesting the appointment of a mediator.
- (d) If notice is given under subrule (c), each party to the dispute is a party to the mediation.

35. Appointment of mediator

- (a) The mediator must be a person chosen by agreement between the parties to the dispute.
- (b) If there is no agreement for the purposes of subrule (a) then, subject to subrule (c), the committee must appoint the mediator.
- (c) The person appointed as mediator by the committee may be a member or former member of the Club but must not —
 - (i) have a personal interest in the matter that is the subject of the mediation; or
 - (ii) be biased in favour of or against any party to the mediation.

36. Mediation process

- (a) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (b) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least five (5) business days before the mediation takes place.
- (c) In conducting the mediation, the mediator must —
 - (i) give each party to the mediation every opportunity to be heard; and
 - (ii) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (iii) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (d) The mediator cannot determine the matter that is the subject of the mediation.
- (e) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (f) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

37. By-laws

The Club may, by resolution at a general meeting, make, amend or revoke by-laws.

- (a) By-laws may —
 - (i) provide for the rights and obligations that apply to any classes of associate membership approved under rule 8(2); and
 - (ii) impose restrictions on the committee's powers, including the power to dispose of the club's assets; and
 - (iii) impose requirements relating to the financial reporting and financial accountability of the club and the auditing of the clubs accounts; and
 - (iv) provide for any other matter the club considers necessary or convenient to be dealt with in the by-laws.
- (b) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.
- (c) At the request of a member, the Club must make a copy of the by-laws available for inspection by the member.

38. Custody of the Common Seal

The club does not have a common seal.