



**CONSTITUTION
OF THE PEGASUS HOCKEY CLUB INC**

Revised July 2017

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1. DEFINITIONS

In these rules and all policies made hereunder unless the context requires otherwise:

- (a) 'Act' means the *Associations Incorporation Act 2015 (WA)*
- (b) 'The Club' means the Pegasus Hockey Club Inc.
- (c) 'The committee' means the Executive & Officers as outlined in item 6.1
- (d) 'Members' means the senior, junior, life, social and associate members.
- (e) 'Association' means the Eastern Goldfields Hockey Association to which the Club is affiliated.
- (f) 'Financial member' means a member who has paid their annual subscription as per Club policy.
- (g) 'Constitution' means this document.
- (h) 'Hockey season' means the period during which hockey is played by members, including pre-season training, fixtured games and the finals series.

Wording in the masculine shall include the feminine and words in the singular shall include the plural and vice versa.

2. NAME

The Club shall be promoted and known as the Pegasus Hockey Club Inc.

3. OBJECTS AND PURPOSES OF THE CLUB

3.1 The Objects and Purposes of the Club

The objectives and purposes of the Club are:

- (a) To promote and encourage and to assist in the promotion and encouragement of the game of hockey.
- (b) To provide a playing base for Club members.
- (c) To raise money by registration fees, subscriptions and levies and by other methods as from time to time the committee see fit.
- (d) To purchase, take on lease, hire or otherwise acquire any real or personal property for the purpose of carrying out the objects of the Club.
- (e) To invest and deal with the moneys of the Club in such a manner as may from time to time be determined in accordance with these rules.
- (f) To do all such things as are incidental, necessary or conducive to the attainment of the objects of the Club.

3.3 Application of Property and Income

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.

4. MEMBERSHIP

4.1 Membership Requirements

Membership shall be open to any person who supports the objects or purposes of the Club and wishes to further the interest of the Club. Each person admitted to membership shall be:

- (a) bound by the Constitution and policies of the Club, plus the Constitution and By-Laws of the Association;
- (b) liable for such fees and subscriptions as may be fixed by the Club; and
- (c) entitled to all advantages and privileges of their relevant class of membership.

4.2 Applying for Membership

A person who wishes to become a member of the Club must apply in writing to the club by completing the membership form as provided to the applicant by the Club.

The applicant must specify in the application the class of membership to which the application relates.

4.2 Classes of Membership

The following membership categories shall exist within the Club:

- (a) Senior members
- (b) Junior members
- (c) Life members
- (d) Social members
- (e) Associate members

4.2.1 Senior Members

- (a) 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.
- (b) Senior members are entitled to hold office within the Club's committee.

4.2.2 Junior Members

- (a) 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.
- (b) Junior members are not entitled to hold office within the Club's committee.

4.2.3 Life Members

- (a) Any member who has given outstanding service to the Club may be elected by the committee as a life member.
- (b) 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.

- (c) 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.
- (d) No more than two life members may be elected in any one Club year.
- (e) Life members are entitled to hold office within the Club's committee.

4.2.4 Social Members

- (a) 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.
- (b) Are not able to play for the Club.
- (c) Social members are not entitled to hold office within the Club's committee.

4.2.5 Associate Members

- (a) An associate member may be appointed by the committee for some gain by the Club.
- (b) Are not able to play for the Club.
- (c) Associate members are entitled to hold office within the Club's committee.
- (d) Termination of the associate member's position can be reviewed by the committee at any time.

4.3 Limitation of Membership

The committee shall have the power to limit the number of all classes of members except life members.

4.4. Termination of Membership

4.4.1 Events Warranting Termination of Membership

A person ceases to be a member when any of the following events take place:

- (a) the person resigns from the Club pursuant to subclause 4.4.4;
- (b) for a member who is an individual, the individual dies;
- (c) for a member who is a body corporate, the body corporate is wound up;
- (d) the person is expelled from the Club due to:
 - (i) false or misleading statements made by the member on the member's application for membership of the Club;
 - (ii) a breach by the member of any rule, regulation or By-Law of the Club or commits any act detrimental to the objects or purpose of the Club.

4.4.2 Notification of Termination

The committee shall have the power to suspend or expel or terminate the membership of any member of the Club due to the occurrence of any of the events outlined in item 4.4.1. The committee must provide written notice of termination to the offending member in writing supplying him with the allegations made against him and giving him the option of withdrawing from the Club.

4.4.3 Right to Appeal

Any member who is expelled, suspended or has had their membership terminated shall have the right to appeal against their case to a special general meeting called for such a purpose, and a decision of the special general meeting shall be final.

4.4.4 Resignation

- (a) A member may resign from membership of the Club by giving written notice of the resignation to the secretary.
- (b) The resignation takes effect:
 - (i) when the secretary receives the notice; or
 - (ii) if a later time is stated in the notice, at that later time.
- (a) 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.
- (d) The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the Club.

4.4.5 Liability of Members

A member may at any time by giving notice to the Secretary in writing, resign his membership of the Club. Any member wishing to resign and desirous of avoiding liability for the subscriptions for the ensuing financial year must place his resignation in writing to the Secretary within one month after the commencement of the season's fixtures.

4.5. Membership Fees

- (a) The committee must determine the annual membership fee and/or any entrance fees to be paid for membership of the Club.
- (b) The fees determined under sub-paragraph (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) If any member shall fail to pay his subscription according to Club Policy they shall be notified by the Treasurer of such default. Preference of the privileges of the Club and placing in any competition must be given to financial members before un-financial members.
- (f) If after one month from notification from the Treasurer a member's subscription remains unpaid the committee can move for expulsion of said member as outlined in item 4.4.
- (g) If a person who has ceased to be a member under sub-paragraph (f) offers to pay the annual membership fee after the period referred to in that sub-paragraph 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.

5. REGISTER OF MEMBERS

- (a) The Registrar is responsible for maintaining a register of members and recording in that register any change in membership of the Club. Any change to the register must be recorded within 28 days after the change occurs.
- (b) The register of members must include:
 - (i) the name of each member;
 - (ii) the residential, postal or email address for each member; and
 - (iii) the class of membership to which each member belongs and the date on which each member becomes a member.
- (c) Any member of the Club is entitled to inspect the register of members and must make contact with the Registrar to make the necessary arrangements.
- (d) If a member inspecting the register of members wishes to make a copy of, or take an extract from the register, the committee may require the member to provide in writing the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Club.
- (e) The register of members must be kept at the Registrar's place of residence, or at another place determined by the committee.

6. MANAGEMENT

6.1 Committee

6.1.1 Name and Membership of the Committee

The governing body of the Club shall be known as the "committee" and the business and general affairs of the Club shall be under the management of the committee. The committee shall be elected by members and shall consist of a:

- (a) President - Any member, except social or junior members, is eligible for nomination and election;
- (b) Vice President - Any member, except social or junior members, is eligible for nomination and election;
- (c) Secretary - Any member, except social or junior members, is eligible for nomination and election;
- (d) Treasurer - Any member, except social or junior members, is eligible for nomination and election;
- (e) Registrar - Any member, except social or junior members, is eligible for nomination and election; and
- (f) Officers – Any four (4) members can be elected at one time. Any member except social or junior members, are eligible for nomination and election.

6.1.2 Committee Members

A member becomes a committee member if the member:

- (a) is elected to the committee at a general meeting; or
- (b) is appointed to the committee by the committee to fill a casual vacancy pursuant to clause 6.6 of these Rules.

6.2 Method of Election

6.2.1 Nomination of Committee Members

- (a) At least 14 days before an annual general meeting, the Secretary must send written notice to all members of the Club:
 - (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 either:
 - (i) sending written notice of the nomination to the Secretary by the due date; or
 - (ii) being present at the annual general meeting and nominating in person
- (c) The written notice must include the member's name and the position for which the member wishes to nominate.

6.2.2 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 subclause 6.2.1 above.
- (b) The election of the new committee shall take place in the following manner:
 - (i) If there is only one member nominated for a position, the chairperson of the meeting must declare that member elected to that position, and that nomination shall be proposed and seconded by members present at the annual general meeting.
 - (ii) In cases where there shall be more than one candidate for a position, the determination of that position shall be by secret ballot.
 - (iii) The chairman of the meeting shall give all necessary direction and make all necessary arrangements for such secret ballot to take place.
 - (iv) In the case of no candidates being nominated for a position, the chairperson of the meeting may call for further nominations from the ordinary members present at the meeting, or the position may be decided at the committee's discretion.

6.2.3 Term of Office for Committee Members

The term of office of a committee member begins when the member is elected or appointed to a position pursuant to the rules in this Constitution. Subject to clause 6.4 of the Constitution, a committee member holds office until the positions are declared vacant at the next annual general meeting.

6.3 Eligibility

- (a) 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:
 - (1) an offence in connection to the promotion, formation or management of a body corporate; or

- (2) an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months.

- (b) 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.

6.4 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) resigns from the committee or is removed from office pursuant to clause 6.5 of these Rules;
- (c) dies or otherwise ceases to be a member;
- (d) becomes ineligible to act as a committee member for reasons outlined in clause 6.3 of these Rules;
- (e) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (f) is absent from three (3) consecutive meetings.

6.5 Resignation or Removal from Committee

- (a) A committee member may resign from the committee by providing written notice to the Secretary.
- (b) A committee member may be removed from their position at the discretion of the committee. The offender's position will be declared vacant and another member elected in accordance with clause 6.6 of these Rules.

6.6 Filling of Casual Vacancies on the Committee

- (a) The committee may appoint an eligible member to fill a vacant position on the committee.
- (b) Subject to the requirement for a quorum under clause 8.4 of these Rules, the committee may continue to act despite any vacancy in its membership.
- (c) If there are fewer committee members than required for a quorum under clause 8.4, the committee may act only for the purpose of:
 - (i) appointing committee members under this rule; or
 - (ii) convening a general meeting.

6.7 Handing Over Documents and Records

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.

7. POWERS

7.1 Powers of the Committee

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

- (a) To 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 well-being of the Club as outlined in item 3.
- (b) To administer the finances of the Club.
- (c) To appoint the bankers of the Club.
- (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 the number in which banking accounts shall be operative upon, providing all payments are passed by the Executive Committee.
- (f) 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;
- (g) 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;
- (h) To record minutes of all proceedings at all committee and general meetings;
- (i) To enter into all contracts and to execute and effectuate transfers and all other documents whatever;
- (j) To form and appoint sub-committees as it shall think fit and to assign any duties to such committees;
- (k) To accept the resignation of any member of the committee of the Club and to fill any vacancy so caused until the next annual general meeting;
- (l) To adjudicate on all matters brought before it which in any way affect the Club.

7.2 Duties of Office Bearers

- (a) **President** - The President shall preside at all general and committee meetings. He shall represent the Club at meetings arranged by governing bodies or alternatively appoint a representative from the Executive Committee to attend. The President is required to present an annual report at the annual general meeting.
- (b) **Vice President** - The Vice President shall preside at all general and committee meetings where the President is absent. He shall represent the Club at meetings arranged by governing bodies or alternatively appoint a representative from the Executive Committee to attend.
- (c) **Secretary** - The Secretary shall be responsible for the correspondence of the Club and shall keep full and correct minutes of all proceedings. The Secretary shall

also attend to such matters as the committee shall direct, or as specifically outlined in this Constitution. The Secretary shall have custody of all books, documents, records and registers of the Club, other than those in the custody of the Treasurer and Registrar.

- (d) Treasurer - The Treasurer shall receive all Club monies and pay the same into any bank, appointed by the committee, to accounts named by the Club. The Treasurer shall keep a correct record of the income and expenditure, submit a financial statement as required and see to the payment of all accounts. The Treasurer shall have custody of all books and documents of a financial nature and accounting records of the Club.
- (e) Registrar - The Registrar shall receive all membership nominations for the Club and ensure that all are correctly registered with the Association. The Registrar shall liaise with the Association to ensure all permits are completed and approved and attend to such matters as the committee shall direct. The Registrar shall have custody of the register of members.
- (f) Officers - Officers are elected to manage activities and to assist in making executive decisions which in any way affect the Club.

7.3 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 a reasonable person with the same responsibilities would exercise
- (b) A member of the committee must exercise his or her powers and discharge his or her duties in good faith in the best interests of the Club; and for a proper purpose.
- (c) A member of the committee must not improperly use his or her 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.

8. MEETINGS

8.1 Committee Meetings

- (a) The committee shall meet as and when necessary at least every 2 months during the hockey season. Any three members of the committee shall have the power to instruct the Secretary to call a meeting of the committee.
- (b) The Secretary shall provide each of the committee members with seven (7) days' notice before a committee meeting.
- (c) The procedure and order of business to be followed at a committee meeting may be determined by the committee members at the meeting.

- (d) The Secretary will be responsible for keeping the minutes of the meeting, including:
 - a. the names of the committee members present at the meeting;
 - b. the name of any person attending the meeting by invitation;
 - c. the business considered at the meeting; and
 - d. any motion on which a vote is taken at the meeting and the result of that vote.
- (e) If the secretary is unable or unwilling to keep the minutes of the meeting, then another person shall be temporarily appointed by the committee at that time.
- (f) A member who is not a committee member may attend a committee meeting if invited to do so by the committee, but cannot vote on any matter that is to be decided at the meeting.
- (g) Each committee member present at a committee meeting has one vote on any question arising at the meeting.
- (f) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.
- (g) 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.
- (h) If a secret ballot is required, the chairperson of the meeting shall decide how the ballot is to be conducted.
- (i) A member of the committee who has a material personal interest in a matter being considered at a committee meeting must, as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the committee, and at the next general meeting of the Club. The person who has a material personal interest must not be present at the meeting while the matter is being considered or vote on the matter. The disclosure must be recorded in the minutes of the meeting at which the disclosure is made.

8.2 Annual General Meeting

The annual general meeting will be held under the following circumstances:

- (a) The annual general meeting of the Club shall be held within six months after the end of the Club's financial year.
- (b) The Secretary shall give at least fourteen (14) days' notice of the date of the annual general meeting to all members via whatever method of communication is normally used by the Club for notification to members.
- (c) All members are entitled to attend the annual general meeting and all members shall be entitled to address the meeting.
- (d) Within 14 days following the annual general meeting, the Secretary will circulate the minutes to all members of the Club via whatever communication method is normally used for notification.
- (d) Voting is to be conducted in accordance with clause 8.6 of these Rules.
- (e) A sample agenda for an annual general meeting shall be:
 - Opening of meeting
 - Apologies
 - Correspondence

- Confirmation of minutes of previous annual general meeting
- President's report
- Adoption of annual report
- Presentation of Treasurer's statement and balance sheet
- Election of office bearers
- Vote of thanks to outgoing Executive
- Call for nominations only for coaching positions
- Special business
- Notice of motion
- Closure

8.3 Special General Meeting

A special general meeting may be called under the following circumstances:

- (a) At the request of the Secretary and with approval of the President, or at the written request of fifteen (15) percent of members of the Club.
- (b) The Secretary shall give at least seven (7) days' notice of the date of the special general meeting to Club members. Notice of special general meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that special general meeting.
- (c) Within seven (7) days following the special general meeting, the Secretary will circulate the minutes to all members of the Club via whatever communication method is normally used for notification.

8.4 Quorum of Meetings

- (a) Committee meetings shall have a minimum of four (4) committee members.
- (b) Special general meetings shall have a minimum of ten (10) members with at least four (4) of those members being committee members.
- (c) Annual general meetings shall have a minimum of ten (10) members with at least four (4) of those members being committee members.

Should a quorum not be present at the time set for a meeting, those present and entitled to vote shall form a quorum to discuss business requiring simple majority discussion only.

8.5 Appointment of Chairperson for Meetings

At each meeting of the Club, the President, or in their absence the Vice President, shall act as chairman of the meeting. If both the President and Vice President are absent, a chairman is to be selected by those present and voting shall preside.

8.6 Voting at Special General Meetings and Annual General Meetings

- (a) Voting shall take place by a show of hands, unless the chairman decides that a secret ballot is needed to determine a particular question. If a secret ballot is required, the chairperson of the meeting shall decide how the ballot is to be conducted.

- (b) All financial members (including committee members), with the exception of junior and social members, have the right to vote at annual general and special general meetings with each voting member allowed one vote.
- (d) In the event of a tied vote, the chairman shall have a second or deliberate vote.
- (e) Votes at any meeting must be given personally and not by proxy.

9. FINANCE

9.1 Financial Year

The financial year for the Club runs from 1st November – 31st October.

9.2 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, 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 5 working days after their receipt.

9.3 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.
- (d) The financial report, together with the auditor's report, will be presented at the annual general meeting.

10. PROVISION OF CONSTITUTION TO MEMBERS

A copy of, or link to, the Constitution of the Club must be given to each person who becomes a member of the Club.

11. INTERPRETATION OF THE CONSTITUTION

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.

12. AMENDMENTS

- (a) No alteration, repeal or addition shall be made to the Constitution except by special resolution at the annual general meeting, 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 annual general meeting.
- (c) Such motions or any part thereof shall be of no effect unless passed by a three quarters (75%) majority of those present and entitled to vote as outlined in item 8.6.
- (d) Within fourteen (14) days after the making of any amendment or alterations to the Constitution of the Club, the committee shall send or deliver to the Principal Clerk of the Licensing Court of W.A., a certified copy of the amendment or alteration.

13. SURPLUS PROPERTY ON WINDING UP, DISSOLUTION OR CANCELLATION OF INCORPORATION

13.1 Grounds for Dissolution

- (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.

13.2 Distribution of Surplus Property

- (a) For the purposes of this rule, surplus property, in relation to the Club, means any remaining after satisfaction of —
 - (i) the debts and liabilities of the Club; and
 - (ii) the costs, charges and expenses of winding up, dissolving or cancelling the incorporation of the Club,but does not include books relating to the management of the Club.

- (b) 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

14. CLUB NOTICES

14.1 Communication Mediums

Notifications to members of the Club shall be made through the following mediums:

- (a) Email – The Secretary shall forward email correspondence on behalf of the Club.
- (b) Regular mail – Sent as required.
- (c) ‘Flying Horse’ newsletter – This shall be regularly published during the season.
- (d) Website – The committee will maintain and regularly update a website for members.
- (e) Social Media – The committee will maintain and regularly update whatever social media platforms it may see fit to use

14.2 Contact Information

It shall be the duty of all members to keep the Registrar informed of their postal and/or e-mail addresses, and all changes of postal and/or e-mail addresses. Any notice may be sent by email to any member to the email address most recently provided and such notice shall be deemed to be given and to have been received at the time of sending. If an email address has not been provided any notice may be sent through the post to any member at the last known address and such notice shall be deemed to be given and to have been received by the time when the letter containing the notice would have been received in the ordinary course of the post.

15. UMPIRING DUTIES

Playing members directed by the Umpire Coordinator to undertake umpiring duties must do so. If a player is unable to undertake an umpiring duty it is the responsibility of that player to source a suitable replacement umpire. Failure to do so will mean that the player concerned will be liable for and have to pay any fine imposed on the Club by the Association or be liable under any provisions imposed by the Club policy.

16. CLUB DRESS

Dress as determined by the committee as Club dress shall be the only dress to be worn at the competition and whenever the players shall represent the Club. The club colours are red and white.

17. POLICIES

The committee shall have the power to make such policies as they may deem necessary for the carrying out of the objects of the Club and to vary or rescind such policies from time to time, provided that they do not interfere with the clauses outlined in the Club Constitution.

18. DISPUTE RESOLUTION

18.1 Terms used

In this rule —

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person —

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

18.2 Application

The procedure set out in this rule 18 (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Club.

18.3 Parties to attempt to resolve dispute

The parties to a dispute must make a bona fide attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

18.4 How grievance procedure is started

- (a) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 18.3, 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.
- (b) Within 28 days after the Secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.
- (c) 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 7 days before the meeting is held.
- (d) The notice given to each party to the dispute must state —
 - (i) when and where the committee meeting is to be held; and

- (ii) 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.
- (e) If:
 - (i) the dispute is between one or more members and the Club; and
 - (ii) 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 under rule 18.6, the committee must not determine the dispute.

18.5 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 7 days after the committee meeting at which the determination is made.
- (c) A party to the dispute may, within 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 under rule 18.6.
- (d) If notice is given under subrule (c), each party to the dispute is a party to the mediation.

18.6 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.

18.7 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 5 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.

19. INSPECTION OF RECORDS

- (a) All members are entitled to inspect:
 - (i) the Club's Constitution;
 - (ii) minutes of general meetings of the Club;
 - (iii) the register of members;
 - (iv) register of committee members; or
 - (v) any other records of the Club, at the discretion of the committee.
- (b) The member must contact the Secretary to make the necessary arrangements for the inspection, except in the case of the register of members where arrangements must be made with the Registrar
- (c) The inspection must be free of charge and be allowed at a reasonable time.
- (d) All members are entitled to a copy of this Constitution if they make a request for such a copy, which must be produced by the Club within a reasonable period time.
- (e) The member must not use or disclose information in a record or document referred to in subrule (a) above except for a purpose:
 - (i) that is directly connected with the affairs of the Club; or
 - (ii) that is related to complying with a requirement of the Act.

20. CUSTODY OF THE COMMON SEAL

The Club does not have a common seal.