

Northern Territory of Australia
OATHS ACT
STATUTORY DECLARATION

(1)
Insert name
& address of
person making
the declaration

I, (1) ANDREW JOHN HAHN
of 23 SANFORD STREET, LEANYER NT

(2)
Insert name
of entity

do solemnly and sincerely declare:

1. I am the Public Officer of

(3)
Insert date of
meeting

(2) SAINT MARY'S HOCKEY CLUB

.....Incorporated

2. The following resolution to amend the association's constitution
was passed in accordance with the constitution at a meeting

held on (3) 1/1/2009

RESOLUTION: "that the constitution (a copy of which is
attached at annexure "A") be adopted"

3. The Amended Constitution complies with the *Associations Act*

(4)
Signature of the
person making
the declaration

I make this solemn declaration by virtue of the *Oaths Act* and
conscientiously believing the statements contained in this
declaration and accompanying application to be true in every
particular.


Declared at Leanyer on the 20th day of June 2010

(5)
Signature of
person before
whom the
declaration is
made.

(4) 

(6)
Full contact
details of
person before
whom the
declaration is
made, legibly
written, typed
or stamped

Before me

(5) 

(6) Tracey Walkon
23 Sanford Street
Leanyer NT 0811
ph. 89 280 332

NOTE: This declaration may be made before any person who has attained
the age of (18) eighteen years.
A person wilfully making a false statement in a statutory declaration
is liable to a penalty of \$2000 or imprisonment for 12 months, or
both.

CONSTITUTION OF ST.MARY'S HOCKEY CLUB INCORPORATED

Regulation 2(1)

PART 1 – PRELIMINARY

1. Name

The name of the incorporated association "St Mary's Hockey Club Incorporated" is stated in the Schedule.

2. Objects and purposes

(1) Principle Purpose

- (a) To promote the playing of Hockey under the Darwin Hockey Association.
- (b) To be a member of the Darwin Hockey Association and to represent the St. Mary's Hockey Club in matches under the control of that Association.
- (c) To promote, foster and encourage junior players, both within the Club and in the district.
- (d) To foster a spirit of good fellowship and comradeship, physical enjoyment and recreation.

(2) Additional objects and purposes shall include:

- (a) The purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Club.
- (b) The buying, selling and supplying of, and dealing in services and goods of all kinds.
- (c) The construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association.
- (d) The taking of such steps from time to time as the Committee or the members in general meeting may deem expedient for the purposes of procuring contributions to the funds of the Club, whether by way of donation, subscriptions, or otherwise.
- (e) The printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may thing desirable for the promotion of the objects and purposes of the Club.
- (f) Subject to the provisions of the Trustee Ordinance 1957, the Club may invest any monies not immediately required for day to day operation, in such a manner as the committee may from time to time determine.
- (g) The doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Club.

**THIS IS THE ANNEXURE MARKED "A"
REFERRED TO IN THE STATUTORY**

DECLARATION OF ANDREW JOHN HAMN

MADE ON THE 20th DAY OF JUNE 2010

BEFORE ME TRACEY MARIE WALTON

3. Minimum number of members

The Association must have at least 40 members

4. Definitions

In this Constitution, unless the contrary intention appears –

"Act" means the *Associations Act* and regulations made under that Act;

"Committee" means the Management Committee of the Association;

"financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

"general meeting" means a general meeting of members convened in accordance with clause 44;

"member" means a member of the Association;

"register of members" means the register of the Association's members established and maintained under section 34 of the Act;

"special resolution" means a resolution notice of which is given under clause 47 and passed in accordance with section 37 of the Act;

"club" means St Mary's Hockey Club Incorporated

"association" means St Mary's Hockey Club Incorporated

"subscription" means any fees that may be incurred

PART 2 – CONSTITUTION AND POWERS OF ASSOCIATION

5. Powers of Association

(1) For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.

(2) Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may –

- (a) acquire, hold and dispose of real or personal property;
- (b) open and operate accounts with financial institutions;
- (c) invest its money in any security in which trust monies may lawfully be invested;

- (d) raise and borrow money on the terms and in the manner it considers appropriate;
- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
- (f) appoint agents to transact business on its behalf; and
- (g) enter into any other contract it considers necessary or desirable.

6. Effect of Constitution

This Constitution binds every member and the Association to the same extent as if every member and the Association had signed and sealed this Constitution and agreed to be bound by it.

7. Inconsistency between Constitution and Act

If there is any inconsistency between this Constitution and the Act, the Act prevails.

8. Altering the Constitution

- (1) The Association may alter this Constitution by special resolution but not otherwise.
- (2) If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.

PART 3 – MEMBERS

Division 1 – Membership

9. Application for membership

- (1) A person may nominate for membership and will be admitted as a member, provided that;
 - a) The nomination is approved by the committee, and
 - b) The annual subscription has been paid.
- (2) A member may resign at any time by 14 days notice in writing to the Club Post office or to the Club Secretary.
- (3) The annual subscription payable by members shall be prescribed by the committee. The annual subscription of a member is due and payable prior to commencement of the competition finals
- (4) Members shall be classified as follows;
 - a) Junior playing members, under 16 years.
 - b) Senior playing members.
 - c) Non-playing members.
 - d) Life members.
- (5) **Life Membership**

(1) The committee may grant Life Membership to; any person who has given outstanding service to the Club for a period of not less than ten (10) years.

(2) A recommendation for Life Membership may be put in writing to the committee for consideration by;

- a) Any office bearer of the Club, or
- b) An application signed by at least three financial members of the Club.
- c) Life Members shall enjoy all normal privileges of the Club including voting power at all Annual General Meetings and Special Meetings.
- d) Life Members will be deemed "financial Non-Playing Members for Life" and in addition, are only required to pay half annual senior fees if still playing hockey.

(3) A recommendation for life membership must contain full details and reasons for the life membership including dates and positions served. Non complete nominations will not be considered by the committee.

10. Approval of Committee

(1) The Committee must consider any application made under clause 9 at the next available committee meeting and must accept or reject the application at that meeting or the next.

(2) If an application is rejected, the applicant may appeal against the decision by giving written notice to the Secretary within 14 days after being advised of the rejection.

(3) If an applicant gives notice of an appeal against the rejection of his or her application, the Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.

(4) If after reconsidering an application the Committee reaffirms its decision to reject the application, the decision is final.

11. Joining fee

(1) If an application for membership is approved by the Committee, the applicant becomes a member on payment of the membership or player fee whichever is applicable.

(2) The fee is the amount determined from time to time by resolution at a committee meeting.

12. Annual membership fees

(1) The annual membership fee is the amount determined from time to time by resolution at a committee meeting.

(2) Each member must pay the annual membership fee to the Treasurer by the first day of each financial year or another date determined by the Committee from time to time.

(3) A member whose subscription is not paid prior to commencement of the competition finals ceases to be a member unless the Committee determines otherwise.

(4) The committee reserves the right to adjust individual member's and groups of member's fees as agreed by resolution at a committee meeting.

Division 2 – Rights of members

13. General

(1) Subject to clause 14(2), a member may exercise the rights of membership when his or her name is entered in the register of members.

(2) A right of membership of the Association –

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

(b) terminates on the cessation of membership whether by death, resignation or otherwise.

14. Voting

(1) Subject to sub clause (2) and clause 18, each member has one vote at general meetings of the Association.

(2) A member is not eligible to vote until 10 working days after his or her application has been accepted by the committee.

15. Notice of meetings and special resolutions

The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

16. Access to information on Association

The following must be available for inspection by members:

(a) a copy of this Constitution;

(b) minutes of general meetings;

(c) annual reports and annual financial reports.

17. Raising grievances and complaints

(1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Association.

(2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

18. Associate members

An associate member may have other rights as determined by the Committee or by resolution at a general meeting.

Division 3 – Termination, death, suspension and expulsion

19. Termination of membership

Membership of the Association may be terminated by –

- (a) a notice of resignation addressed and posted to the Association or given personally to the Secretary or another committee member;
- (b) non-payment of the annual membership fee within the time allowed under clause 12(3); or
- (c) expulsion in accordance with this Division.

20. Death of member or whereabouts unknown

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

21. Suspension or expulsion of members

(1) Subject to this rule, the committee may expel or suspend a member from the Club if, in the opinion of the committee the member has been guilty of conduct detrimental to the interests of the Club.

(2) The expulsion or suspension of a member pursuant to sub-rule (1) of this rule does not take effect:

- (i) Until the expiration of 14 days after the service on the member of a notice under sub-rule (3) of this rule; or
- (ii) If the member exercises his / her right of appeal under this rule until the conclusion of the special general meeting convened to hear the appeal.

Whichever is the later date

(3) Where the committee expels or suspends a member from the Club, the Public Officer of the Club shall, without undue delay, cause to be served on the member, a notice in writing –

- (i) Stating that the committee has expelled or suspended the member;
- (ii) Specifying the grounds for the expulsion or suspension; and
- (iii) Informing the member that if he / she so desires he may, within 14 days after the service of the notice on him / her, appeal against the expulsion or suspension as provided in this rule.

(4) A member on whom a notice under sub-rule (3) of this rule is served may appeal against the expulsion or suspension to a special general meeting by delivering or sending by post to the Public Officer of the Club within 14 days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his appeal.

(5) Upon receipt of a requisition under sub-rule (3) of this rule, the Public Officer shall forthwith notify the committee of its receipt and the committee shall thereupon cause a Special General Meeting of members to be held within 21 to 30 days after the date on which the requisition is received by the Public Officer.

(6) At a Special General Meeting convened for the purpose of this rule;

- (i) No business other than the question of the expulsion or suspension shall be transacted;
 - (ii) The committee may place before the meeting details of the grounds of the expulsion or suspension and the committee's reasons for the expulsion or suspension;
 - (iii) The expelled or suspended member shall be given an opportunity to be heard; and
 - (iv) The members present shall vote by secret ballot on the question whether the expulsion or suspension should be lifted or confirmed.
- (7) If at the special general meeting a majority of the members present vote in favour of the lifting of the expulsion or suspension, the expulsion or suspension shall be deemed to have been lifted and the member entitled to continue his / her membership of the Club.
- (8) If at the special general meeting a majority of the members' present vote in favour of the confirmation of the suspension or expulsion, the suspension or expulsion takes effect, and the expelled or suspended member ceases to be a member of the Club.
- (9) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel him or her is confirmed by a resolution of the members
- (10) The extent or duration of any such suspension shall be as determined by the Committee

PART 4 – MANAGEMENT COMMITTEE

Division 1 – General

22. Role and powers

- (1) The business of the Association must be managed by or under the direction of a Committee of Management.
- (2) The Committee may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a general meeting of members.
- (3) The Committee may appoint and remove staff.
- (4) The Committee may establish one or more subcommittees consisting of the members of the Association the Committee considers appropriate.
- (5) Shall control and manage the business and affairs of the Association.
- (6) May, subject to these rules, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Club; and
- (7) Subject to the Ordinance and these rules, has power to perform all such acts and things as appear to be committee to be essential for the proper management of the business and affairs of the Club, including the drawing-up, altering or repealing of By-Laws.

23. Composition of Committee

(1) The Management Committee consists of—

- a) President
- b) Vice-President (representing Seniors)
- c) Vice-President (representing Juniors)
- d) Secretary
- e) Treasurer
- f) Committee persons x 3

(2) Unless elected directly as a separate office holder, the Committee must appoint one committee member to be the Association's public officer.

24. Delegation

(1) The Committee may delegate to a subcommittee or staff any of its powers and functions other than —

- (a) this power of delegation; or
- (b) a duty imposed on the Committee by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

(3) The Committee may, in writing, revoke wholly or in part the delegation.

Division 2 – Tenure of office

25. Eligibility of committee members

(1) A committee member must be a member who is 18 years or over.

(2) A committee member must also meet the criteria provided in the Schedule.

(3) Committee members must be elected to the Committee at an annual general meeting or appointed under clause 33.

26. Nominations for election to committee

(1) Nominations of candidates for election as Officers of the Club, shall;

(2) Be made in writing, signed by two members of the Club and also signed by the candidate as accepting the nomination.

(3) Be received in the Club Post Box or with the Secretary at least seven days prior to the date of the Annual General Meeting.

(4) Be made in person from the attending members at an AGM.

(5) Nominations of candidates for election as Officers of the Club, shall;

i) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

ii) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be conducted in such usual and proper manner as the committee may direct.

(6) Any position becoming vacant during the year shall be filled by a member elected at a committee meeting.

27. Retirement of committee members

(1) A committee member holds office until the next annual general meeting unless the member vacates the office under clause 31 or is removed under clause 32.

(2) Subject to sub clause (3), at an annual general meeting the office of each committee member becomes vacant and elections for a new Committee must be held.

(3) The President of the outgoing Committee must preside at the annual general meeting until a new member is elected as President.

(4) Members may serve consecutive terms on the Committee unless otherwise provided in the Schedule.

28. Election by default

(1) If the number of persons nominated for election to the Committee under clause 26 does not exceed the number of vacancies to be filled, the President must declare the persons to be duly elected as members of the Committee at the annual general meeting.

(2) If vacancies remain on the Committee after the declaration under sub clause (1), additional nominations of committee members may be accepted from the floor of the annual general meeting.

(3) If the nominations from the floor do not exceed the number of remaining vacancies, the President must declare those persons to be duly elected as members of the Committee.

(4) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 33.

29. Election by ballot

(1) If the number of nominations exceeds the number of vacancies on the Committee, ballots for those positions must be conducted.

(2) The ballot must be conducted in a manner determined from time to time by resolution at a general meeting.

(3) The members chosen by ballot must be declared by the President to be duly elected as members of the Committee.

30. Vacating office

The office of a committee member becomes vacant if –

(a) the member –

- (i) is disqualified from being a committee member under section 30 or 40 of the Act;
- (ii) Becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors;
- (iii) becomes of unsound mind;
- (iv) resigns his office by writing under his hand addressed to the committee;
- (v) ceases to be resident in the Northern Territory;
- (vi) fails, without leave granted by the committee, to attend three consecutive meetings of the committee;
- (vi) ceases to be a member of the Club; or
- (vii) fails to pay all arrears of subscription due by him within 14 days after he has received a notice in writing signed by the Public Officer stating that he has ceased to be a financial member of the Club.
- (viii) in any of the circumstances provided for by the Schedule.

31. Removal of committee member

- (1) The Association, through a special general meeting of members, may remove any committee member before the member's term of office ends.
- (2) If a vacancy arises through removal under subclause (1), an election must be held to fill the vacancy.

32. Filling casual vacancy on Committee

- (1) If a vacancy remains on the Committee after the application of clause 30 or if the office of a committee member becomes vacant under clause 31, the Committee may appoint any member of the Association to fill that vacancy.
- (2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

Division 3 – Duties of committee members

33. Collective responsibility of Committee

- (1) As soon as practicable after being elected to the Committee, each committee member must become familiar with the Act and regulations made under the Act.
- (2) The Committee is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.

34. Chairperson and Vice-Chairperson

(1) Subject to subclauses (2) and (3), the President must preside at all general meetings and committee meetings.

(2) If the President is absent from a meeting, the Vice-President must preside at the meeting.

(3) If the President and the Vice-President are both absent, the presiding member for that meeting must be –

(a) a member elected by the other members present if it is a general meeting; or

(b) a committee member elected by the other committee members present if it is a committee meeting.

35. Secretary

The Secretary must –

(a) coordinate the correspondence of the Association;

(b) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;

(c) maintain the register of members in accordance with section 34 of the Act;

(d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association, other than those required by clause 37(5) to be in the custody of the Treasurer; and

(e) perform any other duties imposed by this Constitution on the Secretary.

(f) may perform any other duties as requested by the management committee by resolution

36. Treasurer

(1) The Treasurer must –

(a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;

(b) pay all moneys received into the account of the Association within 5 working days after receipt;

(c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and

(d) ensure cheques are signed by him or her and at least one other committee member, or by any 2 other committee members authorised by the Committee.

(2) The Treasurer must ensure the accounting records of the Association are kept in accordance with section 41 of the Act.

- (3) The Treasurer must coordinate the preparation of the Association's annual statement of accounts.
- (4) If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
- (5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.
- (6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.
- (7) The Treasurer may perform any other duties as requested by the management committee by resolution

37. Public officer

- (1) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.
- (2) The public officer must keep a current copy of the Constitution of the Association.

PART 5 – MEETINGS OF MANAGEMENT COMMITTEE

38. Frequency and calling of meetings

- (1) The Committee must meet together for the conduct of business not less than 4 times in each financial year unless otherwise provided in the Schedule.
- (2) The President, or at least 5 of the committee members, may at any time convene a special meeting of the Committee.
- (3) A special meeting may be convened to deal with an appeal under clause 21.
- (4) The committee shall, on the requisition in writing of a not less than ten members, convene a Special General Meeting of the Club.
 - a) A requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the requisitioner and deposited with the Secretary of the Club and may consist of several documents in the like form, each signed by one or more of the requisitionists.
 - b) If the committee does not cause a Special General Meeting to be held within 30 days from the date on which a requisition therefore is deposited with the Secretary of the Club, the requisitionists, or any of them may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.
 - c) A Special General Meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the persons incurring them.

39. Voting and decision making

- (1) Each committee member present at the meeting has a deliberative vote.
- (2) A question arising at a committee meeting must be decided by a majority of votes.
- (3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

40. Quorum

For a committee meeting, five committee members constitute a quorum unless otherwise provided in the Schedule.

41. Procedure and order of business

- (1) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.
- (3) Only the business for which the meeting is convened may be considered at a special meeting.

42. Disclosure of interest

- (1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.
- (2) The Secretary must record the disclosure in the minutes of the meeting.
- (3) The President must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.
- (4) A member of the committee who is interested in any contract or arrangement made or proposed to be made with the Club shall disclose his interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration if his interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of his interest.
- (5) If a member of the committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the committee after he becomes so interested.
- (6) No member of the committee shall vote as a member of the committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.

PART 6 – GENERAL MEETINGS

43. Convening general meetings

- (1) The Association must hold its first annual general meeting within 18 months after its incorporation.

(2) The Association must hold all subsequent annual general meetings within 5 months after the end of the Association's financial year.

(3) The Committee –

(a) may at any time convene a special general meeting;

(b) must, within 30 days after the Secretary receives a notice under clause 21(1), convene a special general meeting to deal with the appeal to which the notice relates; and

(c) must, within 30 days after it receives a request under clause 44(1), convene a special general meeting for the purpose specified in that request.

(3) All business that is transacted at Special General Meetings and all business that is transacted at the Annual General Meeting, with the exception of that specially referred to in these rules, as being the ordinary business of the Annual General Meeting shall be deemed to be special business.

(4) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

(5) Fifteen members personally present (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.

(6) If within one hour, after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time (unless another place is specified by the President at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

(7) President to Preside at General Meetings

a) The President, or in his /her absence, the Senior Vice-President, or in the absence of both the President and the Senior Vice-President, the other Vice-President, shall preside as Chairperson at every general meeting of the Club.

b) If the President and both Vice-Presidents are absent from a general meeting, the members present shall elect one of their number to preside as Chairperson there at.

(8) Adjournment of General Meetings

a) The Chairperson of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

b) Where a meeting is adjourned for 14 days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.

c) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjourned meeting.

(9) Determination of Questions Arising at General Meetings

A question arising at a general meeting of the Club shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority or lost, and an entry to that effect in the minute book of the Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

(10) Votes

- a) Upon any question arising at a general meeting of the Club a member has one vote only.
- b) All votes shall be given personally.
- c) If a member, so entitled, is unable to attend a meeting where a vote on notice is to be taken, that member may cast a postal vote addressed to the Secretary.
- d) In the case of an equality of voting on a question the Chairperson of the meeting is entitled to exercise a second or casting vote.

(11) Taking of Poll

If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the Chairperson may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

(12) When Poll to be Taken

A poll that is demanded on the election of a Chairperson, or on a question of adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.

44 (a). Special general meetings

(1) Half the number of members constituting a quorum for a general meeting may make a written request to the Committee for a special general meeting unless otherwise provided in the Schedule.

(2) The request must –

- (a) state the purpose of the special general meeting; and
- (b) be signed by the members making the request.

(3) If the Committee fails to convene a special general meeting within the time allowed –

- (a) for clause 44(3)(b) – the appeal against the decision of the Committee is upheld; and
- (b) for clause 44(3)(c) – the members who made the request may convene a special general meeting as if they were the Committee.

(4) If a special general meeting is convened under sub clause (3)(b), the Association must meet any reasonable expenses of convening and holding the special general meeting.

(5) The Secretary must give to all members not less than 21 days notice of a special general meeting.

(6) The notice must specify –

- (a) when and where the meeting is to be held; and
- (b) the particulars of and the order in which business is to be transacted.

7) All business that is transacted at Special General Meetings and all business that is transacted at the Annual General Meeting, with the exception of that specially referred to in these rules, as being the ordinary business of the Annual General Meeting shall be deemed to be special business.

8) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

9) Fifteen members personally present (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.

10) If within one hour, after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

44 (b) Meetings of the Committee and Sub-Committees

(1) The committee shall meet at least once in every second month during the playing season and otherwise as required at such place and at such times as the committee may determine.

2) Special meetings of the committee may be convened by the President or any four of its members.

3) Notice shall be given to members of the committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.

4) Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

5) No business shall be transacted unless a quorum is present and if within an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned

6) At meetings of the committee-

a) The President, or in his absence the Senior Vice-president, or in the absence of both the President and the Senior Vice-President, the other Vice-President; or

b) If the President and the two Vice-Presidents are absent, such one of the remaining members of the committee as may be chosen by the members present shall preside.

7) The President, the Vice-Presidents, the Secretary and the Treasurer constitute the Executive, which may issue instructions to the Public Officer and the servants of the Club in matters of urgency connected with the management of the affairs of the Club during the intervals between meetings of the committee, and where any such instructions are issued shall report thereon to the next meeting of the committee.

8) The committee may at any time appoint a sub-committee from the committee as it may think fit and shall prescribe the powers and functions thereof, and such sub-committee so formed shall be responsible to the committee in all matters.

9) The committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those persons are members of the Club but a person so co-opted is not entitled to vote.

10) Three appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.

11) The Secretary of the Club is responsible for calling meetings of a sub-committee.

12) Written notice of each sub-committee meeting shall be served on each member of the sub-committee by delivering it to him at a reasonable time before the meeting or by sending it by post in a prepaid letter addressed to him at his usual or last-known place of abode in time to reach him in due course of post before the date of the meeting.

13) Questions arising at meetings of the committee or of any sub-committee appointed by the committee shall be determined on a show of hands or, if demanded by any member, by a poll taken in such manner as the person presiding at the meeting may determine.

14) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

15) Written notice of each committee meeting shall be served on each member of the committee by delivering to him / her at a reasonable time before the meeting.

16) The President shall be entitled to attend any sub-committee meeting and act as Chairperson of that meeting if he/she so desires.

45. Annual general meeting

(1) The Secretary must give to all members not less than 14 days notice of an annual general meeting unless otherwise provided in the Schedule.

(2) The notice must specify –

(a) when and where the meeting is to be held; and

(b) the particulars of and the order in which business is to be transacted.

(3) The order of business for each annual general meeting is as follows:

(a) first – the consideration of the accounts and reports of the Committee;

(b) second – the election of new committee members;

(c) third – any other business requiring consideration by the Association at the meeting.

4) The Club shall, in each year, hold an Annual General Meeting.

- a) The Annual General Meeting shall be held on such day (being not later than five months after the close of the financial year of the Club) as the committee may determine.
 - b) The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.
 - c) The Annual General Meeting shall be specified as such in the notice convening it.
- 5) The ordinary business of the Annual General Meeting shall be –
- 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 committee, auditor, and servants of the Club reports upon the transactions of the Club during the last preceding financial year.
 - c) To elect the officers of the Club.
 - d) To appoint a Patron;
 - e) To appoint the auditor and determine the remuneration, if applicable.
- 6) The Annual General Meeting may transact special business of which notice is given in accordance with these rules.
- 7) All general meetings other than the Annual General Meeting shall be called Special General Meetings.
- 8) Audited Financial Statements are to be available to members 14 days prior to the AGM for inspection and are to be presented at the AGM as per section 43 of the Act.

46. Special resolutions

- (1) A special resolution may be moved at any general meeting of the Association.
- (2) The Secretary must give all members not less than 21 days notice of the meeting at which a special resolution is to be proposed unless otherwise provided in the Schedule.
- (3) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

47. Notice of meetings

- (1) The Secretary must give a notice under this Part by –
 - (a) serving it on a member personally; or
 - (b) sending it by post or e-mail to a member at the address of the member appearing in the register of members.
- (2) If a notice is sent by post under sub clause (1)(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail.

48. Quorum at general meetings

At a general meeting, the number or the proportion of members present in person specified in the Schedule constitutes a quorum.

49. Lack of quorum

(1) If within one hour after the time specified in the notice for the holding of a general meeting a quorum is not present –

(a) for an annual general meeting or special general meeting convened under clause 44(3)(a) – the meeting stands adjourned

(b) for a meeting convened under clause 44(3)(b) – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or

(c) for a meeting convened under clause 44(3)(c) – the meeting lapses.

(2) If within one hour after the time appointed by sub clause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may proceed with the business of that general meeting as if a quorum were present.

(3) The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.

(4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(5) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

50. Voting

(1) Subject to clauses 14(2) and 18, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

(2) At a general meeting –

(a) an ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and

(b) a special resolution put to the vote is passed if three-quarters of the members who are present in person or by proxy vote in favour of the resolution.

(3) A poll may be demanded by the Chairperson or by 3 or more members present in person or by proxy.

(4) If demanded, a poll must be taken immediately and in the manner the Chairperson directs.

51. Proxies

A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting.

PART 7 – FINANCIAL MANAGEMENT

52. Financial year

The financial year of the Association is specified in the Schedule.

53. Funds and accounts

(1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

(2) Subject to any restrictions imposed by the Association at a general meeting, the Committee may approve expenditure on behalf of the Association within the limits of the budget.

(3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.

(4) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.

(5) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

(6) The income and property of the Club, however derived, shall be applied solely towards the promotion of the objects and purposes of the Club and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Club.

a) A member of the committee shall not hold any position in the Club which attracts a remuneration by way of salary.

b) A member of the Club is entitled to be reimbursed for out-of-pocket expenses incurred in authorised pursuits of the Club.

(7) Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Club -

a) Remuneration in return for services actually rendered to the Club by the servant or member or for goods supplied to the Club by the servant or member in the ordinary course of business;

b) Interest at current bank overdraft rate on money lent; or

c) A reasonable and proper sum by way of rent for premises let to the Club by the servant or member.

8) The financial year of the Club is the period beginning on the 1st October in each year and ending on 30th September next following.

9) True accounts shall be kept;

a) Of all sums of money received and expended by the Club and the matter in respect of which the receipt or expenditure takes place; and

b) Of the property, credits, and liabilities of the Club; and

- c) Subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Club for the time being, these accounts shall be open to the inspection of the members of the Club.
- d) The Treasurer of the Club shall faithfully keep all general records, accounting books, and records of receipt and expenditure connected with the operations and business of the Club in such form and manner as the committee may direct.
- e) The accounts, books, and records referred to in sub-rules (c) and (d) of this rule shall be kept at the Club office or at such other place as the committee may decide.

10) The Treasurer of the Club shall, on behalf of the Club, receive all moneys paid to the Club and forthwith after the receipt thereof issue official receipts thereof.

11) The Committee shall cause to be opened with such bank as the committee selects a banking account in the name of the Club into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.

12) The Committee may receive from the Club bank or bankers for the time being the cheque drawn by the Club on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Club.

13) Except with the authority of the committee, no payment of a sum exceeding two dollars shall be made from the funds of the Club otherwise than by cheque drawn on the Club bank account, but the committee may provide the Secretary and Treasurer with an impress petty cash account (each account not to exceed \$100.00) to meet day to day expenditure, subject to the observance of such conditions as the committee may impose.

14) No cheques shall be drawn on the Club bank account except for the payment of expenditure that has been authorised by the committee.

15) All cheques, drafts, bills of exchange promissory notes, and other negotiable instruments shall be signed by any two of – President, Vice-President (Seniors), Vice-President (Juniors), Secretary and Treasurer.

54. Accounts and audits

The responsibility of the Committee under clause 34(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to –

- (a) the keeping of accounting records;
- (b) the preparation and presentation of the Association's annual statement of accounts; and
- (c) the auditing of the Association's accounts.

(1) At each Annual General Meeting of the Club, the members present shall appoint a person who is not a member or Public Officer of the Club as the auditor of the Club.

(2) A person so appointed shall hold office until the Annual General Meeting next after that at which he is appointed, and is eligible for reappointment.

(3) The first auditor of the Club may be appointed by the committee before the first Annual General Meeting and, if so appointed, shall hold office until the first Annual General meeting, unless previously removed by a resolution of the members at a general meeting, in which case the members at that meeting may appoint an auditor to act until the first Annual General Meeting.

(4) If an appointment is not made at an Annual General Meeting the committee shall appoint an auditor of the Club for the then current financial year of the Club.

(5) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Club, the committee may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding Annual General Meeting.

(6) Once at least in each financial year of the Club the accounts of the Club shall be examined by the auditor.

(7) The Public Officer of the Club shall cause to be delivered to the auditor a list of all the accounts, books, and records of the Club.

(8) The auditor shall certify as to the correctness of the accounts of the Club and shall report thereon to the members present at the Annual General Meeting.

(9) In his /her report, and in certifying to the accounts, the auditor shall state-

- a) Whether he has obtained the information required by him;
- b) Whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Club according to the information at his disposal and the explanations given to him and as shown by the books of the Club, and
- c) Whether the rules relating to the administration of the funds of the Club have been observed.

(10) The auditor has a right of access to the accounts, books, records, vouchers, and documents of the Club, and

- a) May require from the servants of the Club such information and explanations as may be necessary for the performance of his duties as auditor; and
- b) May employ persons to assist him in investigating the accounts of the Club, and
- c) May, in relation to the accounts of the Club examine any member of the committee or servant of the Club.

PART 8 – GRIEVANCE AND DISPUTES

55. Grievance and disputes procedures

(1) This clause applies to disputes between –

- (a) a member and another member; or
- (b) a member and the Committee.

(2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.

(4) The mediator must be –

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement –

(i) for a dispute between a member and another member – a person appointed by the Committee; or

(ii) for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.

(5) A member of the Association can be a mediator.

(6) The mediator cannot be a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must –

(a) give the parties to the mediation process every opportunity to be heard;

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 9 – MISCELLANEOUS

56. Common seal

(1) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.

(2) The affixing of the common seal of the Association must be witnessed by any 2 of the following:

(a) the Chairperson;

(b) the Secretary;

(c) the Treasurer.

(3) The common seal of the Association must be kept in the custody of the Secretary or another person the Committee from time to time decides.

(4) The seal of the Club shall be in the form of a rubber stamp, inscribed with the name of the Club encircling the word "Seal".

(5) The seal of the Club shall not be affixed to any instrument except by the authority of the committee and the affixing thereof shall be attested by the signatures either of two members of the committee or of one member of the committee and of the Public Officer of the Club or such other person as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.

57. Distribution of surplus assets on winding up

(1) If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remains any assets, the assets must not be distributed to the members or former members.

(2) The surplus assets must be given or transferred to another association incorporated under the Act that

(a) has similar objects or purposes;

(b) is not carried on for profit or gain to its individual members; and

(c) is determined by resolution of the members.

(3) The members of the Club shall have power to dissolve the Club by a two thirds majority at a Special General Meeting convened for that purpose.

(4) In the event of the Club being wound up, any assets of the Club, remaining after discharge of all debts and liabilities, shall be transferred to the St. Mary's Football, Sporting and Social Club Inc., to be held in trust pending reactivation.

58 Affiliations

(1) The Club shall be affiliated with the St Mary's Football, Sporting and Social Club Inc and the Darwin Hockey Association.

59 Club Colours and Uniform

(1) The Club colours shall be Green and Gold and the uniform shall utilise these colours in such a format as the committee shall from time to time determine.

60 Coaches

(1) The committee shall have the power to appoint team coaches prior to the commencement of each playing season.

(2) Any such appointment shall be terminated as at the Annual General Meeting each year or by either party giving fourteen (14) days notice in writing.

(3) Prior to the start of the season the Club Secretary will insert at least one advertisement in a suitable newspaper or other form of mass advertising inviting applications for the positions of team coaches.

(4) All applications for coaching positions must be made in writing.

61 Selection Committee

(1) The selection committee shall consist of the Committee and any nominated members the committee wishes to nominate.

(2) The committee has the power to appoint other members if it so desires.

62 Trophies

(1) The committee shall determine the recipients of Club trophies for outstanding service each year, if applicable.

(2) The coaches shall determine the trophy winners in each grade

63 Notices

(1) A notice may be served by or on behalf of the Club upon any member either personally, by e-mail, or by sending it through the post in a prepaid letter addressed to the member at his usual or last-known place of abode.

64 Alteration of the Constitution

(1) The rules may be amended by resolution passed by fifteen financial members voting at a Special General Meeting.

(2) Notice of the proposed amendment shall be included in the notice calling the Special General Meeting.

SCHEDULE TO THE CONSTITUTION

PART I – MANDATORY DETAILS

Name (clause 1)

The name of the incorporated association is St Mary's Hockey Club Incorporated

Objects and purposes (clause 2)

The objects and purposes of the Association are as follows:

- (a) To promote the playing of Hockey under the Darwin Hockey Association.
- (b) To be a member of the Darwin Hockey Association and to represent the St. Mary's Hockey Club in matches under the control of that Association.

- (c) To promote, foster and encourage junior players, both within the Club and in the district.
- (d) To foster a spirit of good fellowship and comradeship, physical enjoyment and recreation.

Minimum number of members (clause 3)

The Association must have at least forty members.

Quorum at general meetings (clause 49)

At a general meeting fifteen members present in person constitutes a quorum.

Financial year (clause 53)

The financial year of the Association is the period of 12 months ending on 30th September

PART 2 – REPLACEABLE DETAILS

Clause	Description of clause	Default detail	Replacing detail
27(4)	Consecutive terms of committee members	may serve consecutive terms	
38(1)	Frequency of committee meetings	at least 4 times each financial year	
40	Quorum for committee meeting	half the committee members	Five members
44	Number of members who can request a special general meeting	half the quorum of members for a general meeting	Fifteen members
45(1)	Notice of an annual general meeting	at least 30 days	14 days
46(2)	Notice of special resolution	at least 21 days	

PART 3 – ADDITIONAL DETAILS

Composition of Committee (clause 24)

In addition to the office holders specified in the Constitution, the Management Committee consists of –

- (a) **Committee Members**

Notes

1. The Associations Regulations, in force under the *Associations Act*, comprise the Regulations 2004, No. 28, the details of which are specified in the following table:

Year and number	Date made	Date notified in the <i>Gazette</i>	Date of commencement
2004, No. 28	5 Aug 2004	11 Aug 2004	11 Aug 2004