

MODERNIANS HOCKEY CLUB INC
PROPOSED NEW RULES (CONSTITUTION) – EXPLANATORY NOTES
Comparison to current Rules and requirements of Associations Incorporation Act 2015

<i>Proposed Clause</i>		<i>Current Clause</i>	<i>Required by Act?</i>	<i>Notes</i>
PART 1 - PRELIMINARY				
1	Terms used			
2	Interpretation			
PART 2 – NAME, OBJECTS AND COLOURS OF THE ASSOCIATION				
3	Name	Clause 1	Yes	Current and proposed are consistent.
4	Objects	Clause 3	Yes	Current and proposed are consistent: <i>To promote, advance and encourage the playing of hockey;</i> <i>To participate in interclub and other hockey competitions;</i> <i>To provide facilities for the playing of hockey; and</i> <i>To provide social and recreational facilities for members.</i>
5	Colours	Clause 2		Current and proposed are consistent.
PART 3 – ASSOCIATION TO BE NOT FOR PROFIT BODY				
6	Not for profit body			Resources applied solely towards promotion of the Objects and not for benefit of any member except in good faith in promotion of these Objects
PART 4 – MEMBERS				
DIVISION 1 – MEMBERSHIP				
7	Eligibility for Membership	Clause 6	Yes	Anyone (person) who supports Objects is eligible to apply
8	Applying for Membership	Clause 6	Yes	
9	Becoming a Member		Yes	
10	Classes of Member	Clause 7, 8	Yes	Current has member classes – Senior, Junior (< 17years), Veteran, Associate (non playing member), Life. Current says any Club Member aged 16 years or more is entitled to vote (cl 23) Proposed says two classes and each person can only belong to one class (ie if you are a senior player + parent or senior player + Life member, you can only have one vote): * Ordinary member (can vote) includes Senior, Junior (16+ yo), Parent, Life * Associate member (cannot vote) includes Junior (<16 yo), Social, Temporary <i>Note: proposed provides opportunity for parents of <16yo to have vote (one vote per family – see clause 52) – no provision in current constitution.</i>

Proposed Clause		Current Clause	Required by Act?	Notes
11	Membership Categories and Rights	Clause 7, 8	Yes	Proposed says: *Senior – 18+ player in seniors/masters comp *Parent – parent/legal guardian of Junior Member <16yo *Life – granted from time to time, same as Senior but pays no membership fees *Junior - <18 player in junior comp *Social – 18+ non player *Temporary – for the day (likely visitors to Club or people hiring club facilities to comply with liquor licensing)
12	When Membership Ceases	Clause 25	Yes	Death, resignation, expulsion, non-payment of fees
13	Resignation			
14	Rights not Transferable			
DIVISION 2 – MEMBERSHIP FEES				
15	Membership fees	Clause 24	Yes	Current says fees are fixed at AGM, proposed delegates to committee as operational responsibility and timing of AGM v fees and charges becoming available from HWA and others renders it not possible to set fees pre Xmas. Note – at the last 5 AGMs, members have delegated this to committee for these reasons
DIVISION 3 -REGISTER OF MEMBERS				
16	Register of members		Yes	
PART 5 – COMMITTEE				
DIVISION 1 – POWERS OF COMMITTEE				
17	Committee	Clause 12, 13	Yes	Committee has the power to manage the affairs of the Association
DIVISION 2 – COMPOSITION OF COMMITTEE AND DUTIES OF MEMBERS				
18	Committee members	Clause 9	Yes	Must be Ordinary Members and 18+
19	President	Clause 11		
20	Vice Presidents	Clause 11		
21	Coordinators			

<i>Proposed Clause</i>		<i>Current Clause</i>	<i>Required by Act?</i>	<i>Notes</i>
22	Secretary	Clause 11		
23	Treasurer	Clause 11		
24	Club Manager			
25	Ordinary Committee Members			
DIVISION 3 - ELECTION OF COMMITTEE MEMBERS AND TENURE OF OFFICE				
26	How members become Committee Members		Yes	Elected by the Members
27	Nomination of Committee Members		Yes	
28	Election of Office Holders		Yes	
29	Election of Ordinary Committee Members		Yes	
30	Term of Office		Yes	Positions declared vacant at AGM, Committee Members can be re-elected. No maximum term
31	Resignation and Removal from Office		Yes	Committee member(s) can be removed by the Members at a General Meeting
32	When membership of Committee ceases		Yes	Death, disability, resignation, removal, other cessation of membership, bankruptcy, (some) convictions, serial non-attendance at meetings
33	Filling casual vacancies	Clause 9	Yes	Committee can appoint, term finishes at next AGM
34	Validity of acts			
35	Payments to Committee Members		Yes	Travel and accom to attend meetings – unlikely to be applicable
DIVISION 4 – COMMITTEE MEETINGS				
36	Committee meetings	Clause 16		Current requirement is monthly during the playing season, proposed requirement is at least 3 times per year
37	Notice of committee meetings	Clause 21	Yes	
38	Procedure and order of business		Yes	
39	Use of technology to be present at Committee meetings			
40	Quorum for Committee meetings	Clause 22	Yes	Both current and proposed requirement is quorum of 5 committee members, proposed requires either President or delegate of President to be in attendance

<i>Proposed Clause</i>		<i>Current Clause</i>	<i>Required by Act?</i>	<i>Notes</i>
41	Voting at Committee meetings	Clause 23	Yes	One vote per Committee member, resolution passed by simple majority, President has casting vote in event of tie
42	Minutes of Committee meetings		Yes	
DIVISION 5 – SUBCOMMITTEES AND SUBSIDIARY OFFICES				
43	Subcommittees and subsidiary offices	Clause 10		Appointed by Committee, may include non-members
44	Delegations to Subcommittees and holders of subsidiary offices			
PART 6 – GENERAL MEETINGS OF ASSOCIATION				
45	Annual general meeting	Clause 19	Yes	Current requirement is to be held before end of November, Proposed requirement is within 6 months after end of financial year (31 Oct) unless permission otherwise sought from Commissioner
46	Special general meetings	Clause 20	Yes	Both current and proposed require written request from not less than 10 members for special general meeting to be convened.
47	Notice of general meetings	Clause 19	Yes	
48	Proxies			Proxies must be Ordinary Members, for no more than 5 other members, appointed in writing
49	Use of technology to be present at General meetings			
50	Presiding member and quorum for General Meetings	Clause 19, 22	Yes	Current quorum requirement is 15 members or 50% of the financial Members, whichever is the least, proposed requirement is 15 Members personally present who are entitled to vote. President or President's nominee is chair
51	Adjourning of General Meeting		Yes	
52	Voting at General Meeting		Yes	Ordinary Members have one vote. Parent members have one vote per family.
53	When special resolutions are required		Yes	The Act includes changing the Rules, name change, amalgamation, winding up
54	Determining whether resolution carried		Yes	On the basis of general agreement or disagreement or by a show of hands
55	Minutes of General Meeting		Yes	
PART 7 – FINANCIAL MATTERS				

<i>Proposed Clause</i>		<i>Current Clause</i>	<i>Required by Act?</i>	<i>Notes</i>
56	Source of funds			Committee can approve sources of funds which are not limited by this clause or by the Act
57	Control of funds	Clause 28	Yes	Committee can approve expenditure, payments approved by 2 Committee members or one Committee Member and another authorised by the Committee (allows for bookkeeper, tax agent for example)
58	Financial statements and financial reports	Clause 27, 14	Yes	Current and proposed says year end is 31 October. Current requires appointment of auditor and audit of annual financial statements. Proposed has requirements dependent on revenue: Tier 1 - revenue <\$250k, Tier 2 - revenue \$250k to \$1m, Tier 3 - revenue >\$1m. No requirement for independent audit/review of Tier 1, but is for others. https://www.commerce.wa.gov.au/publications/financial-reporting-under-new-associations-law
PART 8 – DISCIPLINARY ACTION, DISPUTES AND MEDIATION				
DIVISION 1 – TERM USED				
59	Term used: Member			
DIVISION 2 – DISCIPLINARY ACTION				
60	Suspension or expulsion	Clause 26		Current says that on receipt of written complaint re a Member from 10 members of the Club, special general meeting will be called at which ¾ majority in a ballot of those present vote is necessary to give effect to any expulsion. Proposed says it is Committee’s responsibility. Due to contravention of the Rules or policies of Association or of its peak bodies or acts detrimentally to the Association. Describes process
61	Consequences of suspension			Loses any rights, no fee refund/relief
DIVISION 3 – RESOLVING DISPUTES				
62	Terms used		Yes	
63	Application of Division		Yes	Can be between members or between member(s) and the Association
64	Parties to attempt to resolve dispute		Yes	Expectation that parties attempt to solve this themselves before formal proceedings
65	How grievance procedure is started		Yes	
66	Determination of dispute by Committee		Yes	Describes process
DIVISION 4 – MEDIATION				
67	Application of Division			Can be requested by member(s) in dispute or facing disciplinary action

<i>Proposed Clause</i>		<i>Current Clause</i>	<i>Required by Act?</i>	<i>Notes</i>
68	Appointment of mediator			May be a member/former member (if no personal interest) or external
69	Mediation process			
70	If mediation results in decision to suspend or expel being revoked			
PART 9 – GENERAL MATTERS				
71	Patron			Optional appointment
72	By-laws			Provide guidance in addition to these Rules, legislations but must not restrict or conflict with them
73	Executing documents and common seal	Clause 29	Yes	Both current and proposed allow for use of common seal. Proposed also allows for execution of documents without common seal if signed by 2 Committee Members
74	Giving notices to members		Yes	By hand, regular mail or electronically
75	Custody of books and securities		Yes	Held in Secretary's custody other than financial records which are held by the Treasurer
76	Record of office holders		Yes	
77	Inspection of records and documents		Yes	Process if members wish to inspect
78	Publication by Committee Members of statements about Association business prohibited			Unless authorised to do so at Committee meeting and this is recorded in the minutes.
79	Distribution of surplus property on cancellation of incorporation or winding up	Clause 30	Yes	In accordance with the Act – in essence not to members but to other similarly regulated organisation or a charity
80	Alteration of rules	Clause 31	Yes	Current says requires 2/3 majority at a Special General Meeting, proposed is in accordance with the Act – in essence by special resolution
Clauses included in Current Rules but not in Proposed New Rules				
NA		Clause 17		Current says captains and vice-captains appointed by the committee based on recommendation of coaches. Proposed is silent on this on the basis that this is operational.
NA		Clause 18		Current says committee appoints selection committees for senior, veterans and junior teams. Proposed is silent on this on the basis that it is operational