

Memorandum

To: Members
Melville City Hockey Club

From: Committee
Melville City Hockey Club

Date: August 2022

Subject: Constitution change

Purpose

Obtain approval from the members of the Melville City Hockey Club (MCHC) to change the club Constitution. The current Constitution was approved by the Commissioner for Consumer Protection on 13 September 2019

Background

The existing constitution was updated and approved by the Commissioner for Consumer Protection on 13 September 2019. This change was made based on a WA Government directive to bring the constitutions of all like organisations up to a base standard.

When undertaking this change, the opportunity to update the club's existing constitution and bring it in line with current thinking and governance structures was not, for resource and time-based reasons, taken, hence this update and review.

Since the 2019 review, Government legislation under which organisations such as the MCHC operates continues to evolve, with this latest review taking these changes into account. In particular, we refer to the Associations Incorporation Act of 2015, ongoing updates to the Corporations Act 2001 and the recently introduced Work Health and Safety Act 2020 (WA).

Proposed Constitution

The proposed constitution, which has been reviewed by the club's legal representative, considers and adopts the following: -

1. The model rules suggested by the relevant Government Department
2. The abovementioned and other pieces of new relevant Government Legislation
3. Relevant portions of the current constitution
4. Comparisons with other like organisations
5. Much more detail on the key operational aspects of running the club
6. Removal of outdated rules and roles

Next Steps

1. Both the existing and proposed Constitutions are available on our website. Members are encouraged to review both documents.
2. Should you wish to ask any questions on the proposed changes, our President, David Timmel, will be at the club on the evenings of 18 and 25 August 2022 and will be happy to address any questions you may have.

3. Attend the Special General Meeting on 30 August when the new Constitution will be voted on for adoption.

For your information, the table below provides a comparison between the current and proposed constitution.

Proposed Key Changes

	Clause in Old Constitution	Clause in New Constitution
Glossary of terms		1
Name of Association – Melville City Hockey Club (Inc)	1	2
Objectives – Old 4 New 4	3	3
Powers – Old 9 New 13	4	4
Financial year – Old club year 1/10 – 30/9 Old club financial year 1/7 – 30/6 New 1/1 – 31/12	28	5
Association to be not-for-profit – (provides guidance on use of income and property and stronger overall governance framework)		6
Membership Eligibility for membership Applying for membership Dealing with membership applications Becoming a member Classes – 5 in old 8 in new including opportunity to add to When membership ceases Resignation Rights not transferable Membership fees Register of members	6.1 6.1 (a) 6.1 (b) 7.1/8 25/26 24	7 8 9 10 11 12 13 14 15 16
Disciplinary action, disputes and mediation Suspension or expulsion Consequences of suspension Resolving disputes Application of Division Parties to attempt to resolve Procedure to commence Determination of dispute by committee	26 27 27 (3) & (4) 27 (5.1, 5.2) 27 (5.3)	18 19 21 22 23 24
Committee Powers – Old Appoint (Coaches and Assistant coaches, Team Managers, Equipment Officers, Facilities Manager) Control (Finances) Appoint (sub committees) Power (specify uniform and all other necessary actions to run the club) New – Power (Run the club in accordance with the act and affairs of the Association)	13 (13.1, 13.2)	25

	Clause in Old Constitution	Clause in New Constitution
Committee Members – Old (President, Vice Presidents (3) Immediate Past President, Honorary Secretary, Honorary Assistant Secretary, Honorary Treasurer, Honorary Assistant Treasurer) Such other people as required from time to time New - (Committee, Chair, 3 Committee Members who are elected and each ordinary members, 2 Additional Committee Members who are elected and may or may not be ordinary members, max 3 additional Committee Members who are appointed with specific skills)	12 (a) 12 (b)	26
Chairperson – role		
Secretary – role	10.1	27
Treasurer – role	10.3	28
Appointment of Committee Members	10.4	29
Nomination of Committee members		30
Election of Chair		31
Election of Ordinary Committee Members	19.2	32
Term of Office	19.2	33
Old – no limit	No limit	34
New – 2 years per role and not more than 6 yrs in any 8 yr period		
Resignation and removal from Office		
When membership of Committee ceases	14	35
Appointment to the Committee		36
Filling casual vacancies		37
Initial Committee Members		38
Validity of Acts		39
Committee meetings		40
Notice of meeting	15.1	41
Procedure and order of Business	15.2	42
Use of technology at Committee Meetings	15.3	43
Quorum at Committee Meetings	15.4	44
Voting at Committee Meetings	15.5	45
Minutes of Committee Meetings	15.6	46
Subcommittees and Officeholders	15.7	47
Delegation to subcommittees and holders of subsidiary Officers	13.2 (b)	48 49
General meetings		
Annual General Meeting	19	50
Auditor	11	50 (3)(b)(iv) (c) (d)
End of Season General Meeting		
Special General Meetings	20	51
Notice of General Meetings	21	52
Proxies		53
Use of technology at General Meetings		54
Presiding member and Quorum at General Meetings		55 56

	Clause in Old Constitution	Clause in New Constitution
Adjournment of General Meetings	23	57
Voting at General Meetings		58
When special resolutions are required		59
Determining whether a resolution is carried		60
Minutes of General Meeting		61
Financial Matters		
Source of funds	29	62
Control of funds	5.1 & 5.2	63
Financial Statements and Financial Reports		64
By – Laws		65
Executive documents and common seal		66
Giving notice to members		67
Custody of Books and securities		68
Record of Committee meetings		69
Inspection of records and documents	32	70
Publication by Committee members of statements about Association Business prohibited		71
Distribution of surplus property on cancelation of Incorporation or winding up		72
Alteration of rules	33	73

In old constitution but not referred to explicitly in proposed new constitution

	Clause in Old Constitution	Clause in New Constitution
Colours	2	Would be dealt with by committee and then taken to members
Patron, Vice Patrons, President, Immediate Past President, Honorary Secretary, Honorary Assistant Secretary, Honorary Treasurer, Honorary Assistant Treasurer	9.1	51 (2) (b)
Vice – President (Senior Administration, Junior Administration and Finance and Development)	10.2	51 (2) (b)
Honorary Assistant Secretary	10.5	51 (2) (b)
Honorary Assistant Treasurer	10.6	51 (2) (b)
Social Committee	16	51 (2) (b)
Appointment of Captains and Vice Captains of all teams	17	Role of Senior Women’s and Men’s Coach
Appointment of selection committees for senior, veteran and juniors	18	48