



CONSTITUTION

OF THE

HAMERSLEY ATHLETICS CENTRE INC

June 2025

Home Ground: Charles Riley Reserve, North Beach

Website: www.hamersleyathletics.com.au

CHANGE HISTORY

VERSION NUMBER	DATE APPROVED	CHANGED ITEMS	CHANGED BY
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Table of Contents

1. NAME	4
2. DEFINITIONS AND INTERPRETATIONS	4
3. AFFILIATION	5
4. OBLIGATIONS TO ATHLETICS WEST	5
5. OBJECTS.....	6
6. POWERS	6
7. MEMBERSHIP	8
8. TERMINATION OF MEMBERSHIP	10
9. SUSPENSION/EXPULSION OF MEMBERSHIP	10
10. REGISTER OF MEMBERSHIP	11
11. MANAGEMENT OF THE CENTRE	12
12. CASUAL VACANCIES	14
13. RESIGNATIONS	14
14. SUB COMMITTEES.....	15
15. CENTRE EXECUTIVE COMMITTEE MEETINGS.....	15
16. ANNUAL GENERAL MEETING	16
17. SPECIAL GENERAL MEETING	18
18. QUORUM	18
19. CONFLICT OF INTEREST	19
20. DISCLOSURE OF INTEREST.....	19
21. REGISTRATION FEES	20
22. AMENDMENTS TO THE CONSTITUTION.....	20
23. AMENDMENTS TO THE BY-LAWS.....	20
24. DISSOLUTION	21
25. FINANCE	21
26. COMMON SEAL.....	21
27. RECORDS OF THE INCORPORATED CENTRE.....	21
28. HONORARIUMS.....	22
29. DISPUTES AND MEDIATION	22

1. NAME

The Name of the Centre shall be the Hamersley Athletics Centre Inc (here in after referred to as 'the Centre').

2. DEFINITIONS AND INTERPRETATIONS**2.1 Definitions.** In this Constitution unless the contrary intention appears:

'Act' means the Associations Incorporation Act 2015.

'Annual General Meeting' or '(AGM)' means Annual General Meeting.

'Association' means 'Hamersley Athletics Centre'.

'Athletics Australia' means Athletics Australia Incorporated, being the national peak body for the activity of senior Athletics in Australia, or its successor.

'Athletics West' means the state governing body for athletics in Western Australia, Athletics West Ltd. or its successor.

'By-Laws' means the policies, procedures, rules and regulations of the Centre, contained in a document entitled "By-Laws".

'Centre' means the Hamersley Athletics Centre Inc.

'Centre Delegate' means Centre Executive Member elected to represent the interests of the Centre at Athletics West meetings.

'Commissioner' means the person designated as the Commissioner of Consumer Protection under the Act.

'Constitution' means the Constitution of Hamersley Athletics Centre.

'Executive Committee' means Members elected to represent the interest of Members through the administration of the Centre.

'General Meeting' means the Annual General Meeting or any Special General Meeting of Hamersley Athletics Centre.

'Little Athletics Australia' means Little Athletics Australia Incorporated, being the national peak body for the activity of Little Athletics in Australia.

'Life Member' means an individual upon whom life membership of Hamersley Athletics Centre has been conferred under rule 7.4 (e).

'Member' means member of Hamersley Athletics Centre as defined in rule 7.

‘Senior Athlete’ means an athlete registered with the Hamersley Athletics Centre to compete in senior athletics competitions.

‘Special General Meeting’ means a General Meeting other than the Annual General Meeting or Association Meeting, convened in accordance with Rule 17.

‘Special Resolution’ means a special resolution passed in accordance with the Act and requiring 75% majority vote of the Members present and eligible to vote at a General Meeting, and as referred to in Rule 7.

2.2 Interpretation. In this Constitution:

- a. Words importing any gender include the other genders; and
- b. The table of contents and any heading are for convenience only and do not affect the interpretation of these Rules.

3. AFFILIATION

- 3.1 The Centre shall be affiliated with Athletics West Limited. Affiliation will be maintained as long as the Centre remains in existence. The Affiliation year is from the 1st of September until the 31st August of the following year upon payment of the affiliation fee and completion of the official Association form as set out by Athletics West.

4. OBLIGATIONS TO ATHLETICS WEST

- 4.1 As a consequence of Affiliation with Athletics West:
 - a. The Centre shall be bound at all times to abide by the Constitution, Rules, By-Laws and Policies of Athletics West.
 - b. Should the Centre fail to fulfil its obligations to Athletics West by virtue of unduly neglecting, disregarding or abusing the objects and/or powers set out hereunder, or otherwise operate in a manner not in the best interest of the sport of Athletics as a whole, the Athletics West Board of Management shall be empowered to arrange a meeting with the Centre Executive to resolve the problems.
 - c. The Centre cannot change its Name, uniform, colours or part thereof without the expressed approval of Athletics West, and
 - d. Athletics West must approve the colour/configuration of the Centre Uniform.
- 4.2 The Centre shall complete and submit the affiliation forms and pay the annual affiliation fee prior to the date prescribed by Athletics West each year, before accepting athlete registrations for the following season.

- 4.3 The Executive Committee shall submit to the Annual General Meeting of the Centre, the annual report, Statement of Income and Expenditure, and Assets Schedule for the adoption by Members. At least one (1) copy shall be forwarded to Athletics West, within thirty days (30) of the date of the Annual General Meeting of the Centre.

5. OBJECTS

- 5.1 The major objects of the Centre are to:
- a. Provide recreational activity in the form of Track and Field competition for athletes within the age groups catered for by Athletics West and determined by the Hamersley Executive Committee. This will be carried out without fear or favour with respect to race, creed, sex, socio-economic status or level of ability.
 - b. Apply the property and income of the Centre solely towards the promotion of the objects of the Centre, with no part of the property or income to be paid or otherwise distributed, directly or indirectly, to Members of the Centre, except in good faith in the promotion of these objects.
 - c. Promote, manage and administer athletics competition for both junior and senior participants who are registered with Athletics West.
 - d. Encourage family and community involvement in Athletics as a means of furthering the development of athletes.
 - e. Develop and maintain the highest level of sporting endeavour and fair play.
 - f. Encourage the fullest participation by athletes and officials in all events conducted by the Hamersley Athletics Centre and Athletics West.
 - g. Provide an environment that allows for the easy transition from Junior Athletics to Senior Athletics. Promote the idea of children and older athletes participating in Athletics for personal satisfaction through the improvement of their own level of performance in a wide range of events.
 - h. To seek, consider, accept or reject offers of patronage or sponsorship from persons or corporations.

6. POWERS

- 6.1 The major powers of the Centre are to:
- a. Register athletes in accordance with the Constitution, Rules, Regulations and By-Laws of Athletics West.

- b. Organise and control the conduct of athletics competitions arranged by the Centre.
- c. Select teams of registered athletes to represent the Centre in approved competitions.
- d. Appoint Delegates to Athletics West meetings in accordance with Athletics West's Constitution, Rules, Regulations and By-Laws.
- e. Purchase, hire, lease or otherwise acquire athletic or associated equipment for the Centre.
- f. Acquire, hold, deal with and dispose of any real or personal property.
- g. Open and operate bank accounts and online banking facility in the name of the Centre.
- h. Invest and deal with, all monies, funds and assets of the Centre not immediately required for its purposes, in such a manner as, from time to time, the Centre may determine.
- i. Borrow monies upon the terms and conditions as the Executive Committee sees fit.
- j. Give security for the discharge of the liabilities incurred by the Centre.
- k. Appoint agents to transact any business of the Centre on its behalf.
- l. Enter into any other contract the Centre considers necessary or desirable to assist in achieving its aims.
- m. Receive and accept donations, sponsorship, endowments or gifts of any property or assets whatsoever, and subject, or not subject to any special trusts or conditions.
- n. Impose and collect levies, subscriptions, fees and other charges from Members as determined by the Centre.
- o. To appoint Sub Committees as required.
- p. Develop, propose and amend policies for the efficient running of the Centre.
- q. Propose and amend By-Laws in accordance with this Constitution from time to time.
- r. On application, manage and approve access to Hamersley Athletics facilities by the Centre's Registered and Accredited coaches.

7. MEMBERSHIP

- 7.1 Membership shall be open to any person subscribing to the objects and policies of the Centre.
- 7.2 Each Member of the Centre shall be bound by the Constitution, By-Laws and policies of the Centre.
- 7.3 Each Member of the Centre shall be bound by the Constitution, Rules, Regulations and By-Laws of Athletics West.
- 7.4 The Centre will provide for the following categories of Membership:
- a. Senior Registered Members
 - (i) Shall be within the prescribed age range for registration as defined by Athletics West.
 - (ii) Provide evidence of date of birth upon application for membership.
 - (iii) Pay all fees associated with membership of Hamersley Athletics Centre and Athletics West.
 - (iv) Are eligible for voting rights, if over 15 years old.
 - b. Junior Registered Members
 - (i) Shall be within the prescribed age range for registration as defined by Athletics West.
 - (ii) Provide evidence of date of birth upon application for membership.
 - (iii) Pay all fees associated with membership of Hamersley Athletics Centre and Athletics West.
 - (iv) Junior Registered Members aged 15 years or over are eligible for voting rights. However, where there are multiple eligible Junior Registered Members in the same family, they shall collectively hold only one vote, to be exercised by one of them as nominated in writing by the family at the time of registration.
 - c. Ordinary Members
 - (i) May be a parent/guardian/carer of a Junior registered member of the Centre as defined in 7.4(b).
 - (ii) Shall be eligible for voting rights, except where a Junior Registered Member from the same family holds the voting entitlement under 7.4(b)(iv). In such cases, only one vote per family may be exercised; and
 - (iii) Will ensure the requirements of 7.4(b) are met.

Irrespective of the number of Junior Registered Members, parent/guardian/carer votes are limited to one vote per Ordinary Member.
 - d. Executive Committee Membership - open to Ordinary Members elected to the Executive Committee.

e. Life Membership

- (i) This category may be bestowed upon those Members or former Members for meritorious service to the Centre. Meritorious service includes but not bound by 8 years on Centre and Club Committee with at least 4 of these on the Centre Executive.
 - (ii) Nominations with supporting antecedents and reasoning may be made to the Executive Committee by any person. At least twenty-eight (28) days' notice in writing shall be given to the Executive Committee to consider a Life Membership Nomination.
 - (iii) Conferring of Life Membership should be by a formal motion and passed by 75% of the Executive Committee present.
 - (iv) Athlete Life Membership – granted to any athlete who has competed at the Centre for at least 11 years and any athlete impacted by the age group alignment during their junior athletics service at the Centre.
 - (v) Life Members are not entitled to voting rights unless they separately qualify as an Ordinary Member, Junior Registered Member (aged 15 years or over and nominated under clause 7.9), or Senior Registered Member.
- 7.5 The Members of the Centre acknowledge and agree that this Constitution and any By-Laws constitutes a contract between them and the Centre and that they are bound by this Constitution and any By-Laws.
- 7.6 The Members of the Centre shall have no liability to contribute towards the payment of debts and liabilities of the Centre or the costs, charges and expenses of winding up the Centre except to the amount of any unpaid membership or application fees.
- 7.7 All athletes registered with the Centre must turn 5 years of age by 31st December in the year of the commencing season.
- 7.8 Application of Membership by any Registered Athlete or Ordinary Member directly to the Centre for athletes registering as Junior or Senior Athletes. Termination of Membership shall be in accordance with Section 8 and Section 9.
- 7.9 In families with more than one eligible voting Member (being either a Junior Registered Member aged 15 years or over, or an Ordinary Member), only one such Member may exercise the family's voting right. The family shall nominate the voting Member in writing to the Centre at the time of registration or prior to any vote. In the absence of a nomination, the Centre may determine which eligible Member exercises the vote. Life Members are not considered voting Members for the purposes of this clause.

8. TERMINATION OF MEMBERSHIP

8.1 Membership may be terminated upon:

- a. Written notice within 21 days prior to the requested termination date from a Member to the Centre, during the season, with the following conditions:
 - (i) The Member remains liable to pay any fees applicable up to the date of termination if they have not already paid their fees at the time they submit written termination notice.
 - (ii) Membership fees will not be refunded as per clause 9.8.
- b. Non-payment by a Member of their membership fees within one week from the commencement of the season; or
- c. Expulsion of a Member in accordance with Section 9.

9. SUSPENSION/EXPULSION OF MEMBERSHIP

- 9.1 The Executive Committee may suspend or expel a person from being or becoming a Member of the Centre if, in the opinion of the Executive Committee, that person has committed a breach of Athletics West's and/or the Centre's Constitution or By-Laws, or has undertaken any other action that is unbecoming or contrary to the interests of the Centre and/or Athletics.
- 9.2 Any person who has their membership suspended for a period of time as determined by the Executive Committee, or has been expelled from the Centre, shall have the right to appeal before a Special General Meeting called for that purpose.
- 9.3 The following acts shall be considered offensive and contrary to the good behaviour of the Centre and its Members whether committed by athletes, parents, guardians or any other person:
 - a. Improper conduct, language or behaviour at any training session, competition meeting, social function or other meeting.
 - b. Unwarranted blasphemy, profanity or lewd behaviour or inappropriate language towards or within the hearing of any person.
 - c. Disobedience or disregard of any proper instruction from any official or other supervisory person at any training session, competition meeting or social function.

- 9.4 Depending on the manner, timing and location of the offence, the following action can be taken only by any two of the President, Arena Manager or a site official acting together:
- a. Advice to the offender as to the nature of the offence with a caution that its recurrence may result in stricter measures.
 - b. Removal of the offender from the site or arena.
- 9.5 If acting on any report after the offence has been committed, the Executive Committee shall enquire fully into the matter, and may determine the matter by decision of majority vote at a properly convened Committee Meeting by:
- a. Taking no further action.
 - b. Suspended for a period of time as determined by the Executive Committee.
 - c. Disqualify the athlete from event/s on the day of competition.
 - d. Terminate the membership of the offender forthwith.
- 9.6 There shall be no refund of any membership fee, levy or other monies to any person in the event of termination of membership.

10. REGISTER OF MEMBERSHIP

- 10.1 A Register of Members of the Centre and their postal or residential address and email address, shall be kept by the Centre and maintained in an up-to-date condition.
- 10.2 The register shall not be made available for direct marketing purposes.
- 10.3 The register shall not be removed from the Centre, except when exported to Athletics West.
- 10.4 The register shall only be utilised for the purposes of the Centre and Athletics West.
- 10.5 Having regard to the Act, confidential considerations and privacy laws, an extract of the Register, excluding the address or other direct contact details of any Member, shall be available for inspection (but not copying) by Members, upon written request that clearly states the reason for the request. The Executive Committee may approve or decline the request if it is not satisfied that the request is made for a proper purpose, as required under Section 54(2) of the Associations Incorporation Act 2015 (WA). The Committee's decision shall be final.

10.6 Subject to the Act, confidential considerations and privacy laws, the Register may be used to further the Objects, in such a manner as the Executive Committee considers appropriate.

11. MANAGEMENT OF THE CENTRE

11.1 The day-to-day administration of the Centre shall be entrusted to the Executive Committee of eleven (11) positions, these being:

- a. President (meeting chair)
- b. Secretary
- c. Treasurer
- d. Registrar
- e. Recording Officer
- f. Arena Manager
- g. Selections/Championships Officer
- h. Equipment Officer
- i. Education, Coaching & Development Officer
- j. Organiser of Officials
- k. Centre Senior Athlete Officer

11.2 One position will also fulfil the role of Vice President, to be elected at the first Executive Committee meeting following the Annual General Meeting.

11.3 At the discretion of the Executive Committee, the following non-executive positions may be sought for election:

- a. Member Protection & Compliance Officer
- b. Website/Publicity Officer
- c. Social Coordinator
- d. Canteen Coordinator
- e. Uniform Officer
- f. Winter Officer
- g. Administration Officer
- h. Inclusion Officer
- i. Roster Coordinator
- j. General Committee
- k. Any other position or role deemed necessary by the Executive Committee from time to time.

11.4 The above non-executive positions are not required to attend Centre Executive Meetings. The Centre Executive may invite Non-Executive Members to attend Centre Executive Meetings and/or submit a report for inclusion in the minutes.

11.5 Retiring Executive Committee Members may renominate.

- 11.6 Election to the Executive Committee shall be open to any adult person aged 18 years and over who has been nominated and seconded by a Member and upon acceptance by the said person nominated. Nominations and acceptances can also be received in writing prior to the AGM.
- 11.7 Regardless of the number of nominations received for a position, an election for those who have nominated will take place by way of a show of hands. The person receiving the most votes will be elected.
- 11.8 Two individuals may share a single Executive Committee position, subject to approval by the Executive Committee. Shared positions shall be entitled to one (1) vote only, to be exercised by mutual agreement or by nomination of one of the two individuals for voting purposes.
- 11.9 Prior to the Annual General Meeting, the Centre shall seek nominations for the positions up for election on the Executive Committee. However, it shall not operate with any less than six (6) Committee Members in any one year, unless it is considered and approved by the Board of Management that the Centre can still operate effectively with less than six (6) Members.
- 11.10 Any Committee Member handling money, keys or equipment will need to have a valid Volunteer National Police Certificate. This Certificate will need to be renewed every three (3) years. These Members will need to provide their certificate to the Centre Secretary within 30 days of election.
- 11.11 When elected the Executive Committee shall meet at least eight (8) times a year whereupon they will report on all matters acted upon by the Executive Committee.
- 11.12 Committee Planning Meetings can be held using only relevant Members in addition or instead of monthly Executive Committee Meetings providing the required numbers of monthly meetings are met.
- 11.13 At the discretion of the Executive Committee prior to the AGM each year, any of the above positions may be combined, provided that the Executive Committee may not have less than 9 Members in any one year.
- 11.14 Each Executive Committee Member shall be elected, as described in 11.7, at the Centre's Annual General Meeting for a term of one year.
- 11.15 An Executive Committee Member can be re-elected to their specific role a maximum number of three (3) times. This number can only be exceeded in the event that no other Member has expressed an interest in that role and the current Executive Committee Member has expressed an interest in continuing in that role.
- 11.16 Upon written request from a Member, Athletics West, the Commissioner or any other authority, the current list of Executive and Non-Executive Committee

Members' names and contact details will be made available, providing the written request clearly states the reason for requiring the list. A reasonable charge for the provision of this information may be applied at the discretion of the Committee depending on the nature of the request.

- 11.17 The Administration Officer is a paid position, the terms of which are prepared and approved by the Executive Committee on an annual basis at the first Committee Meeting following the Annual General Meeting.
- 11.18 Any other payments or reimbursements made to any Committee Member must be tabled at the monthly meetings and subsequently approved by the Executive Committee.

12. CASUAL VACANCIES

- 12.1 A casual vacancy of the Executive Committee occurs if a Committee Member
- a. Dies
 - b. Resigns by giving notice in writing to the Secretary.
 - c. Ceases to be a Member of the Centre.
 - d. Is permanently incapacitated by mental or physical ill health.
 - e. Is convicted of an offence under the Act.
 - f. Is subject to a resolution passed by a General Meeting of Members to terminate their appointment as a Committee Member.
- 12.2 Executive Committee Members cannot abrogate their responsibilities to attend meetings. Failure to attend three (3) consecutive meetings without an acceptable reason may result in membership of the Executive Committee being terminated.
- 12.3 The Executive Committee can appoint a person to fill a vacant position or nominate a Member of the Committee to fulfil the responsibilities and duties of a position that becomes vacant, until the next Annual General Meeting.

13. RESIGNATIONS

- 13.1 Members of the Executive Committee may tender a resignation at any time which must be in writing.
- 13.2 In the event that only one resignation occurs, the Executive Committee may canvass and appoint an interested person, at a Centre meeting, to fill the vacant position until the next Annual General Meeting.
- 13.3 In the event that more than one resignation occurs, nominations shall be called for the vacant positions. If more nominations are received than vacant positions, a Special General Meeting shall be conducted to consider the nominations and make the appointments.

14. SUB COMMITTEES

- 14.1 Sub Committees may from time to time be established and approved by the Executive Committee for a particular purpose. The President of the Sub Committee shall always be a Member of the Executive Committee.
- 14.2 The Sub Committee has sole authority to co-opt Members on to the Sub Committee, subject to the approval of the Executive Committee.
- 14.3 All proposals prepared by the Sub Committee must be voted on and moved by the Centre Executive Committee.
- 14.4 As the Sub Committee is set up for a particular purpose, once that purpose has been achieved the Sub Committee may be terminated.

15. CENTRE EXECUTIVE COMMITTEE MEETINGS

- 15.1 The Executive Committee shall conduct monthly meetings at a time and venue set by the Executive Committee. The Executive Committee shall meet at least eight (8) times a year.
- 15.2 The order of business at monthly meetings of the Executive Committee shall be as follows:
- d. Opening by the President – Welcome any special guests
 - e. Apologies
 - f. Confirmation of Minutes of the Previous Executive Committee Meeting
 - g. Actions Arising from Previous Meeting
 - h. Correspondence
 - i. Treasurer’s Report
 - j. Executive Member Reports
 - k. Notices of Motion
 - l. Other Business
 - m. Next Meeting
 - n. Meeting Closure
- 15.3 Membership of these meetings is open to:
- a. All Members of the Executive Committee,
 - and
 - c. Any interested member or a Senior Athlete of age 18 years or over.
- 15.4 Only Executive Committee Members shall have voting rights at the Executive Committee Meetings.
- 15.5 Seven (7) days’ notice of all Executive Meetings shall be given to Executive Committee Members and Committee Members.

- 15.6 A Member holding more than one executive position may only cast one (1) vote.
- 15.7 The President does not vote unless a casting vote is required.
- 15.8 Voting on a contract in which a Committee Member has a material personal interest means that Committee Members must not:
- a. Be present while the matter is being considered at the meeting; or
 - b. Vote on the matter.
- 15.9 Proxy voting is not allowed.
- 15.10 Once endorsed, minutes of all Centre Executive Meetings should be sent to the Centre Committee with appropriate briefing notes where applicable, seven days after the Executive Meeting.

16. ANNUAL GENERAL MEETING

- 16.1 The Annual General Meeting (AGM) of the Centre shall be held annually, as soon as possible after completion of the summer athletics season.
- 16.2 It is the responsibility of the outgoing Executive Committee to determine the time, date and venue of the AGM.
- 16.3 Twenty One (21) days' notice either written or in electronic form, for an Annual General Meeting shall be given to all Executive Committee Members, Ordinary Members, Senior Members and Life Members.
- 16.4 Each Ordinary Member and Senior Registered Member aged 15 years or older, and each Junior Registered Member aged 15 years or over who has been nominated under clause 7.9, and who is present in person via approved virtual attendance, shall have voting rights at the AGM.
- 16.5 The purpose of the AGM is to:
- a. Receive the President's report on the activities and business of the Centre over the preceding 12 months.
 - b. Receive the Treasurer's report on the financial status of the Centre over the preceding 12 months.
 - c. Receive reports from other Committee Members.
 - d. Elect candidates to the positions on the Executive Committee, Officers and Coordinators. All positions will be declared vacant and written nominations will be sought prior to the AGM.

- e. Where nominations to positions have not been received prior to the AGM, nominations may be called from the floor and voted on by present eligible members 18 years or older.
 - f. Consider any proposed alterations to the Constitution to be passed by a special resolution consisting of a minimum of 75% majority of eligible members present and willing to exercise their right to vote.
 - g. Transact any other business.
- 16.6 The Treasurer shall submit to the Annual General Meeting of the Centre, the Annual Report, Statement of Income and Expenditure, and Assets Schedule. At least one (1) copy shall be forwarded to Athletics West within thirty (30) days of the date of the Annual General Meeting of the Centre.
- 16.7 Once the new Executive Committee has been duly elected, the proceedings for the remainder of the meeting shall continue to be conducted by the outgoing President.
- 16.8 The order of business at the Annual General Meeting shall be as follows:
- a. Opening by the President – Welcome any special guests
 - b. Apologies
 - c. Confirmation of Minutes of the previous Annual General Meeting.
 - d. Matters Arising from Previous Minutes.
 - e. President’s Report – on the activities and business of the Centre over the preceding 12 months.
 - f. Treasurer’s Report – including the Annual Report, Statement of Income and Expenditure & Assets Schedule for adoption by the members.
 - g. Reports from all Executive Committee.
 - h. Notices of Motion.
 - i. Election of Officer Bearers.
 - j. Election of two (2) Athletics West Delegates and two (2) Proxy Delegates.
 - k. Nomination of Patron.
 - l. Amendments to the Constitution and By-Laws.
 - m. Other Business.

n. Next Meeting.

16.9 Members may attend Annual General Meetings or Special General Meetings via real-time video or teleconference facilities as approved by the Executive Committee. Members attending virtually shall be deemed present for quorum and voting purposes.

17. SPECIAL GENERAL MEETING

17.1 A Special General Meeting of the Centre may be called at any time subject to Members being given twenty-one (21) days' notice.

17.2 A Special General Meeting of the Centre may be called by the Executive Committee or by a minimum of ten (10) Ordinary Members.

17.3 Quorum and voting rights are to be same as for an Annual General Meeting.

18. QUORUM

18.1 A Quorum for Executive Committee Meetings shall consist of one (1) person more than 50% of appointed Executive Committee Members.

18.2 A Quorum for the Annual General Meeting and Special General Meetings shall consist of:

- a. one (1) person more than 50% of the Executive Committee Members, and
- b. with a minimum of 15 Members entitled to vote, or 10% of eligible voting Members (whichever is fewer), present in person or via approved virtual attendance.

18.3 Shared positions are counted as one (1) for quorum and voting purposes.

18.4 At a meeting of the Executive Committee, if a Quorum is not present within half an hour after the scheduled commencement time of the meeting, Members may:

Adjourn the meeting to another date, not being later than fourteen (14) days from the date of the adjournment.

Continue proceedings of the meeting. If the meeting proceeds, all decisions undertaken by the Executive Committee will not be valid until ratified by a meeting of the Executive Committee at which a Quorum is present.

18.5 At a Special General Meeting or Annual General Meeting, if a Quorum is not present within half an hour after the scheduled commencement time of the meeting, the Members shall:

Adjourn the meeting to another date, not being later than fourteen (14) days from the date of adjournment. If at the adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, the business shall be transacted, provided the Members then present, is not less than half the number required for a quorum.

19. CONFLICT OF INTEREST

19.1 A Member of the Committee shall declare an interest in any:

- a. contractual matter;
- b. selection matter;
- c. judicial or disciplinary matter;
- d. sponsorship matter;
- e. material personal interest; or
- f. other financial matter;

in which a conflict of interest arises or may arise.

For clarity, a conflict of interest includes any matter that directly affects a Member's immediate family (including children, spouse, or dependants) where there is a potential or perceived personal benefit. Members must declare and abstain from discussion and voting on such matters.

19.2 The Member shall remove themselves from discussions of such matter and will not be entitled to vote in respect of such matter. Where there is uncertainty as to whether it is necessary for the Member to remove themselves from discussions and refrain from voting, the issue should be immediately determined by vote of the Committee, or if this is not possible, the matter shall be adjourned or deferred.

20. DISCLOSURE OF INTEREST

20.1 Members of the Committee shall declare their interest at the Committee meeting at which the contract or other matter is first taken into consideration. If a Member becomes interested in a contract or other matter after it is made or entered into, the declaration of the interest must be made at the first meeting of the Committee held after the Member becomes so interested.

20.2 Conflicts of Interest shall be noted and minuted at the meeting at which they are declared. They shall be noted under the matter's agenda item for as long as that matter is discussed in Committee meetings. The Member with the conflict of interest shall remove themselves from any discussion of the matter in subsequent Committee meetings.

21. REGISTRATION FEES

- 21.1 A recommended Annual Registration Fee for athletes at the Centre shall be set by the Executive Committee, prior to the commencement of each season.
- 21.2 The Annual Fee set shall consist of a portion for each of following:
- a. Athletics West Registration Fees;
 - b. Centre Registration Fees;
 - c. Any other incidental costs deemed necessary.

22. AMENDMENTS TO THE CONSTITUTION

- 22.1 Amendments may only be made at an Annual General Meeting or a Special General Meeting called for the purposes of amending the Constitution provided that twenty one (21) days' notice of this intention is given to the Members. A notice detailing proposed changes to the Constitution shall be issued with the notice of the AGM or Special General Meeting.
- 22.2 Amendments to the Constitution requires a 75% majority vote of the eligible members present to pass.
- 22.3 Proxy votes will not be accepted.
- 22.4 Amendments to the Constitution which have been passed at an AGM or Special General Meeting must be forwarded to the Athletics West for approval, then once approved by the Board, lodged with the Department of Mines, Industry Regulation and Safety (Consumer Protection) in accordance with provisions of the Act.
- 22.5 Amendments to the Constitution may also cause changes to be made to the Centre By-Laws.

23. AMENDMENTS TO THE BY-LAWS

- 23.1 Amendments to the By-Laws may only be made at an Annual General Meeting or a Special General Meeting provided that twenty one (21) days' notice of this intention is given to the Executive Committee. A notice detailing proposed changes to the By-Laws shall be issued with the notice of the AGM or Special General Meeting.
- 23.2 Amendments to the By-Laws requires a 75% majority vote of the eligible members present to pass.
- 23.3 Proxy votes will not be accepted.

23.4 Amendments to the By-Laws which have been passed at a meeting shall be forwarded to the Association Board for approval, then once approved by the Board, lodged with the Department of Mines, Industry Regulation and Safety (Consumer Protection) in accordance with provisions of the Act.

24. DISSOLUTION

24.1 If, upon the winding up of the Centre, any property of the Centre remains after the satisfaction of debts, liabilities and the costs, charges and expenses of the winding up, ownership of that property shall be transferred to:

a. Athletics West Limited.

24.2 The Centre may be dissolved by resolution of at least 75% of the following Members present at two Special General Meetings convened for that purpose. The purpose of the first meeting is to table the resolution and the purpose of the second meeting is to vote on the resolution previously tabled:

a. A Quorum of Executive Committee Members;

b. A minimum of 15 Ordinary Members over the age of 18 years.

25. FINANCE

25.1 The financial year of the Centre shall be from April 1 to March 31.

25.2 Two signatories, not being from the same household or related shall be required to sign all Centre cheques and authorise electronic payments.

25.3 All monies received by the Centre shall be banked in the Centre's cheque account.

26. COMMON SEAL

26.1 The Common Seal of the Hamersley Athletics Centre shall be kept in the care of the Secretary. The Seal shall not be used or affixed to any deed or other document except pursuant to a resolution of the Executive Committee and in the presence of at least the President and Secretary, both of whom shall subscribe their names as witnesses.

26.2 Even though an incorporated association does not have to use a common seal to execute contracts, the Centre may decide to use the seal on contracts and other formal documents as the official signature.

27. RECORDS OF THE INCORPORATED CENTRE

27.1 The Centre shall, upon written request from Members, make all documents and records pertaining to the activities of the Centre available for inspection.

- 27.2 A Register of Members of the Centre and their postal or residential address and email address shall be kept by the Registrar and maintained in an up to date condition.
- 27.3 A record of financial information of the Centre shall be maintained in an up to date state by the Treasurer.
- 27.4 Administrative records, including a copy of the current Constitution, and a record of current Committee Members shall be maintained by the Secretary or the Administration Officer.
- 27.5 The Secretary and Treasurer shall have and share custody of all records, books documents and securities of the Centre, unless the Members resolve otherwise at an Executive Committee meeting.
- 27.6 A Member requesting access to Centre records must demonstrate that the request is strictly for Centre business only but shall have no right to remove the records for that purpose. Any request from a Member to access records must be made in writing and clearly state the reason behind the request for the Committee to consider. Additionally, the Member shall have no right to access confidential records. The Executive Committee must consider whether the request is made for a proper purpose under Section 54 of the Associations Incorporation Act 2015 (WA). If the Committee is not satisfied that the request is for a proper purpose, it may decline the request. Inspection will be permitted only and strictly for the purpose stated, and under any conditions the Committee sees fit to impose. Members must not disclose or use any information obtained from the Register for any purpose unrelated to the affairs of the Centre, and any misuse may result in disciplinary action.

28. HONORARIUMS

- 28.1 If an Honorarium is paid by the Centre these payments may be taxable in the hands of the recipient. The onus is on the recipient of the payment to determine whether the honorarium received is taxable. The Centre can, upon request, issue a letter confirming the amount of honoraria payments made to an individual during a tax year.

29. DISPUTES AND MEDIATION

- 29.1 It is recognised that grievances or disputes may occur between:
- a. Member and another Member; or
 - a. A Member and the Centre; or
 - b. If the Centre provides services to non-Members, those non-Members who receive services from the Centre, and the Centre.

- 29.2 The parties to the dispute must meet and discuss the matter in dispute, and if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 29.3 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, hold a meeting in the presence of a Mediator.
- 29.4 The Mediator must be:
- a. A person chosen by agreement between the parties; or
 - b. In the absence of agreement –
 - (i) In the case of a dispute between a Member and another Member, a person appointed by the Committee;
 - (ii) In the case of a dispute between a Member or relevant non-Member and the Centre, a person who is a Mediator appointed to, or employed with, a not for profit organisation.
- 29.5 A Member of the Centre can be a Mediator, though it is preferable that they have a level of training or skill in mediation.
- 29.6 The Mediator cannot be a Member who is a party to the dispute or has a known conflict of interest to either party in the dispute process.
- 29.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 29.8 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 that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 29.9 The Mediator must not determine the dispute however agreed outcomes are binding on all parties.
- 29.10 The mediation must be confidential and without prejudice.
- 29.11 If the mediation process does not result in the dispute being resolved, the parties may seek to escalate the resolution of the dispute with Athletics West.