

CONSTITUTION

OF THE

AUSTRALIAN CAPITAL TERRITORY  
ICE SKATING ASSOCIATION INCORPORATED

INCORPORATED UNDER THE

*ACT Associations Incorporation Act 1991*

**Date of Incorporation: 1 July 1983**

**Registered Number: A01006**

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## 1. NAME

- 1.1 The name of the Association is "the ACT Ice Skating Association Incorporated", in this Constitution called "the Association".

## 2. OBJECTS OF THE ASSOCIATION

- 2.1 The objects of the Association are:
- 2.1.1 To promote, guide and further figure skating on ice in all its branches;
  - 2.1.2 To establish, maintain and improve standards of figure skating;
  - 2.1.3 To conduct championships, tests of proficiency and competitions in figure skating;
  - 2.1.4 To provide and supervise uniform regulations for tests and competitions; and
  - 2.1.5 To promote and foster the objects of Ice Skating Australia Inc to the end that there shall be uniform regulations for figure skating throughout Australia.

## 3. ORGANISATION AND MANAGEMENT

- 3.1 The affairs of the Association shall be controlled by the Council elected as provided in this Constitution.
- 3.2 The Council shall have power subject to this Constitution to raise and apply the funds and property of the Association in whatever manner the Council considers proper in implementing the objects of the Association.
- 3.3 The provisions of this Constitution conferring specific powers on the Council shall be read as additional to and not in any way limiting the general power to implement the objects of the Association.
- 3.4 The Council shall consist of:
- 3.4.1 The Executive (5) made up of the following elected positions: President, Vice President, Honorary Secretary, Assistant Secretary and Honorary Treasurer: and
  - 3.4.2 The Committee members made up of six (6) elected members.
- 3.5 The Council may make By-Laws not inconsistent with this Constitution and these must be made available to members.
- 3.6 The Council may delegate roles and responsibilities set out in this Constitution to any voting member of the Association as required.

- 3.7 The financial and membership year for the Association is 1 January to 31 December in each year.
- 3.7.1 At the time that this Constitution is accepted to supersede the Constitution of the Association dated 23 June 2003, there shall be a transitional financial and membership period from the next available 1<sup>st</sup> of July to the 31<sup>st</sup> of December in that same year, and the Council may adjust membership fees as appropriate to compensate for that shortening.
- 3.8 Reference to "the Act" means the *Associations Incorporation Act 1991* of the Australian Capital Territory

#### 4. MEMBERSHIP

- 4.1 Membership of the Association shall be open to persons admitted to membership as hereinafter provided.
- 4.2 Members shall belong to one of the following four (4) classes of financial memberships:
- 4.2.1 Senior (18 years of age and above);
- 4.2.2 Junior (below 18 years of age);
- 4.2.3 Associate; and
- 4.2.4 Honorary Life Members.
- 4.3 Members' Liabilities
- 4.3.1 The liability of a member to contribute towards the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up on the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Clause 4.4.
- 4.4 Any person desiring to become a member shall make application to do so in writing to the Council. After receiving an application for membership the application shall be referred to the next scheduled Council meeting at which the Council shall determine whether to approve or to reject such application.
- 4.4.1 Such application for membership shall be accompanied by the subscription and this shall be deemed to be acceptance of this Constitution and submission to the By-Laws of the Association.
- 4.4.2 Once the determination to approve or reject the application has been made, the applicant shall be notified as soon as practicable.
- 4.4.3 The decision of the Council on any application for membership shall be final.
- 4.4.4 Once elected, a person shall remain a member until resignation, expulsion or ceasing to be a member as provided in this Constitution.

- 4.4.5 A member may resign his/her membership at any time.
- 4.4.6 A list of members of the Association shall be kept by the Honorary Secretary. On request by a voting member for the membership status of a nominated person, the Honorary Secretary shall advise of that status.
- 4.4.7 The list of members shall be closed at the end of each financial year.
- 4.5 Fee, Subscription, etc
  - 4.5.1 The entrance fee to the Association is an amount which has been determined by resolution of the Council from time to time.
  - 4.5.2 The annual membership fee of the Association is an amount which has been determined by resolution of the Council from time to time.
  - 4.5.3 Any member who has not paid the subscription for the current year within one month of the commencement of the financial year on 1 January shall cease to be a member.

## 5. DISCIPLINING OF MEMBERS

- 5.1 If it is submitted to the Council that any member should cease to be a member, the Council may, after giving the member an opportunity to be heard before the Council, request the member to resign:
  - 5.1.1 If a member requested to resign does not do so within twenty-one (21) days after such a request, the Council may expel such member from the Association.
  - 5.1.2 A member resigning pursuant to a request from the Council or expelled from membership shall not again become a member except with the express approval of the Council.
  - 5.1.3 Proceedings of the Council under this Clause shall be Special Business of the Council, but the notice of meeting need not contain the name of the member or members concerned.
  - 5.1.4 If a member of Council fails to fulfil his/her commitments to the ACTISA or fails to attend three (3) consecutive routine meetings without an acceptable reason, then the Council is empowered to:
    - 5.1.4.1 Revoke that person's membership of the Council;
    - 5.1.4.2 Ask for that member's resignation.
  - 5.1.5 Where the Council confirms a resolution under Clauses 5.1.1, 5.1.2, 5.1.3 or 5.1.4, the Honorary Secretary shall, within seven (7) days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under Clause 5.2.
  - 5.1.6 A resolution confirmed by the Council under Clauses 5.1.1, 5.1.2, 5.1.3 or 5.1.4 does not take effect:

- 5.1.6.1 Until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
- 5.1.6.2 Where within that period the member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with Clause 5.2.4.

## 5.2 Right of Appeal of Disciplined Member

- 5.2.1 A member may appeal to the Association in General Meeting against a resolution of the Council which is confirmed under Clause 5.1.5, within seven (7) days after notice of the resolution is served on the member, by lodging with the Honorary Secretary a notice to that effect.
- 5.2.2 Upon receipt of a notice under Clause 5.2.1, the Honorary Secretary shall notify the Council which shall convene a General Meeting of the Association to be held within twenty-one (21) days after the date which the Honorary Secretary received notice or as soon as possible after that date.
- 5.2.3 Subject to Section 50 of the Act, at a General Meeting of the Association convened under Clause 5.2.2:
  - 5.2.3.1 No business other than the question of the appeal shall be transacted;
  - 5.2.3.2 The Council and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - 5.2.3.3 The members present shall vote by secret ballot on the question of whether the resolution made under Clause 5.1.5, that the resolution is confirmed or revoked.
- 5.2.4 If the meeting passes a special resolution in favour of the confirmation of the resolution made under Clause 5.1.5, that resolution is confirmed.

## 6. HONORARY LIFE MEMBERSHIP

- 6.1 Honorary Life Membership may be granted by the Association to honour persons who have rendered valuable service to the Association or to ice skating.
- 6.2 Acceptance of Honorary Life Membership by a member shall be deemed acceptance of this Constitution and submission to the By-Laws of the Association.

## 7. MEETINGS

- 7.1 The Annual General Meeting of the Association shall be held no later than three months after the end of the financial year on a day to be fixed by the Council.
- 7.1.1 The business of the Annual General Meeting shall be:
- 7.1.1.1 To confirm the minutes of the preceding Annual General Meeting;
  - 7.1.1.2 To receive the report of the Association's activities for the preceding year;
  - 7.1.1.3 To receive the audited financial statement for the preceding year;
  - 7.1.1.4 To receive a report from the Association's representative or representatives on the National Association;
  - 7.1.1.5 To elect the Executive (5), members of Council (6) and the Association's Delegates (3) to represent this Association on the Council of Ice Skating Australia Inc for the ensuing year;
  - 7.1.1.6 To elect an Honorary Auditor;
  - 7.1.1.7 To appoint a Public Officer in accordance with the provisions of Section 57 of the Act.
- 7.1.2 No other business shall be transacted at an Annual General Meeting.
- 7.1.3 Notice of meeting for the Annual General Meeting shall be given at least twenty-one (21) clear days prior to the meeting by posting notice of the meeting on the Association notice boards and in the 'Canberra Times' or written notice of meeting shall be given to each Affiliated Club and to each Senior, Associate and Honorary Life member (over 18 years of age) by posting such notice to his/her last known address.
- 7.1.4 Persons wishing to attend the Annual General Meeting of the Association must be current financial members.
- 7.1.5 Senior, Associate and Honorary Life members (over 18 years of age) who were recorded on the membership list at the end of the previous financial year only shall be entitled to vote.
- 7.1.6 Subject to Clause 7.1.7, upon any question arising at an Annual General Meeting of the Association a member has one vote only.
- 7.1.7 In the case of equality of votes on a question at an Annual General Meeting, the person presiding is entitled to exercise a second or casting vote.
- 7.1.8 All members entitled to vote must do so in person. Proxy votes are not applicable. Proof of identity may be required.

- 7.2 An Extraordinary General Meeting of the Association may be convened at any time by the Council or be a request made in writing to the Honorary Secretary and signed by ten (10) current financial Senior, Associate and/or Honorary Life members (over 18 years of age):
- 7.2.1 If an Extraordinary General Meeting is not convened by the Council within four (4) weeks after the receipt of a request in writing, the meeting may be convened by the person making the request.
  - 7.2.2 Notice of an Extraordinary General Meeting shall be given in the same manner as specified for the Annual General Meeting of the Association.
  - 7.2.3 The persons entitled to attend and vote at an Extraordinary General Meeting of the Association shall be current financial Senior, Associate and/or Honorary Life members (over 18 years of age).
  - 7.2.4 Subject to Clause 7.2.5, upon any question arising at an Extraordinary General Meeting of the Association a member has one vote only.
  - 7.2.5 In the case of equality of votes on a question at an Extraordinary General Meeting, the person presiding is entitled to exercise a second or casting vote.
  - 7.2.6 A member is not entitled to vote at any Extraordinary General Meeting of the Association unless all money due and payable by the member to the Association has been paid.
  - 7.2.7 All members entitled to vote must do so in person. Proxy votes are not applicable. Proof of identity may be required.
- 7.3 The quorum for any Annual General Meeting or Extraordinary General Meeting of the Association shall be ten (10) members.
- 7.4 The President or, in his/her absence, the Vice President of the Association shall act as Chairperson of every meeting of the Association. In the absence of the President and the Vice President, the meeting shall elect a Chairperson from amongst the voting members present.

## 8. OFFICE BEARERS AND COUNCIL

- 8.1 At the Annual General Meeting of each year, there shall be elected by secret ballot from the members of the Association eligible, the Executive (5) consisting of President, Vice President, Honorary Secretary, Assistant Secretary, and Honorary Treasurer and six (6) Council members:
- 8.1.1 Election of Council to be as follows:
    - 8.1.1.1 No member of less than one (1) full years standing on Council shall be eligible to be elected as President or Honorary Secretary.



- 8.1.1.2 No member of less than one (1) full years standing of the Association shall be eligible to be elected as Vice President, Assistant Secretary or Honorary Treasurer.
- 8.1.1.3 Three (3) of the six (6) members of Council must have been members of the Association for no less than one (1) full year.
- 8.1.2 Nominations for the Executive and Council members shall be made in writing signed by the Candidate and by a nominator and a seconder, all of whom shall be current financial Senior, Associate and/or Honorary Life members (over 18 years of age) of the Association, and shall be lodged with or posted to the Honorary Secretary so as to be received at least seven (7) days before the date of the election.
- 8.1.3 The Honorary Secretary shall make available six (6) days before the meeting to any current financial member entitled to vote, the names of all persons nominated for election.
- 8.2 An Executive or Council member ceasing to be a member of the Association shall cease to hold office:
  - 8.2.1 No member of the Executive or the Council who is disqualified from exercising rights of membership under any provision of this Constitution shall take part in any proceedings of the Council.
  - 8.2.2 For the purposes of these rules, a vacancy in the Office of the Council occurs if the member:
    - 8.2.2.1 Dies;
    - 8.2.2.2 Ceases to be a member of the Association;
    - 8.2.2.3 Resigns from Office;
    - 8.2.2.4 Is removed from Office pursuant to Clause 8.3;
    - 8.2.2.5 Becomes an insolvent under administration within the meaning of the Corporation Law;
    - 8.2.2.6 Suffers from mental or physical incapacity;
    - 8.2.2.7 Is disqualified from Office under Subsection 63(1) of the Act; or
    - 8.2.2.8 Is absent without consent of the Council members from meetings of the Council according to Clause 5.1.4.
  - 8.2.3 Any vacancy on the Council, however arising, shall be filled by the Council and a person appointed to fill such vacancy shall go out of Office at the time when the person in whose place he/she appointed would have gone out of Office. Failure to elect or non acceptance of his/her Office shall be deemed to create a casual vacancy.

### 8.3 Removal of Council Members

8.3.1 The Association in General Meeting may by resolution, subject to Section 50 of the Act, remove any member of the Council from the Office or member of the Council before expiration of the members' term of Office.

## 9. PROCEEDINGS OF THE COUNCIL

9.1 The President, or in his/her absence, the Vice President, shall be Chairperson of the Council and shall be a member of all committees appointed by the Council. The Honorary Secretary and Honorary Treasurer shall *ex officio* be members of all committees appointed by the Council.

## 10. MEETINGS OF THE COUNCIL

10.1 A meeting of the Council may be convened at any time:

10.1.1 By the President;

10.1.2 By the Honorary Secretary after requisition in writing by four (4) Council members;

10.1.3 By any Council member if no meeting has been convened by the Honorary Secretary within fourteen (14) days after a requisition in writing made by four (4) Council members.

10.2 Notice of a Council Meeting shall be given to each member of the Council at least seven (7) clear days before the date of the meeting. The notice shall specify the date, the time and the place of the meeting and, so far as possible, the business to be transacted.

10.3 With the consent of all Council members present, notice of meeting not given in accordance with the preceding rule may be deemed sufficient.

10.4 All matters arising at a meeting of the Council, except matters described as Special Business, shall be decided by a majority of the votes cast on any question, each member of the Council having one (1) vote only on any matter but in the event of an equality of votes, the Chairperson of the meeting shall have a second or casting vote:

10.4.1 Special Business of the Council shall be:

10.4.1.1 Proceedings for the expulsion of any member;

10.4.1.2 Dealings with capital funds of the Association;

10.4.1.3 Proceedings with reference to amateur status or the disqualification of a member;

10.4.1.4 The making of or alteration to By-Laws of the Association;

10.4.1.5 Proceedings for the disqualification of an Affiliated Club.

- 10.4.2 A matter of Special Business arising at a meeting of the Council shall require a two-thirds majority of those present and voting, each member having one (1) vote only.
- 10.5 The quorum for a meeting of the Council shall be five (5) Council members, including the President and/or the Vice President.
- 10.6 The Council shall, as soon as practicable after the Annual General Meeting of the Association:
- 10.6.1 Fix the dates and times of the ACT Championships for the year.
- 10.6.2 Fix a program of events covering competitions and tests for the year.
- 10.6.3 Appoint such committees as required.
- 10.6.4 The Council may, from time to time during the year appoint such other committees as may be deemed necessary and fill casual vacancies or from time to time appoint and remove members of any such committees.
- 10.7 A person appointed as a member of a committee shall cease to be a member of such committee if he/she ceases to be a member of the Association but otherwise shall hold Office until resignation or until expiry of the committee's term of Office.
- 10.8 The Executive may be required to meet in an emergency but all decisions must be ratified at the next scheduled Council meeting of the Association. The quorum of an emergency Executive meeting must be all members of the Executive and any motions carried must be unanimous.

## 11. AFFILIATED CLUBS

- 11.1 Any club or association formed for the promotion of ice skating, whether as the sole object of such club or association or not, may upon the application of such club or association, be constituted an affiliated club. The Council shall consider an application under this article upon receipt for the applicant club or association of a copy of its constitution and a list of its officers.
- 11.2 Each Affiliated Club shall pay an annual subscription to be determined by the Council, which shall become due and payable on 1 January each year:
- 11.2.1 Any Affiliated Club which has not paid its subscription within one month after the commencement of the financial year of the Association shall cease to be affiliated and will be required to reapply for affiliation through the normal process.
- 11.2.2 Each Affiliated Club shall be entitled to appoint from time to time from among its own members, one (1) representative, who is a current financial member of the Association, to observe at Council meetings with no voting rights.

- 11.2.3 A member of the Executive of the Association shall be entitled to observe at all meetings of an Affiliated Club with no voting rights.
- 11.3 The Council shall have power, if it considers it desirable in the interests of the Association, to determine that an Affiliated Club shall cease to be an Affiliated Club. The Council shall not terminate the affiliation of any club until after it has given such club an opportunity to be heard by the Council. The decision of the Council on any application for affiliation or on any motion that any Affiliated Club ceases to be affiliated shall be final.

## 12. FINANCE

- 12.1 The finances of the Association shall be kept under the supervision of the Council by the Honorary Treasurer.
- 12.2 All moneys received on behalf of the Association shall be deposited into the Association's bank accounts as soon as practicable after the receipt of those moneys.
- 12.3 All payments on behalf of the Association shall be made out of the Association bank accounts by order of the Council and the Council shall arrange that such payments shall be authorised by any two of the Honorary Treasurer, the President, the Honorary Secretary or such other Council members agreed by Council as authorised to operate the Association's bank accounts. Persons authorised to operate the Association's bank accounts shall not be from the same family.
- 12.4 Where any person agreed by Council as authorised to operate the Association's bank accounts is to be reimbursed for reasonable expenses, payment must be authorised by two other authorised persons.
- 12.5 The Honorary Treasurer shall keep such banking accounts as are required and authorised by the Council.
- 12.6 The Honorary Treasurer shall keep full financial records of all moneys received and paid on behalf of the Association. The financial records of the Association shall be closed at the end of the financial year and, as soon thereafter as practicable, the Honorary Treasurer shall submit the accounts, together with all proper vouchers and documents connected therewith, to the Auditor. The Auditor shall complete the audit of the accounts of the Association before the ensuing Annual General Meeting, and the accounts shall be presented at the Annual General Meeting.
- 12.7 Sources of Funds
- 12.7.1 The funds of the Association shall be derived from grants, general fundraising, subscriptions of members, subscriptions of Affiliated Clubs, direct deposits, donations and, subject to any resolution passed by the Association in General Meeting and subject to Section 114 of the Act, such other sources as the Council determines.

12.7.2 The Association shall, as soon as practicable after receiving the money, issue an appropriate receipt.

### **13. COMPETITIONS AND CHAMPIONSHIPS**

- 13.1 For the purposes of this Constitution and all matters in which the Association is concerned, an eligible person is a person who is not ineligible under the Regulations of Ice Skating Australia Inc or the International Skating Union.
- 13.2 In any matter of the construction or application of these provisions, the Council's decision shall be final and conclusive.
- 13.3 The Council may, by permit in writing, authorise eligible persons to take part in exhibitions with or at the same time as ineligible persons.
- 13.4 A permit issued for an exhibition or a competition may be made subject to conditions and provisions which the Council may consider desirable, in accordance with the Regulations of the Ice Skating Australia Inc.

### **14. EXPENSES**

- 14.1 Payments to a member in reimbursement of expenses of travelling, accommodation and training may be authorised by the Council in accordance with the Regulations of the Ice Skating Australia Inc.
- 14.2 For the purpose of this Constitution, "Payment to a Member" includes any payment made for the benefit of a member directly or indirectly and specifically includes payments made to airline, railway, hotel, travel agent or any other for the travelling and accommodation expenses of a member.
- 14.3 Payment to a member in reimbursement shall only be made by or through this Association or the Ice Skating Australia Inc and must not be paid direct to members by a sponsor or promoter.

### **15. AGREEMENT WITH OTHER BODIES**

- 15.1 The Council shall have power on behalf of the Association to enter into agreements with Governing Bodies of other sports or with the Governing Bodies of skating in other states or territories with reference to competitions and amateur status.

### **16. ALTERATION TO THE CONSTITUTION**

- 16.1 This Constitution shall not be altered except at an Extraordinary General Meeting of the Association, being a meeting for which at least twenty-one (21) days notice of intention to propose the alteration as a Special Resolution, has been given to the members of the Association, and at which amendment(s) are passed by at least three-quarters of the members of the Association who, being entitled to vote, vote in person.

## 17. GENERAL

- 17.1 The Council shall have power to deal with any matter not provided for in this Constitution and, in so dealing, shall so far as possible apply the Regulations of the Ice Skating Australia Inc and the International Skating Union.

## 18. COMMON SEAL

- 18.1 The Common Seal of the Association shall be kept in the custody of the Public Officer.
- 18.2 The Common Seal shall not be affixed to any instrument except by the authority of the Council and the affixing of the Common Seal shall be attested by the signatures either of two (2) members of the Council or of one (1) member of the Council and of the Honorary Secretary.

## 19. CUSTODY OF BOOKS

- 19.1 Subject to the Act, the Regulations and this Constitution, the Honorary Secretary and/or the Honorary Treasurer shall keep in their control all records, and other documents relating to the Association.

## 20. INSPECTION OF BOOKS

- 20.1 Membership List (subject to Clause 4.4.6) and Audited Accounts of the Association shall be open to inspection by a current financial member of the Association at a place in the Territory, free of charge, at a mutually agreed time and place, with the exception of the period from the end of the financial year to the next Annual General Meeting.
- 20.2 The General Council Meeting Minutes of the Association shall be open to inspection by a current financial member of the Association at a place in the Territory, free of charge, at a mutually agreed time and place.

## 21. DISSOLUTION

- 21.1 The Association shall be wound up only by resolution at a General Meeting of two-thirds of the members.
- 21.2 If the Association shall be wound up, no distribution of its surplus assets shall be made to members but any surplus assets shall be transferred to some other organisation having objects similar to the objects of the Association.