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New Zealand Inline Hockey Association

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FEBRUARY 2011

www.inlinehockeynz.org.nz

New Zealand Inline Hockey Association Constitution

Revision Date: November 6, 2010

1. DEFINITIONS:

Executive means the New Zealand Inline Hockey NZIHA Executive Committee

NZIHA means the New Zealand Inline Hockey Association

Registrar means The Registrar of Incorporated Societies.

Inline may be spelt "inline", "in-line", "In-Line", "Inline"

2. NAME

- a) The name of the organisation is the New Zealand Inline Hockey Association Incorporated (NZIHA).
- b) The registered office of the NZIHA shall be determined by the Executive and advised to the Registrar.

3. OBJECTS

The objects of the NZIHA are:

- a) To be the organisation that represents inline hockey in New Zealand.
- b) To promote, develop and foster amateur inline hockey at all levels as a competitive and recreational sport locally, regionally, nationally and internationally.
- c) To promote opportunities and facilities to enable, assist and enhance the performance, participation and enjoyment of all members of the NZIHA.
- d) To provide good governance for the sport of inline hockey in New Zealand.
- e) To develop and foster effective working relationships with members, member clubs, regional councils, governing sports bodies, clubs, statutory and community organizations.
- f) To serve the common interest of clubs by providing a means of exchange of ideas that supports the enhancement, growth and sustainability of the amateur sport of inline hockey in New Zealand.
- g) To ensure the NZIHA's business is conducted with integrity, providing effective management, safety in sport and provision of quality coaching and competition.
- h) To ensure that the Association's business is not carried on for the profit or gain of any member and any profit must be used to promote the NZIHA's objects.
- i) To ensure that the Association's officers are eligible for office and not disqualified by any section of the Charities Act 2005.

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4. POWERS

The Executive has the power to:

- a) Develop and/ or amend, policies, procedures and a strategic plan for the governance, management and operation of the NZIHA in consultation with member clubs.
- b) Determine, implement and enforce disciplinary disputes and appeal procedures (including drug testing and other policies), conduct hearings and impose sanctions and penalties;
- c) May mediate and/or arbitrate as required to settle disputes between members;
- d) Determine and amend playing rules in consultation with members.
- e) Purchase, lease, hire or otherwise acquire, hold, manage, maintain, insure, sell or otherwise deal with property and other rights, privileges and licences;
- f) Determine, raise and receive money by subscriptions, donations, fees, levies, entry or usage charges, sponsorship, government funding, community funding or otherwise;
- g) Produce, develop, create, licence and otherwise exploit use and protect the intellectual property of the NZIHA;
- h) Enter into, manage and terminate contracts or other arrangements with employees, sponsors, members and other persons and organisations;
- i) Make, alter, rescind and enforce rules of competition;
- j) Organise and control national and international competitions, events and programmes;
- k) Assign functions to and/or enter into agreements with organisations such as but not limited to Skate NZ, SPARC, the New Zealand Sports Disputes Tribunal and the New Zealand Sports Drug Agency;
- l) Delegate powers of the NZIHA to any person, committees or sub-committees, provided the delegated person(s) acts in accordance with the constitution of the NZIHA;
- m) Do any other acts or things which are incidental or conducive to the attainment of the objects of the NZIHA.

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5. MEMBERSHIP

5.1 There shall be the following classes of members::

- a) **Club.** Clubs incorporated under the Incorporated Societies Act 1908 and who are training and promoting and developing inline hockey within New Zealand. Each member club shall provide the NZIHA a copy of their constitution and any subsequent amendments. Each member club shall have one vote at each general and/or special meeting.
- b) **Player.** Individuals who are registered as a Player by a Club in (a) above. Players shall only be registered in the name of one Club at any one time. They shall have no voting rights.
- c) **Team Official.** Individuals who are registered as a Team Official by Clubs in (i) above. They shall have no voting rights.
- d) **Game Official.** Individuals that are registered as Referees, Timekeepers, Scorekeepers and other officials that the NZIHA Executive decides from time to time. They shall have no voting rights.
- e) **Associate.** Individuals such as recreational, student, training and other categories of associate member that the NZIHA Executive decides from time to time. They shall have no voting rights.
- f) **Life Membership** Any person who has rendered outstanding service to Inline Hockey at National or International Level, may be elected a life member. All nominations shall in the first instance be submitted in writing to the Executive. Approval requires a vote of two thirds of a majority at a next Annual General Meeting.
A life member:
 - will not be required to pay any fees,
 - will receive free of charge all publications issued by the NZIHA,
 - will have right of free entry to all events run by the NZIHA and any of its affiliates
 - May attend all meetings and exercise all the functions of a delegate except vote
- g) Any other category or categories of membership of the NZIHA determined by the General Assembly from time to time.

5.2 Applications for all classes of membership shall be made in writing on a prescribed form to the Secretary of the NZIHA.

5.3 The NZIHA Executive may accept membership for each class of membership subject to the conditions set out in 5.1 (a to g) for that class of membership being met. The NZIHA Executive is not obliged to accept membership applications nor give any reason should an application for membership be declined.

5.4 All members are bound by these rules, the codes of conduct, policies and procedures of the NZIHA.

5.5 Cessation of membership and resignation

- a) Should a club or individual remain non-financial for more than three months they shall cease to be a member of the Association.
- b) A member wishing to resign may do so by sending their resignation in writing to the Secretary which shall take effect immediately.

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5.6 Expulsions suspension and fines

- a) A two thirds majority of members voting at a general and/or special meeting may expel a member club or any individual from the NZIHA if it is deemed they have committed actions detrimental to the NZIHA or in breach of the constitution, codes of conduct, policies and procedures of the NZIHA.
- b) Membership may be suspended and/ or a fine imposed by the NZIHA or its representatives if a member fails to comply with the constitution, codes of conduct, policies and procedures of the NZIHA or if a member acts in a manner which is considered to be harmful to the NZIHA or inconsistent with the standards of behaviour expected of a member.
- c) They shall be notified in writing.
- d) Notice of an appeal against expulsion must be filled with the Secretary within twenty eight days of the notice being sent.
- e) No resignation, expulsion or suspension shall relieve or discharge any member club or members from the payment of any subscription or other moneys due to the NZIHA as at the date of their resignation, suspension or expulsion.

5.7 Membership Fees

- a) The NZIHA Executive shall annually determine:
 - The annual subscription and any fees payable by members
 - The date for such subscription or fees
 - The manner for payment of the subscription and/or fees.
- b) The membership year shall be 1st January to 31st December. Non-financial members may exercise all functions except vote. (Note Clause 5.5 on limited period of three months a member may be non-financial)

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6 OFFICERS OF THE NZIHA

6.1 The following are the officers of the NZIHA and form the Executive Committee of the NZIHA;

- a) **A Patron** - The NZIHA may if it so decides elect a patron who need not be a registered member of NZIHA. This is a honorary position and has no voting rights.
- b) **A President** who will be elected for two years. After a period of 2 terms the President must retire from office, but may stand for re-election
- c) **A Vice President** who will be elected for a period of two years. After a period of 2 terms the Vice President must retire from office, but may stand for re-election
- d) **A Committee of four** who will be appointed to each serve for a two year term. Two will retire each year but may stand for re-election.

6.2 Casual Vacancy:

- a) Should the President by absence or any other cause be unable to carry out his duties their place will be taken by the Vice President who will exercise all the functions of that office.
- b) In the event of (a) above occurring the Executive may from among their number appoint a temporary Vice President.
- c) Casual vacancies occurring in the committee up to two in number may be filled as the executive sees fit Consideration in the first instance being given to unsuccessful candidates from the previous General Election. For any number greater than two an election will be called from the voting members.

6.3 Election of Officers

The officers of the NZIHA shall be elected at the Annual General Meeting. Nominations for officers shall be received in writing by the Secretary of the NZIHA 30 (thirty) days prior to the AGM and circulated to clubs 28 days prior to the Annual General Meeting. Where no written nominations have been received for an office, or insufficient nominations have been received to fill all of the positions available, nominations shall be taken from the floor at the AGM. The NZIHA shall endeavour to seek nominations for positions on the Executive Committee that will represent as great a cross section of New Zealand membership as possible.

6.4 Removal from Office

- a. Any member of the Executive Committee who during their term of office ceases to be a member of the NZIHA shall automatically cease to be a member of the Executive.
- b. All of the NZIHA's officers must be eligible for office and not disqualified by any section of the Charities Act 2005.
- c. Bankruptcy
 - Any member having been adjudged bankrupt may not stand for any Office or position in the NZIHA, or upon being declared bankrupt shall immediately cease to hold any office or position on a committee in the NZIHA..
 - Any positions they hold will immediately be deemed vacant. A by-election may be held to fill such a vacancy.

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- Upon discharge of bankruptcy such a member shall then be entitled to stand for any position within NZIHA.

7. ROLE OF THE EXECUTIVE COMMITTEE

- The governance and management of the NZIHA shall be vested in the Executive Committee which may exercise all the powers of the NZIHA and do all things which are not expressly required to be undertaken by the NZIHA at a General Meeting
- All its policy decisions are subject to final approval at the next General or Special Meeting.
- A quorum for Executive meetings shall be a majority of its members.
- The Executive shall make the appointment of Secretary, Treasurer, Executive Officer, Director or any salaried position.
- The Executive Committee is empowered to create Sub Committees for a specific purpose and that any subcommittee must include one member from the Executive Committee.

8. FINANCES

- Unless otherwise determined by the Executive the financial year of the NZIHA shall end on the 31st day of December each year.
- The various accounts together with the Balance Sheet shall be audited and presented to the next Annual General Meeting of members. The Executive shall appoint an auditor.
- The Executive is responsible for the receipt and banking of all monies received by the NZIHA. All funds of the NZIHA shall be paid to bank accounts in the name of the NZIHA and the bank accounts must be operated in accordance with recognised best business practices.
- Surplus funds may only be invested with recognized banking and government institutions.

Payments To Members (Pecuniary Profit)

- No member of the NZIHA or any person associated with a member shall participate in or materially influence any decision made by the NZIHA in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.
- Any such income paid shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value).
- The provisions and effect of this clause shall not be removed from this document, and shall be included and implied into any document replacing this document.

Power To Borrow Money

- The NZIHA shall have power to borrow money by way of mortgage, debenture or any legal method sanctioned by its members. It may lease or purchase any property and enter into any contracts it may deem necessary to further its objects.

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9. GENERAL MEETINGS

9.1 The NZIHA must hold an Annual General Meeting (AGM) once every year at such time, date and place as the Executive determines. This shall be held within four months of the financial year end.

- a) The Executive must give at least 40 days notice in writing to members of General Meetings. The notice shall advise the date and venue and call for nominations and remits. The notice can be given by such methods as the Executive may determine.
- b) The nominations and remits are to be received by the NZIHA 30 days prior to the meeting, to allow for distribution to the clubs 28 days prior to the meeting.
- c) Full minutes shall be kept of all General Meetings and made available once ratified by member clubs.
- d) Any irregularity, error or omission in notices, agendas and relevant papers of General Meetings or the omission to give notice within the required time frame or the omission to give notice to all members and any other error in the organisation of the meeting shall not invalidate the meeting nor prevent the meeting from considering the business of the meeting provided that:
- e) The chairperson in his or her discretion determines that it is still appropriate for the meeting to proceed despite the irregularity, error or omission; and
- f) A motion to proceed is put to the meeting and a majority of two thirds of votes cast is obtained in favour of the motion to precede.

9.2 Purpose of AGM

The AGM shall be called for the following purposes:

- a) To receive a report from the Executive
- b) To receive an audited statement of the financial position and statement of financial performance for the preceding year;
- c) To elect the Officers of the NZIHA for the coming year;
- d) To appoint an auditor on recommendation from the Executive;
- e) To decide on any motion which has been properly submitted to the Executive for consideration at the AGM.

9.2 Special General Meetings

- a) The Executive must call a Special General Meeting (**SGM**) upon a written request from:
 - The Executive itself; or
 - by not less than one half of the NZIHA class one member clubs, or by direction of the executive committee upon giving the secretary, in writing full details of the business to be considered.
- b) The written request for an SGM must state the purpose for which the SGM is requested.
- c) The SGM must only deal with the business for which the SGM is requested.
- d) The notice requirements for the SGM are the same as for General Meetings unless the Executive in its discretion determines that the nature of the SGM business is of such urgency that a shorter period of notice is to be given to members.
- e) If the special general meeting is not convened within three weeks after the

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requisition has been sent to the secretary the members making the requisition may convene the meeting themselves.

9.3 Quorum

- a) *A quorum for meetings shall be one third of its member clubs at the time the meeting was called.*
- b) *If a quorum is not obtained within half an hour of the intended commencement time of the General or Special Meeting, then the Meeting shall be adjourned to such other day, time and place as determined by the Executive and if no quorum is obtained at the stage of such further General or Special Meeting, then the members present at that further Meeting are deemed to constitute a valid quorum.*

9.4 Control of General and or Special Meetings and Voting

- a) *The President of the NZIHA shall preside at General and or Special Meetings. If the President is unavailable then the Vice President shall preside and in the absence of both of those persons, then the members present shall elect a person present to be the chairperson of the General and or Special Meeting.*
- b) *Unless otherwise required by these rules:*
 - *An Ordinary Resolution shall be sufficient to pass a resolution;*
 - *A member Club having all dues paid shall be entitled to one voting delegate at General and/or Special meetings, providing the member is not under suspension and has at least ten (10) registered members for whom the current fees have been paid.*
 - *Club delegates may represent one club only and shall be a member of the club they represent.*
 - *A delegate shall be entitled to one vote on each matter.*
 - *A majority of votes cast shall decide each matter except where otherwise specified.*
 - *No person may have more than one vote except the Chairperson who may exercise a casting vote in the event of an equal ballot*
 - *The mode of voting at meetings shall be decided in the first instance on voices, in the case of doubt, a show of hands.*
 - *A secret ballot may be called for by one tenth of members present who are entitled to vote.*
 - *There will be no voting by proxy nor postal votes at any NZIHA meeting.*
 - *Election of Officers and the Elected Executive Member at an AGM must be undertaken by secret ballot except where there are the same number of nominations as positions available.*
 - *In the event that a secret ballot is called, two scrutineers must be appointed at the General Meeting to count the votes.*

9.5 Distribution of Minutes

Minutes and/or decisions of meetings of the NZIHA Executive Committee (including appropriate attachments), from conference calls and emails among Executive members, sub-committees and Annual General meetings will be made available to all member clubs after approval and within 28 days of the meeting.

These minutes will be subject to scrutiny and must be declared confirmed and accepted by

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the NZIHA Executive before release. Matters dealt with "in committee" and/or of a personal and sensitive nature will be excluded from the minutes.

10 ALTERATION OF CONSTITUTION

- a) A motion to alter the Constitution will only be in order if it is given to the Secretary in accordance with clause 9.1 and circulated not less than 28 days prior to the meeting.
- b) A motion to alter the Constitution which has been submitted in accordance with (a) above must have the agreement of not less than two thirds of the members voting at an Annual or Special General Meeting.
- c) A motion to alter the remit which has been submitted in accordance with (a) above may be amended by a simple majority of the members voting at an Annual or Special General Meeting.
- d) Any consequential amendments to references or numbering in the Constitution required as a result of an alteration shall be deemed to have been approved.
- e) Any alteration shall take effect immediately unless the meeting specifies otherwise.

11 ANTI-DOPING POLICY

New Zealand Inline Hockey Association as the recognised governing body of inline hockey in New Zealand:

- **Condemns** the use of Prohibited Substances and Prohibited Methods in sport;
- **Seeks** to protect the health and welfare of Athletes by removing the use of potentially dangerous Prohibited Substances and Prohibited Methods from sport;
- **Seeks** to ensure that Athletes are able to compete in fair and equitable sporting events; and
- **Recognises** that Doping is fundamentally contrary to the spirit of sport.

All N.Z.I.H.A. members shall comply with any current New Zealand Legislation, Policies, & Regulations implementing the provisions of the World Anti-doping Code.

12 THE COMMON SEAL

The Common Seal shall consist of the words "New Zealand In-Line Hockey NZIHA (Inc)" in the form of a circle and the words "Common Seal" in the centre. It shall be in the custody of the secretary and affixed to such documents, as the Association shall direct in the presence of two members whose signatures will also be affixed.

13 REGISTERED OFFICE

The registered office of the NZIHA shall be situated at an office owned or leased for the purpose or residential address of the current secretary with due notice to the Registrar.

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14 WINDING UP

- a) *The NZIHA may be wound up by resolution of a Special or General Meeting requiring the NZIHA to be wound up.*
- b) *Such resolution must be confirmed by a majority vote at a further General or Special meeting held not earlier than thirty days after the date on which the first resolution was passed.*
- c) *If upon the winding up or dissolution of the organisation there remains after the satisfaction of all debts and liabilities and property whatsoever the same shall not be paid or distributed among the members of the organisation but shall be given or transferred to some other organisation or body having objects similar to the objects of the first organisation, or to some other charitable organisation or purpose, within New Zealand.*
- d) *No addition to or alteration or recession of the rules shall be approved if it affects the non-profit aims, personal benefit clause or the winding up clause.*
- e) *The provision and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.*

15 INTERPRETATION OF CONSTITUTION

The decision of the General Assembly on the construction or interpretation of any rule or any matter not contained in the Constitution shall be conclusive and binding on all members.