

CONSTITUTION

NAME

ARTICLE 1

The name of the association shall be

ICE SKATING AUSTRALIA INCORPORATED

and is hereafter called "the Association".

INTERPRETATION

ARTICLE 2

In this Constitution, and any regulations made hereunder, unless the contrary intention appears:

"Act" means Associations Incorporations Act 1991 as amended 1993 and 1994.

"Affiliated Club" means a skating club affiliated to a Member association.

"Appeal Tribunal" means a Tribunal appointed by the Association to hear an appeal.

"Association Year" means the year commencing 1st January, and ending 31st December next.

"Board" means the Board of Management comprising the President, Secretary, Treasurer and four members elected by the Council.

"Board Member" means a person elected to the Board of Management of the Association.

"Committee" means a committee appointed by the Association.

"Council" means the Council of the Association comprising the nominated representatives of Members.

"Councillor" means a person nominated to the Council by a Member.

"Financial year" means the year ending 31st December.

"General Meeting" means a meeting of the Councillors.

"ISU" means the International Skating Union.

"Member" means an organisation admitted to membership of the Association.

"National Squad" means a group of athletes identified for possible selection for national or international training and competition.

"Officer" means a person appointed by the Association.

"Operational Area" means a specific area of responsibility for conducting the business of the Association

"Operational Director" means a person responsible for a particular Operational Area.

"Policy" means a course of action or set of procedures determined for a specific purpose.

"President" means the Chair of the Board of Management of the Association.

"Public Officer" means the Public Officer of the Association.

"Secretary" means the Honorary Secretary of the Association.

"Treasurer" means the Honorary Treasurer of the Association.

"State association" means an association of a State or Territory of Australia.

OBJECTS

ARTICLE 3

The objects of the Association are:

1. the guidance, furtherance and promotion of ice skating (except speed skating and ice hockey) in all its branches;
2. to provide opportunities for ice skating to be practised in accordance with the needs of its participants, without discrimination of any kind and with a spirit of friendship and fair play;
3. to provide uniform regulations for competitions, tests, and championships and uniform standards throughout the Commonwealth of Australia;
4. to affiliate with the ISU;
5. to conduct championships of Australia in ice skating in all its branches, as described in Article 3.1.

OBLIGATION OF MEMBERS

ARTICLE 4

Members of the Association and their members, the affiliated clubs of the Members, their individual members and/or all other persons claiming standing as participants in the activities of a Member or of the Association are bound by this Constitution and the Regulations and are subject to decisions of the Council concerning all matters.

MEMBERSHIP

ARTICLE 5

Membership of the Association shall be open to an organisation for the promotion of ice skating in any State or Territory of Australia in which there is not already a Member. The members are:

A.C.T. Ice Skating Association Incorporated;
Ice Skating Queensland Inc.;
New South Wales Ice Skating Association Incorporated;
South Australian Ice Skating Association Incorporated;
Ice Skating Victoria Incorporated;
The Western Australian Ice Skating Association Incorporated; and
Figure Skating Association of Tasmania Incorporated.

1. An application for membership shall be in writing, and shall be accompanied by:
 - a) a copy of the Constitution of the applicant organisation; and
 - b) an acknowledgment in writing that if admitted to membership, the applicant organisation will adopt and adhere to this Constitution, and all regulations and decisions of the Association.
2. An application for membership shall be dealt with by the Council at the next meeting of the Association after the date of the application, and the decision communicated to the applicant within thirty days.

LIMITED MEMBERSHIP

ARTICLE 6

An applicant for membership, or a Member, may apply for Limited Membership.

1. Limited Membership shall entitle the Limited Member:
 - a) to pay only part, to be determined by the Council, of the annual subscription and;
 - b) to one representative only at meetings of the Council , but a Limited Member shall otherwise have the same rights, and be subject to the same obligations as a Member.
 - c) A Limited Member becomes a Member immediately upon payment of the balance of the annual subscription.

WITHDRAWAL OF MEMBERSHIP

ARTICLE 7

1. A Member wishing to withdraw its membership must do so by giving 45 days notice in writing, addressed to the Secretary.
2. Upon withdrawal for any reason whatsoever a Member shall not be entitled to the return of any part of the annual subscription.

PAYMENT OF SUBSCRIPTION OR MONEYS DUE

ARTICLE 8

1. A Member shall pay all subscriptions or moneys due to the Association by the first day of March in any year.
2. A Member which has not paid all subscriptions or moneys due to the Association by the due date in any year shall not be entitled to exercise any of the rights of membership until payment is made in full, whereupon all rights will be restored forthwith.

SUSPENSION OR EXPULSION OF MEMBERS

ARTICLE 9

1. Where the Council is of the view that a Member:
 - a) has persistently refused or neglected to comply with a provision of these Articles,Or
 - b) has persistently and wilfully acted in a manner prejudicial to the interests of the Association,The Council may by special resolution expel the Member from membership, or suspend the Member from such rights and privileges of membership and for such period as the Council may determine.
2. A resolution of the Council under Article 9.1 shall be of no effect unless it is confirmed by further resolution of the Council at a meeting held not earlier than 21 days and not later than 45 days after service on the Member of a notice under Article 9.3.
3. Where the Council passes a resolution under Article 9.1, the Secretary shall as soon as practicable cause a notice in writing to be served on the Member:
 - a) setting out the resolution and the grounds on which it is based;
 - b) stating that the Member may nominate a representative to address the Council at a meeting to be held not earlier than 21 nor later than 45 days after service of the notice;

- c) stating the date, time and place of that meeting; and
 - d) informing the Member that it may do either or both of the following:
 - i) appoint a representative who may attend and speak at the meeting;
 - ii) at or prior to the meeting make written submissions relating to the resolution.
4. Subject to Section 50 of the Act, at a meeting of the Council mentioned in Article 9.2 the Council shall:
- a) allow a representative of the Member, duly appointed in writing by the Member for the purpose of so doing, to make oral representations;
 - b) give due consideration to any such oral representations and to any written submissions made by the Member;
 - c) by resolution determine whether to confirm the resolution previously made under Article 9.1.
5. Where the Council confirms a resolution under Article 9.4 the Secretary shall within seven days after that confirmation notify the Member or former Member in writing of the Council's decision.

MANAGEMENT OF THE ASSOCIATION

ARTICLE 10

The affairs of the Association and its business, shall be managed by the Board within the framework of strategies and policy guidelines approved by the Council.

POWERS OF THE BOARD OF MANAGEMENT

ARTICLE 11

Between meetings of the Council, the Board shall exercise all powers necessary to achieve the objects of the Association, in accordance with the framework of strategies and policy guidelines approved by the Council.

1. The Board shall meet at regular intervals:
 - a) to consider strategic matters; and
 - b) with the Operational Directors to review and monitor operational issues
2. All actions or decisions by any meeting of the Board, or by any Board Member shall, notwithstanding that it be afterwards discovered that there was any defect in the appointment of any or all the Board Members, be as valid and effective as if all had been properly appointed.
3. The Board shall cause minutes to be made promptly of all resolutions and proceedings at meetings of the Board.
4. The Board shall have power to appoint a Councillor or member of a Member to fill any casual vacancy on the Board until the next general meeting.
5. The Board shall have power to appoint such paid employees as it deems necessary.
6. The Board shall have power to call a special general meeting of the Council as it deems necessary.

INDEMNITY OF OFFICERS

ARTICLE 12

The Association hereby declares that any person who serves either by election, appointment or at its request as an Officer, Councillor, Board Member, Operational Director or on a Committee, or like body, adviser, employee, agent or other official in any capacity shall be deemed its representative for the purposes of this Article, and shall be indemnified by or on behalf of the Association against

expenses, judgments, fines and amounts paid in settlement actually and reasonably incurred by such person who was or is a party to any pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of such services, provided such person acted in good faith and in a manner reasonably believed to be, in and not opposed to the best interests of the Association.

The indemnification provided hereunder shall continue as to a person who has ceased to serve in the capacity designated, and shall inure to the benefit of his heirs, executors and administrators.

THE COUNCIL AND COUNCILLORS

ARTICLE 13

1. Each Member may nominate three representatives to Council and each Limited Member may nominate one representative to Council, such nominations to be delivered to the Secretary in writing and signed by the respective nominees to signify consent, by the first day of March in each year and after any changes which occur during a year. Nominees shall assume their positions as Councillors upon nomination.
2. A Councillor shall cease to be a Councillor:
 - a) if that Councillor
 - i) dies
 - ii) resigns
 - iii) suffers from mental incapacity
 - iv) is disqualified from office under subsection 63 of the Act,
 - v) is elected to the Board
 - vi) fills a casual vacancy on the Board;
 - or
 - b) if the Member or Limited Member represented by the Councillor, in writing, withdraws its nomination of the Councillor, or nominates another representative in place of that Councillor; or
 - c) if the Member or Limited Member represented by the Councillor ceases to be a Member or Limited Member of the Association.

GENERAL MEETING

ARTICLE 14

The Council shall hold an Annual General Meeting and such meetings as may be required in each Association Year.

1. A general meeting of the Council shall be held at a time and place determined by the Board.
2. The business to be transacted at each general meeting shall be set out at length in the Notice of Meeting which shall be in writing and shall specify the place, date and time of the meeting. Except with the consent of three-quarters of the Councillors, no other business shall be brought forward.
3. The Notice of Meeting shall be delivered to the address for service of notices of each Councillor and of each Member at least thirty-five days prior to the meeting provided that delivery may be effected by post or by electronic transmission in which case the Notice shall be deemed to have been delivered on the fifth day after having been despatched by prepaid post, facsimile transmission or email.
4. A special general meeting shall be convened by the Board within twenty-eight days of receipt of a requisition in writing signed by at least three-quarters of the Councillors, and clearly and fully expressing the proposed business of the meeting required.

5. The President, or in the absence of the President, one of the Board Members shall be elected to take the Chair at meetings of the Council.
6. A quorum at a general meeting of Council shall be half of the number of Councillors eligible to attend, plus one.
7. A proxy who is not already a Councillor may attend a general meeting of the Council if appointed in writing:
 - a) by the relevant Member, if a Councillor is unable to attend; or
 - b) if, following the commencement of the meeting, an accredited Councillor is unable to continue to participate in the meeting, by nomination by that Member's Councillors.
8. An ordinary resolution of the Council shall be passed by a simple majority of votes cast, and any Councillor present who abstains from voting shall be deemed to have cast a vote against the motion.
9. A copy of the minutes of each general meeting of the Council shall be forwarded to each Board Member, each Councillor, and to the Secretary of each Member.

OFFICERS OF THE BOARD

ARTICLE 15

At the Annual General Meeting, the Council shall elect, from the Councillors and the members of the Members, a Board comprising a President, an Honorary Secretary, an Honorary Treasurer and four Board Members.

1. A Councillor elected to the Board ceases to be a Councillor with effect from the end of that meeting. The Member which s/he represents shall nominate another representative as a Councillor.
2. Members of the Board may be elected for a two year term. In such case all Board Members shall be elected for two years except in the initiating year when the President and two Board Members shall be elected for one year only.
3. Board Members shall attend meetings of the Council but are not voting members of it; however,
4. Board Members exercise a vote on all matters considered by the Board between meetings of the Council. The Chair shall have a casting vote as well as a deliberative vote to determine any Board issue.

SUBSCRIPTION

ARTICLE 16

The annual subscription payable by each Member to the Association shall be such amount as shall be determined by the Council at the Annual General Meeting.

SOURCE AND MANAGEMENT OF FUNDS

ARTICLE 17

1. The funds of the Association shall be derived from membership fees, donations and, subject to Section 114 of the Act, such other sources as the Council determines.
2. The Association shall establish such bank accounts as the Council determines.
3. All moneys received by the Association shall be deposited as soon as practicable and without deduction to the credit of an Association bank account.
4. The Association shall as soon as practicable after receiving any money issue an appropriate receipt.

5. All funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Council determines.
6. All payments shall be made by cheque or electronic transfer of funds for which the signatories shall be any two of the President, Secretary, Treasurer and Board Members or such other persons as may be authorised by the Council from time to time.

ACCOUNTS

ARTICLE 18

1. The Treasurer shall maintain, or cause to be maintained proper books of account, and shall prepare, or cause to be prepared, financial reports and statements of the Association at the end of each financial year for submission to the Annual Meeting.
2. The Treasurer shall prepare an annual Budget for the Association, which should include the individual budget allocation for each Operational Area.
3. The Treasurer shall prepare Financial Reports and Statements each Quarter for the Board and for each Operational Director.

AUDITOR

ARTICLE 19

There shall be an auditor of the Association who shall not be a Councillor, a Board Member or the Public Officer of the Association, and who shall be a qualified accountant appointed by the Council at the Annual General Meeting. The auditor shall audit the books of account and financial affairs of the Association, and the balance sheet setting out the assets and liabilities of the Association at the end of the financial year for submission at the Annual General Meeting, and certify the correctness thereof.

PUBLIC OFFICER

ARTICLE 20

The Council shall appoint a Public Officer who shall be resident in the Australian Capital Territory.

WINDING UP

ARTICLE 21

1. The Association shall be wound up only by resolution at a general meeting of at least three-quarters of the Councillors.
2. If the Association shall be wound up, no distribution of its surplus assets shall be made to Members or Councillors but any surplus assets shall be transferred to some other organisation having objects similar to the objects of the Association.

SAFE CUSTODY

ARTICLE 22

The Board shall provide for the safe custody of books, documents, instruments of title, securities and records of the Association.

NO DISTRIBUTION OF PROFITS TO MEMBERS

ARTICLE 23

Any profits arising from the transactions of the Association shall be applied in furtherance of the Association's objects, and shall not be distributed to Members, Board Members, Office Bearers, or Councillors, provided that nothing shall prevent:

1. the payment in good faith of interest to any Members, members of Members, office bearers or Councillors in respect of moneys advanced to the Association, or otherwise owing by the Association to that body or person; or remuneration to any officers or servants of the Association, or any other person in return for any services actually rendered to the Association;
2. the payment or repayment to any Member or Councillor of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises let to the Association.

REGULATIONS

ARTICLE 24

The Council may, by resolution of at least three-quarters of the Councillors, make, alter, amend and repeal regulations and by-laws with respect to any matter required or necessary or expedient for the carrying out of the objects of the Association.

REPEAL AND AMENDMENT

ARTICLE 25

This Constitution may be added to, repealed or amended at a general meeting, by resolution of at least three-quarters of the Councillors.

APPEALS

ARTICLE 26

1. Appeals from any decisions of the Council or the Board concerning the application of the Constitution, Regulations or Policies of the Association may be heard in the first instance by an Appeal Tribunal appointed by the Association with any subsequent appeal to be heard by the Court of Arbitration for Sport.
2. The sole grounds for any appeal are that the Constitution, Regulations or Policies of the Association were not properly followed and/or implemented.
3. Any appeal by a Member or a member of a Member must be made to the President and must accord with the following procedure:
 - a) An appeal must be submitted in writing by the appellant within forty eight hours of the announcement of the decision against which the appeal is made.
 - b) Within five working days of submitting written notice of the appeal, the appellant must submit to the President the grounds of that appeal accompanied by a non-refundable fee of \$100.00 payable to the Association.
4. The Appeal Tribunal will comprise the following persons appointed by the Council:
 - a) A barrister or solicitor who will act as Chair;
 - b) One other person with a thorough knowledge of elite Figure Skating.
 - c) One other person of experience and skills suitable to the function of the Appeal Tribunal.
5. No person is eligible to be appointed to the Appeal Tribunal or serve on the Tribunal as an alternate if he or she is a member of the Board or has responsibilities for athlete selection and

- development or if, by his or her relationship with the appellant or any member of the Council, the Board or any Association Committee or like body, he or she would be reasonably considered to be other than impartial. Should an appellant or other party to an appeal challenge the impartiality of any member of the Appeal Tribunal, the challenge will be determined by the Chair sitting alone.
6. The Chair of the Appeal Tribunal will convene a hearing as soon as possible after the submission of the grounds of appeal. One or more grounds of appeal must be established by the appellant to the reasonable satisfaction of the Tribunal with full regard to the importance and gravity of the issue.
 7. The hearing may occur in such manner as the Chair decides, including telephone or video conferencing. The Appeal Tribunal will conduct its hearings with as little formality and technicality and with as much expedition as the proper consideration of the matter permits. It is not bound by the rules of evidence but must observe the principles of natural justice and procedural fairness.
 8. Prior to the hearing, the President or, in the event of the appeal being against non-selection for International Competitions or ISU Championships, the Officer responsible, will provide the Appeal Tribunal and the appellant with a written statement as to the reasons for the decision against which the appeal is made.
 9. The parties to an appeal will not be entitled to be represented by a barrister or solicitor save with the leave of the Appeal Tribunal, which leave will only be given in exceptional circumstances and, if given, may be given unconditionally or on such conditions as the Appeal Tribunal thinks fit.
 10. If a question of law arises during the course of the hearing, the parties may seek an adjournment in order to obtain legal advice.
 11. If the Appeal Tribunal is of the view that the outcome of the appeal may affect the interests of any person in addition to the respondent, it must, so far as is practicable, require that notice be given to such other person and will permit that person to appear at the hearing of the appeal and to make submissions.
 12. The Appeal Tribunal will give its decision as soon as practicable after the hearing and will provide the President, the appellant and other parties to the appeal with a statement of the reasons for its decision.
 13. Any appeal from a decision of the Appeal Tribunal must be solely and exclusively resolved by the Court of Arbitration for Sport according to the Code of Sports-Related Arbitration. The decision of the said Court will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal other than the said Court.
 14. A Member or a member of a Member wishing to appeal to the Court of Arbitration for Sport must give written notice of that fact to the President within forty-eight hours of the announcement of the decision against which the appeal is made and must file his or her statement of appeal with the Court of Arbitration for Sport within five working days.
 15. Depending on the circumstances and/or upon application by the appellant, the Appeal Tribunal may vary the time limits referred to in 26.3 and 26.14.
 16. Appeals will only be considered when submitted by:
 - a) A Member or a member of a Member on the basis that the Constitution, Regulations or Policies of the Association were not properly followed and/or implemented.
 - b) An athlete who is a member of a Member and a member of the National Squad, on the basis of that athlete's non-selection for an International Competition or an ISU Championship due to the Association's Selection Policy being not properly followed and/or implemented.
 - c) A coach or official who is working with an athlete designated as a member of the National Squad, on the basis of non-nomination of that particular coach or official for an International Competition or an ISU Championship but only in the event that another coach or official had been selected for nomination due to the Association's Selection Policy being not properly followed and/or implemented.

COMPLAINTS

ARTICLE 27

In the event of a complaint, the complainant(s) should in the first instance endeavour to resolve the problem at the local level with the person(s) involved. Should the problem not be resolved the complainant(s) should refer the matter to the Board who shall take action in accordance with the Association's Member Protection Policy.

LIABILITY OF MEMBERS

ARTICLE 28

The liability of a Member to contribute towards payment of the debts and liabilities of the Association or the costs, charges and liabilities of its winding up is limited to the amount, if any, of any membership subscription due but unpaid by that Member.

RECORDS

ARTICLE 29

1. Subject to the Act, the Regulations and these Articles, the Secretary shall keep custody and control of all records, books, and other documents of or relating to the Association.
2. The records, books and other documents of the Association shall be open to inspection by any Councillor or by any representative of a Member duly appointed in writing by the Member to make inspection on its behalf, at any reasonable hour, at a place or places within Australia nominated by the Secretary, upon one week's written notice having been given to the Secretary.

Adopted: 1985

Amended: February, 1993

August, 1997

April, 2002

April, 2004

April 2006

April 2008