

2017

**DRAFT CONSTITUTION OF THE PONY CLUB  
ASSOCIATION OF QUEENSLAND  
INCORPORATED**



**CONSTITUTION OF THE  
PONY CLUB ASSOCIATION OF QUEENSLAND INCORPORATED  
April 2017**

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## 1 Name

The name of the incorporated association shall be The Pony Club Association of Queensland Incorporated referred to as Pony Club Queensland (hereinafter referred to as the Association).

## 2 Definitions and Interpretations

(1) In these Rules, except where a different intention appears:

**ACT** means the Associations Incorporation Act 1981 (Queensland).

**ASSOCIATION** means The Pony Club Association of Queensland Incorporated (PCAQ or PCQ).

**AFFILIATED CLUB/S** means a Pony Club, which is affiliated with the Association and has complied with the provisions contained within this Constitution.

**BOARD** means the group of individuals who are duly elected or appointed by the Members at a General Meeting in accordance with this Constitution and who have general control and management of the administration of the affairs, property and funds of the Association.

**BOARD MEMBER/S** means an Individual Member duly elected or appointed to the Board of the Association by the Members in accordance with this Constitution.

**CHAIRPERSON** means an Individual Members duly elected to the Board of the Association in accordance with this Constitution and acts as the chairperson of the Board.

**CHIEF INSTRUCTOR** means an Individual Member who is elected or appointed to the Board of the Association in accordance with this Constitution and who is the chairperson of the State Coaching Panel.

**COACH** means any Individual Member over 17 years of age who has been accredited as a Coach and renews such accreditation in accordance with the requirements set down from time to time by the Association.

**FEES** mean the annual affiliation fees as fixed from time to time in accordance with this constitution.

**GENERAL MEETING** means an Annual General Meeting or a Special General Meeting.

**INDIVIDUAL MEMBER/S** means an individual member of a Pony Club who is a financial member of an affiliated Club and upon admission whose name is recorded in the Register.

**MEMBER/S** means either a Pony Club or Zone that is affiliated with the Association and has voting rights and privileges in accordance with this Constitution.

**MEMBER OF THE ASSOCIATION** means a duly nominated representative of a Pony Club who is a financial member of an Affiliated Club and upon admission whose name is recorded in the Register.

**REGISTER** means the Register of Individual Members, Affiliated Clubs, Zone and Life Members of the Association.

**REGULATIONS** means the Association Incorporation Regulations 1999 (Queensland).

**SECRETARY** means an Individual duly elected or appointed to the Board of the Association in accordance with this Constitution.

**SURPLUS ASSETS** means, in relation to the incorporated association, the assets after payment of the debts and liabilities remaining on a winding-up of the incorporated association and the costs, charges and expenses of the winding-up.

**TREASURER** means an Individual Member duly elected to the Board of the Association in accordance with this Constitution.

**ZONE** is defined as an entity with objectives similar to that of the Association and is an area of land within Queensland geographically delineated by the Board containing at least two Affiliated Clubs and run by a Zone Committee.

**ZONE COMMITTEE** means the Management Committee of the Zone.

**ZONE DELEGATE** means the Individual Member appointed from time to time to act for and on behalf of a Zone and to represent the Zone at General Meetings.

(2) In these rules:

**Act** means the *Associations Incorporation Act 1981*.

**Present:**

(a) at a Board meeting, see rule 23(6); or

(b) at a General Meeting, see rule 38(2).

(3) A word or expression that is not defined in these rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

### 3 Objects

The objects of the Association shall be:

- (1) To encourage young people to ride and to learn to enjoy all kinds of sport connected with horses and riding;
- (2) To provide instruction in riding and horsemanship and to instill in members the proper love and care of their animals;
- (3) To promote the highest ideals of horsemanship, citizenship, sportsmanship and loyalty thereby cultivation strength of character and self-discipline;
- (4) To conduct, encourage, promote, advance, establish and manage the structure of all levels of Pony Club and the activities of Pony Club in Queensland interdependently with Members and others;
- (5) To adopt, formulate, issue, interpret and amend Policies, rules and regulations for the control and conduct of Pony Club activities in Queensland;
- (6) To encourage the provision and development of appropriate facilities for participation in Pony Club activities;
- (7) To maintain and enhance standards, quality and reputation of Pony Club for the collective and mutual benefit and interests of members of the Association;
- (8) To promote Pony Club activities of the Association for commercial, government and public recognition and benefits;
- (9) To be the only body entitled to prepare and enter Queensland teams in National/inter-State Pony Club competitions;
- (10) To promote, control, manage and conduct Association events, competitions and championships;
- (11) To have regard to the public interest in its operations; and

(12) To do all such other lawful things as are incidental or conducive to the attainment of the foregoing Objects or any of them.

## 4 Powers

The Association shall be recognised as the controlling body for Pony Club in Queensland and the powers of the Association shall be:

- (1) To take over the funds and other assets and the liabilities of the present Association, known as the Pony Club Association of Queensland Inc;
- (2) To subscribe to, amalgamate with, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of Rule 51;
- (3) In furtherance of the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid for the members of the Association or persons frequenting the Association's premises;
- (4) To purchase, take on, lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property which may be requisite for the purpose of or capable of being conveniently used in connection with any of the objects of the Association. Provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as allowed by law having regard to such trusts;
- (5) To enter into any arrangement with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association, to obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain, and to carry out, exercise and comply with any such arrangement;
- (6) To appoint, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purpose of the Association;
- (7) To appoint, discipline, suspend or terminate Affiliated Clubs in accordance with the provisions contained herein;
- (8) To appoint, discipline, suspend or terminate Individual Members in accordance with the provisions contained herein;
- (9) To remunerate any persons or body corporate for services rendered, or to be rendered and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated Association, or in or about the incorporated Association or promotion of the incorporated Association or in the furtherance of its objects;
- (10) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interest and to contribute to, subsidize or otherwise assist and take part in the construction, improvements, maintenance, development, working, management, carrying out, alteration or control thereof;

- (11) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit;
- (12) To take, or otherwise acquire and hold shares, debentures or other securities of any company or body corporate;
- (13) In furtherance of the objects of the Association to lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate;
- (14) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures of debenture stock perpetual or otherwise, or by mortgage charge, lien or other security upon the whole or any part of the incorporated Association's property or assets present or future and to purchase, redeem or pay off such securities;
- (15) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (16) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (17) To take or hold mortgages, liens or charges, to secure payment of the purchase price or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association or any money due to the Association from purchasers and others;
- (18) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association, but subject always to the proviso in rule 4(4);
- (19) To take such steps by persons or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise;
- (20) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects;
- (21) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised to amalgamate;
- (22) To make donations to patriotic, charitable or community purposes;
- (23) To transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged; and
- (24) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

## **5 Classes of members**

The Association shall be limited to amateur Pony Clubs in Queensland, which shall subscribe to the objects of the Association and its By-laws and rules, which may be from time to time be

added to or altered by the Board.

The membership categories of the association shall consist of:

- (1) *Affiliated Club* – is an incorporated Pony Club affiliated with the Association after a copy of its Constitution has been accepted, and the said Club is granted affiliation by the Association. They may select representative teams and individuals to participate in Association competitions/events. They must register all Individual Members, provide financial reports to the Association and pay the membership fees prescribed by the Association from time to time.

Subject to this constitution, an Affiliated Club shall receive official notice to attend General Meetings of the Association. They shall be represented by their club delegate who shall have the right to be present, debate and vote at General Meetings for and on behalf of the Club. The number of Affiliated Clubs is unlimited.

- (2) *Zone* – is an entity with objectives similar to that of the Association and is an area of land within Queensland geographically delineated by the Board from time to time and containing at least two Affiliated Clubs and run by a Zone Committee. There shall be five or more Zones and each Zone shall elect one Zone Delegate to attend General Meetings of the Association.

Subject to this constitution, a Zone shall receive official notice to attend General Meetings of the Association. They shall be represented by their Zone delegate who have the right to be present, debate and vote at General Meetings for and on behalf of the Zone. The number of Zones may be limited. Zones agree to abide by the Constitution, By-laws, policies and rules of the Association and pay the membership fees as prescribed by the Association from time to time

- (3) *Individual Members* – are individual financial members of a Pony Club which is affiliated with the Association and upon admission whose name is recorded in the Association's Register. Individual Members agree to abide by the Constitution, By-laws, policies and rules of the Association and pay the membership fees as prescribed by the Association from time to time.

Individual Members may be classed as Riding Members or Social Members. Subject to this Constitution, Individual Members shall not receive official notice to attend General Meetings of the Association, they can be present, and they cannot debate or vote at General Meetings. Only those Individual Members over the age of 18 years shall be eligible to hold office. The number of Individual Members is unlimited.

- (4) *Life Members* – are individuals who have been officially awarded Life Membership by the Association in accordance with its relevant By-laws, policies and/or criteria for awards. The conditions, obligations and privileges of Life Membership are prescribed in the By-laws and/or policies for the Association.

Subject to this Constitution, a Life Member shall receive official notice to attend General Meetings of the Association and they can be present and debate at General Meetings. They cannot vote at General Meetings. The number of Life Members may be limited.

- (5) Such other class of Member as may be created by the Board from time to time. Any new class of Member created by the Board under rule 5(5) may not be granted voting rights.

## **6 Automatic membership**

An Individual Member, Affiliated Club, Zone and Life Member who, on the day the Association is incorporated, was a member of the unincorporated Association and who, on or before a day fixed by the Board, agrees in writing to become a member of the incorporated Association, must



be admitted by the Board:

- (1) to the equivalent class of membership of the Association as the member held in the unincorporated Association; or
- (2) if there is no equivalent class of membership; in accordance with rule 5(5).

## **7 New membership of an Affiliated Club**

- (1) An application for membership to the Association may be submitted by any group of persons or corporation (the applicant) wishing to create an Affiliated Club.
- (2) An application for membership must be:
  - (a) in writing;
  - (b) signed by the group of persons or corporation;
  - (c) include a copy of the applicant's constitution; and
  - (d) in the form decided by the Board.
- (3) The application for membership of the Association will be reviewed by the Board or a representative of the Board. The Board or a representative of the Board may make enquiries to determine the appropriateness of the application.
- (4) The Board must consider an application for membership as an Affiliated Club at the next meeting held after it receives:
  - (a) the application for membership; and
  - (b) the appropriate fee for the application.
- (5) The Board must ensure that, as soon as possible after the applicant applies to become an Affiliated Club, and before the Board considers the application, the applicant is advised:
  - (a) whether or not the Association has public liability insurance; and
  - (b) if the Association has public liability insurance and the amount of the insurance.
- (6) The Board must decide at the meeting whether to accept or reject the application.
- (7) The Secretary must, as soon as practicable after the Board decides to accept or reject an application, give the applicant a written notice of the decision.
- (8) Should the application for membership to the Association be successful the applicant shall become an Affiliated Club and shall be allocated to a Zone.
- (9) If the application for membership to the Association is approved the Affiliated Club will be subject to a six (6) month probationary period commencing on the date the application is approved.
- (10) During the probationary period the Affiliated Club and its Individual Member will be entitled to:
  - (a) vote at Zone meetings;
  - (b) appoint a representative to attend Zone meetings;
  - (c) hold club events;
  - (d) participate in Zone activities;
  - (e) participate in Affiliated Club promotions;

- (f) use instructional methods as provided for in the Association rule books and handbooks;  
and
  - (g) any other rights or entitlement as determined by the Board;
- (11) During the probationary period the Affiliated Club and its individual members are subject to the By-laws, Policies, Regulations and these rules adopted by the Association.

## **8 Membership fees for an Affiliated Club, Individual Members and Zones**

- (1) The Board must determine from time to time:
  - (a) the amount (if any) payable by an applicant for membership;
  - (b) the amount of the annual subscription fee payable by each Affiliated Club, or any category of Individual Member or Zone;
  - (c) any other amount to be paid by each Affiliated Club, or any category of Individual Member or Zone, whether of a recurrent or any other nature; and
  - (d) the payment method and the due date for payment.
- (2) Each Affiliated Club, Individual Member or Zone must pay to the Association the amounts determined under this rule 8 in accordance with rule 8(1)(d).
- (3) The right of an Affiliated Club, Individual Member or Zone to attend and vote at a General Meeting is suspended while the payment of any subscription or other amount determined under rule 8 is in arrears.
- (4) The Board may defer the obligations of an Affiliated Club, Individual Member or Zone to pay a subscription or other amount, or reduce (including to zero) the subscription or other amount payable, if the Board are satisfied that:
  - (a) there are reasonable grounds for doing so;
  - (b) the Association will not be materially disadvantaged as a result; and
  - (c) the Affiliated Club, Individual Member or Zone agrees to pay the deferred or (if greater than zero) the reduced subscription or other amount within a time fixed by the Board.
- (5) If the Board defers or reduces a subscription or other amount payable by an Affiliated Club, Individual Member or Zone under rule 8(4), that Affiliated Club and Zone will retain their rights to attend and vote at a General Meeting, unless otherwise specified by the Board.
- (6) A member of the incorporated Association who, before becoming a member, has paid the members annual subscription for membership of the unincorporated Association on or before a day fixed by the Board, is not liable to pay a further amount of annual subscription for the period before the day fixed by the Board as the day on which the next annual subscription is payable.

## **9 Discipline, Suspension and Termination of an Affiliated Club**

- (1) An Affiliated Club may resign from the Association by giving a written notice of resignation to the Secretary.
- (2) The resignation takes effect at:
  - (a) the time the notice is received by the Secretary; or

- (b) if a later time is stated in the notice, the later time.
- (3) The Board may terminate or suspend an Affiliated Club membership if the member:
  - (a) does not comply with any of the provisions of these rules;
  - (b) has membership fees in arrears for at least 2 months; or
  - (c) conducts themselves in a way considered to be injurious or prejudicial to the character or interests of the Association.
- (4) Before the Board terminates or suspends an Affiliated Club membership, the Board must give the Affiliated Club a full and fair opportunity to show why the membership should not be terminated.
- (5) If, after considering all representations made by the Affiliated Club, the Board decides to terminate or suspend the membership, the Secretary must give the Affiliated Club a written notice of the decision.
- (6) The Board may fine an Affiliated Club, subject to the provisions in the Act and the Regulations.

## **10 Appeal against rejection or termination or suspension of membership of an Affiliated Club**

- (1) An Affiliated Club whose application for membership has been rejected, or whose membership has been terminated or suspended, may give the Secretary written notice of the Affiliated Club's intention to appeal against the decision.
- (2) A notice of intention to appeal must be given to the Secretary within 1 month after the Affiliated Club receives written notice of the decision.
- (3) If the Secretary receives a notice of intention to appeal, the Secretary must, within 1 month after receiving the notice, call a General Meeting to decide the appeal.

## **11 General Meeting to decide appeal of an Affiliated Club**

- (1) The General Meeting to decide an appeal must be held within 3 months after the Secretary receives the notice of intention to appeal.
- (2) At the meeting, the Affiliated Club must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- (3) Also, the Board and the members of the Board who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.
- (4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.
- (5) If an Affiliated Club whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the Affiliated Club appeals but the appeal is unsuccessful, the Secretary must, as soon as practicable, refund the membership fee paid by the Affiliated Club.

## **12 Discipline, Suspension and Termination of an Individual Member**

- (1) The Board may direct or instruct an Affiliated Club to suspend, terminate or take action

against one of its Individual Members or adult supporters if the member;

- (a) Is convicted of an indictable offence;
  - (b) does not comply with any of the provisions of these rules;
  - (c) has membership fees in arrears for at least 2 months; or
  - (d) conducts themselves in a way considered to be injurious or prejudicial to the character or interests of the Association.
- (2) If the Board is of the opinion that the Individual Member has failed to comply with these Rules and/or is guilty of conduct that is prejudicial to the interests and objects of the Association. a Board Meeting must be held to discuss and vote on a resolution.
- (3) As soon as practicably possible the Association must serve the Individual Member with a notice prior to the meeting setting out;
- (a) The resolution and the ground for the resolution;
  - (b) The date, time and place of the meeting; and
  - (c) The Individual Member's rights to either have a representative attend the meeting or submit a written response seeking revocation the resolution.
- (4) At the meeting the Board shall;
- (a) Give the Individual Member the opportunity to be heard;
  - (b) Read and give due consideration to any written response submitted by the Individual Member; and
  - (c) By vote determine whether to confirm or revoke the resolution.
- (5) If an Individual Member wishes to appeal a decision made at a meeting, an Individual Member may within one (1) calendar month from the date of the meeting, lodge a notice of appeal with the Association.
- (6) Where the Association receives a notice of appeal, the Association must hold an Appeals Meeting within 45 days to discuss the notice of appeal.
- (7) The Individual Member must be advised by written notice prior to Appeals Meeting the date, time and place of the Appeals Meeting to discuss the notice of appeal.
- (8) The Appeals Committee will consist of the members of the Board and three (3) representatives from the Zone Advisory Panel.
- (9) At the Appeals Meeting:
- (a) No other business other than the notice of appeal may be discussed;
  - (b) The Appeals Committee may present at the Appeals Meeting the details on the grounds for the resolution;
  - (c) The Individual Member shall be given the opportunity to be heard; and
  - (d) The Appeals Committee shall vote by secret ballot to either confirm or revoke the resolution.
  - (e) A quorum shall consist of more than 50% of the members elected to the Board as at the close of the last General Meeting of the members and at least two (2) of the three (3) representatives from the Zone Advisory Panel.

- (f) If 66% of the members of the Appeals Committee vote in favour of the resolution, the resolution will be confirmed.
- (g) If less than 66% of the members of the Appeals Committee vote in favour to confirm the resolution, the resolution will be revoked.

### **13 Register of members**

- (1) The Board must ensure that a register of the Affiliated Clubs, Zones, Individual Members and Life Members of the Association is kept.
- (2) The Register must include the following particulars for each member (Affiliated Club, Individual Member, Zone and Life Member):
  - (a) the full name and category of the member;
  - (b) the postal or residential address of the member;
  - (c) the date of admission as a member;
  - (d) the date of death or time of resignation of the member;
  - (e) details about the termination, suspension or reinstatement of membership; and
  - (f) any other particulars the Board or the members at a General Meeting decide.
- (3) The Register must be open for inspection by the secretary of an Affiliated Club or Zone of the Association at all reasonable times.
- (4) A member must contact the Secretary to arrange an inspection of the Register.
- (5) However, the Board may, on the application of the secretary of an Affiliated Club or Zone of the Association, withhold information about the member (other than the members full name) from the register available for inspection if the Board has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

### **14 Prohibition on use of information on register of members**

- (1) A the secretary of an Affiliated Club or Zone must not:
  - (a) use information obtained from the register of members of the Association to contact, or send material to, another Individual Member, Affiliated Club, Life Member and/or Zone for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another Individual Member, Affiliated Club, Life Member and/or Zone for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Rule 14(1) does not apply if the use or disclosure of the information is approved by the Association.

### **15 Appointment or election of the Secretary**

- (1) The Secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is:
  - (a) a member of the Association elected by the Association as Secretary; or

- (b) any of the following persons appointed by the Board as Secretary—
  - (i) a member of the Associations Board;
  - (ii) another member of the Association;
  - (iii) another person.
- (2) If the Association has not elected an interim officer as Secretary for the Association before its incorporation, the members of the Board must ensure a Secretary is appointed or elected for the Association within 1 month after incorporation.
- (3) If a vacancy happens in the office of Secretary, the members of the Board must ensure a Secretary is appointed or elected for the Association within 1 month after the vacancy happens.
- (4) If the Board appoints a person mentioned in rule 15(1)(b)(ii) as Secretary, other than to fill a casual vacancy on the Board, the person does not become a member of the Board.
- (5) However, if the Board appoints a person mentioned in rule 15(1)(b)(ii) as secretary to fill a casual vacancy on the Board, the person becomes a member of the Board.
- (6) If the Board appoints a person mentioned in rule 15(1)(b)(iii) as secretary, the person does not become a member of the Board.
- (7) In this rule —a casual vacancy, on a Board, means a vacancy that happens when an elected member of the Board resigns, dies or otherwise stops holding office.

## **16 Removal of Secretary**

- (1) The Board of the Association may at any time remove a person appointed by the Board as the Secretary.
- (2) If the Board removes a Secretary who is a person mentioned in rule 15(1)(b)(i), the person remains a member of the Board.
- (3) If the Board removes a secretary who is a person mentioned in rule 15(1)(b)(ii) and who has been appointed to a casual vacancy on the Board under rule 15(5), the person remains a member of the Board.

## **17 Functions of Secretary**

The Secretary's functions include, but are not limited to:

- (1) calling meetings of the Association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the Chairperson of the Association;
- (2) keeping minutes of each meeting;
- (3) keeping copies of all correspondence and other documents relating to the Association; and
- (4) maintaining the register of members of the Association.

## **18 Membership of Board**

- (1) The Board of the Association shall consist of a Chairperson, five (5) Board Members, a Secretary, a Treasurer, and a Chief Instructor as elected at a General Meeting.
- (2) At the first Annual General Meeting (AGM) of the Association once this Constitution is

adopted, the Chairperson, Secretary, Chief Instructor and two (2) Board Members shall be elected for a term of two (2) years and the Treasurer and three (3) other Board Members shall be elected for a term of one (1) year.

- (3) Thereafter, all Board Members shall serve for a term of two (2) years.
- (4) Should this constitution be implemented before the first Annual General Meeting (AGM) of this constitution being adopted, then the transitional Board until the first AGM will consist of the nine Executive Committee Members elected at the last AGM under the existing PCAQ constitution. These positions include President, Four (4) Vice Presidents (each a member of a different Zone), Secretary, Treasurer, Public Relations Officer and Chairperson of the State Coaching Panel (Chief Instructor).
- (5) In each even year, five members of the Board (the Chairperson, Secretary, Chief Instructor and two (2) Board Members) shall be elected and in each odd numbered year four (4) members of the Board (the Treasurer and three (3) Board Members) shall be elected.
- (6) Board Members may re-nominate at the end of their term and shall not serve more than 4 consecutive terms on the Board.
- (7) Once a Board Member has served the maximum number of terms (4) they must stand down from the Board for at least 12 months before they can re-nominate.
- (8) Should any adjustment to the term of the Board Members elected under these rules be necessary to ensure rotational terms remain in accordance with these rules, this shall be determined by the Board.
- (9) A member of the Board, other than a Secretary appointed by the Board under rule 15(1)(b)(iii), must be a member of the Association.
- (10) An Individual Member may be appointed to a casual vacancy on the Board under rule 21.

## 19 Electing the Board

- (1) A member of the Board, other than the Chief Instructor, may only be elected as follows:
  - (a) an Affiliated Club may nominate an Individual Member (the *candidate*) to serve as a member of the Board;
  - (b) the nomination must be:
    - (i) in writing on the prescribed form and satisfy any criteria and/or qualifications as determined from time to time by the Board;
    - (ii) signed by the candidate and the President and Secretary of the Affiliated Club who nominated him or her; and
    - (iii) given to the Secretary at least 42 days before the Annual General Meeting at which the election is to be held;
- (2) A person may be a candidate only if the person:
  - (a) is an adult; and
  - (b) is not ineligible to be elected as a member under section 61A of the Act.
- (3) The election will be conducted via a ballot sent to Affiliated Clubs and Zones at least 30 days prior to the Annual General Meeting. The ballot must contain the names of the candidates for each vacant position on the Board in alphabetical order. Each Affiliated Club and Zone may vote for one candidate for each vacant position on the Board.

- (4) The Board will determine the manner in which a ballot under rule 19(3) will be conducted.
- (5) If no nominations are received for a position on the Board before the close of nominations under rule 19(1)(b)(iii), then nominations from the floor are permitted. Each Affiliated Pony Club and Zone of the Association present and eligible to vote at the Annual General Meeting may vote for one candidate for each vacant position on the Board. If required by the Board, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (6) The Board must ensure that, before a candidate is elected as a member of the Board, the candidate is advised:
  - (a) whether or not the Association has public liability insurance; and
  - (b) if the Association has public liability insurance; the amount of the insurance.
- (7) The Chief Instructor will be selected by the State Coaching Panel at a panel meeting prior to the Annual General Meeting of the Association. The appointment of the Chief Instructor will be ratified at the Annual General Meeting. Rules 19(1), 19(3), 19(4) and 19(5) do not apply to the election of the Chief Instructor.

## **20 Resignation, removal or vacation of office of a Board member**

- (1) A member of the Board may resign from the Board by giving written notice of resignation to the Secretary.
- (2) The resignation takes effect at—
  - (a) the time the notice is received by the Secretary; or
  - (b) if a later time is stated in the notice, the later time.
- (3) A Board Member may be removed from office at a General Meeting of the Association if a majority of Affiliated Clubs present and eligible to vote at the meeting vote in favour of removing the Board Member.
- (4) Before a vote of Affiliated Clubs is taken about removing the Board Member from office, the Board Member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A Board Member has no right of appeal against the removal from office under this rule.
- (6) A Board Member immediately vacates the office of Board Member in the circumstances mentioned in section 64(2) of the Act.

## **21 Vacancies on the Board**

- (1) If a casual vacancy happens on the Board, the continuing members of the Board may appoint another Individual Member to fill the vacancy until the next Annual General Meeting.
- (2) The continuing members of the Board may act despite a casual vacancy on the Board.
- (3) However, if the number of Board members is less than the number fixed under rule 24(1) as a quorum of the Board, the continuing members may act only to:
  - (a) increase the number of Board Members to the number required for a quorum; or
  - (b) call a General Meeting of the Association.



## 22 Functions of the Board

- (1) Subject to these rules or a resolution of the voting members of the Association carried at a General Meeting, the Board has the general control and management of the administration of the affairs, property and funds of the Association.
- (2) The Board has authority to interpret the meaning of these rules and any matter relating to the Association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

*Note:* The Act prevails if the Associations rules are inconsistent with the Act, see section 1B of the Act.

- (3) The Board has the authority to make determinations to permit or revoke decisions made by a Zone, Affiliated Club, Subcommittee or Panel.
- (4) The Board may exercise the powers of the Association:
  - (a) to develop, as a minimum, a three (3) year strategic plan;
  - (b) to oversee the development of regional planning;
  - (c) to oversee programming and development in accordance with government regulations;
  - (d) to review the structure and function of the Zones in consultation with the Zone and Affiliated Club concerned;
  - (e) to borrow, raise or secure the payment of amounts in a way the members of the Association decide;
  - (f) to secure the amounts mentioned in paragraph (e) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the Associations property, both present and future;
  - (g) to purchase, redeem or pay off any securities issued;
  - (h) to borrow amounts from members and pay interest on the amounts borrowed;
  - (i) to mortgage or charge the whole or part of its property;
  - (j) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Association;
  - (k) to provide and pay off any securities issued;
  - (l) to invest in accordance with this constitution; and
  - (m) to do all that is necessary to achieve the objects of the Association within the powers contained herein.
- (5) For rule 22, the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by:
  - (a) the financial institution for the Association; or
  - (b) if there is more than 1 financial institution for the Association; the financial institution nominated by the Board.

## 23 Meetings of the Board

- (1) Subject to this rule, the Board may meet and conduct its proceedings as it considers appropriate.

- (2) The Board must meet at least once every two (2) months to exercise its functions.
- (3) The Board must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the Board.
- (5) The Board may hold meetings, or permit a Board Member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A Board Member who participates in the meeting as mentioned in rule 23(5) is taken to be present at the meeting.
- (7) A question arising at a Board meeting is to be decided by a majority vote of Board Members present at the meeting and, if the votes are equal, the question is decided in the negative.
- (8) A member of the Board must not vote on a question about a contract or proposed contract with the Association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- (9) The Chairperson is to preside as chairperson at a Board meeting.
- (10) If there is no Chairperson or if the Chairperson is not present within 10 minutes after the time fixed for a Board meeting, the members may choose one (1) of the members of the Board to preside as chairperson at the meeting.

## **24 Quorum for, and adjournment of, a Board meeting**

- (1) At a Board meeting, more than 50% of the members elected to the Board as at the close of the last General Meeting of the members form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for a Board meeting called on the request of members of the Board, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a Board meeting called other than on the request of the members of the Board:
  - (a) the meeting is to be adjourned for at least 1 day; and
  - (b) the members of the Board who are present are to decide the day, time and place of the adjourned meeting.
- (4) If, at an adjourned meeting mentioned in rule 24(3)(3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

## **25 Special meeting of the Board**

- (1) If the Secretary receives a written request signed by at least 33% of the members of the Board, the Secretary must call a special meeting of the Board by giving each Board Member notice of the meeting within 14 days after the Secretary receives the request.
- (2) If the Secretary is unable or unwilling to call the special meeting, the Chairperson must call the meeting.
- (3) A request for a special meeting must state:
  - (a) why the special meeting is called; and
  - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state:

- (a) the day, time and place of the meeting; and
  - (b) the business to be conducted at the meeting.
- (5) A special meeting of the Board must be held within 14 days after notice of the meeting is given to the members of the Board.

## **26 Minutes of Board meetings**

- (1) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Board meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes, the minutes of each Board meeting must be signed by the chairperson of the meeting, or the chairperson of the next Board meeting, verifying their accuracy.

## **27 Appointment of Sub-committees and Panels**

- (1) The Board may appoint subcommittees and panels consisting of Individual Members of the Association considered appropriate by the Board to help with the conduct of the Associations operations.
- (2) The Board must establish the following sub-committees and panels:
  - (a) Dressage and Combined Training Subcommittee consisting of nine (9) expert members;
  - (b) Showjumping, Jumping Equitation and Horse Trials Subcommittee consisting of nine (9) expert members;
  - (c) Sporting, Gymkhana, Mounted Games and Camp Draft Subcommittee consisting of nine (9) expert members;
  - (d) Tetrathlon Subcommittee consisting of nine (9) expert members;
  - (e) Zone Advisory Panel consisting of one (1) representative from each Zone;
  - (f) Appointment Advisory Panel consisting of two (2) Board Members, two (2) State Coaching Panel members and three (3) Subcommittee members (1 from each subcommittee); and
  - (g) State Coaching Panel.
- (3) The Board may establish additional sub-committees.
- (4) The purpose of the Subcommittees is to provide the Board with expert knowledge and recommendations in relation to their area of expertise (as required).
- (5) The purpose of the Panel in rule 27(2)(e) is to consult with the Board and Subcommittees and provide feedback from the Affiliated Clubs and Individual Members within their Zone (as required). The Panel in rule 27(2)(e) will select three (3) representatives from the panel to form part of the Appeals Committee in rule 12(8) for a period of one (1) year.
- (6) The purpose of the Panel in rule 27(2)(f) is to develop selection criteria for members of the Board, Subcommittees and Panel and provide the Board with advice (as required). The members of the Panel in rule 27(2)(f) will be appointed by the members of the Board, Subcommittees and Panel they are representing.
- (7) The purpose of the State Coaching Panel in rule 27(2)(g) is to organise, arrange and control all matters relating to Coaching of behalf on the Board.
- (8) In each even year, five (5) members of the Subcommittees and Panels in rule 27(2)(a)-(d)

shall be elected and in each odd numbered year four (4) members of the Subcommittees and Panel shall be elected.

## **28 Meetings of the Subcommittees and Panels**

- (1) A member of the subcommittee and panel who is not a member of the Board is not entitled to vote at a Board meeting.
- (2) A subcommittee and panel may elect a chairperson of its meetings.
- (3) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their members to be chairperson of the meeting.
- (4) A subcommittee must meet at least twice each calendar year to exercise its functions.
- (5) The subcommittee and panel must decide how a meeting is to be called.
- (6) Notice of a meeting is to be given in the way decided by the subcommittee or panel.
- (7) The subcommittee or panel may hold meetings, or permit a member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (8) A member who participates in the meeting as mentioned in rule 28(7) is taken to be present at the meeting.
- (9) A question arising at a meeting is to be decided by a majority vote of member present at the meeting and, if the votes are equal, the question is decided in the negative.
- (10) A member of the subcommittee and panel must not vote on a question about a contract or proposed contract with the Association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.

## **29 Acts not affected by defects or disqualifications**

- (1) An act performed by the Board, a subcommittee or a person acting as a member of the Board is taken to have been validly performed.
- (2) Rule 29(1) applies even if the act was performed when:
  - (a) there was a defect in the appointment of a member of the Board, subcommittee or person acting as a member of the Board; or
  - (b) a Board member, subcommittee member or person acting as a member of the Board was disqualified from being a member.

## **30 Resolutions of the Board without meeting**

- (1) The Board may pass resolutions without meeting. A resolution that complies with this rule is as valid and effectual as if it had been passed at a Board Meeting that was properly called and held.
- (2) A proposed resolution without meeting must be sent by the Secretary to all members of the Board using one of the following communication methods:
  - (a) post,
  - (b) electronic mail (excluding SMS or social media post), or

- (c) any other communication method that the board deems appropriate.
- (3) Each member of the Board must respond to the Secretary with their vote, which must be in favour or against the resolution.
- (4) The proposed resolution may only pass if a majority of the members of the Board as at the close of the last General Meeting of the members vote in favour.
- (5) If a proposed resolution is not passed within seven (7) days, then the resolution will lapse.
- (6) All resolutions without a meeting must be recorded in the minutes of the next Board Meeting.

### **31 First Annual General Meeting**

The first Annual General Meeting must be held within 6 months after the end date of the Association's first reportable financial year.

### **32 Subsequent Annual General Meetings**

Each subsequent Annual General Meeting must be held:

- (1) at least once each year; and
- (2) within 6 months after the end date of the Association's reportable financial year.

### **33 Business to be conducted at Annual General Meeting of level 1 incorporated associations and particular level 2 and 3 incorporated associations**

- (1) This rule applies only if the association is:
  - (a) a level 1 incorporated association;
  - (b) a level 2 incorporated association to which section 59 of the Act applies; or
  - (c) a level 3 incorporated association to which section 59 of the Act applies.
- (2) The following business must be conducted at each Annual General Meeting of the association:
  - (a) receiving the association's financial statement, and audit report, for the last reportable financial year;
  - (b) presenting the financial statement and audit report to the meeting for adoption;
  - (c) electing members of the Board;
  - (d) for a level 1 incorporated association; appointing an auditor or an accountant for the present financial year;
  - (e) for a level 2 incorporated association, or a level 3 incorporated association, to which section 59 of the Act applies; appointing an auditor, an accountant or an approved person for the present financial year.

### **34 Business to be conducted at Annual General Meeting of other level 2 incorporated associations**

- (1) This rule applies only if the association is a level 2 incorporated association to which section 59A of the Act applies.

- (2) The following business must be conducted at each Annual General Meeting of the association:
  - (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
  - (b) presenting the financial statement and signed statement to the meeting for adoption;
  - (c) electing members of the Board; and
  - (d) appointing an auditor, an accountant or an approved person for the present financial year.

### **35 Business to be conducted at Annual General Meeting of other level 3 incorporated associations**

- (1) This rule applies only if the association is a level 3 incorporated association to which section 59B of the Act applies.
- (2) The following business must be conducted at each Annual General Meeting of the association:
  - (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
  - (b) presenting the financial statement and signed statement to the meeting for adoption; and
  - (c) electing members of the Board.

### **36 Notice of General Meeting**

- (1) The Secretary may call a General Meeting of the Association.
- (2) The Secretary must give at least 30 days notice of the meeting to each Affiliated Club, Zone and Life Member entitled to receive notice.
- (3) The Secretary must distribute the agenda at least 21 days prior to the meeting to each Affiliated Club, Zone and Life Member entitled to receive notice.
- (4) The Secretary must distribute all documentation required for the conduct of the meeting at least 14 days prior to the meeting to each Affiliated Club, Zone and Life Member entitled to receive meeting notices in accordance with rule 5.
- (5) If the Secretary is unable or unwilling to call the meeting, the Chairperson must call the meeting.
- (6) The Board may decide the way in which the notice must be given.
- (7) However, notice of the following meetings must be given in writing:
  - (a) a meeting called to hear and decide the appeal of an Affiliated Club or Individual Member against the Board's decision:
    - (i) to reject an Affiliated Clubs or Individual Members application for membership of the Association; or
    - (ii) to terminate or suspend an Affiliated Clubs or Individual Members membership of the Association;
  - (b) a meeting called to hear and decide a proposed special resolution of the Association.

- (8) A notice of a General Meeting must state the business to be conducted at the meeting.

### **37 Quorum for, and adjournment of, General Meeting**

- (1) The quorum for a General Meeting is more than 25% of Affiliated Clubs and Zones as at the end of the last Board meeting.
- (2) No business may be conducted at a General Meeting unless there is a quorum of members present when the meeting proceeds to business.
- (3) If there is no quorum within 30 minutes after the time fixed for a General Meeting called on the request of members of the Board or the Association, the meeting lapses.
- (4) If there is no quorum within 30 minutes after the time fixed for a General Meeting called other than on the request of members of the Board or the association:
  - (a) the meeting is to be adjourned for at least 7 days; and
  - (b) the Board is to decide the day, time and place of the adjourned meeting.
- (5) The Chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- (6) If a meeting is adjourned under rule 37(6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (7) The Secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (8) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

### **38 Procedure at a General Meeting**

- (1) An Affiliated Club and Zone in accordance with rule 5, may take part in and may vote in a General Meeting in person or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (2) An Affiliated Club and Zone entitled to vote pursuant to rule 5 who participates in a meeting as mentioned in rule 38(1) is taken to be present at the meeting.
- (3) At each General Meeting:
  - (a) the Chairperson is to preside as chairperson;
  - (b) if there is no Chairperson or if the Chairperson is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect one (1) of the members of the Board to be chairperson of the meeting; and
  - (c) the chairperson must conduct the meeting in a proper and orderly way.

### **39 Voting at General Meeting**

- (1) At a General Meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the Affiliated Clubs and Zone present and entitled to vote.
- (2) Each Affiliated Club and Zone present and eligible to vote is entitled to 1 vote only for each

matter to be decided and, if the votes are equal, the question, matter or resolution is decided in the negative.

- (3) An Affiliated Club and Zone are not entitled to vote at a General Meeting if the member's annual subscription is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the Board.
- (5) However, if at least 20% of the Affiliated Clubs and Zones present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the Chairperson must appoint two (2) members to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the Chairperson is taken to be a resolution of the meeting at which the ballot was held.

## 40 Special General Meeting

- (1) The Secretary must call a Special General Meeting by giving each Affiliated Club and Zone entitled to vote pursuant to rule 5 of the Association notice of the meeting within 14 days after:
  - (a) being directed to call the meeting by the Board; or
  - (b) being given a written request signed by:
    - (i) at least 33% of the number of members of the Board when the request is signed; or
    - (ii) at least the number of Affiliated Clubs and Zones of the association equal to double the number of members of the Association's Board when the request is signed plus 1; or
  - (c) being given a written notice of an intention to appeal against the decision of the Board:
    - (i) to reject an Affiliated Club's application for membership; or
    - (ii) to terminate or suspend an Affiliated Club or Individual Member's membership.
- (2) A request mentioned in rule 40(1)(1)(b) must state:
  - (a) why the Special General Meeting is being called; and
  - (b) the business to be conducted at the meeting.
- (3) A Special General Meeting must be held within three (3) months after the Secretary:
  - (a) is directed to call the meeting by the Board;
  - (b) is given the written request mentioned in rule 40(1)(b); or
  - (c) is given the written notice of an intention to appeal mentioned in rule 40(1)(c).
- (4) If the Secretary is unable or unwilling to call the Special General Meeting, the Chairperson must call the meeting.

## 41 Proxies

- (1) An instrument appointing a proxy for a General Meeting must be in writing and be in the following or similar form:

[Name of Affiliated Club]:



Being a member of the association appoint, \_\_\_\_\_ of \_\_\_\_\_ as  
(Name) (Address)  
our proxy to vote for us on our behalf at the (Annual) general meeting of the association to be held on the  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of the meeting.

Signed \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

This form is to be used \*in favour of/\*against [strike out whichever is not wanted] for the following resolutions and /or motions:

*[List the relevant resolutions and/or motions and either in favour or against for each]*

- (2) The instrument appointing a proxy must be submitted by either post or email.
- (3) The instrument appointing a proxy must be signed and submitted by the authorised appointor to the Secretary no later than seven (7) days prior to the meeting.
- (4) A proxy must be an authorised representative of the Affiliated Club as per rule 5.
- (5) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.

## 42 Proxies directed to the chairperson

- (1) An Affiliated Club or Zone may direct their proxy votes for a General Meeting to the Chairperson.
- (2) The instrument appointing the Chairperson as the proxy must list the resolutions and the Affiliated Club or Zone's vote. The vote must be for or against the resolution.
- (3) An instrument appointing the Chairperson as the proxy must be in the following or similar form:

[Name of Affiliated Club]:

Being a member of the association, appoint the chairperson as our proxy to vote on our behalf at the  
(Annual) general meeting of the association to be held on \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

We are in favour of/against the following resolutions and/or motions:

*[List the relevant resolutions and/or motions and either in favour or against for each]*

Signed \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

### **43 Minutes of General Meetings**

- (1) The Secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each General Meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes:
  - (a) the minutes of each General Meeting must be signed by the chairperson of the meeting, or the chairperson of the next General Meeting, verifying their accuracy; and
  - (b) the minutes of each Annual General Meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Association that is a General Meeting or Annual General Meeting, verifying their accuracy.
- (3) If asked by an Affiliated Club or Zone, the Secretary must, within 28 days after the request is made:
  - (a) make the minute book for a particular General Meeting available for inspection by the Affiliated Club or Zone at a mutually agreed time and place; and
  - (b) give the Affiliated Club or Zone copies of the minutes of the meeting.
- (4) The Association may require the Affiliated Club or Zone to pay the reasonable costs of providing copies of the minutes.

### **44 By-laws and Policies**

- (1) The Board may make, amend or repeal By-laws and/or policies, which are not inconsistent with these rules, for the internal management of the Association.
- (2) A By-law or policy may be set aside by a vote of members at a General Meeting of the Association.

### **45 Alteration of rules**

- (1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a General Meeting.
- (2) However, an amendment, repeal or addition is valid only if it is registered by the chief executive.

### **46 Common seal**

- (1) The Board must ensure the Association has a common seal.
- (2) The common seal must be:
  - (a) kept securely by the Board; and
  - (b) used only under the authority of the Board.
- (3) Each instrument to which the seal is attached must be signed by a member of the Board and countersigned by:
  - (a) the Secretary;
  - (b) another member of the Board; or
  - (c) someone authorised by the Board.

## **47 Funds and accounts**

- (1) The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the Board.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.
- (5) If a payment of \$100 or more is made by cheque or electronic fund transfer, the payment must be signed or authorised by any two (2) of the following:
  - (a) the Chairperson;
  - (b) the Secretary;
  - (c) the Treasurer; and
  - (d) any person who has been authorised by the Board to sign cheques issued by the Association or authorise electronic fund transfers.
- (6) However, 1 of the persons who signs the cheque or authorises the electronic funds transfer must be the Chairperson, the Secretary or the Treasurer.
- (7) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- (8) A petty cash account must be kept on the imprest system, and the Board must decide the amount of petty cash to be kept in the account.
- (9) All expenditure must be approved or ratified at a Board meeting.

## **48 General financial matters**

- (1) On behalf of the Board, the Treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- (2) The income and property of the Association must be used solely in promoting the Association's objects and exercising the Association's powers.

## **49 Documents**

The Board must ensure the safe custody of books, documents, instruments of title and securities of the Association.

## **50 Financial year**

The financial year of the Association shall close on 30 June in each year or alternatively a date to be determined by the Board.

## **51 Distribution of surplus assets to another entity**

- (1) This rule applies if the Association or an Affiliated Club—
  - (a) is wound-up under part 10 of the Act; and

- (b) has surplus assets.
- (2) The surplus assets must not be distributed among Individual Members.
- (3) The surplus assets must be given to another entity:
  - (a) having objects similar to the Association's objects; and
  - (b) the rules of which prohibit the distribution of the entity's income and assets to its members.
- (4) The surplus assets may be distributed among Affiliated Clubs and Zones.
- (5) In this rule; surplus assets see section 92(3) of the Act.

## **52 Temporary close down of an Affiliated Club**

- (1) An Affiliated Club may be temporarily closed down, upon a special resolution, at the Affiliated Club's annual general meeting or a special general meeting convened to do so, such intention being clearly set out in the notice convening such a meeting.
- (2) Upon such a resolution being carried all the property and assets of the Affiliated Club, after payment of all properly incurred debts and liabilities of the Affiliated Club shall be vested to the Association as nominated by the special resolution of the Affiliated Club and held on trust until such time as the Club wishes to reopen or a maximum of five (5) years.
- (3) If five (5) years have passed since the temporary close down of the Affiliated Club, the Affiliated Club will be deemed wound up and the money held on trust will be treated as a surplus asset and distributed in accordance with any provisions of the special resolution, thereafter in accordance with rule 51.