



# National Capital Equestrian Club

## CONSTITUTION

### Table of Provisions

Table of Provisions.....	1
Part 1.1 Preliminary.....	3
1 Name of Association.....	3
2 Definitions.....	3
3 Application of Associations Incorporation Act 1991 .....	3
4 Objects of the Association .....	3
Part 1.2 Membership.....	4
5 Membership Qualifications.....	4
6 Application for Membership .....	4
7 Membership Entitlements not Transferable .....	4
8 Cessation of Membership .....	4
9 Resignation of Membership .....	5
10 Fee, Subscriptions etc.....	5
11 Members' Liabilities.....	5
12 Disciplining of Members .....	5
13 Right of Appeal of Disciplined Member.....	6
Part 1.3 Committee .....	7
14 Powers of Committee .....	7
15 Constitution and Membership.....	7
16 Election of committee members.....	7
17 Secretary .....	8
18 Treasurer .....	8
19 Vacancies .....	8
20 Removal of Committee Members .....	8
21 Committee Meetings and Quorum.....	8
22 Delegation by Committee to Sub-Committee.....	9
23 Voting and Decisions .....	9
Part 1.4 General meetings.....	10

24	Annual General Meetings – Holding Of .....	10
25	Annual general meetings – Calling of and Business at.....	10
26	Monthly Meeting of Members .....	10
27	Special General Meetings – Calling of.....	11
28	Special General Meetings - Notice .....	11
29	General meetings – Procedure and Quorum,.....	12
30	Special General Meeting - Presiding Member .....	12
31	Special General Meeting - Adjournment.....	12
32	Making of decisions.....	12
33	Voting .....	13
34	Appointment of Proxies .....	13
Part 1.5	Miscellaneous .....	13
35	Funds – Source .....	13
36	Funds .....	13
37	Alteration of Objects and Rule.....	14
38	Custody of Books .....	14
39	Inspection of Books.....	14
40	Service of Notice .....	14
41	Public Officer.....	14

## Part 1.1 Preliminary

### 1 Name of Association

The name of the Association is the National Capital Equestrian Club

### 2 Definitions

In these Rules, unless a contrary intention appears

- (a) “**Financial Year**” means the year ending on 30 June;
- (b) “**Member**” means a member, however described, of the Association;
- (c) “**Ordinary Committee Member**” means a member of the committee who is not an office-bearer of the association as mentioned in section 12 (1) (a);
- (d) “**Secretary**” means the person or where no such person holds that office, the public officer of the Association;
- (e) “**the Act**” means the Associations Incorporation Act 1991;

### 3 Application of Associations Incorporation Act 1991

The *Associations Incorporation Act 1991* applies to these rules in the same way as it would if they were an instrument made under the Act.

### 4 Objects of the Association

- (1) To affiliate with and to remain affiliated with the Equestrian Australia.
- (2) To promote and implement the Rules and Official procedures laid down by Equestrian Australia as amended from time to time.
- (3) To promote, hold and/or assist in holding exhibitions (including competitions, demonstrations, clinics and other displays).
- (4) To provide a contemporary approach to equestrian sports and welcome the participation of horses and people of all abilities. The Association believe that all equine sports should always be safe, fair and inclusive.
- (5) For the purposes of furthering the objectives of the Association, the Association shall have power to:
  - (a) purchase hire or otherwise acquire any property whatsoever which may be necessary or suitable for the purposes of the Association and to sell, lease, dispose of or otherwise deal with all or any part of the property of the Association;
  - (b) raise funds by means of subscriptions, donations, appeals, social functions and any other means;
  - (c) enter into any arrangement of contract with any governments, municipalities or other corporations or public bodies, firms or any of them and to obtain any rights, licences, privileges or concessions which the Association may think it is desirable to obtain and to carry out, exercise and comply with any arrangements, contracts, rights, licences, privileges and concessions; and
  - (d) do all other lawful things as necessary incidental or conducive to the progress, development or welfare of the association.

## **Part 1.2 Membership**

### **5 Membership Qualifications**

A person is qualified to be a Member if:

- (1) The person is a person referred to section 160 (1) of the Act and has not ceased to be a Member of the Association at any time after incorporation of the Association under the Act, or
- (2) The person has nominated for membership in accordance with sub rule 6 (1) and has been approved for membership of the Association by the Committee of the Association.
- (3) Types of membership:
  - (a) Honorary;
  - (b) Life;
  - (c) Adult;
  - (d) Junior;
  - (e) Family Membership (restricted to four persons comprising 2 adults and 2 children under 18) and
  - (f) Non-Riding Members.

### **6 Application for Membership**

An application by a person for membership of the Association

- (1) Shall be made in writing in the form endorsed by the committee.
- (2) Shall be lodged with the Secretary (or delegate) of the Association.
- (3) As soon as practicable after receiving an application for membership and the appropriate membership fees, the Secretary shall refer the application to the Committee which shall determine whether to approve or to reject the application
- (4) Where the Committee determines to approve an application for membership, the Secretary shall as soon as practicable after that determination, notify the applicant of that approval (notification of acceptance will normally occur via the NCEC Membership Officer).
- (5) The Secretary shall, on payment by the applicant of the amounts referred to in sub rule 6 (2) enter the nominee's name in the register of members and, upon the name being so entered, the nominee shall become a Member of the Association.

### **7 Membership Entitlements not Transferable**

A right, privilege or obligation which a person has by reason of being a Member of an Association:

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon cessation of the person's membership.

### **8 Cessation of Membership**

A person ceases to be a Member of the Association if the person

- (a) dies or, in the case of a Body Corporate, is wound up;
- (b) resigns from membership of the Association;
- (c) is expelled from the Association; or
- (d) fails to renew membership of the Association.

## **9 Resignation of Membership**

- (1) A Member is not entitled to resign from membership of the Association except in accordance with this rule.
- (2) A Member who has paid all amounts payable by the Member of the Association may resign from membership of the Association by first giving notice (being not less than one month or, if the Committee has determined a shorter period, that shorter period) in writing to the Secretary of the Member's intention to resign and, upon the expiration of the period of notice the Member ceases to be a Member.
- (3) Any membership fees paid by the Member are forfeited upon resignation.
- (4) Where a person ceases to be a Member, the Secretary shall make an appropriate entry in the register of members recording the date on which the Member ceased to be a Member.

## **10 Fee, Subscriptions etc**

- (1) The annual membership fee of the Association is in accordance with the advertised fee schedule as determined by the Committee elect.
- (2) The annual membership fee is payable:
  - 1) For new members:
    - i) The annual membership fee and new member fee is payable at the time of application and valid until 30 June of that financial year; except
    - ii) Where a Member applies on or after 01 April, the membership remains until 30 June the following year.
  - 2) For existing members:
    - i) The membership renewal fee is payable on or before 1 July of that financial year and remains until the conclusion of the financial year.

## **11 Members' Liabilities**

The liability of a Member to contribute towards the payment of debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any unpaid by the Member in respect of membership of the Association as required by rule 10.

## **12 Disciplining of Members**

- (1) Where the Committee is of the opinion that a Member has persistently refused or neglected to comply with a provision of these rules (including the rules of Equestrian Australia) or has persistently and wilfully acted in a manner prejudicial to the interests of the Association the Committee may, by resolution:
  - (a) expel the Member from the Association; or
  - (b) suspend the Member from such rights and privileges of membership of the Association as the Committee may determine for a specified period.
- (2) A resolution of the Committee under sub rule 12 (4) is of no effect unless the Committee at a meeting held not earlier than 14 days and not later than 28 days after service on the Member of a notice under sub rule 12 (4) confirms the resolution in accordance with this rule.
- (3) Were the Committee passes a resolution under sub rule 12 (4) the Secretary shall, as soon as practicable, cause a notice in writing to be served on the Member:
  - (a) setting out the resolution of the Committee and the grounds on which it is based;
  - (b) stating that the Member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the Member that the Member may do either or both of the following:
    - (i) attend and speak at that meeting;

- (ii) submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.
- (4) At a meeting of the Committee mentioned in sub rule (12), the Committee shall:
  - (a) give to the Member mentioned in sub rule 12 (3) an opportunity to make oral representations;
  - (b) give due consideration to any written representations submitted to the Committee by that Member at or prior to the meeting;
  - (c) by resolution determine whether to confirm or revoke the resolution of the Committee made under sub rule 12 (3).
- (5) Where the Committee confirms a resolution under sub rule 12 (4) the Secretary shall, within seven days after the confirmation, by notice in writing inform the member of that confirmation and of the Member's rights to appeal under rule 13.
- (6) A resolution confirmed by the Committee under sub rule 12 (4) does not take effect:
  - (a) until the expiration of the period within which the Member is entitled to appeal against the resolution where the Member does not exercise the right of appeal within that period; or
  - (b) where within that period the Member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with sub rule 13(4).

### **13 Right of Appeal of Disciplined Member**

- (1) A Member may appeal to the Association in general meeting against a resolution of Committee which is confirmed under sub rule 12 (4) within seven days after notice of the resolution is served on the Member by lodging with the Secretary a notice to that effect.
- (2) Upon receipt of a notice under sub rule 13 (1) the Secretary shall notify the committee which shall convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice or as soon as possible after that date.
- (3) At a general meeting of the Association convened under sub rule 13 (2):
  - (a) no business other than the question of the appeal shall be transacted;
  - (b) the committee and the Member shall be given the opportunity to make representations in relation to the appeal orally or in writing or both; and
  - (c) the members present shall vote by secret ballot on the question of whether the resolution made under sub rule 13 (2) that the resolution is confirmed.
- (4) If the meeting passes a special resolution in favour of the confirmation of the resolution made under sub rule 12(4) that resolution is confirmed.

## Part 1.3 Committee

### 14 Powers of Committee

The Committee is subject to the Act, the Regulations, these rules and to any resolution passed by the Association in general meeting:

- (a) shall control and manage the affairs of the Association;
- (b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in general meeting;
- (c) has the power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

### 15 Constitution and Membership

(1) The Committee shall consist of:

- (a) the Office-Bearers of the Association; and
- (b) five (5) ordinary Members of the Association each of whom shall be elected pursuant to rule 16 or appointed in accordance with sub rule 15 (4).

(2) The Office-Bearers of the Association shall be:

- (a) the President;
- (b) the Vice President;
- (c) the Treasurer;
- (d) the Assistant Treasurer
- (e) the Secretary

(3) Each member of the Committee shall, subject to these rules hold office until the conclusion of the Annual General Meeting following the date of the Member's election, but is eligible for re-election

(4) Officer bearers may serve the Association for a period of up to two terms. Upon conclusion of the period, an Office Bearer may seek to remain within the Committee but not within their previous Office Bearer position.

(5) In the event of a vacancy in the membership of the Committee, the Committee may appoint a Member of the Association to fill the vacancy and the member so appointed shall hold office subject to these rules until conclusion of the Annual General Meeting following the date of the appointment.

### 16 Election of committee members

(1) Nomination of candidates for election as Office Bearers of the Association or as ordinary Committee Members:

- (a) shall be made in writing, signed by the nominee and a seconder who are both financial members; and
- (b) shall be delivered to the Secretary of the Association not less than fourteen (14) days before the date fixed for the Annual General Meeting at which the election is to take place.

(2) If insufficient nominations are received to fill all vacancies on the Committee the candidates nominated shall be deemed to be elected and no further nominations shall be received at the Annual General Meeting.

(3) If insufficient further nominations are received, any vacant positions remaining on the Committee shall be deemed to be vacancies.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the persons shall be taken to be elected.

- (5) If the number of nominations received exceeds the number of vacancies to be filled, a secret ballot shall be held.
- (6) The secret ballot for the election of Office-Bearers and ordinary Committee Members shall be completed at the Annual General Meeting in such manner the Committee may direct.
- (7) A person is not eligible to simultaneously hold more than one position on the Committee.

## **17 Secretary**

- (1) The Secretary of the Association shall, as soon as practicable after being appointed as Secretary notify the Association of his or her address.
- (2) The Secretary shall keep minutes of:
  - (a) all elections and appointments of Office-Bearers and ordinary Committee Members;
  - (b) the names of Members of the Committee present at a committee meeting or a general meeting; and
  - (c) all Proceedings at Committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by a person presiding at the next succeeding meeting.

## **18 Treasurer**

- (1) The Treasurer of the Association shall
  - (a) collect and receive all monies due to the Association and make payments authorised by the Association;
  - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association; and
  - (c) produce current bank statements and details of income and expenditure for the preceding month.

## **19 Vacancies**

- (1) For the purposes of these rules, a vacancy in the office of a Member of the Committee occurs if the Member
  - (a) dies;
  - (b) ceases to be a Member of the Association;
  - (c) resigns from office;
  - (d) is removed from office pursuant to rule 20;
  - (e) becomes insolvent under administration within the meaning of the Corporations Law;
  - (f) is disqualified from office under section 63 of the Act; or
  - (g) the office of a Member of the committee shall become vacant in the event of his resignation, insanity, bankruptcy, conviction of a criminal offence or in the event of his assenting himself from three consecutive meetings of the committee without the leave of the Committee.

## **20 Removal of Committee Members**

The Association in general meeting may by resolution, subject to Section 63 of the Act remove any Member of the Committee from the office of Member of the Committee before the expiration of the Member's term of office.

## **21 Committee Meetings and Quorum**

- (1) The Committee shall meet at least four (4) times in each calendar year at such place and time as the Committee may determine.
- (2) Additional meetings of the Committee may be convened by any three (3) Members of the Committee.



- (3) Oral or written notice of a meeting of the Committee shall be given by the Secretary to each Member of the Committee at least 48 hours (or such other period as may be unanimously agreed upon by the Members of the Committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under sub rule 21 (4) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Committee Members present at the meeting unanimously agree to treat as urgent business.
- (5) Any three (3) Members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (6) No business shall be transacted by the Committee unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- (8) At meetings of the Committee:
  - (a) the President or in the absence of the President, the Vice-President shall preside; or
  - (b) if the President and the Vice-President are absent, one of the remaining Members of the Committee may be chosen by the Members present to preside.

## **22 Delegation by Committee to Sub-Committee**

- (1) The Committee may, by instruction in writing, delegate to one or more Sub-Committees (consisting of such Member or Members of the Association as the committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:
  - (a) this power of delegation; and
  - (b) a function which is a function imposed on the Committee by the Act, by any other law of the Territory or by resolution of the Association in general meeting.
- (2) A function, the exercise of which has been delegated to a Sub-Committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the Sub-Committee in accordance with the terms of the delegation.
- (3) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function or as time or circumstances as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a Sub-Committee in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.
- (6) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (7) A Sub-Committee may meet and adjourn as it thinks proper.

## **23 Voting and Decisions**

- (1) Questions arising at the meeting of the Committee of any Sub-Committee appointed by the Committee shall be determined by a majority of the votes of Members of the Committee or Sub-Committee present at the meeting.
- (2) Each Member present at a meeting of the Committee or any Sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

- (3) Subject to sub rule 21 (6), the Committee may act notwithstanding any vacancy on the Committee.
- (4) Any act or thing suffered, or purporting to have been done or suffered, by the Committee or by the Sub-Committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub-Committee.

## **Part 1.4 General meetings**

### **24 Annual General Meetings – Holding Of**

- (1) With the exception of the first Annual General Meeting of the Association, the Association shall, at least once in each Calendar year and within the period of two months after the expiration of each financial year of the Association convene an Annual General Meeting of its Members.
- (2) The Association shall hold its first Annual General Meeting:
  - (a) within the period of 18 months after its incorporation under the Act; and
  - (b) within the period of five (5) months after the expiration of the first financial year of the Association.
- (3) Sub rules 24 (1) and (2) have effect subject to the powers of the Registrar of Incorporated Associations under Section 120 of the Act in relation to extensions of time.

### **25 Annual general meetings – Calling of and Business at**

- (1) The Association shall, in each year hold an annual general meeting.
- (2) The annual general meeting shall be held on such day (being not later than two months after the close of the financial year of the Association) as the committee may determine.
- (3) The annual general meeting shall be in addition to any other general meetings may be held in the same year.
- (4) The annual general meeting shall be specified as such in the notice convening it
- (5) The ordinary business of the annual general shall be to :
  - (a) to confirm the minutes of the last preceding Annual General Meeting;
  - (b) to receive from the committee, auditor, and servants of the Association reports on the transactions of the Association during the last preceding financial year;
  - (c) to elect the officers of the Association and the ordinary committee; and
  - (d) to appoint the auditor.
- (e) The annual general meeting may transact special business of which notice is given in accordance with these rules
- (f) All general meetings other than the general meeting shall be called special general meetings.

### **26 Monthly Meeting of Members**

- (1) The Secretary shall convene a meeting of members at the discretion of the Committee but not less than four times per year.
- (2) Written notice of a meeting shall be given to each financial member of the Association at least seven (7) days prior to the meeting, stating the time, place and agenda of business to be transacted at that meeting. No other business shall be transacted at that meeting, except business which the members present agree to treat as other business.
- (3) Five (5) percent of the total membership of which three (3) must be Members of the Committee or Sub-Committee constitute a quorum for the transaction of a monthly Meeting of Members.

- (4) No business shall be transacted by this Meeting of Members unless a quorum is present and if within half an hour after the time appointed for meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the day in the following week.
- (5) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for meeting, the meeting shall be dissolved.
- (6) At the monthly Meeting of Members:
  - (a) the President or in the absence of the President the Vice-President shall preside: or
  - (b) if the President and the Vice-President are absent, one of the remaining Members of the Committee may be chosen by the Members to preside.

## **27 Special General Meetings – Calling of**

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Association provided:
  - (a) At least seven (7) days notice of a Special General Meeting specifying the place, the day and the hour of the meeting and in case of special business, the nature of the business shall be given to the members in writing.
- (2) The Committee shall, on the requisition in writing of not less than 10 members, convene a special general meeting of the Association.
- (3) A requisition of Members for a Special General Meeting:
  - (a) shall state the purpose or purposes of the meeting;
  - (b) shall be signed by the Member/s making the requisition;
  - (c) shall be lodged with the Secretary; and
  - (d) may consist of several documents in similar form, each signed by one or more of the Members making the decision.
- (4) If the Committee fails to convene a Special General Meeting within one month after the date on which the requisition of Members for the meeting is lodged with the Secretary one (1) or more of the Members who made the requisition may convene a meeting to be held not more than three (3) months after that date.
- (5) A Special General Meeting is convened by a Member or Members referred to in sub rule 27 (4) shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee and any Member who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expenses so incurred.

## **28 Special General Meetings - Notice**

- (1) Except where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution of the Association, the Secretary shall, at least 28 days before the date fixed for the holding of the Special General Meeting, cause to be sent by pre-paid post to each Member at the Member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the Special General Meeting.
- (2) Where the nature of the business proposed to be dealt with at a Special General Meeting requires a special resolution of the Association, the Secretary should at least 28 days before the date fixed for the holding of the Special General Meeting, cause notice to be sent to each Member in the manner provided in sub rule 28 (1) specifying, in addition to the matter required under that sub rule, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a Special General Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to sub rule 26 (2).

- (4) A Member desiring to bring any business before a Special General Meeting may give notice in writing of that business to the Secretary who shall include that notice from the Member.

## **29 General meetings – Procedure and Quorum,**

- (1) No item of business shall be transacted at a Special General Meeting unless a quorum of Members entitled under these rules to vote is present during the time the meeting is considering them.
- (2) 10 percent of the current membership must be present in person (being members entitled under these rules to vote at a Special General Meeting) constitute a quorum for the transaction of the business of a Special General Meeting.
- (3) If within half an hour after the appointed time for the commencement of a Special General Meeting, a quorum is not present, the meeting if convened upon the requisition of the Members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person Presiding at the meeting, or communicated by written notice to Members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members present (being not less than 5 percent) shall constitute a quorum the meeting shall be dissolved.

## **30 Special General Meeting - Presiding Member**

- (1) The President, or in the absence of the President, the Vice-President, shall preside at each Special General Meeting of the Association.
- (2) If the President and the Vice-President are absent from the Special General Meeting, the Members present shall elect one of their number to preside at the meeting.

## **31 Special General Meeting - Adjournment**

- (1) The person presiding at the Special General Meeting at which a quorum is present may, with the consent of the majority of Members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a Special General Meeting is adjourned for 14 days or more, the Secretary shall give written or oral notice of the adjourned meeting to each Member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in sub rule 31 (1) and (2), notice of an adjournment of a Special General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **32 Making of decisions**

- (1) A question arising at any meeting of the Association shall be determined on a show of hands and unless a poll is demanded a declaration by the person Presiding that a resolution has, on a show of hands been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of that fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a meeting of the Association, a poll may be demanded by the person presiding or by a majority of Members present in person or by proxy at the meeting.
- (3) Where the poll is demanded at a meeting, the poll shall be taken:

- (a) immediately in the case of a poll which relates to the election of the person to Preside at the meeting or to question of an adjournment; or
- (b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

### **33 Voting**

- (1) Subject to sub rule 33 (3), upon any question arising at a meeting of the Association a Member has one vote only.
- (2) All votes shall be given personally or by proxy but no Member may hold more than five (5) proxies.
- (3) In the case of an equality of votes on a question at a meeting, the person presiding is entitled to exercise a second or casting vote.
- (4) A member or proxy is not entitled to vote at any meeting of the Association unless all money due and payable by the Member or proxy to the Association has been paid, other than the amount of the annual subscription payable in respect if the then current year.

### **34 Appointment of Proxies**

- (1) Each Member shall be entitled to appoint another Member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form set out in Appendix 1 of these rules.

## **Part 1.5 Miscellaneous**

### **35 Funds – Source**

- (1) The funds of the Association shall be derived from event fees, competition fees, and annual subscriptions of Members, donations and, subject to any resolution passed by the Association in General Meeting and subject to Section 114 of the Act, such other sources as the Committee determines.
- (2) All money received by the Association shall be deposited as soon as practicable and without deduction to the Association's bank account.
- (3) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

### **36 Funds**

- (1) Management
  - (a) Subject to any resolution passed by the Association in General Meeting the funds of the Association shall be used in pursuance of the objects of the Association in such a manner as the Committee determines.
  - (b) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two (2) of the three (3) nominated Members of the Committee or employees of the Association, being Members of the Committee or employees authorised to so by the Committee.
- (2) Audit
  - (a) The Committee shall appoint an auditor for the purposes of Section 75 of the Act such auditor not to be a member or the public officer of the Association.
  - (b) At least once every year the auditor shall be supplied with a copy of the balance sheet and it shall be his/her duty to examine the same with the accounts and vouchers relating thereto.

- (c) The auditor shall have a list delivered to him/her of all books and records kept by the Association and shall at all reasonable times have access to the books records and accounts of the Association.
- (d) The auditor shall make a report to the Members upon the balance sheet and accounts and in every such report he/she shall state whether in his/her opinion the balance sheets is a full and fair balance sheet containing the particulars required by this constitution and properly drawn so as to exhibit a true and correct view of the state of affairs of the Association and in case he/she has calls for explanations or information by the committee, (wether such explanations or information have been given by the Committee and whether they have been satisfactory), and such report shall be read together with the report of the Committee at the Annual General Meeting.

**37 Alteration of Objects and Rule**

- (1) Neither the objects of the Association referred to in Section 29 of the Act nor these rules shall be altered except in accordance with the Act.

**38 Custody of Books**

- (1) Subject to this Act, the Regulations and these rules the Secretary shall keep in his or her control all records, and other documents relating to the Association.

**39 Inspection of Books**

- (1) The records, books and other documents of the Association shall be open to inspect at a place in the Territory, free of charge, by a Member of the Association at any reasonable hour.

**40 Service of Notice**

- (1) For the purposes of these rules, a notice may be served by or on behalf of the Association upon any Member at the Member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, repaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

**41 Public Officer**

- (1) The Association shall appoint a Public Officer of the Association in accordance with Section 57 (i) of the Act.
- (2) The Office of Public Officer becomes vacant if the person holding that office dies, becomes bankrupt, becomes of unsound mind, resigns his/her office by writing under his/her hand addressed to the Committee of the Association or ceases to be a resident in the Australian Capital Territory.
- (3) The Public Officer may hold any other office in the Association.
- (4) The Public Officer shall, within 14 days after his/her appointment give notice in writing to the register of Companies of his/her appointment and of his/her full name and address in accordance with Section 59 of the Act.
- (5) The Public Officer will do all things and service all purposes of Public Officer as set forth in the Ordinance.





**National Capital Equestrian Club**

PO Box 3458, Weston Creek ACT 2611

Web: [www.nationalcapitalequestrianclub.com](http://www.nationalcapitalequestrianclub.com)

Email: [ncecontact@gmail.com](mailto:ncecontact@gmail.com)

**APPENDIX 1: Form for Appointment of Proxy**

I,

.....  
(full name)

of

.....  
(address)

a member of the National Capital Equestrian Club appoint

.....  
(full name of proxy)

Of

.....  
(address)

a member of the National Capital Equestrian Club or the President, as my proxy to vote for me on my behalf at the general meeting of the Association (Annual General Meeting or other General Meeting as the case may be) to be held on

.....  
(date of meeting)

And at any adjournment of that meeting.

\*My proxy is authorised to vote

in favour of

against the resolution

(\*select appropriate vote if desired)

.....  
(signature of member appointment proxy)

.....  
Date

**Note: a proxy vote may not be given to a person who is not a member of the National Capital Equestrian Club**