

WESTERN AUSTRALIAN



Endurance Rider's Association

Lodged in the office of the
Commissioner for
Consumer Protection on the

12 APR 2019

ABN: 83 510 134 790

**WESTERN AUSTRALIAN ENDURANCE
RIDER'S ASSOCIATION INCORPORATED.**

CONSTITUTION

November 2018

PART I

PRELIMINARY

Name

The name of the incorporated Association shall be the "Western Australian Endurance Riders Association Incorporated." in these rules referred to as "the Association" or, in the alternative, "WAERA" where applicable.

1. Interpretation

1.1 In these rules, except in so far as the context or subject matter otherwise indicates or requires -

- a) "AERA" means the Australian Endurance Riders Association Incorporated;
- b) "ordinary member" includes -
 - i) an executive officer of the Association;
 - ii) a member of the Committee of Management who is not an executive officer of the Association; or
 - iii) an honorary member of WAERA;
- c) "Membership year" means the calendar year concluding 31st December;
- d) "Division" means the state, territorial or other divisional body of the AERA;
- c) "management committee" means a committee consisting of elected members or their duly appointed replacements and includes zone representatives or their duly appointed replacements;
- d) "executive committee" means a committee consisting of the office bearers of the Association;
- e) "executive officers" means the position of President, Vice-President, Secretary and Treasurer;
- f) "solicitor or lawyer " means a person who has authority to act on behalf of another member, such authority being given under seal;
- g) "IAC" means Independent Appeals Committee;
- h) "delegate" means a member of the Committee of Management of the AERA appointed by a Division;
- i) "horse" means genus equidae and hence shall include horses, mules and donkeys;
- j) "nature of business" is the subject, or issue, to be discussed and determined;

- k) "special resolution" is a resolution requiring a 75% majority vote, of members present at such meeting e.g. a constitution change;
- l) "endurance ride" means an endurance event, affiliated with the WAERA, for horses and riders which tests the endurance of both over a distance of at least 80kms.
- m) "training ride" means a non-competitive endurance event affiliated with the WAERA for horses and riders which provides endurance training for both a distance of 60kms or less per day.

2. In these rules -

- a) a reference to a function includes a reference to a power, authority and duty;
- b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

PART II

STATEMENT OF OBJECTS

3. Statement of objects

- 3.1 To promote and foster the highest ideals of sportsmanship and horsemanship, and the spirit of Endurance Riding as embodied in the motto "to complete is to win".
- 3.2 To act as the controlling body in Western Australia on behalf of its members as a division of AERA.
- 3.3 To promote, foster and control Endurance Rides of 80kms distance or more, and over non-competitive Training Rides of a lesser distance by way of rules and procedures as determined or approved by the AERA, and/or in accordance with local rules which do not conflict in fact or intent, with those rules and/or procedures determined or approved by the AERA.
- 3.4 To ensure that riding rules, ride procedures and veterinary procedures are observed in a manner that provides protection for the wellbeing of horses ridden in Endurance Rides, Training Rides and Social rides.
- 3.5 To oversee, conduct, from time to time, an Endurance Ride over a distance of not less than 160kms, known as the Tom Quilty Gold Cup Endurance Ride under contract with AERA.
- 3.6 To oversee, conduct an annual Western Australian Championship Endurance Ride to be over a distance of not less than 160kms within a maximum elapsed time of 24 hours.

- 3.7 To maintain complete and accurate records of the results of Endurance Rides conducted in Western Australia and, where directed by the membership, to conduct an annual point/distance score competition and to maintain an archive for the sport.
- 3.8 To educate, examine and accredit members to be stewards and officials to assist in the efficient conduct of Endurance Rides and to maintain Registries of such accredited members.
- 3.9 To encourage and assist members to compete in national and international Endurance Riding competitions and to select team members to represent Western Australia when necessary.
- 3.10 To provide information and education on all aspects of Endurance Riding.
- 3.11 To encourage the conduct of research into and to, disseminate information collected in relation to the performance, training, feeding, husbandry, diseases, physiology, injuries and genetics of horses in the sport of Endurance Riding.
- 3.12 To generally promote and foster the interests of the sport of Endurance Riding.

PART III

MANAGEMENT STRUCTURE

4. Divisions and Zones

- 4.1 The affairs of WAERA shall be managed by a Committee appointed in accordance with these rules.
- 4.2 The land area to which WAERA shall refer will be the state of Western Australia and such other areas as may be determined by consultation between the Management Committee of WAERA and AERA.
- 4.3 Where WAERA determines that it will create a Zone then each Zone so determined shall be entitled to appoint one representative with voting rights to the WAERA Management Committee. Such representative must not be a currently elected Western Australian Management Committee member.
- 4.4 A Zone must be approved by the Western Australian Management Committee and/or the ordinary members of the Association before the Zone is entitled to appoint one representative by written notification to the State Management Committee.
- 4.5 Written notification of a Zone Representative's appointment must be received and approved by Western Australia Management Committee before recognition by WAERA.

5. Powers and Duties

- 5.1 The association has, in the exercise of its affairs, all powers of an individual.
- 5.2 The association may, for example -
- i) enter into contracts,
 - ii) acquire, hold, deal with and dispose of property, iii) make charges for services and facilities it supplies, and iv) do other things necessary or convenient to be done in carrying out its affairs.
- 5.3 The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

PART IV

MEMBERSHIP

6. Classes of Members/Membership

- 6.1 Membership of the Association shall consist of ordinary members and any of the following classes of members:
- a) Honorary member
 - b) Non-Riding member
 - c) Junior member
 - d) International member
 - e) Family membership
 - f) Life member
 - g) Day member
 - h) Associate member (Newsletter only)
- 6.2 a) An **Ordinary Member** shall have attained, or will attain the age of 18 years in the membership year and shall be entitled to vote:
- i) at any general meeting of the Association; and
 - ii) in the election of the Management Committee and at an Annual General Meeting.
 - iii) be considered to be a riding member as defined by the riding rules of the A.E.R.A.
- 6.3 a) An **Honorary Member** is a member who has been recognized by the Association as having provided special services to the sport of Endurance Riding and

is nominated and approved as an honorary member at an *Annual General Meeting* of the Association.

- b) A nomination for Honorary membership shall be made by at least two financial members in writing, served on the Association at least 28 days before the *Annual General Meeting* of the Association, and shall appear with the Notices of Motion provided to members prior to the *Annual General Meeting*.
- c) The appointment as honorary member shall be for the following membership year with all existing Honorary members being considered for reappointment at the *Annual General Meeting* of the Association without the need for re-nomination.
- d) An Honorary member shall not be required to pay a membership fee to the Association, but shall have voting rights as an ordinary member.
- e) The Association shall not have at any one time more than 10 Honorary members.

6.4 A **Non-Riding Member** shall be entitled to vote on the affairs of the Association and shall not be entitled to compete as an ordinary member in an Endurance Ride

6.5 A **Junior Member** shall attain 17 years of age or less in the membership year and shall not be entitled to vote on the affairs of the Association. A junior member is considered to be a riding member as defined in the rules of the Association.

6.6 An **International Member** shall be any visitor to Australia who is a member of an Endurance Ride organization outside Australia that is recognized by the AERA/WAERA upon presentation of proof of novice or open riding status. Such International member shall be entitled to enter Endurance Rides affiliated with the Association upon payment of WAERA Day Membership Fees. An International member shall not be entitled to vote on the affairs of the Association.

6.7 a) A **Family membership** is deemed to comprise:

- i) one or two adult members; and ii) their children of Junior status.

6.8 a) A **Life member** of the association will be a person who has given long and meritorious service to the Association.

- b) Life membership will be awarded by the State Management Committee on behalf of the members of the Association, at an *Annual General Meeting* of the Association, where an appropriate token of recognition of the life member's services will be presented.
- c) Life members will not be required to pay a membership fee but will have all of the rights of an ordinary member of the Association, and are also subject to the rules of the Association.

6.9 a) **Day membership** shall not be entitled to vote on the affairs of the Association.

- b) A day member shall be eligible to take part in social / training rides and drives affiliated with WAERA subject to the provisions of the association rules and only the date for which the day membership is valid.

6.10 An **Associate Member** shall not be entitled to vote on the affairs of the Association nor be entitled to compete as an ordinary member in an Endurance Ride.

7 Membership Qualifications

7.1 A person is qualified to be a Member of the Association if, the person is a natural person who has completed the appropriate membership application form and paid the required fees, is not currently under suspension or exclusion from membership of the Association or other divisions and is a resident of Western Australia.

8 Application for Membership

8.1 An application by a person for membership of the Association shall:

- a) be made in writing on the current Application Form; and
- b) be lodged with the Secretary/Registrar of the Association with the appropriate fees.

8.2 The Association shall upon receipt of an application for membership and on payment of the amounts referred to in Clause 13, enter the applicant's name in the register of members and, upon the name being so entered the applicant becomes a member of the Association.

9 Cessation of Membership

9.1 A person ceases to be a member of the Association if the person:

- a) dies;
- b) resigns the membership;
- c) is expelled from the Association; or
- d) does not renew membership by payment as referred to in clause 13.1, 13.2, 13.3 & 13.4.

10 Transfer of Membership Entitlements

10.1 A right, privilege or obligation which a person has by reason of being a member of the Association:

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

11 Resignation of Members

- 11.1 A member of the Association who has paid all amounts payable by the member to the Association in respect of the member's membership may resign from membership of the Association by first giving notice (being not less than 1 month or not less than such other period as the Committee may determine) in writing to the Secretary/Registrar of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- 11.2 Where a member of the Association ceases to be a member pursuant to clause 11.1 and in every other case where a member ceases to hold membership, the Secretary/Registrar shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.
- 11.3 A member of the Association is not entitled to resign that membership except in accordance with this rule.

12 Register of Members

- 12.1 The Secretary/Registrar of the Association shall maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the date on which the person became a member.
- 12.2 The register of members shall be kept at the nominated place of administration of the Association and shall be open for inspection at any reasonable hour but not for copy or duplication by any member of the Association, without the written authority of the Western Australian Management Committee.

13 Fees, Subscriptions, Other Charges

- 13.1 The members of the Association shall determine from time to time the membership fees and other charges payable by each class of member. However, any change in levies may be passed on, in part or in full, to the members of the Association by a resolution of the State Management Committee.
- 13.2 The membership fee, if any, for each class of membership shall be payable on or before the 1st day of February of each membership year.

13.3 For new members the fee payable shall be for a period which concludes at the end of the then current membership year.

13.4 Where the membership fee is a renewal and the fee has not been paid within one calendar month of the due date then membership of the Association shall lapse.

13.5 New members including lapsed members are liable for a new member fee as determined by the State Management Committee from time to time.

14 Members Liabilities

14.1 The liability of a member of the Association to contribute towards the payment of the 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 clauses 13.1, 13.2 and 13.5 above.

15 Disciplining of Members

15.1 On receipt of a written complaint to the Western Australian Management Committee that a member of the Association:

- a) has refused, failed or neglected to comply with a provision or provisions of these rules, the riding rules, procedures, veterinary procedures, state rules or conditions of entry for Endurance Rides as approved by the Association from time to time.
- b) has acted in a manner prejudicial to the interests of the Association, the Western Australian Management Committee shall cause the member to:
 - i) be advised in writing of the basis and grounds for the complaint; and ii) be asked to respond to the complaint in writing or in person at a nominated Western Australia Management Committee meeting which shall be no sooner than 14 days from the date of posting of the advice notice.

15.2 Where the Management Committee is of the opinion that a member of the Association:

- a) has refused, failed or neglected to comply with a provision or provisions of these rules, or the riding rules, procedures, veterinary procedures state rules or conditions of entry for Endurance Rides as approved by the Association from time to time; or
- b) has acted in a manner prejudicial to the interests of the Association, the Management Committee may by resolution:
 - i) expel the member from the Association,
 - ii) suspend the member from membership of the Association for a specific period; or

- iii) suspend the member's right to compete in affiliated Endurance Rides or Training Rides or Social Rides.
- iv) suspend all equine registered in the members name from competing at affiliated Endurance rides Training rides or Social rides.

15.3 Where the Management Committee passes a resolution under clause 15.2 above, the Secretary of the Association shall, as soon as practical, cause a notice in writing to be served on the member:

- a) setting out the resolution of the Management Committee and the grounds on which it is based. Such resolution is to commence from the date of the advice letter.
- b) stating that the member has the right of appeal to the Independent Appeals Committee within a period of 14 days after the serving of the notice. Such appeal must be lodged with the Secretary of the Association. The resolution shall remain in place unless rescinded or amended by the IAC.
- c) informing the member that the member may do either or both of the following:
 - i) attend and speak at the appeal meeting;
 - ii) submit to the IAC at or prior to the date of that meeting written representations relating to the resolution.

15.4 Where the Western Australian Management Committee receives notice of appeal from the member it shall inform the member:

- a) of the date, time and place of the meeting with the IAC so long as this date shall not be sooner than 14 days from the receipt of the notice of intent to appeal;
- b) that the member may do either of the following:
 - i) attend and speak at the meeting personally, or if a junior, their guardian speak for them; or
 - ii) submit to the IAC at or prior to the date of that meeting written representations relating to the resolution.

15.5 At a meeting of the IAC held as referred to in clause 15.4 above, the IAC shall:

- a) give to the member or other members an opportunity to make verbal representations;
- b) give due considerations to any written or verbal representation submitted to the IAC and/or WAERA Management Committee at or prior to the meeting which relates to the resolution;
- c) by majority vote determine whether to confirm, or amend, or to revoke the resolution of the WAERA Management Committee; and
- d) inform the State Management Committee of its decision in writing within 7 days.

15.6 The Secretary of the WAERA, shall within 14 days of the meeting, notify the member in writing the result of the resolution referred to in clause 15.5 c) above.

15.7 The resolution referred to in clause 15.5 c) is final and no further submissions will be accepted.

15.8 The Association shall not be liable for any costs incurred by a member in making submissions to the Association or the IAC.

15.9 A member expelled or suspended by WAERA shall be expelled, suspended, or prohibited from membership of all other Divisions of the AERA.

PART V

MANAGEMENT THE COMMITTEE

16 Functions, Powers, Duties and Responsibilities

16.1 Except as otherwise provided by these Rules and subject to resolutions of the members of the Association carried at any General meeting the Management Committee:

- a) shall have the General control and management of the administration of the affairs, property and funds of the Association; and
- b) shall have authority to interpret the meaning of these Rules and any matter relating to the Association on which these Rules are silent.

16.2 The Management Committee may exercise all the powers of the Association:

- a) to borrow or raise or secure the payment of money in such manner as the member of the Association may think fit and secure the same 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 and in particular by the issue of debentures, perpetual or otherwise, charges upon all or any of the Association's property, both present and future, and to purchase, redeem or pay off any such securities;
- b) to borrow money at a rate of interest not exceeding interest at the rate for the time being charged by bankers in Western Australia for overdrawn accounts on money lent, whether the term of the loan be short or long, and to mortgage or charge its property or any part thereof and to issue debentures and other securities, whether outright or as security for any debt liability or obligation of the Association, and to provide and pay off any such securities.

16.3 The Management Committee shall affiliate Endurance Rides provided the ride organizers meet the specific terms as determined by the association.

16.4 The Management Committee may withhold or withdraw affiliation of an Endurance Ride and shall be obliged to furnish reason for its decision.

17 Membership of Management Committee

17.1 The Management Committee of the Association shall be comprised of 4 executive officer members and up to a maximum of 15 committee members and with no less than 6 members completing a minimum of three endurance rides without disqualification and all of whom are members of the Association.

17.2 The four executive officers shall be President, Vice-President, Secretary and Treasurer who shall be elected by the members of the Association.

17.3 The 4 executive officers shall hold office for one year. The term of office for executive officers of the committee shall commence immediately after the close of the Annual General Meeting of the Association at which the member was elected and shall end at the close of the next Annual General Meeting of the Association after that at which the member was elected.

- 17.4 The remaining committee members shall hold office for two years. The term of office for members of the committee shall commence immediately after the close of the Annual General Meeting of the Association at which the member was elected and shall end at the close of the second Annual General Meeting of the Association after that at which the member was elected.
- 17.5 At each Annual General Meeting the following members of the Management Committee shall retire:
- a) all of the executive officers who shall be eligible upon nomination for re-election.
 - b) any member of the Management Committee who wishes to nominate for election as an executive officer
 - c) all members of the Management Committee who have completed the two year term for which they were appointed
 - d) any member of the Management Committee appointed by the Management Committee pursuant to Rule 20 of the Rules of the Association, but shall be eligible upon nomination for election.
 - e) any member of the Management Committee who wishes to nominate for election as a member of the IAC.
- 17.6 The election of members of the Management Committee shall take place in the following manner:
- a) any two members of the Association shall be at liberty to nominate any other member to serve as an executive officer or as a member of the Management Committee;
 - b) the nomination, which shall be in writing and signed by the member and his proposer and seconder, shall be lodged with the Secretary at least twenty-eight days before the Annual General Meeting at which the election is to take place, and should include a resume of not more than 150 words;
 - c) the election of committee members for the following term will be conducted at the Annual General Meeting by a vote of the members present;
 - d) ballot papers shall be accepted up until 24 hours prior to the commencement of the Annual General Meeting and may be lodged by hand or by post to the Returning Officer of the Association; and
 - e) should, at the commencement of such meeting, there be an insufficient number of candidates nominated, those nominated shall be deemed elected and nominations may be taken from the floor of the meeting to fill vacancies not filled in accordance with the preceding provisions of this rule.
 - f) in the event of an equality of votes for any two or more candidates for a position, then a separate secret ballot will be held by the members in attendance at the Annual General Meeting.

17.7 Any member of the Management Committee may resign from membership of the Management Committee at any time by giving notice in writing to the Secretary, but such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.

18 Secretary

18.1 It is the duty of the Secretary to keep minutes of:

- a) all appointments of executive officers and other members of the Committee;
- b) the names of members of the Committee present at a Committee meeting or a General meeting; and
- c) the decisions taken and business dealt with at Committee meetings and General meetings.

18.2 The Secretary shall ensure that the issues raised in debate on a motion put at a general meeting are reported to the members via the minutes listed on the WAERA website.

18.3 The Secretary shall ensure that the minutes of proceedings at a meeting shall be signed by the Chairperson of the meeting or by the Chairperson of the next meeting.

18.4 The Secretary of the Association shall provide to the Secretary of the AERA a true copy of the minutes of the Management Committee meeting and any General Meeting within 28 days following any meeting of the Committee.

18.5 The Secretary shall ensure that notification of agenda items together with necessary postal voting forms are provided to ordinary members no less than 14 days prior to all general meetings. Re-nomination of honorary members will be included.

18.6 The Secretary shall endeavor to ensure that notification of agenda items is provided to members of the Management Committee no less than seven days prior to Management Committee meetings.

19 Treasurer

19.1 It is the duty of the Treasurer of the Association to ensure that:

- a) all money due to the Association is collected and received and that all payments authorized by the Association are made;
- b) correct books and accounts are kept showing the financial affairs of the Association including full details of all receipts and expenditures connected with the activities of the Association;

- c) a true copy of the financial report of the Association for the immediate past financial year is provided to the Secretary of the AERA no later than 28 days after the close of the Annual General Meeting.

20 Casual Vacancies

- 20.1 The Management Committee shall have the power at any time to appoint any member of the Association to fill any casual vacancy on the Management Committee until the next Annual General Meeting.
- 20.2 The continuing members of the Management Committee may act notwithstanding any casual vacancy in the Management Committee, but if and so long as their number is reduced below the number fixed by or pursuant to these Rules as the necessary quorum of the Management Committee, the continuing member or members may act for the purpose of increasing the number of members of the Management Committee to that number or of summoning a General meeting of the Association, but for no other purpose.

21 Removal of Committee Member

- 21.1 A member of the Management Committee may be removed by a 75% majority vote of other members of that Committee provided that such member of the Management Committee has been given 14 days advice of a notice for removal to be voted on at a Committee Meeting.
- 21.2 A member of the Management Committee shall be removed from the Committee if she or he fails to attend three consecutive meetings without sufficient reasons.
- 21.3 A member of the Management Committee removed under Clause 21.1 or 21.2 would have the right of appeal as stipulated in Clause 15.3 b) & c) and Clause 15.4 through 15.8.

22 Meetings of Management Committee

- 22.1 The Management Committee shall meet at least once every two calendar months to exercise its functions.
- 22.2 A special meeting of the Management Committee shall be convened by the President or by the Secretary on the requisition in writing signed by not less than one third of the members of the Management Committee. Such requisition shall clearly state the reasons the special meeting is being convened and the nature of the business to be transacted thereat.
- 22.3 At every meeting of the Management Committee the presence of one more than half the members elected and/or appointed to the Management Committee as at the close of the last Annual General Meeting of the members, rounded up to the next whole number, shall constitute a quorum.

- 22.4 Not less than fourteen days notice shall be given by the Secretary to members of the Management Committee of any special meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed thereat.
- 22.5 The President will act as Chairperson unless the Management Committee members decide by a majority vote to appoint an alternative person from the Committee.
- 22.6 If within half an hour from the time appointed for the commencement of a Management Committee meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall lapse.
- 22.7 Proxy voting shall be permitted at all State Management Committee meetings.

23 Delegation to Sub-Committees

- 23.1 The Management Committee may delegate any of its powers to a sub/committee of such members of the Association, or other persons, as the Management Committee thinks fit. Any sub/committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the Management Committee.
- 23.2 A sub-committee may elect a Chairperson of its meetings. If no such Chairperson is elected, or if at any meeting the Chairperson is not present within ten minutes after the time appointed for holding the meeting, the members present may choose one of their numbers to be Chairperson of the Meeting.
- 23.3 A sub-committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present and, in the case of an equality of votes, the question shall be deemed to be decided in the negative.
- 23.4 A sub-committee must report on its activities and decisions to each meeting of the Management Committee.

24 Voting and Decisions

- 24.1 The Management Committee may meet together and regulate its proceedings as it thinks fit, provided that questions arising at any meeting of the Management Committee shall be decided by a majority of votes of members present and, in the case of equality of votes, the question shall be deemed to be decided in the negative.
- 24.2 The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting to be recorded and

available for inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by the Chairperson of that meeting or a member other than the Secretary of the Management Committee who was present at the meeting to which the minutes apply at the next succeeding Management Committee meeting.

- 24.3 A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which she/he is interested, or any matter arising there from, and if she/he does so vote such vote shall not be counted.
- 24.4 All acts done by any meeting of the Management Committee or of a sub-committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of any such member of the Management Committee or person acting as aforesaid, or that the members of the Management Committee or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a member of the Management Committee.
- 24.5 A resolution in writing forwarded to all members of the Management Committee for the time being entitled to receive notices of meetings of the Management Committee and signed by a majority of the members of the Management Committee shall be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more members of the Management Committee.

25 Independent Appeals Committee

- 25.1 The IAC shall consist of 5 members of the Association elected at the Annual General Meeting of the Association from nominations lodged from the floor of the meeting. The 5 members elected shall hold office for a period of 2 years and the term of office shall end at the close of the second Annual General Meeting of the Association after that at which the member was elected.
- 25.2 When required to adjudicate 3 members shall be chosen by lottery by the Western Australian Management Committee.
- 25.3 A full attendance of 3 committee members will be required as a quorum.
- 25.4 Voting at IAC meetings shall be decided by a majority vote of the 3 elected members.
- 25.5 Members of the IAC shall disqualify themselves from acting in the event of a conflict of interest or personal Association relating to the issue to be resolved.
- 25.6 The IAC shall convene at the direction of the Western Australian Management Committee and/or the membership at a general meeting, and report their decisions to the Management Committee; such decisions shall be binding and not subject to appeal or alteration.

25.7 Members retiring after two years service are eligible for re-election upon nomination.

25.8 The State Management Committee shall have the power at any time to appoint a suitable member of the Association to fill any casual vacancy on the IAC until the next Annual General Meeting.

25.9 If for any reason the IAC is unwilling or unable to form a quorum to hear a disciplinary matter, the State Management Committee shall constitute itself as the IAC and perform all of the functions of the IAC and have all of the powers of the IAC.

26 Returning Officer

26.1 The Returning Officer shall be elected at the Annual General Meeting of the Association from nominations taken from the floor of the meeting. The elected Returning Officer shall hold office for a period of two years and the term of office shall end at the close of the second Annual General Meeting of the Association after that at which the member was elected. The member is eligible for re-election upon nomination.

26.2 The Returning Officer will be instructed by the Management Committee as to the tasks and responsibilities related to the postal ballot for executive officers and other members of the Management Committee as well as 27.1.

PART VI

GENERAL MEETINGS

27 Convening of

27.1 The Annual General Meeting shall be held within three months of the close of the financial year.

27.2 A general meeting shall follow the close of each Annual General Meeting.

28 Calling of Meetings

28.1 The Secretary shall convene the Annual General Meeting of the Association by giving not less than 28 days notice of any such meeting to the members of the Association. The Secretary will also call for Motions for Discussion and for the Annual General Meeting call nominations for vacant positions of officers.

28.2 The Secretary shall give not less than 14 days notice of the agenda and all business to be transacted at any general meeting including all nominations for management committee, all motions for discussion and all special resolutions to be voted upon.

28.3 The manner by which notices shall be given shall be determined by the Management Committee. Notice of a general meeting shall clearly state the nature of the business to be decided thereat.

29 Business at

29.1 The business to be transacted at every Annual General Meeting shall be -

- a) the receiving of the Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the Association for the preceding financial year;
- b) the receiving of the financial report upon the financial transactions and accounts for the preceding financial year;
- c) announcement of postal election results for State Management Committee positions by the Returning Officer;
- d) the appointment of a financial reporter;
- e) the election of a Returning Officer;
- f) the election of members of the Independent Appeals Committee.

29.2 The business to be transacted at the General Meeting following the Annual General Meeting shall be:

- a) Motions on Notice for Discussion;
- b) Special Resolutions on Notice for Voting;
- c) General business.

29.3 Motions of Notice for Discussion shall be submitted to the Secretary of the Association no less than 28 days prior to a general meeting. Motions received on notice shall be circulated by the Secretary to all voting members of the Association with the agenda of the meeting.

29.4 Motions on Notice for Discussion will be debated at their first reading until the Chair determines that debate is exhausted. The debate on these Motions will then voted on by those members present.

29.5 Provided that the members in attendance at the meeting agree, a Notice of Motion for Discussion can be raised from the floor for the purpose of discussion.

30 Quorum and Voting at

30.1 At any general meeting the number of members required to constitute a quorum shall be twice the number of members presently on the Management Committee plus one.

- 30.2 No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business.
- 30.3 Every question, matter or resolution shall be decided by a majority of votes of the members entitled to vote as stated in these rules except for matters required to be treated as a special resolution, in which case a majority of three quarters of the members present at the meeting is required.
- 30.4 Every member shall be entitled to one vote, provided that no member shall be entitled to vote at any general meeting if his or her annual subscription is unpaid at the date of the meeting.
- 30.5 In the case of an equality of votes on a question at a General Meeting of the Association, the question shall be deemed to be decided in the negative and the Chairperson shall not have a second or casting vote.
- 30.6 Voting shall be by show of hands, including proxy votes or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot in such manner as the members present shall determine and the result of the ballot as declared by the Chairperson shall be deemed to be the resolution of the meeting at which the ballot was demanded.

31 Procedure at, Adjournment and Postponement of

- 31.1 The President shall preside as Chairperson, or if there is no President, or if he/she is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Vice/President shall be the Chairperson or if the Vice/President is not present or is unwilling to act then the members present shall elect one of their number to be Chairperson of the meeting.
- 31.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner as per the published agenda, and the Chairperson may, with the meetings approval, appoint an alternative Chairperson for part of the meeting.
- 31.3 If within half an hour from the time appointed for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members of the Management Committee or the Association, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the Management Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.
- 31.4 The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the

business left unfinished at the meeting from which the adjournment took place. It shall not be necessary to give any notice of an adjournment or of the business to be transacted at any adjourned meeting.

32 Special General Meetings

Convening of

32.1 The Secretary shall convene a *Special General Meeting*:

- a) when directed to do so by the *Management Committee*; or
- b) on the requisition in writing signed by not less than two-thirds of the members presently on the *Management Committee* or twice the quorum as per clause 33.1. Such requisitions shall clearly state the reasons such *Special General Meeting* is being convened and the nature of the business to be transacted thereat.

32.2 The Secretary shall convene all *Special General Meetings* of the Association by giving not less than 14 days notice of any such meeting to the members of the Association.

32.3 The manner by which such notice shall be given shall be determined by the *Management Committee*. Notice of a *Special General Meeting* shall clearly state the nature of the business to be decided thereat and any motions on notice.

33 Quorum and Voting at

33.1 At any *Special General Meeting* the number of ordinary members required to constitute a quorum shall be twice the number of members presently on the *Management Committee* plus one.

33.2 No business shall be transacted at any *Special General Meeting* unless a quorum of members is present at the time when the meeting proceeds to business.

34 Making of Decisions at

34.1 Every question, matter or resolution shall be decided by a majority of votes of the members present.

34.2 Every member present shall be entitled to one vote in person, provided that no member shall be entitled to vote at any *Special General Meeting* if his or her annual subscription is unpaid at the date of the meeting.

34.3 In the case of an equality of votes on a question at a *Special General Meeting* or *General Meeting* of the Association, the question shall be deemed to be decided in the negative and the Chairperson shall not have a second or casting vote.

34.4 Voting shall be by show of hands or a division of members, unless not less than one-fifth of the members present demand a ballot, in which event there shall be a secret ballot in such manner as the Chairperson shall determine and the result of the ballot as declared by the Chairperson shall be deemed to be the resolution of the meeting at which the ballot was demanded.

34.5 To include Proxy Voting

35 Procedure at, Adjournment and Postponement of

35.1 The President shall preside as Chairperson, or if there is no President, or if she/he is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act, the Vice-President shall be the Chairperson or if the Vice-President is not present or is unwilling to act then the members shall elect one of their number to be Chairperson of the meeting.

35.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner and the Chairperson may, with the meetings approval, appoint an alternative Chairperson for part of the meeting.

35.3 If within half an hour from the time appointed for the commencement of a *Special General Meeting* a quorum is not present, the meeting, if convened upon the requisition of members of the *Management Committee* or the Association, shall lapse. In any other case it shall stand adjourned to the same day in the next week at the same time and place, or to such other day and at such other time and place as the *Management Committee* may determine, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

35.4 The Chairperson may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. It shall not be necessary to give any notice of an adjournment or of the business to be transacted at any adjourned *Special General Meeting*.

35.5 The minutes of every *Special General Meeting* shall be signed by the Chairperson of that meeting or the Chairperson of the next succeeding general meeting.

PART VII

MISCELLANEOUS

35.6

WESTERN AUSTRALIAN ENDURANCE RIDERS ASSOCIATION (INC):

I,..... of
being a member of the above named Association use this form for the Meeting of
the Association to be held on the day of 20... to indicate my vote :

- (a) in favor of the resolutions numbered
- (b) Against the resolutions numbered..... Signature:
..... Date:.....

36 Insurance

36.1 The Association shall effect and maintain insurance as required by the Act and any other insurance deemed necessary by the Management Committee.

37 Alteration of Rules

37.1 At any general meeting:

- a) alterations to these rules may be made by way of a special resolution of a general meeting and a member must vote in person;
- b) Special Resolutions must be submitted to the Secretary of the Association no less than 28 days prior to a general meeting. Special Resolutions received on notice shall be circulated by the Secretary to all voting members of the Association with the agenda of the meeting.
- c) no such amendment, rescission or addition shall be valid and in force until the same shall have been submitted to and approved by the approved Government Authority

38 Inspection of Books

38.1 The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting and general meeting to be recorded and available inspection at all reasonable times by a financial member who previously applies to the Secretary for that inspection.

38.2 A copy of the minutes may be requested by a member and will be supplied upon payment of the appropriate fees as set by the Western Australian Management Committee from time to time.

39 **Common Seal**

39.1 The Management Committee shall provide for a Common Seal and for its safe custody. The Common Seal shall only be used by the authority of the Management Committee and every instrument to which the seal is affixed shall be signed by a member of the Management Committee and shall be countersigned by the Secretary or by a second member of the Management Committee or by some other person appointed by the Management Committee for the purpose.

40 **Funds and Accounts**

40.1 The funds of the Association shall be banked in the name of the Association in such bank as the Management Committee may from time to time direct.

40.2 Proper records of accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature.

40.3 All moneys shall be banked as soon as practicable after receipt thereof.

40.4 All accounts paid by cheque shall be signed by two of the President, Vice-President, Secretary, Treasurer or other member authorized from time to time by the Management Committee .accounts paid by electronic transfer over \$1000.00 require authorization from 2 members of executive committee

40.5 Cheques shall be crossed "not negotiable" except those in payment of wages and allowances of petty cash re-coupment which may be open.

40.6 The Management Committee shall determine the amount of petty cash which shall be kept on the impress system.

40.7 All expenditure shall be approved or ratified at a Management Committee meeting.

40.8 As soon as practicable after the end of each financial year the Treasurer shall cause to be prepared a statement containing particulars of:

- a) the income and expenditure for the financial year just ended; and
- b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of that year.

40.9 All financial records and bank statements shall be examined by a suitably qualified person who shall present their financial report upon such inspection to the Secretary prior to the holding of the Annual General Meeting following the financial year in respect of which such inspection was undertaken.

40.10 The income and property of the Association whence so ever derived shall be used and applied solely in promotion of its objects and in the exercise of its powers as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him to the Association or otherwise owing by the Association or to any member of the Association or other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

41 Documents

41.1 The Management Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association.

42 Financial Year

42.1 The financial year of the Association shall close on October 31 in each year.

43 Distribution of Surplus Assets

43.1 If upon the winding up or dissolution of the association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid or distributed amongst the members, or former members. The surplus property must be given or transferred to another association incorporated under the act which has similar objects and which is not carried out for the purpose of profit or gain to its individual members, and which association shall be determined by resolution of the members.

44 Provision of a Copy of Rules to Members

44.1 The Secretary shall provide one copy of these rules of the Association to all ordinary members within three months of the acceptance of these rules in accordance with Clause 38.1 a) and b).

45.2 New members shall be provided a copy upon joining the Association. Any further copies shall be supplied to members upon request to the Secretary of the Association provided that the member pays to the Secretary a fee as is determined by the Management Committee from time to time.

45 **Liability**

45.1 The liability of the members is limited.