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# Section 1 Constitution of the Pony Club Association of Tasmania Inc.

## 1.1 NAME OF ASSOCIATION

The name of the association shall be THE PONY CLUB ASSOCIATION OF TASMANIA INCORPORATED (in these rules called "the Association").

## 1.2 INTERPRETATION

In these rules unless the contrary intention appears:-

- 1.2.1 "**Association**" means the association of all the Member Pony Clubs in the State.
- 1.2.1 "**Committee**" means the Committee of Management of the Association.
- 1.2.1 "**Council**" means the Committee.
- 1.2.1 "**Councillor**" means a member of the Committee of Management.
- 1.2.1 "**General Meeting**" means a meeting of the representatives of the member clubs as convened in rule 5.
- 1.2.1 "**The Secretary**" will be the public officer of the Association.
- 1.2.1 "**Member Club**" means a Pony Club that is a member of the Association.
- 1.2.1 "**Member**" includes a member club, every person who is a member of any member club, or an honorary member of any club, or of the Association.
- 1.2.1 "**Member**" also includes all officials (including without limiting the generality of the foregoing committee members, sub-committee members, examiners, coaches and office bearers) of the Association and of any member club.
- 1.2.1 "**A Life Member**" of the Association shall be a member elected as such by a simple majority of member clubs at the Annual General Meeting.

## 1.3 ASSOCIATION'S OFFICE

The office of the Association shall be at such place as the committee may, from time to time, determine.

## 1.4 OBJECTS AND PURPOSES

### 1.4.1 Basic Objects

The basic objects for which the Association is formed are to:

- a. Encourage young people to ride and to learn to enjoy all kinds of sport connected with horses and riding; Instil in members the proper care of their animals; provide instruction in riding and horsemastership; and promote the highest ideals of sportsmanship, citizenship and loyalty, thereby cultivating strength of character and self-discipline.
- b. Coordinate affiliated Pony Clubs and to affiliate with Pony Club Australia and Equestrian Australia, Tasmanian Branch.
- c. Endeavour to bring about uniformity in conditions governing competitions, and to furnish pony clubs and other interested bodies with the purpose and particulars of events which may be included in their programmes.
- d. Conduct pony club social activities, competitions, events and activities, to provide rules and guidelines for the conduct of pony club competitions, events and activities and to provide instruction and teaching for all members.
- e. Do anything conducive to the attainment of the principal objectives.

### **1.4.2 Additional Objects and Purposes**

In addition to the basic objects of the Association the objects and purposes of the Association shall be deemed to include the:

- a. Purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association.
- b. Buying, selling, and supplying of, and dealing in, goods of all kinds for any one or more of the objects or purposes of the Association;
- c. Construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association.
- d. Accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association.
- e. Taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donations, subscriptions, or otherwise.
- f. Printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association.
- g. Borrowing and raising of money in such manner and on such terms as the committee may think fit or may be approved of or directed by a resolution passed at a general meeting.
- h. Subject to the provisions of the Trustees Act 1898, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine.
- i. Making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which paragraph (a) subsection (1) of section 78 of the Income Tax and Social Services Contribution Assessment Act 1936 - 1964 of the Commonwealth relates.
- j. Establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes, and conveniences calculated to benefit servants or past servants of the Association and their dependants, and the granting of pensions, allowances, or other benefits to servants or past servants of the Association and their dependants, and the making of payments towards insurance in relation to any of those purposes.
- k. Establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association.
- l. Purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities, and engagements of any association with which the Association may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Association; and
- m. Entering into and performance of contracts including contracts of insurance.
- n. Doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the foregoing provisions of this sub--rule.

## **1.5 MEMBERSHIP**

In order to carry out more effectively the objects of the Association, the State will be divided into Zones as defined by the State Council. The Council at any time may increase or decrease the number of zones.

- 1.5.1 Any club that is a member of the PCAT at the time of incorporation will be deemed to be a member club of the Association and every member of any club will be deemed to be a member of the Association.

- 1.5.2 Any Pony Club that complies with the basic principles and rules of the Pony Club movement may apply to the Zone in which it is situated for membership of the Association and subject to that Zone's agreement, to the Council for ratification.
- 1.5.3 All clubs making application for affiliation will be required to submit their proposed constitution, which must be compatible with the Association's constitution and be approved by the Council.
- 1.5.4 If the application is approved, the club, upon payment of the fees required from time to time by the Association shall become a member club of the Association and every member of such club shall likewise become a member of the Association.
- 1.5.5 The Association may admit to honorary membership any person for such period as it thinks fit. Such person will have no voting rights.
- 1.5.6 A member club may, at any time, retire from the Association by delivering in writing a notice of its intention to the secretary, but any Club before retiring shall be liable for any annual subscription then payable by it. A retired club desiring to rejoin the Association shall apply for readmission in the manner as provided for in rule 5.2 above.

## **1.6 WINDING UP**

In the event of the Association being wound up:

Every member of the Association, and every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a member of the Association, is liable to contribute to the assets of the Association for payment of the debts or liabilities of the Association and for the costs, charges and expenses of the winding up and for the adjustment of the rights of contributors among themselves such sum not exceeding \$5 as may be required, but a former member is not liable so to contribute in respect of any debt or liability of the Association contracted after it ceased to be a member.

## **1.7 MANAGEMENT OF THE AFFAIRS**

### **1.7.1 The Council**

The management of the Association shall be directed by a State Council hereinafter called "The Council" which shall consist of a committee comprising:

- a. The President,
- b. The Vice President,
- c. A Chief Coaches' Representative from each zone,
- d. Two delegates from each Zone,
- e. The Secretary,
- f. The Treasurer.

### **1.7.2 Paid Professionals/Voting Rights**

At the end of each year prior to the election of office bearers the Council shall determine whether the positions of Secretary and/or Treasurer (or either of them) shall be filled by a paid professional. If the Council so decides then the position or positions filled by the paid professional shall not have any voting rights. For the purpose of this rule the payment of an honorarium shall not itself mean the loss of voting rights. Likewise the Council shall determine each year whether there shall be one position of Secretary/treasurer or separate positions of Secretary and Treasurer.

### **1.7.3 The Council**

- a. Shall direct and control the business and affairs of the Association;
- b. May, subject to these rules, exercise all such powers and functions as may be exercised by the Association, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association;
- c. Shall, subject to the Act and these rules, have power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Association;
- d. Shall advise and speak with the Government, EA, PCA and other bodies on matters pertaining to the Pony Club movement in Tasmania.
- e. May refer any matter to a general meeting.
- f. Minutes of the proceedings of all Association meetings shall be recorded by the Secretary in the minute books kept for the purpose. The minutes of each meeting when verified shall be signed by the Chairman of the meeting, or by the chairman of the next succeeding meeting. When signed, minutes shall, in the absence of proof or errors therein, be accepted prima facie evidence of the correctness of the facts stated therein.
- g. The committee may at any time appoint a sub-committee as it may think fit and shall prescribe the powers and functions thereof.
- h. The committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those persons are members of the Association, but a person so co-opted is not entitled to vote.
- i. Three appointed members of a sub-committee constitute a quorum at a sub-committee meeting.
- j. The Chairperson of the sub-committee is responsible for calling meetings of a sub-committee.
- k. The President and Secretary shall be ex-officio members of all sub-committees.

## **1.8 CLUBS AND ZONES**

### **1.8.1 District Commissioner**

Every Club shall have an official called a District Commissioner.

- a. The District Commissioner of each club (or their representative) in each zone shall meet periodically to further the business of the Association in each zone.
- b. Each District Commissioner at zone meetings, (including the Annual General Meeting) shall have one vote and voting maybe by proxy (providing written authority for each proxy is produced at the meeting.) In all other respects the rules of the Association (where relevant) shall apply mutatis mutandis to the meeting of each zone.

### **1.8.2 Visiting Commissioner**

Each zone shall have its own Visiting Commissioner who shall co-ordinate and supervise the affairs of the Association in his/her relevant zone.

### **1.8.3 Zone Annual General Meeting**

- a. Each zone shall hold an Annual General Meeting not later than 7 days prior to the Annual General Meeting of the Association.
- b. At each Zone Annual General Meeting the District Commissioners (or their proxy) of clubs within that zone shall elect the Visiting Commissioner and Secretary and/or Treasurer, for that zone and also two delegates to be members of the Council, and also three coaches to be members of the Chief Coaches Panel. Any one person may be elected to fill any one or more of the said positions.

- c. In addition at any zone Annual General Meeting the member clubs may decide to have an official called a Chairman in that zone and may decide whether he/she shall have any voting rights at zone meetings.
- d. The Secretary of each zone shall notify the Association of the results of the Zone Annual General Meeting prior to the PCAT Annual General Meeting but no election shall be invalid by reason of his/her failure to do so.

#### **1.8.4 Panel of Chief Coaches**

The panel of chief coaches shall consist of the three chief coaches elected from each zone as hereinbefore provided.

#### **1.8.5 Authority to Vote**

Any authority or vote to be exercised by a member club under these rules shall be exercised by the District Commissioner, or his/her written nominee, of such member club on behalf of such club.

### **1.9 ELECTIONS AND APPOINTMENTS OF COUNCIL**

#### **1.9.1 Council Positions**

- a. The President, Vice President, Secretary and Treasurer to be elected annually by ballot of the member clubs.
- b. The Chief Coach representatives shall be nominated by their respective Zone Chief Coaches. Voting may be by proxy provided written or electronic means authority is produced. The Chief Coach representative must be one of the Chief Coaches.
- c. Each Zone shall appoint two delegates. Each Zone shall have the right to appoint two alternate delegates.
- d. Every committee member and every official shall hold office from the date of one Annual General Meeting to the next Annual General Meeting.

#### **1.9.2 Nominations**

- a. All nominations must be submitted on the official nomination form and signed by the nominating District Commissioner and the nominee. Official nomination forms can be found in Section 10 of the Handbook. Each member club shall have the right to nominate one person for each of the positions of President, Vice President, Secretary and Treasurer.
- b. A candidate must be a financial member of a member club.
- c. Completed nomination papers must be received by the secretary no later than forty-two (42) days prior to the State Annual General Meeting.
- d. If no nominations are received for any one position, nominations may be taken from the floor providing the person has signed a nomination form or is present and willing to accept the office.

#### **1.9.3 Elections/Ballot Papers**

- a. If more than one nomination is received for any one position, a ballot must be held. Official ballot papers listing the candidates for election will be forwarded to all member clubs at least thirty-one (31) days prior to the date of the Annual General Meeting. The ballot papers will clearly state how to record the vote. The ballot papers must be put in a sealed envelope marked "Ballot Paper" and be in the hands of the Secretary prior to the start of the meeting.
- b. Ballot papers shall be completed on behalf of each member club by the District Commissioner of that club, or his/her proxy.
- c. The result of the ballot will be declared at the Annual General Meeting. If only one nomination is received for any one position then that nomination will be declared elected.

## **1.10 PATRON**

At the State Annual General Meeting of the Association a person may be elected to the position of Patron of the Association and a person so elected shall hold office until the conclusion of the AGM next after the date of his/her election but is eligible for re-election.

## **1.11 CASUAL VACANCIES OF OFFICE BEARERS**

The Council may appoint any financial member of any financial club to the Council to fill any casual vacancy, and any such person shall hold office up to the conclusion of the Annual General Meeting next following his/her appointment.

## **1.12 DISCIPLINING OF MEMBERS**

### **1.12.1 Discipline**

- a. Subject to this rule, the committee may discipline or expel a member of the Association if, in the opinion of Council, the member has been guilty of conduct detrimental to the interests of the Association.
- b. The member so charged shall be notified of the charge and the time and place at which it will be heard, and has the right to appear and state his/her case.
- c. The disciplining of a member pursuant to sub-rule 1.12.1.a of this rule does not take effect:
  - i. until the expiration of fourteen days after the service on the member of a notice under sub-rule 1.12.2.a of this rule; or
  - ii. if the member exercises his/her right of appeal under this rule, until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.

### **1.12.2 Notice**

- a. Where the committee expels a member from the Association, the Secretary shall, without undue delay, cause to be served on the member a notice in writing and sent by certified mail:
  - i. stating that the committee has disciplined the member and what form the disciplinary action is to be;
  - ii. specifying the grounds for the disciplining, and
  - iii. informing the member that if he/she so desires he/she may, within fourteen days after the service of the notice on him/her, appeal against the disciplining as provided in this rule.

### **1.12.3 Appeal**

- a. A member on whom a notice under sub-rule 4 of this rule is served may appeal against the disciplining to a special general meeting by delivering or sending by post to the Secretary of the Association, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his/her appeal.
- b. Upon receipt of a requisition under sub-rule 5 of this rule, the Secretary shall forth-with notify the committee of its receipt and the committee shall thereupon cause a special general meeting of member clubs to be held within twenty-one days after the date on which the requisition is received by the Secretary.
- c. At a special general meeting convened for the purpose of this rule:-
  - i. no business other than the question of the disciplining shall be transacted;
  - ii. the committee may place before the meeting details of the grounds of the disciplining and the committee's reasons for the disciplining;
  - iii. the expelled member shall be given an opportunity to be heard; and

- iv. the member clubs present shall vote by secret ballot on the question whether the disciplining should be repealed or confirmed.
- d. If at the special general meeting two-thirds of the member clubs present vote in favour of the lifting of the disciplinary action, that action shall be deemed to have been repealed.

## **1.13 DISPUTES**

- 1.13.1 Subject to this rule, a dispute between a member of the Association, in his/her capacity as a member, and the Association shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1892.
- 1.13.2 Nothing in this rule affects the operation or effect of rule 1.12.
- 1.13.3 The decision of the Council on the interpretation of any rule or by-law shall be conclusive and binding on all members unless and until it shall be over-ruled by a resolution at a Special General Meeting.
- 1.13.4 Any dispute or disagreement which shall arise between any members of the Association in matters relating to the Association may be referred by any party in the dispute or disagreement to a Disputes Committee (of five members appointed by the Council) or failing that to a meeting and the decision (as the case may be) thereon shall be conclusive and binding on the members concerned.

## **1.14 ANNUAL GENERAL MEETING**

- 1.14.1 The Annual General Meeting shall be held in the month of November each year and may be attended by members of the Council, the panel of Chief Coaches, and District Commissioners of Clubs (or the nominees of District Commissioners as appropriate).
- 1.14.2 All member Clubs and Zones shall hold their Annual General Meeting prior to the Annual General Meeting of the Association and the Clubs and Zones shall notify the Association of the members of their respective executives before 1st October.  
3 The Secretary shall, at least thirty-one days before the Annual General Meeting, send to every Club entitled to vote written notice setting out the time, date and place of the meeting and the nature of the business to be transacted thereat. No business other than business of a formal nature shall be brought forward at the Annual General Meeting unless notice thereof has been given.
- 1.14.3 Notices of Motion for the Annual General Meeting must be received by the Secretary at least six (6) clear weeks before the date of the Annual General Meeting,
- 1.14.4 The Annual General Meeting shall be in addition to any other general meetings that maybe held in the same year.
- 1.14.5 The Annual General Meeting shall be specified as such in the notice convening it.
- 1.14.6 The ordinary business of the Annual General Meeting shall be:
  - a. to confirm the minutes of the last proceeding Annual General Meeting and of any general meetings not previously confirmed;
  - b. to receive from the committee, auditor, and servants of the Association reports upon the transactions of the Association during the last proceeding financial year;
  - c. to announce the result of the ballot for positions and delegates and chief coaches elected from each zone;
  - d. to appoint the auditor and determine his/her remuneration;
  - e. to determine the remuneration of servants of the Association.
  - f. The Annual General Meeting may transact special business of which notice is given in accordance with these rules.
  - g. To elect Life Members if appropriate.



## **1.15 GENERAL MEETINGS**

- 1.15.1 Other general meetings may be held during the year at the request of a Zone or the Council.
- 1.15.2 General meetings maybe attended by members of the Council, Zone Visiting Commissioners, the panel of Chief Coaches and District Commissioners.
- 1.15.3 The Councillors, District Commissioners, and one Chief Coach from each Zone are entitled to vote.
- 1.15.4 If a District Commissioner is unable to attend a Meeting, he/she may appoint a nominee to attend in his/her place. Such appointment must be made in writing and lodged with the secretary prior to the commencement of the meeting.
- 1.15.5 Special General Meetings maybe called by the President, or at the request of the Council or a Zone, and such Special General Meetings shall be called within thirty-one (31) days of the date of the request being received.
- 1.15.6 Not less than thirty-one (31) days before the meeting, written notice setting out the time, date and place of the meeting and the nature of the business to be transacted thereat shall be forwarded to every club entitled to vote at a general meeting.

## **1.16 COUNCIL MEETINGS**

- 1.16.1 Meetings of the Council shall be held as required or as laid down in the by-laws from time to time, but at least two such meetings shall be held each year.
- 1.16.2 The Secretary shall at any time if requested by the President or by any two members of the Council, convene a Special General Meeting.
- 1.16.3 If any member of the Council shall fail to attend three consecutive meetings of the Council without having previously obtained leave of absence the Council may declare his/her office vacant.

## **1.17 PROCEDURE AT ALL MEETINGS**

- 1.17.1 The President shall preside as chairman at all Council and General Meetings. If the President is absent, the members present shall elect one of their number to preside as chairman thereat.
- 1.17.2 Upon any question arising at a meeting of the Association or Council, unless otherwise provided, each member personally present has only one vote.
- 1.17.3 Resolutions arising at meetings shall be decided by a simple majority of votes unless laid down otherwise in the constitution.
- 1.17.4 In the case of equality of votes the Chairman has a second or casting vote providing he/she has exercised his/her deliberative vote prior to the count being taken.
- 1.17.4 A vote will be taken on a show of hands but a secret poll may be requested before a vote is taken.
- 1.17.5 The Quorums for: -
  - a. Council meetings shall be 50% of members eligible to vote.
  - b. General Meetings shall be 25% of members eligible to vote.
  - c. Sub-committee meetings shall be three.

## **1.18 SUBSCRIPTIONS**

- 1.18.1 Every member club shall pay an annual subscription on behalf of itself and its members which shall become due and payable on the first day of the financial year.
- 1.18.2 The Council may determine different amounts of subscription for different classes of member.
- 1.18.3 The amount of the annual subscription shall be determined by resolution of the Council, at a meeting prior to the first day of July.

## **1.19 FINANCIAL YEAR**

The financial year of the Association is the period beginning on 1st October in each year and ending on the 30th September next following.

## **1.20 MEMBERS IN ARREARS**

- 1.20.1 A member club whose subscription is not paid by 1st. January shall be deemed to be in arrears. It shall be notified thereof by letter and in the event of non-payment by 31st. January in the same year it shall cease to be a member, but it may be readmitted to membership upon paying up all arrears of subscriptions there due.
- 1.20.2 Member clubs whose subscriptions are in arrears shall not be entitled to attend or vote at any meeting of the Association, or take part in any competitions or functions restricted to PCAT Members.
- 1.20.3 The Council, may remit on such grounds as it thinks fit, either wholly or in part, any subscription due to it by any club, or member or may grant time for payment in whole or in part thereof.
- 1.20.4 The Council shall have the power to impose any special fees or levies as it may deem necessary for the running of the Association.

## **1.21 INCOME AND PROPERTY OF ASSOCIATION**

- 1.21.1 The income and property of the Association however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred directly, or indirectly, by dividend, bonus, or otherwise, to any member of the Association.
- 1.21.2 The Association shall not:
  - a. appoint a person who is a member of the committee to any office in the gift of the Association to the holder of which there is payable any remuneration by way of salary, fees, or allowances, or
  - b. pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).
- 1.21.3 Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Association of..
  - a. remuneration in return for services actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business;
  - b. interest at a rate not exceeding the current bank lending rate on moneys lent to the Association by the servant or member; or
  - c. a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

## **1.22 ACCOUNTS OF RECEIPTS AND EXPENDITURE**

- 1.22.1 True accounts shall be kept:-
  - a. of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
  - b. of the property, assets, and liabilities of the Association, and, subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, those accounts shall be open to the inspection of the members of the Association.
- 1.22.2 The Treasurer of the Association shall faithfully keep all records of receipts and expenditure connected with the operations and business of the Association in such form and manner as the Council may direct.
- 1.22.3 The accounts, books, and records referred to in sub-rules 1 and 2 of this rule shall be kept at the Branch's office or at such other place as the Council may decide.

## **1.23 POWER TO BORROW MONEY**

The Association may borrow such sums as the Council considers necessary at any time, and the Council may give security as it considers fit. A resolution to borrow more money than \$2,000 per annum shall be passed at a general meeting by a majority of not less than two-thirds of those present and eligible to vote.

## **1.24 BANKING AND FINANCE**

- 1.24.1 The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof, issue official receipts therefore.
- 1.24.2 The Council shall cause to be opened with such financial institution under the Trustees Act, 1876 as the committee selects, an account/s in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.
- 1.24.3 The committee may receive from the Association's bank or bankers for the time being the cheques drawn on the Association on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of cheques or the surrender thereof to the Association.
- 1.24.4 Except with the authority of the committee, no payment of a sum exceeding twenty dollars shall be made from the funds of the Association otherwise than by cheque drawn on the Association's bank account, but the Council may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the committee may impose.
- 1.24.5 No cheques shall be drawn on the Association's bank account except for the payment of expenditure that has been authorized by the committee.
- 1.24.6 All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by any two of the President, Secretary or Treasurer.
- 1.24.7 The Treasurer shall submit a financial statement to each meeting of the Council.

## **1.25 AUDITOR**

- 1.25.1 At each Annual General Meeting of the Association the members present shall appoint a person as the auditor of the Association.
- 1.25.2 A person so appointed shall hold office until the Annual General Meeting next after that at which he/she is appointed, and is eligible for reappointment.
- 1.25.3 If an appointment is not made at an Annual General Meeting or if a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the Council may appoint an auditor who shall hold office until the next succeeding Annual General Meeting.
- 1.25.4 An auditor may only be removed from office by special resolution.

## **1.26 AUDIT OF ACCOUNTS**

- 1.26.1 Once at least in each financial year of the Association, the accounts of the Association shall be examined by the auditor.
- 1.26.2 The auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the Annual General Meeting.
- 1.26.3 In his report, and in certifying to the accounts, the auditor shall state whether:
  - a. he has obtained the information required by him;
  - b. in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the

- information at his/her disposal and the explanations given to him/her and as shown by the books of the Association; and
- c. the rules relating to the administration of the funds of the Association have been observed.
- 1.26.4 The Treasurer of the Association shall cause to be delivered to the auditor a list of all accounts, books, and records of the Association.
- 1.26.5 The Auditor:
- a. has a right of access to the accounts, books, records, vouchers, and documents of the Association;
  - b. may require from the servants of the Association such information and explanations as may be necessary for the performance of his/her duties as auditor;
  - c. may employ persons to assist him/her in investigating the accounts of the Association; and
  - d. may, in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.

## **1.27 DISCLOSURE OF INTERESTS**

- 1.27.1 A member of the Council or any committee who is interested in any contract or arrangement made or proposed to be made with the Association shall disclose his/her interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if his/her interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of his/her interest.
- 1.27.2 If a member of the committee becomes interested in a contract or arrangement after it is made or entered into he/she shall disclose his/her interest at the first meeting of the committee after he/she becomes interested.
- 1.27.3 No member of the committee shall vote as a member of the committee in respect of any contract or arrangement in which he/she is interested and if he/she does so vote his/her vote shall be invalid.

## **1.28 NOTICES**

- 1.28.1 A notice may be served by or on behalf of the Association upon any member either personally by sending it by electronic means or by sending it through the post in a prepaid letter addressed to the member at his/her usual or last known place of abode.
- 1.28.2 A notice posted to the last recorded address of the Secretary of a member club, honorary member or office bearer, which must state the place, day and time for holding the meeting, and the nature of the business to be transacted thereat, shall be deemed to have been served on such member.
- 1.28.3 All Notices of Motion and agenda items for any meeting must be lodged with the secretary at least six weeks before the date of the meeting at which it is to be considered.

## **1.29 DUTIES OF SECRETARY**

- 1.29.1 The Secretary shall, subject to the provisions of this Constitution and Rules, convene all meetings and shall attend such meetings and take proper minutes of the proceedings thereat and shall circulate a copy thereof to the Secretary of each financially affiliated member club, office bearers and honorary members. He/she shall conduct the correspondence of the Association. He/she shall be an ex-officio member of all committees. He/she shall maintain contact with Pony Club Australia and any other affiliated bodies and shall inform the Association of all such doings. He/she shall have custody of the books, documents and securities of the

Association except those relating to the finances of the Association which shall be the responsibility of the Treasurer.

- 1.29.2 The honorarium, or the remuneration if a paid professional, shall be fixed by the Council.

### **1.30 DUTIES OF TREASURER**

- 1.30.1 The Treasurer shall keep account of the funds and the properties of the Association and of all receipts and payments on account of the Association. He/she shall in each year prepare a balance sheet and statement of accounts and shall submit the same duly audited together with all documents relating thereto to the first Council Meeting in each year. He/she shall attend all meetings at which matters of finance are to be discussed.
- 1.30.2 The honorarium, or the remuneration if a paid professional, shall be fixed by the Council.

### **1.31 AFFILIATION WITH OTHER BODIES**

The Association may apply for affiliation with any other organisation as it thinks fit.

### **1.32 INTER-CLUB COMPETITION**

Inter-club competition shall be held from time to time, and shall be organised by the club or zone in whose area the competition is held. The club shall conduct the competition in co-operation with the Association.

### **1.33 AMATEUR STATUS**

Notwithstanding anything else herein contained no member of the Association may occupy the office of President, Vice President, or be a representative of a member club unless he shall at that time be an amateur as defined in the Constitution and Rules of the PCA and the Equestrian Federation of Australia.

### **1.34 BY-LAWS**

- 1.34.1 The Council may from time to time make, alter or repeal by-laws for the good conduct and management of the affairs of the Association. Such by-laws shall, provided they are not inconsistent with the Rules of the Association, for the time being be binding on all members and be construed as part of the Rules of the Association until they are rescinded or varied by the Association in general meeting.
- 1.34.2 The decision of the Committee on the interpretation of any rule, by-law or regulation of the Association shall be conclusive and binding on all members unless and until it shall be over-ruled by a resolution at an extraordinary meeting of the Association
- 1.34.3 All such by-laws shall be entered in a book to be kept for that purpose.

### **1.35 ALTERATION TO CONSTITUTION AND RULES**

This constitution and rules may be altered or added to by a resolution of three-quarters of the members of the Association as shall attend and vote at an extraordinary meeting specially convened so to do, such intention being clearly set out in the notice convening such a meeting.

### **1.36 DISSOLUTION OF ASSOCIATION**

If at any time the Council of any zone considers that the Association should be dissolved it shall present its reasons to a Special General Meeting of the Association. If a resolution for dissolution is carried by a majority of voting member clubs present, or if a quorum is not attained for the Special General Meeting, then in either event the Association shall be wound up in accordance with the provisions of the Association Incorporation Act 1964.

## **1.37 SEAL**

- 1.37.1 The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word "Seal".
- 1.37.2 The seal of the Association shall not be affixed to any instrument except by the authority of the Council, and the affixing thereof shall be attested by the signatures either of two members of the Council or of one member of the Council and of the Secretary of the Association or such other persons as the Council may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the Council.
- 1.37.3 The seal shall remain in the custody of the Secretary.