

# ACT Dressage Association CONSTITUTION 2003

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## **PART I - PRELIMINARY**

### **A Name of Association**

The name of the Association is the A.C.T. Dressage Association Incorporated.

### **I. B. Interpretation**

1. 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 referred to in paragraph 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 Regulations.

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 power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.

3. The provisions of the Interpretation Act 1967 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

### **I. C. Objects of the Association**

- (a) To affiliate with and to remain affiliated with the Equestrian Federation of Australia.
- (b) To promote and implement the Dressage Rules and Official Procedure laid down for National Events by the Equestrian Federation of Australia as amended from time to time.
- (c) To promote, hold and/or assist in holding exhibitions (including competitions tests, demonstrations of performance and other displays) of dressage.
- (d) To promote and conduct any course of instructions, lectures or discussions conducive to greater efficiency and standardisation of dressage judging, stewarding and organization; and also conducive to the knowledge of dressage riders.

3. For the purposes of furthering the objects of the Association, the Association shall have power to:

- (a) To 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) To raise funds by means of subscriptions, donations, appeals, social functions and any other means.
- (c) To 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 desirable to obtain and to carryout, exercise and comply with any arrangements, contracts, rights, licences, privileges and concessions.
- (d) To do all such other lawful things as are necessary incidental or conducive to the progress, development or welfare of the association.

## **2. Membership Qualifications**

A person is qualified to be a Member if:

- (a) the person is a person referred to in paragraph 21(2) (a) or (b) 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
- (b) the person has been nominated for membership in accordance with sub rule 3(1) and has been approved for membership of the Association by the Committee of the Association;
- (c) types of membership – Honorary Life, Ordinary Members and Family Membership (comprising 2 or more members of the same household).

## **3. Nomination for Membership**

1. A nomination of a person for membership of the Association.

- (a) shall be made by a Member of the Association in writing in the form set out in Appendix I to these rules;
- (b) shall be lodged with the Secretary of the Association.

2. As soon as is practicable after receiving a nomination for membership and the appropriate membership fees, the Secretary shall refer the nomination to the Committee which shall determine whether to approve or to reject the nomination,

3. Where the Committee determines to approve a nomination for membership, the Secretary shall as soon as practicable after that determination, notify the nominee of that approval (notification of acceptance will normally occur via the ACT Dressage Association Newsletter).

4. The Secretary shall, on payment by the nominee of the amounts referred to in sub rule (3) within the period referred to in that sub rule, 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.

#### **4. 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;
- (b) terminates upon cessation of the person's membership.

#### **5. Cessation of Membership**

A person ceases to be a Member of an 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;
- (d) fails to renew membership of the Association.

#### **6. 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. 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,

## **7. Fees, subscriptions etc.**

1. The annual membership fee of the Association is \$2.00, or if any other amount has been determined by resolution of the Committee, that other amount.

2. The annual membership fee is payable:

(a) except as provided by paragraph (b), prior to the commencement of the Annual General Meeting in any calendar year:

Or

(b) where a person becomes a Member or after 1 July in any calendar year, within one month of membership being accepted.

## **8. Members Liabilities**

1. 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 7.

## **9. Disciplining of Members**

(A) Where the Committee is of the opinion that a Member has persistently refused or neglected to comply with a provision of these rules or has persistently and wilfully acted in a manner prejudicial to the interests of the Association the Committee may, by resolution:

(i) expel the Member from the Association; or

(ii) suspend the Member from such rights and privileges of membership of the Association as the Committee may determine for a specified period.

(B) A resolution of the Committee under sub rule 9(3) 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 (3), confirms the resolution in accordance with this rule.

(1) Where the Committee passes a resolution under sub rule 9(1), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the Member:

(a) setting out the resolution 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;

(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.

(2) Subject to Section 50 of the Act, at a meeting of the Committee mentioned in sub rule (9), the Committee shall:

- (a) give to the Member mentioned in sub rule 9(1) 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 (1)

(3) Where the Committee confirms a resolution under sub rule (2), the Secretary shall, within seven days after the confirmation, by notice in writing inform the Member of that confirmation and of the Member's right of appeal under rule 10.

(4) A resolution confirmed by the Committee under sub rule (2) 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 10(4).

## **10. 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 9(2), 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 (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) Subject to Section 50 of the Act, at a general meeting of the Association convened under sub rule (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;
  - (c) The Members present shall vote by secret ballot on the question of whether the resolution made under sub rule (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 9(2), that resolution is confirmed

## **PART III - THE COMMITTEE**

### **I I. Powers of the Committee**

The Committee 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.

### **I2. Constitution and Membership**

(1)The Committee shall consist of:

- (a) the Office-Bearers of the Association;
- (b) Five (5) ordinary Members of the Association each of whom j shall be elected pursuant to rule 13 or appointed in accordance with subrule (4).

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

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



(e) the Assistant Secretary;

(f) the Newsletter Editor;

(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) 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 the conclusion of the annual general meeting following the date of the appointment.

### **13. 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 two Members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form);

(b) shall be delivered to the Secretary of the Association not less than seven 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 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 ballot shall be held.

(6) The 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.

### **14. The 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;
- (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.

### **15. The Treasurer**

(1) The Treasurer of the Association shall

- (a) collect and receive all moneys 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.
- (c) produce a current bank statement and details of income and expenditure for the Preceding month.

### **16. 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 17;
- (e) becomes an insolvent under administration within the meaning of the Corporations Law;
- (f) is disqualified from office under subsection 63(1) 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 absencing himself from three consecutive meetings of the committee without the leave of the committee.

## **17. Removal of Committee Members**

The Association in general meeting may by resolution, subject to Section 50 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.

## **18. Committee Meetings and Quorum**

- (1) The Committee shall meet at least three (3) 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 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 subrule (3) 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 seven (7) 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.

## **19. 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 acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had 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.

## **20. 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 of 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 subrule 18(5), 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 IV MEETINGS**

### **21.1. 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 months after the expiration of the first financial year of the Association.

(3) Subrules (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.

### **21.2. Annual General Meetings - Calling of and Business at**

(1) The Annual General Meeting of the Association shall, subject to the Act, be convened in the month of June each year and at such place and time as the Committee thinks fit.

(2) In default of any Annual General Meeting being held before the last day of June in any year, then an Annual General Meeting shall be held in the month next following and may be convened by any two members of the Association in the same manner as nearly as possible to that by which meetings are to be convened by the Committee.

(3) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:

- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
- (b) to receive from the Committee reports on the activities of the Association during the last preceding financial year;

(c) to elect members of the Committee including Office-Bearers;

(d) to receive and consider the statement of accounts and the reports that are required to be submitted to Members pursuant to Subsection 73(1) of the Act.

(3) An annual general meeting should be specified as such in the notice convening it in accordance with rule 24.

(4) An annual general meeting shall be conducted in accordance with the provisions of this part.

## **22. Monthly meeting of members**

(1) The Secretary shall in the months of July, August, September, October, November, December, February, March, April & May, convene a monthly meeting of members.

(2) Written notice of a meeting shall be given in the Newsletter to each financial member of the Association at least 4 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 percent of the total membership of which 7 (seven) must be Members of the Committee or Sub-Committee constitute a quorum for the transaction of business 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 the 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 present to preside.

## **23. 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 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 by post.

(2) The Committee shall, on the requisition in writing of not less than 5 percent of the total number of Members, convene a special general meeting of the Association.

(3) A requisition of Members for a special general meeting:

(b) shall state the purpose or purposes of the meeting;

(c) shall be signed by the Member/s making the requisition;

(d) shall be lodged with the Secretary; and

(e) may consist of several documents in a similar form, each signed by one or more of the Members making the requisition.

(4) If the Committee fails to convene a special general meeting within one month after the date on which a requisition of Members for the meeting is lodged with the Secretary, any one or more of the Members who made the requisition may convene a meeting to be held not more than three months after that date.

(5) A special general meeting is convened by a Member or Members referred to in sub rule (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,

#### **24. Special General Meeting/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 14 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 21 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 subrule (1) specifying, in addition to the matter required under that subrule, 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 subrule 22(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.

## **25. Special 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 that item.

(2) 10% 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 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%) shall constitute a quorum the meeting shall be dissolved,

## **26. 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.

## **27. Special General Meeting - Adjournment**

(1) The person Presiding at a 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 subrules (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.



## **28. 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 the 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 the 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.

## **29. Voting**

(1) Subject to subrule (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 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 of the then current years.

## **30. 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 2 to these rules.

## **PART V - MISCELLANEOUS**

### **31. Funds – Source**

(1) The funds of the Association shall be derived from 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.

### **32. (A) Funds Management**

(1) 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

(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of three nominated Members of the Committee or employees of the Association, being Members of the Committee or employees authorised to so by the Committee.

### **32. (B) Audit**

(1) The committee shall appoint an auditor for the purposes of Section 22 of the Ordinance such auditor not to be a member or the public officer of the Association.

(2) At least once in 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.

(3) 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.

(4) 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 sheet is a full and fair balance sheet containing the particulars required by this Constitution and properly drawn up 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, (whether 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.

### **33. Alteration of Objects and Rules**

(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.

### **34. Common Seal**

(1) The common seal of the Association shall be kept in the custody of the Secretary.

(2) The common seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal shall be attested by the signatures of one Member of the Committee and of the Secretary.

### **35. 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.

### **36. Inspection of Books**

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

### **37. Service of Notices**

(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.

### **38. Surplus Property**

(1) At the first general meeting of the Association the Association shall pass a special resolution nominating:

- (a) Another Association for the purpose of paragraph 92(l)(a) of the Act; or
- (b) a fund, authority or institution for the purpose of paragraph 92(l) (b) of the Act, in which it is to best its surplus property in the event of the dissolution or winding up of the Association.

(2) An Association nominated under paragraph (l) (a) must fulfil the requirements specified in Subsection 92(2) of the Act.

### **39. Public Officer**

(1) The Association shall appoint a Public Officer of the Association in accordance with Section 9(i) of the Ordinance.

(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 resident in the Australian Capital Territory.

(3) The Public Officer may hold any other office in the Association,

(4) The Public Officer shall, within fourteen (14) days after his/her appointment give notice in writing to the Registrar of Companies of his/her appointment and of his/her full name and address in accordance with Section 11 of the Ordinance.

(5) The Public Officer will do all things and serve all purposes of Public Officer as set forth in the Ordinance.

**APPENDIX I**

**Sample Membership Form**

This form should be sent with a cheque or money order, payable to the ACT Dressage Association, to:

The Secretary  
ACT Dressage Association

.....  
.....

Membership Fees:

\$25 Family Membership (comprising .two or more members of the same household)

\$20 Ordinary Member

(tick the appropriate box)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

PHONE: \_\_\_\_\_ Home \_\_\_\_\_ Work \_\_\_\_\_

I, \_\_\_\_\_ wish to apply to become a member of the ACT Dressage Association. I will abide by the Constitution of the Association.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Proposed by:\* \_\_\_\_\_

seconder\* \_\_\_\_\_

(must be a current financial member of the Association)

## APPENDIX 2

### PROXIES

#### Proxies - Appointment of

If a member cannot attend a meeting, the member may in his/her absence appoint as his/her proxy a person nominated by the member. The appointment must be in the form of written document similar to the example below.

#### Proxies - Powers of Voting

At any meeting of the ACT Dressage Association a person appointed as proxy has the same voting rights as the members represented, other than the right to vote in any poll for the election of office bearers.

#### Absent Voting

A member eligible to vote who ~ be unable to attend a meeting of the ACT Dressage Association may vote in their absence on any issue on the agenda for that meeting by indicating their preference and/or amendments in writing to the Secretary by 24 hours prior to the advertised meeting.

#### Appointment of Proxy - Form

I, \_\_\_\_\_ being a financial member of the ACT  
Dressage Association appoint \_\_\_\_\_ to be my proxy  
for the meeting to be held on \_\_\_\_\_

Signature of member: \_\_\_\_\_

Signature of proxy: \_\_\_\_\_