



Pony club Association of New South Wales Incorporated

# Constitution

As approved by State Council July 2015

# THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED

## OBJECTS

The objects for which the Association is established are:

- (a) To encourage the formation of amateur Pony Clubs and to regulate the general line of instruction in horsemanship and horsemastership.
- (b) To encourage young people to ride and learn to enjoy all kinds of sport connected with horses and riding. To provide instruction on riding and horsemanship and to instil in members the proper care of their animals. To promote the highest ideals of sportsmanship, citizenship and loyalty, thereby cultivating strength of character and self discipline.
- (c) To endeavour to bring about at exhibitions conducted by affiliated Pony Clubs and Agricultural and Pastoral Association Shows uniformity in the judging of Children's equestrian classes, also in other amateur competitive events in horsemanship and horsemastership in Australia in accordance with the method of instruction as laid down by the Association.
- (d) To endeavour to bring about uniformity in conditions governing competitions and to furnish affiliated Pony Clubs and Agricultural and Pastoral Associations with particulars of events which may be included in their show programmes in accordance with the by-laws of this Association.
- (e) To affiliate with the Australian Pony Club Council and Pony Club Associations in any other country.
- (f) To purchase, take on lease or in exchange or on hire or otherwise acquire, hold, mortgage and dispose of any real or personal property and any rights and privileges which the Association shall think necessary or expedient for the purpose of attaining the objects of the Association or any of them, or promoting the interests of the Association or its members.
- (g) To borrow or raise or secure the payment of money in such manner as the Association shall think fit, and in particular by the issue of or upon bonds, debentures, bills of exchange, promissory notes or other obligations or securities of the Association, or by mortgage or charge upon all or any part of the property of the Association.
- (h) To raise money by way of subscriptions and to grant any rights and privileges to subscribers.
- (i) To negotiate with Agricultural and Pastoral associations with the purpose of having suitable children's equestrian events included in the show programmes.
- (j) To do all such other things as are expedient or conducive to the attainment of all or any of the above objects.
- (k) To print, produce and distribute literature, pamphlets and general information relating to riding and horsemanship.
- (l) To encourage and promote contests with horses.

# THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED CONSTITUTION

## 1. NAME

The name of the Incorporated Association is **THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED**.

## 2. DEFINITIONS AND INTERPRETATION

2.1 Where commencing with a capital letter:

“**Act**” means the Associations Incorporation Act 2009 (as amended).

“**Association**” means The Pony Club Association of New South Wales Incorporated.

“**Club**” or “**Pony Club**” means an incorporated or unincorporated body which is affiliated with the Association.

“**Council**” means the Council of the Association.

“**Delegate**” means the person/s appointed from time to time to act for and on behalf of a Zone and to represent Zone at General Meetings.

“**Executive**” means the Executive appointed by the Council.

“**General Meetings**” means all meeting of the Association that are not the Annual General Meeting or and Extraordinary General Meeting.

“**Member**” means a member of a Pony Club.

“**Member of the Association**” means a duly nominated representative of a Pony Club who is a financial member of such Club and which Club is an affiliated Club and upon admission whose name is recorded in the Register.

“**Posting**” to include all electronic means of communication as well as Australia Post, Courier and hand delivery.

“**Professional**” A professional is any person who:

- a) accepts remuneration for riding Competition Horses in Showjumping, Dressage or Three Day Event Competitions;
- b) sells more than three International Competition Horses during the current year, without permission of his National Federation;
- c) hires out Competition Horses for the purpose of Showjumping, Dressage or Three Day Event Competitions;
- d) receives payment for training Competition Horses or an allowance on the sales of horses he rides;
  - (i) allows or has allowed his name or photograph to be used together with reference to or a photograph of a horse or horses to promote or advertise any product; or,
  - (ii) allows or has allowed his name or photograph to be used with or without reference to horses or promote or advertise any product used with, for, on or in conjunction with horses;

- e) is considered, for any other reason, as a professional by the F.E.I. and/or his National Federation;
- f) receives remuneration for riding instruction except in the case of a person who teaches riding as part of an accredited education course under the control of the Department of T.A.F.E., University or other recognised educational institution.
- g) Associates are deemed not to be a professional

**NOTE:**

(i) A **COMPETITION HORSE** is any horse which, having attained the age of five (5) years is used for completion in Showjumping, Dressage, Three Day Events or Driving in C.N.s.

(ii) **AN INTERNATIONAL COMPETITION HORSE** is any horse which having attained the age of five (5) years, is used for competing in Showjumping, Dressage, Three Day Events and Driving at C.N.A.s, C.I.s, C.I.O.s in Championships, Regional and Olympic Games.

“**Register**” means the Register of Members of the Association.

“**Secretary**” means the Secretary of the Association.

## 2.2 INTERPRETATION

2.2.1 Unless the contrary intention appears, words or expressions contained in these rules have the same meanings as defined in the Acts Interpretation Act 1987 and the Act.

2.2.2 In these rules unless the contrary intention appears:

- I. words importing any gender include all other genders;
- II. words importing persons include bodies corporate, unincorporated associations and trusts;
- III. words importing the singular include the plural and vice versa;
- IV. a reference to a statute (or a provision of a statute) means the statute or provision as modified or amended and in operation for the time being or any statute or provision enacted in lieu thereof and includes any regulation or rule for the time being in force under the statute or provision.

2.2.3 Headings in these rules do not affect their construction.

## 3. RULES

3.1 The Association and its affiliated Clubs and designated Zones shall be conducted in accordance with these Rules and any permitted Rules and by-laws made hereunder.

### 3.2 Alteration of Rules

These Rules or the Statement of the Objects of the Association may be added to or amended by resolution of any Annual or Special General Meeting PROVIDED THAT Twenty-eight (28) days' notice has been given and that the resolution has been carried by at least three quarters (3/4) of the Members of the Association voting thereon in attendance at the Meeting and the said Annual or Special Meeting.

## 4. MEMBERSHIP

### 4.1 Membership Unlimited

4.1.1 The number of members of the Association is unlimited.

### 4.2 Admission of Members

4.2.1 Membership of the Association shall comprise the duly appointed representatives of Pony Clubs which are affiliated with the Association. The Council may from time to time determine a minimum required number of members of a Club so that any Club with a lesser number of members may not be approved for the purposes of this Rule. Each such Club shall from time to time nominate one of its financial members as its representative to become a Member of the Association.

4.2.2 All nominations for membership of the Association shall be in writing and lodged with the Secretary at least One (1) Month prior to any General Meeting of the Association at which voting of such Member of the Association or his proxy or substitute is to be permitted. In the event of any Club desiring to terminate the membership of its nominee and nominate some other person in his place notice in writing signed by the club Secretary and President *of such termination and fresh nomination shall similarly be* lodged with the Secretary at least One (1) Month prior to a General Meeting.

4.2.3 Any Pony Club desiring to become affiliated with the Association and to nominate a Member of the Association must also with such nomination furnish the duly completed forms of application for membership and affiliations provided by the Association and furnish all of the particulars therein required. At the same time, such Club must also lodge with the Secretary of the Zone in which the Club is situated written notification of such application for affiliation and nomination of a Member of the Association.

4.2.4 Upon receipt of such notification the Zone Secretary shall notify all Clubs within the subject Zone seeking approval or objection to the application and shall immediately notify the Association Secretary of replies received from Clubs.

4.2.5 The Council shall consider all nominations for membership of the Association and subject to the approval of the Zone within which the Club is situated may, by simple majority decision, agree to admit to membership of the Association the person nominated by such Club and grant affiliation to the Club.

4.2.6 Upon the Council agreeing to admission to membership of the Association of a person nominated by a Club, the Club shall produce proof of its incorporation under the Act or its formation and adoption of these Rules whereupon the Secretary shall enter the name of the person so admitted in the Register and thereupon subject to payment of the Annual Subscription by the Club nominating such person he shall become a Member of the Association.

4.2.7 Upon receipt of a Notice of Termination from a Club, the Secretary shall delete the name of the person shown in the Register as the Member of the Association nominated by that Club from the Register and thereupon such person shall cease to be a Member of the Association.

- 4.2.8 Notwithstanding the above, the Council shall have full power and discretion to refuse admission of any person as a Member of the Association and may also, pursuant to a resolution passed by not less than three quarters (3/4) of the Members of the Council present at a meeting thereof, terminate or suspend for any period the membership of any person whose continued membership of the Association is, in its opinion, undesirable in the interests of the Association PROVIDED THAT such Member of the Association shall have been given Fourteen (14) days' notice of such meeting and a reasonable opportunity of being heard thereat in support of the continuation of his membership.
- 4.2.9 Honorary Life Membership may be granted to natural persons for outstanding service to the Association over a period in excess of Ten (10) years. Nominations must be submitted to the Executive in writing signed by not less than Five (5) Councillors. A secret ballot shall be conducted. On receipt of a two thirds majority affirmative vote of the Executive, the Life Membership shall be conferred. The declaration of the ballot will be made at the next Annual General Meeting of the Association.
- a) Nomination for Life Membership shall be made to the Secretary and be signed by at least Five (5) Councillors.
  - b) On receipt of such nomination, the Executive of the Association will consider it and if approved by a two-thirds majority of the Executive will recommend such appointment to the next Annual General Meeting of the Association as special business.

## **5. CONFIRMATION OF MEMBERSHIP**

- 5.1 The Secretary of the Association shall within Fourteen (14) days after the Council agreeing to admit a new Member of the Association inform such member and his or her Club by letter of such election and send a copy of the Rules of the Association to the Secretary of the Club which nominated such member.
- .2 Such Club may then incorporate under the Act.
- 5.3 Every Club shall pay its subscription within Twenty-eight (28) days of receipt by its Secretary of confirmation that the Council has agreed to accept its Nominee as a Member of the Association.
- 5.4 The Secretary shall keep a Register of Members of the Association setting forth the name and address of each member and the Club by which he has been nominated.

## **6. GENERAL MEETINGS**

### **6.1 Annual General Meetings of Members of the Association**

- 6.1.1 An annual general meeting of the Members of the Association must be held in March or April each year at such date, time and place as the Executive may determine.
- 6.1.2 The ordinary business of the Annual General Meeting shall be:
- (i) to confirm the Minutes of the preceding Annual General Meeting;
  - (ii) to receive and consider the President's Report;
  - (iii) to receive and consider the Financial Report;

- (iv) to determine the Annual Subscription for the year to commence on the first day of January in the year following the Annual Meeting; (*but note 29.4 Subscriptions*)
- (v) to appoint an Auditor;
- (vi) any special business of which notice is given in accordance with these Rules.

6.1.3 The Annual Meeting may from time to time appoint a Patron or Patrons.

## 6.2 General Meetings

6.2.1 All general meetings other than Annual General and Extraordinary Meetings shall be called General Meetings.

6.2.2 The Executive or twenty five per centum (25%) of affiliated Clubs by notice given by the Secretary or Member of the Association of each Club may convene a General Meeting.

## 6.3 Notice of Meetings of Members

6.3.1 Not less than Twenty-one (21) days' notice shall be given to each Member of the Association of any General Meeting.

6.3.2 A notice of the meeting must state the place, date and time of the meeting and set out brief details of the business to be transacted at the meeting.

6.3.3 A Member desiring to bring any business before a meeting must give notice of that business in writing to the Council for inclusion in the notice convening the next General Meeting.

## 6.4 Procedure at General Meetings

6.4.1 The following quorum provisions apply:

- (i) no item of business shall be transacted at a General Meeting unless a quorum of Members of the Association entitled under these rules to vote is present during the time when the meeting is considering that item;
- (ii) twenty Members of the Association present or by their proxy constitute a quorum for the transaction of the business of a General Meeting;
- (iii) if within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting if convened by members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and at the same place. If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members of the Association present (being not less than ten (10)) shall be a quorum.

6.4.2 The President, or in his absence, a Vice President, shall chair each General Meeting. If the President and the Vice President are absent from a General Meeting, the Members of the Association present shall elect one of their number to chair the meeting.

- 6.4.3 The chairman of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place. No business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place. Where a meeting is adjourned for 14 days or more (but not otherwise) notice of the adjourned meeting shall be given to each Member of the Association.
- 6.4.4 A question arising at a General Meeting shall be determined on a show of hands unless a secret ballot is called for by a Member of the Association. A declaration by the chairman that a resolution has been carried or carried unanimously or carried by a particular majority or lost, and 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.
- 6.4.5 Upon any question arising at a General Meeting the chairman may exercise a casting vote in addition to a deliberative vote, otherwise each Member of the Association shall have one vote only.

## **7. REPRESENTATION BY PROXY**

- 7.1 No member of the Association shall represent more than one Club/Zone except by proxy. A Member of the Association may appoint a substitute or proxy, who must also be a financial member of the same or another affiliated Pony Club, to attend and vote for that Member of the Association at any meeting of the Association but such appointment as substitute or proxy must be in writing signed by the Member of the Association and by the President or Secretary of the Club appointing such member and be received by the Secretary at least 96 hours before the scheduled commencement of the meeting PROVIDED THAT if the member shall be absent from Australia or for other good reason unable to sign the proxy his signature may be dispensed with and the signature of one other office bearer of his Club be accepted in place thereof.
- 7.2 Postal Votes are not accepted.

## **8. COUNCIL**

### **8.1. Powers of Council**

- 8.1.1 Unless otherwise stated in these Rules or the Act the management and control of the affairs of the Association shall be vested in the Council.
- 8.1.2 The Council may raise funds for the Association from subscriptions as levied by the Annual General Meeting, donations, grants and from such other sources as the Council may determine.
- 8.1.3 (i) The Council shall, subject to these Rules, have power to regulate its proceedings, appoint Committees and/or Sub-Committees and delegate to the Executive all of its powers to enable matters affecting the Association to be dealt with as required between meetings of the Council. The Executive shall present a full account of its proceedings to the next meeting of the Council.  
(ii) If the Executive is not satisfied that a Club is functioning strictly in



accordance with Association regulations it is empowered to supervise such Club and such Club is required to furnish the Executive with complete documentation of its activities during such period, including copies of all Notices of Meetings, Agenda, Minutes, Accounts and other documents. Where a Club is under investigation, a majority of members of the Executive must be present at such investigation.

(iii) Matters to be dealt with by Council must be submitted through Zones or Executive/Zone Chief Instructors Committee recommendations and not by individual Clubs.

(iv) The Chairman may admit to the business of a meeting any matter he considers should be heard.

(v) The Council shall have power to appoint up to three (3) additional members of the Council. Such appointees will hold office until the termination of the ensuing Annual General Meeting of the Association and as members of the Council have all rights vested in the elected members of the Council.

## **8.2 Election of Council by Zones**

8.2.1 For the purpose of election of Councillors the following provisions shall apply:

8.2.1.1 There shall be Zone Districts which shall comprise not less than four (4) Clubs. Each Zone District shall return two (2) representatives to the Council who shall be known as Councillors and on their election by their Zone Committees their names shall be forwarded to the Secretary of the Association. A person shall remain as Councillor of the Association until his Zone has forwarded to the Secretary notice of his resignation or replacement.

8.2.1.2 The Council shall have powers to alter or abolish the boundaries of any Zone and to fix the maximum number of Clubs in any Zone.

8.2.1.3 Zone Committees comprise Zone Delegates elected by Clubs from their financial members. Zone Delegates act for Clubs on Zone Committees and the management of Zone affairs is vested in the Zone Committee. Any member of a Club 18 years and over shall be eligible for election to a Zone Committee, provided such Club's current subscription has been paid. Councillors are elected by Zone Committees from amongst the Zone Delegates. Each Club within a Zone shall be entitled to nominate Zone Delegates for election by the Zone Committee to the Council for the Zone District in which it is situated.

8.2.1.4 Zone Committees may elect from amongst their number two (2) substitute Councillors and on their election their names shall be forwarded to the Secretary of the Association. The substitute Councillors shall assume for such meeting all rights, privileges and duties vest in the Councillor for whom he is in substitute.

8.2.1.5 The procedure for nominating for Council shall be determined by

Council from time to time.

- 8.2.1.6 Each Club whose current membership subscription has been paid shall be entitled to one vote for each Zone Delegate offering for election to the Council for the Zone in which the Club is situated.

## **9. OFFICERS**

9.1 The Officers of the Association shall consist of:

- (i) President;
- (ii) Two Vice Presidents;
- (iii) Treasurer;

who shall be Councillors and shall be elected by the Councillors at the first Council Meeting held following the Annual General Meeting.

- 9.2 Such President, Vice Presidents and Treasurer shall assume office at the close of business of the Meeting at which they are appointed.
- 9.3 The Council shall from time to time appoint a Secretary and such assistants as it may consider necessary or desirable upon such terms and subject to such conditions as it (or with its approval the Executive) may in each case determine. Where possible the Secretary shall be required to be in attendance at all Meetings of the Association at the discretion of the President or Chairman of the Meeting. The Secretary may also hold the office of Executive Director.
- 9.4 The Council shall appoint a Public Officer.

## **10. EXECUTIVE**

- 10.1 The first Meeting of the Council held after the Annual General Meeting shall elect an Executive which shall comprise the officers elected in accordance with Rule 9, the Chairman of the Chief Instructors' Committee, elected in accordance with Rule 13.3, two additional Councillors to be elected at that meeting and one additional Councillor who is also a member of the Chief Instructors' Committee to be elected by the Chief Instructors' Committee. A quorum at an Executive Meeting shall be five (5).
- 10.2 Members of the Executive referred to in Rule 10 shall assume office at the close of business at the Meeting at which they are elected and remain in office until the termination of the next Annual General Meeting.
- 10.3 Reference in these Rules to the Council shall where the context so permits include the Executive.

## **11. COUNCIL MEETINGS**

- 11.1 At a Meeting of the Council twenty five per cent (25%) of the total number of elected Councillors shall be a quorum.
- 11.2 At all Meetings of the Council the President or in his absence the Chairman of the Meeting shall have a deliberative and a casting vote.

11.3 Any contested election for an office of the Association shall be by secret ballot.

## **12. VACANCIES**

12.1 In the event of any vacancy occurring among the Officers or Executive during the current year the Council shall have power of appointment to fill such vacancy.

12.2 In the event of any vacancy occurring among the Councillors during the current year the Zone shall have power of appointment to fill such vacancy.

12.3 Any appointee in accordance with Clauses 12.1 and 12.2 shall hereof hold office until the close of the next Annual Meeting or until resignation or removal from office.

## **13. CHIEF INSTRUCTORS' COMMITTEE**

13.1 Each Zone shall appoint a Chief Instructor, hereinafter known as the Zone Chief Instructor, in accordance with provisions contained in the Zone Constitution.

13.2 All Zone Chief Instructors shall form a Committee hereinafter known as the Chief Instructors' Committee.

13.3 The Chief Instructors' Committee shall elect a Chairman at its Annual Meeting which shall be as directed by its Chairman.

13.4 Each Zone Chief Instructor may for convenience appoint a Deputy Chief Instructor, according to their Zone Constitution, to deputise for him in his absence. Full Zone Chief Instructor power and representation will be vested in the Deputy Chief Instructor during the period of substitution.

13.5 The Chief Instructors' Committee shall be empowered to appoint sub-committees and co-opt others as it deems necessary from time to time. The Chairman will be ex-officio on all sub-committees and, where practical, the Chairman shall act as Chairman of all sub-committees. Where possible the Secretary of the Association should be in attendance at all meetings and record proceedings.

13.6 The Chief Instructors' Committee shall:

13.6.1 Regulate and monitor the level of instruction throughout the Association;

13.6.2 Be competent to make decisions designed to bring this about, such as conduct of seminars and schools, deliberate on standards, awarding of all Instructors and Proficiency Certificates and alteration of gear and competition rules only after due notice has been given of the intended alteration/s on the agenda paper of the meeting at which the matter is to be dealt with and furnished not less than twenty-one (21) days prior to the meeting. Council may refer decisions made by the Chief Instructors' Committee back to the Committee for reconsideration, the matter to remain in suspension until resolved;

13.6.3 Publish or otherwise maintain an adequate technical library;

- 13.6.4 Not commit any finances without the expressed concurrence of Council;
- 13.6.5 The Chairman of the Chief Instructors' Committee may at any time suspend any Zone Chief Instructor, Club Examiner or Club Instructor from such office. Such suspension shall be notified to such Zone Chief Instructor, Club Examiner or Club Instructor by prepaid post which notification shall state the grounds for such suspension addressed to his place of residence or care of his Club Secretary and which notification shall state the grounds for such suspension and shall be immediately effective and shall remain effective until the next Meeting of the Chief Instructors' Committee.  
At such Meeting such suspension shall be considered and either confirmed or dismissed. Unless the suspension is confirmed by a 75% majority of those present and eligible to vote it shall be deemed to have been dismissed.  
If it is confirmed the subject Zone Chief Instructor, Club Examiner or Club Instructor shall cease to hold such office forthwith.

Any suspended Zone Chief Instructor, Club Examiner or Club Instructor shall receive notice of the Meeting at which the suspension is being considered and shall be entitled to be present and to be heard.

The Chief Instructors' Committee may invite any person or persons to be present and to be heard where such suspension is being considered.

#### **14. RECORDS**

- 14.1 Minutes shall be kept of the proceedings at all meetings of the Association, the Council, the Executive, the Chief Instructors and all advisory committee meetings.
- 14.2 The standing orders shall be those as adopted from time to time by the Council.

#### **15. FINANCIAL YEAR**

Each financial year of the Association shall commence on the first day of January.

#### **16. MANAGEMENT OF FUNDS**

- 16.1 The Association may apply to any Government, company, corporation, person or persons for grants, donations or other subscriptions or payment towards the Objects of the Association.
- 16.2 All funds of the Association shall be paid into a bank to the credit of the Association. All accounts must be passed by the Council and shall be paid by cheque, signed by any two of the President, the Treasurer and the Secretary.
- 16.2.1 Electronic fund transfers are permitted with two authorisations.

## **17. INVESTMENT OF FUNDS**

The Council may invest the funds of the Association upon mortgage of real or personal property or deposit the same within its Bank at interest as the Council may from time to time think fit.

## **18. POWERS AND DUTIES OF THE COUNCIL**

The Council may exercise all the powers and functions of the Association subject however to such directions as may from time to time be given by the Association in general meeting.

## **19. AUDITOR**

The Accounts of the Association shall be audited by an Auditor to be elected at the Annual General Meeting.

## **20. ASSOCIATION BY-LAWS**

- 20.1 The Council may from time to time make, amend or delete By-laws Regulations and Rules governing the business and/or conduct of fixtures controlled by the Association, Zones or its affiliated Clubs. Where possible, notifications of all intended changes are to be given by inclusion in the agenda of the Council Meeting at which same is to be considered.
- 20.2 Each Club and Zone shall, unless otherwise authorised by the Association, adopt to the extent to which they may apply to Clubs and Zones the objects of the Association and the provisions of these Rules and the By-laws and Regulations of the Association.
- 20.3 Each Club shall be deemed to have as its Rules the Rules contained in Schedule "A" hereof PROVIDED THAT such Club may, subject to this Rule make By-laws and regulations for the conduct of Clubs and Club fixtures, PROVIDED ALWAYS that such By-laws are not in conflict with these Rules and the By-laws and Regulations of this Association in which case they shall have no effect.
- 20.4 Each Zone shall be deemed to have as its Rules the Rules contained in the Schedule "B" hereof PROVIDED THAT such Zone may, subject to this Rule make By-laws and Regulations for the conduct of the Zone and Zone fixtures, providing always that such By-laws are not in conflict with these Rules and the By-laws and Regulations of this Association in which case they shall have no effect.

## **21. DISPUTES RESOLUTION**

- 21.1 A complaint may be made to the Executive Committee by any delegate who is a member of the association;
  - (a) Has refused or neglected to comply with a provision or provisions of this Constitution, or
  - (b) Has wilfully acted in a manner prejudicial to the interest of the Association.
- 21.2 The disputes resolution process will be that which has been adopted by the Association

## **22. THE COMMON SEAL**

This clause has been deleted.

## **23. INDEMNITY**

23.1 Every Officer of the Association shall be indemnified and held indemnified out of the assets of the Association against all claims, losses, suits and demands at whatsoever instance in respect of anything done or omitted by such officer in the bona fide exercise of his duty as an officer of the Association.

23.2 The nominated Member of the Association of a Club shall not be admitted to membership of the Association or continue to be a member of the Association unless that Club is party to a Contract of Insurance which indemnifies Club members and officials in such amount and on such terms and conditions as the Council shall from time to time determine.

## **24. ALTERATION OF RULES**

These Rules may be altered, rescinded or repealed and new Rules provided in the manner prescribed by the Act.

## **25. WINDING UP**

25.1 If upon the winding up of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall be disposed of in such manner as shall be decided by an Annual or Special General Meeting of the Association.

25.2 The Association may be wound up upon a Special Resolution at an Extraordinary General Meeting duly convened to do so, such intention being clearly set out in the Notice convening such a Meeting. Upon such a resolution being carried all of the property and assets of the Association, after payment of all properly incurred debts and liabilities of the Association shall be vested in an Association nominated by Special Resolution of the Club pursuant to Section 53(2) of the Act. The Association so nominated shall be one which fulfils the requirements specified in Section 53(2)(a) to (c) of the Act.

## **26. LEGAL LIABILITY**

26.1 The Association shall maintain a Public Liability Policy to cover legal liability of the Association.

26.2 No liability shall be accepted by the Association or any person acting on behalf of the Association in respect to any accident or injury happening to any member of the Association or person or any property caused or happening in connection with any activity of the Association or its members.

## **27. MEMBERS' LIABILITY**

27.1 The liability of Members is limited.

- 27.2 No member shall be liable to contribute any moneys over and above membership subscriptions towards payment of the debts and liabilities of the Association.
- 27.3 The income and property of the Association howsoever derived shall be applied solely towards the promotion of the objects of the Association and no portion thereof shall be paid or transferred directly or indirectly by way of profit to Members of the Association PROVIDED THAT nothing herein contained shall be construed so as to prevent:
- 27.3.1 the allowance of an honorarium to any such Member of the Association in respect of special honorary services rendered;
  - 27.3.2 the repayment of any such member of the Association of out-of-pocket expenses incurred by him on behalf of the Association for the hire of goods or rent for premises hired or rented to the Association.
  - 27.3.3 the payment on good faith of interest to any such member in respect of moneys advanced by him to the Association or otherwise owing by the Association to him;
  - 27.3.4 the payment of remuneration to any officers or servants of the Club or other person in return for any skilled or professional services actually rendered to the Club; or
  - 27.3.5 any payment to any company or corporation of which a Member of the Association may be a member or in which such member shall hold no more than one hundredth (100th) part of the paid up capital and any such member shall not be bound to account for any share of the profits of such company or corporation which he or it may receive in respect of any such payment.

## **28. CUSTODY OF BOOKS**

All books, documents, records securities of the Association shall be under the control of the Secretary and maintained at the Association registered office and shall be available during office hours for inspection by Members of the Association.

## **29. SUBSCRIPTIONS**

- 29.1 Every Club affiliated with the Association shall pay an annual subscription of such sum as the Association on the first day of January in each year and shall be forwarded with completed Affiliation Forms and such other documents which may be required by the by-laws or rules of the Association to the Secretary of the Association (with a copy to the Zone Secretary) at such times as may be prescribed from time to time by the Executive and notified to Clubs.
- 29.2 If any Club should fail to pay its subscription within two (2) calendar months after the same becomes due and payable the Pony Club Council may strike the name of such Club's nominee from the register and thereafter such Club shall cease to be affiliated with the Association.
- 29.3 The Council may on such grounds as it thinks fit remit either wholly or in part any subscription due to it by any Club or may grant time for payment of the whole or part

thereof.

29.4 If in the opinion of the Executive there are circumstances to warrant amending the annual subscription determined at the Annual General Meeting preceding (6.1.2.iv) the Executive is given the power up to and including 30th September of the current year to determine the annual subscription for the year to commence on the first day of January in the year following.

### **30. FORFEITURE OF MEMBERSHIP**

Upon the dissolution or vacation or resignation of any Club the same shall cease to be affiliated with the Association and its nominee shall cease to be a member.

### **31. RESIGNATION**

Any Club may resign from affiliation with the Association by giving to the Secretary not less than three (3) calendar months' written notice to that effect and paying any outstanding subscriptions or any other moneys due to the Association for any reason whatsoever. Upon the expiration of the said three (3) calendar months PROVIDED THAT all such subscriptions and other moneys (if any) have been paid the nominee shall cease to be a Member of the Association.

### **32. THE ASSOCIATION BADGE**

Members of Clubs whose nominees have been admitted to membership of the Association may wear the badge of the Association with or without the name of their Club thereon.

### **33. PROFESSIONALS NOT ELIGIBLE TO BE A CLUB MEMBER**

No Club shall admit to its membership any person deemed to be a professional as defined by these Rules unless such person has re-qualified as an amateur in accordance with the rules in Schedule "A" hereof.

### **34. INTERNAL DISPUTES**

Matters of dispute or appeals referred to the Council under the provisions of these Rules may be referred by the Council to the Executive or a Sub-committee appointed for such purpose and the decision of the Executive or Sub-committee shall have the same effect as a decision of the Council.



**ASSOCIATIONS INCORPORATION ACT 2009**  
**THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED**  
**SCHEDULE “A”**  
**OBJECTS**

- 1 **TO ENCOURAGE** young people to ride and to learn to enjoy all approved kinds of sport connected with horses and riding.
- 2 **TO PROVIDE** instruction in horsemanship and to instil in members the proper care of their animals.
- 3 **TO PROMOTE** the highest ideals of fellowship, citizenship and loyalty and to cultivate strength of character and self-discipline in the members.
- 4 **TO SUBSCRIBE** to become a member of an affiliate with the Pony Club Association of New South Wales Incorporated.
- 5 **TO DO** all such other things as are expedient or conducive to the attainment of all or any of the above objects.

**ASSOCIATIONS INCORPORATION ACT 2009 THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED**

**SCHEDULE "A"**

**RULES**

**1. NAME**

The name of the Club shall be \_\_\_\_\_ Pony Club (Incorporated).

**2. DEFINITIONS**

2.1 In these Rules unless the contrary intention appears:

**"The Association"** means the Pony Club Association of New South Wales Incorporated.

**"The Zone"** means a group of clubs as designated by the Council and where the context so admits the Zone of which the Club is a member.

**"The Club"** means the \_\_\_\_\_ Pony Club (Inc.)

**"The Committee"** means the committee of the Club elected pursuant to these Rules.

**"The President"** means the President of the Club.

**"The Secretary"** means the Secretary of the Club.

**"The Treasurer"** means the Treasurer of the Club.

**"Member"** means a financial member of the Club.

**"Member of the Association"** means a duly appointed representative who is a financial member of the Club and on admission whose name is recorded in the Register of Members of the Association.

**"Post", writing and delivered** to include electronic means of communication such as e-mail as well as Australia Post, Courier and hand delivery as determined by the club.

**"Subscription"** means and includes subscriptions to the Club, Zone, Association and all Insurance premiums as required by the Association.

**"The Council"** means the Council of the Association.

**"Voting Member"** means a financial member of the club aged 18 years or over

**3. INTERPRETATION**

Words importing the masculine gender only include the feminine gender also and vice versa. Words importing the singular number shall also be deemed to include the plural number and vice versa.

## 4. RULES

- 4.1 The Club shall be conducted in accordance with these Rules and regulations or by-laws made hereunder.
- 4.2 The Club shall not have any branches.
- 4.3 **Alteration of Rules**  
These Rules or the Club Objects may be added to or amended by resolution of any annual or Special General Meeting provided that Twenty-eight (28) days' notice has been given and that the resolution is carried by at least three quarters (3/4) of the members voting thereon and that such addition or amendment is not at variance with the Pony Club Association of New South Wales Incorporated Rules and Regulations.

## 5. MEMBERSHIP

The Membership of the Club shall be defined as:

- 5.1 **“Junior”**—members under 17.
  - 5.2 **“Associate”**—members 17 years and up to the end of the calendar year in which they turn 25 years of age.
  - 5.3 **“Senior”**—members 25 years of age and over.
  - 5.4 In special circumstances visiting membership may be granted by the Committee for a limited period.
  - 5.5 Honorary Life Membership may be granted for outstanding service to the Club over a period in excess of ten (10) years. Nominations must be submitted to the Committee in writing signed by not less than five (5) members. A secret ballot of the Committee shall be conducted by the Committee. On receipt of a two-thirds major affirmative vote the declaration of the ballot will be made at the next Annual General Meeting of the Club.
  - 5.6.1 Decisions on applications to be admitted as a member of the Club and applications to renew memberships of the Club will be at the discretion of the Committee and the decision of the Committee will be final on all questions of eligibility and membership.
  - 5.6.2 The Committee must make all decisions on renewal of memberships in accordance with good faith. Where the Committee intends to refuse to renew the membership of an individual in accordance with Clause 5.6(a), before that decision to refuse to renew an individual's membership can be taken by the Club, that individual must be afforded an opportunity to lodge written submissions to the Committee regarding their admission to the membership.
- Please see the Guidelines for Clubs for clarification and examples.*
- 5.7 No person defined as a professional in these Rules will be eligible for membership unless such person has re-qualified as an amateur in accordance with the following

rule.

- 5.8 A person with professional status who has re-qualified as an amateur in accordance with the rules of the Association will enjoy the same rights and privileges and will be subject to the same obligations as any other member.
- 5.8.1 Any person previously considered professional by the Association as defined and wishing to regain amateur status to apply for Pony Club membership is required to:
- 5.8.1.1 Notify the Secretary of the Association of this intention;
  - 5.8.1.2 Have ceased all professional activities as required by the Rules of the Association;
  - 5.8.1.3 Disassociate completely from any professional riding school, institution or similar body;
  - 5.8.1.4 Serve a qualifying period of 12 months from the time of notification and disassociation prior to any application for Pony Club membership being considered by any Pony Club.
- 5.8.2 The Association shall notify all Zones on receipt of intention of any such professional. This will be done at Council and notified in Council Minutes.
- 5.8.3 Such application shall be considered at the first Council Meeting held twelve (12) months after its receipt by the Secretary of the Association and the Council may by simple majority grant or refuse such application.
- 5.8.4 If any reinstated amateur turns professional again after reinstatement he will be excluded for life from Pony Club membership.
- 5.8.5. Notwithstanding clause 5.7 hereof a Professional who is a parent or guardian of a Junior or Associate riding member of a club may apply to become a member of that club and if elected to membership in accordance with these rules will enjoy the same rights and privileges and be subject to the same obligations as any other member.  
EXCEPT THAT —
- (i) Such Professional shall not be eligible to hold the position Club Senior Instructor or Zone Chief Instructor; and
  - (ii) Such Professional's membership shall immediately cease when he or she is not a parent or guardian of a Junior or Associate Riding Member.
- 5.9 Any person desiring to become a member of the Club shall apply in writing on the official form of application provided by the Club stating name, address, telephone number, date of birth for Juniors and Associates and all particulars therein required— such applications shall be delivered to the Secretary of the Club at least one (1) week before the date of the meeting at which such member comes forward for election. New members shall be admitted upon election by a simple majority of the Committee.

- 5.9.1 Notwithstanding 5.9, intending members, on payment of the prescribed subscription to the Pony Club and this having been recorded in the Club's receipt book, and sign the relevant risk warning form, such intending member shall enjoy full membership privileges except voting rights until the next Committee or General Meeting when his application shall be considered and either confirmed or rejected.
- 5.10 The Secretary of the Club shall within fourteen (14) days after the election of a new member inform such member by letter of the election and if admitted membership will advise of the availability of copies of Rules and all relative literature. Every new member shall unless it has already been paid, pay his subscription within fourteen (14) days after such a notice of election is posted.
- 5.11 Any person who is or has been a member of a Club within the Association or any other Association affiliated with the Australian Pony Club Council during the preceding five (5) years wishing to transfer from such Club or former Club must subject to Rule 5.12 hereafter, obtain a transfer from such Club before joining another Club, which transfer must accompany the application for membership to that Club.
- 5.12 In the case of a person who has been a member of a Club which is wound up or is not functioning, his application for membership to another Club may be accepted without presentation of a transfer form.
- 5.13 Any member may resign his membership by giving the Secretary notice in writing to that effect, such resignation shall become effective at the first Committee or General Meeting following such notice, or in the event of neither the Committee nor the Club meeting, one (1) calendar month from the date of notice of resignation.
- 5.14 A person who has been a member of a Club during the preceding five (5) years either as a Junior, Associate or Senior shall obtain a transfer from his Club or former Club before joining another, irrespective of terminating or lapse of membership. A member wishing to transfer shall apply to his Club or former Club for a transfer at least thirty (30) clear days prior to the date he wishes to begin membership of another Club. A Junior or Associate Member shall not represent his Club during this thirty day period. The thirty day non-competitive period dates from the date of request for the transfer. Upon the expiry of thirty (30) days of receipt of the request the Secretary shall complete and give the transfer form subject to any direction by the Committee to such member or his representative. A transfer is binding for twelve (12) months except at the discretion of the Pony Club Council.

Should a transfer not be given in accordance herewith or an application for the same not acknowledged within fourteen (14) days of lodging such application, the member concerned has the right of appeal to the Pony Club Council. If such an appeal is upheld by the Pony Club Council the thirty days period shall be deemed to have commenced fourteen days following the date of the original application.

In the event of a member requesting a transfer because of a change of address of the applicant the member that transfers may compete immediately for the new Pony Club and the thirty day waiting period for the transfer to become effective shall not be applicable.

The Club may decline to issue a transfer only if the applicant is under suspension or has been disqualified from membership or if the applicant owes moneys other than membership fees to the Club.

- 5.15 The Secretary shall keep a Register in which the names of all current Club Members are recorded.

## **6. HONORARY LIFE MEMBERSHIP**

Honorary Life Members may be elected as per Para 5.5 and will be binding under the following terms:

- 6.1 Such Honorary Life Members may enjoy all the social privileges as members of the Club and may vote at general meetings.
- 6.2 Such Life Members may be duly elected to the Committee or any sub-committees pursuant to these Rules and any permitted by-laws.
- 6.3 The Committee shall not elect more than two Honorary Life Members in any one year.
- 6.4 Any Honorary Life Member may resign his membership by giving to the Secretary notice in writing to that effect at least one (1) calendar month prior to the date on which he wishes his resignation to become effective.

## **7. VISITING HONORARY MEMBERSHIP**

Visiting honorary membership may be granted for a limited period to a member of another Club provided that proof of such membership is given. A visiting Honorary Member is entitled to all privileges of membership of the Club but may not vote or take any official office within the Club. Visiting members may take part in competition within the Club but may not represent it.

## **8. DISPUTES RESOLUTION**

- 8.1 A complaint may be made to the club committee by any financial member that a member of the club;
  - (a) Has refused or neglected to comply with a provision or provisions of this Constitution, or
  - b) Has wilfully acted in a manner prejudicial to the interest of the Association.
- 8.2 The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- 8.3 The disputes resolution process will be that which had been adopted by the Association.
- 8.4 A dispute between a member and another member (in their capacity as members) of the club, or a dispute between member or members and the Zone shall be dealt with under the policy that has been adopted by the Association.

## **9. REPRESENTATION**

Senior, Associate and Junior members shall be financial members of one Pony Club only. Members shall be eligible to compete for that Club and no other.

Persons 25 years of age, and over, are not permitted to ride for the purpose of receiving

instruction or competing at Pony Club functions. They may be permitted to ride for the purpose of assisting, demonstrating or supervision with the approval of the Club Senior Instructor. Instructors or those applying to become Instructors, may, with the approval of the Club Senior Instructor, ride and receive instruction at instructional schools.

## **10. ZONE**

Each Club shall be a member of a Zone and shall pay the subscription that Zone may from time to time determine by resolution in Annual General Meeting.

## **11. SOURCE OF FUNDS**

11.1 Every member shall pay an annual subscription of such sum as the Club shall determine and such subscription shall be due and payable on the first day in each financial year.

Any subscription from a member shall include an affiliation fee as determined by resolution at the Annual General Meeting of the Association together with all applicable insurance premiums.

11.2 If any member shall fail to pay this annual subscription within two (2) calendar months after applying for membership or where renewal of membership is applicable, from the beginning of the financial year, the Committee may strike the name of such member from the roll and such member shall cease to be a member of the Club, subject to the same conditions as Clause 5.6.2.

11.3 The Committee may on such grounds as it thinks fit, remit either wholly or in part any subscription due to the Club by any member or may grant time for payment thereof or of part thereof.

## **12. FINANCIAL YEAR**

The Financial Year of the Club shall end no earlier than 31st October and no later than 31st December of each year.

## **13. DUTIES OF PRESIDENT**

The President shall:

13.1 preside at all General and Committee Meetings of the Club and preserve order thereat so that the business may be conducted in conformity with normal rules governing meetings;

13.2 sign all documents which require his signature as official head of the Club and sign all minutes of meetings of the Club after the same are duly confirmed;

13.3 convene or instruct the Secretary to convene all meetings of the Club or its committee;

13.4 liaise with community leaders and others with the aim of fostering the aims and objectives of the Club.



#### **14. DUTIES OF VICE-PRESIDENT**

The Vice-President shall:

- 14.1 assist the President in the execution of his duty and in the leadership of the Club and on behalf of the President, carry out any duties which are assigned to him from time to time;
- 14.2 act as President in the absence of that officer and execute his duties and functions on the occasion of his absence.

#### **15. DUTIES OF SECRETARY**

The Secretary or the Assistant Secretary shall:

- 15.1 record and promptly deal with all correspondence and submit the same to the Committee;
- 15.2 keep minutes of meetings of the Club and of the Committee;
- 15.3 give all necessary notice of meetings;
- 15.4 keep an accurate list of all Club members including birth dates of all Junior and Associate members;
- 15.5 prepare affiliation returns for submission to the Pony Club Association Secretary (with copies to the Zone Secretary) together with appropriate remittance to cover affiliation and applicable insurance premiums at such times as may be prescribed from time to time by the Executive of the Association and notified to Clubs;
- 15.6 prepare an annual report for submission to the Annual General Meeting of the Club;
- 15.7 carry out such other duties as the Committee or a General Meeting shall direct;
- 15.8 within seven (7) days of the Club Annual General Meeting advise the Association Secretary and the Zone Secretary of the names, addresses and telephone and facsimile numbers (if applicable) of all office bearers;
- 15.9 notify the Association Secretary within seven (7) days of any alteration in office bearers for the Club;
- 15.10 advise members of the availability of merchandise and technical data from the Association and arrange for available supplies for Club members.

#### **16. DUTIES OF TREASURER**

The Treasurer shall:

- 16.1 keep a correct account of all moneys received and expended;

- 16.2 under no consideration pay, lend or otherwise appropriate any of the funds of the Club to any person, purpose or cause whatsoever save when, authorised by a General Meeting of the Club or the committee;
- 16.3.1 after authorisation of payments by a General Meeting of the Committee sign all cheques drawn on the Club's bank account and arrange for the same to be countersigned by the President or Secretary;
- 16.3.2 Electronic fund transfers are permitted with two authorisations.
- 16.4 receive all moneys on behalf of the Club and as soon as possible after receipt, deposit such moneys to the credit of the Club's bank account and have charge of the bank records of the Club;
- 16.5 present the Committee at each meeting with a statement of the Club's finances and of the receipts and disbursements since the previous meeting, and accompanied by a current bank statement;
- 16.6 present to the Annual General Meeting in each year a Balance Sheet and a Statement of Accounts showing moneys received and expended by the Club during the year.

## **17. DUTIES OF SENIOR INSTRUCTOR**

- 17.1 to oversee instruction within the Club;
- 17.2 to ensure that there is an Instructor or in the event of no Instructor being available a responsible Club official in charge at all Club fixtures;
- 17.3 to ensure that proficiency certificate study and examinations are held;
- 17.4 to see that proficiency and instruction certificates are recorded;
- 17.5 to see that grading records are maintained;
- 17.6 to prepare programmes and rosters for Club Instructors' duties.

## **18. DUTIES OF ZONE DELEGATES**

Zone Delegates shall represent and carry out the wishes of the Club at Zone Committee Meetings.

Zone Delegates are eligible for nomination as Zone Executive or Councillors.

## **19. STANDING ORDERS**

The Standing Orders will be those adopted for the time being by the Association.

## **20. ANNUAL GENERAL MEETING**

The Annual Meeting of the Club shall be held after the end of the financial year and prior to the 31<sup>st</sup> December of each year, in a place and at a time to be decided by the Committee. Each Senior and Associate member aged 18 years and over present shall have one vote. At each General Meeting, the President or in his absence a Vice-President shall preside as Chairman. In the absence of all Vice-Presidents, the Chairman of the day shall be appointed by those persons present and entitled to vote.

The Secretary shall, at least fourteen (14) days prior to the date of the Annual General Meeting in each year, post notice of such meeting to each financial Senior and Associate member aged 18 or over or advertise the same in a local newspaper whichever method the Committee shall direct, which notice shall state the date, time and place of the meeting and set forth the agenda for that meeting.

A quorum will be 25% of Senior and Associate financial members aged 18 or over. Each Senior and Associate Member aged 18 or over shall have one vote either in person or by proxy.

20.1 Postal voting is not permitted.

## **21. ELECTION OF OFFICE BEARERS**

The Annual General Meeting shall elect:

- a) President
- b) Vice-President(s)
- c) Nominee as a Member of the Association
- d) Secretary (in exceptional circumstances the offices of
- e) Treasurer Secretary and Treasurer may be combined)
- f) Committee
- g) Zone Delegates
- h) Auditor
- i) Patron or Patrons (if applicable)

All financial Senior and Associate members (18 years and above) are eligible for election. In the case of more nominations than required being received for any office, voting shall be by secret ballot, each financial Senior and Associate (18 years and above) member present having one vote for each vacancy.

## **22. ELECTION OF SENIOR INSTRUCTOR**

22.1 The instructors in the Club shall meet and elect a Senior Instructor.

22.2 The Senior Instructor shall be selected from the qualified instructors in the following order.

- Old System (OS) Level II Examiner/Level 1 NCAS Coach
- OS Level I Examiner/NCAS Prelim Coach
- OS Level II Instructor
- OS Level I Instructor
- PCA NSW Introductory Instructor Certificate

22.3 In the event of an instructor holding the qualification but not accepting the position, then the next highest qualified instructor shall be nominated.

In the event of two or more instructors holding the same level of qualification, then an election shall be held. All financial instructors are eligible to vote. The position of senior instructor shall be for 12 months, or part thereof in the event of a vacancy.

22.4 The Senior Instructor is considered an ex officio member of the Committee referred to in Clause 25 and all sub-committees relative to instructional and competitive matters.

## **23. EXTRAORDINARY GENERAL MEETING**

An Extraordinary General Meeting may be called at any time for any purpose by the President or Secretary, or at the request in writing, setting out the resolution to be moved thereat, of at least 25% Senior and Associate financial members aged 18 or over, of the Club.

Notice of this meeting shall be given twenty-one (21) days prior thereto either by posting to each financial Senior and Associate member aged 18 or over or inserting a notice in the local paper, whichever the Committee shall direct, giving notice of the Special Resolution to be put to the meeting.

A quorum for an Extraordinary General Meeting shall be two thirds (2/3) of the total of Senior and Associate members aged 18 or over, present in person or by proxy. Resolutions shall be decided by at least three-quarters (3/4) of the total number of Senior and Associate members aged 18 or over, present either in person or by proxy. Each Senior or Associate member aged 18 or over, shall have one vote either in person or by proxy.

## **24. PROXY**

A voting member may by writing signed by him, give his proxy to another member who may after delivering such written Proxy to the Chairman prior to the Meeting, exercise such proxy vote at any Annual General or Extraordinary General Meeting.

## **25. COMMITTEE**

25.1 The affairs of the Club shall be managed by a Committee constituted as provided hereunder.

25.2 The Committee:

25.2.1 shall administer the affairs of the Club and shall exercise all such powers and do all such things as may be provided in these Rules,

25.2.2 may subject to these rules, exercise all such powers and functions as may be exercised by the Club, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Club, and

25.2.3 shall meet and conduct its meetings as it shall from time to time determine and subject to these rules, shall 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 Club.

25.3 The Officers of the Club shall be:

25.3.1 a President

25.3.2 Vice-President(s)

25.3.3 Treasurer

25.3.4 Secretary

25.4 The Committee shall be appointed at the Annual General Meeting to deal with affairs of the Club subject to any limitation imposed by the Club in general meeting.

25.5 Each officer of the Club and Committee member shall hold office until the termination of the Annual General Meeting next after the date of his election, but is eligible for re-election unless the Club in General Meeting has limited the number of years that any person may hold an office in the Club.

25.6 All voting financial members of the Club shall be eligible for election as an Officer or to the Committee.

25.7 In the event of a casual vacancy in any office mentioned in sub-rule 25.3 of this rule the Committee may appoint one of its members or any other financial member of the Club to the vacant office and the member so appointed may continue in office up to the Annual General Meeting next following the date of his appointment.

For the purpose of these rules a casual vacancy in the office of a member of the Committee occurs if the member:

- I. dies;
- II. ceases to be a member of the Club;
- III. becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
- IV. resigns office by notice in writing given to the Secretary;
- V. becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- VI. is absent without the consent of the Committee from all meetings of the Committee held during a period of six (6) months.

25.8 The Committee shall consist of:

25.8.1 The Officers of the Club; and

25.8.2 Other financial members as determined by Club by-laws, all of whom shall be elected at the Annual General Meeting of the Club each year;

25.8.3 The Senior Instructor appointed in accordance with Rule 22 hereof.

25.9 The Committee may co-opt any member or members for any specified time or purpose. Such co-opted member/s shall cease to hold office on completion of the

specified purpose for which they were co-opted or at the next Annual General Meeting whichever shall first occur.

#### 25.10 Notice of a committee meeting

25.10.1 The Secretary must give a minimum of 7 days notice to each committee member, specifying date, time and venue of meeting.

25.10.2 The Secretary shall at any time if requested by the President or a number in excess of half the number of Committee members convene a Committee Meeting.

25.11 Decisions at Committee meetings shall be simple majority by a show of hands or on request, a secret ballot.

25.12 Quorum of a Committee Meeting shall be one half of the number of Committee plus one.

25.13 The decision of the Committee on the interpretation of any rule or regulation of the Club shall be conclusive and binding on all persons in the Club, unless and until it shall be over-ruled by a resolution at an Extraordinary General Meeting of the Club.

25.14 Any dispute or disarrangement which shall arise between any persons in the Club in matters relating to the Club may be referred by any party to the dispute or disagreement to Council and the decision (or decisions as the case may be) thereon, shall be conclusive and binding on the persons concerned.

25.15 The Committee shall have the right to appoint sub-committees to deal with matters relating to the Club, the President shall ex-officio be a member of any sub-committee.

### **26. DISMISSAL OF CLUB EXECUTIVE**

In the event of dismissal of the Committee for whatever reason, a steering Committee will be appointed to oversee the functions of the Club. Such Committee will be responsible for the calling of an Extraordinary General Meeting as early as possible for the purpose of electing a Committee. Under no circumstances will the Club in such position be regarded as non-functional or under suspension.

### **27. MANAGEMENT OF FUNDS**

The funds of the Club shall be derived from annual subscriptions of members, donations and subject to any resolution passed by the Club in general meeting, such other sources as the Committee determines.

The Club shall operate a bank account or accounts at any recognised bank or Building Society and all moneys shall be banked to such account/s. Each such account shall be operated by such person or persons as the Committee shall from time to time determine. The Club may issue debenture stock or bonds of the Club at any time in any form or manner and shall have the power to restrict the transfer assignment or charge thereof or of any of them and for any amount and may raise or borrow for the purpose of the Club any sum or sums of

money either upon mortgage or charge of any property of the Club or on debenture stock or bonds or otherwise as it may think fit providing always the liability of any money borrowed will be the liability of the Club.

## **28. CUSTODY AND INSPECTION OF BOOKS**

All the books and records of the Club shall be kept by the Secretary at the office of the Club or at such other place as the Committee may from time to time determine and shall be made available for inspection at all reasonable times by any member of the Club.

## **29. PROPERTY**

The Club (unless incorporated) shall on acquiring any real property or interest therein, appoint two or more Trustees who shall be approved by the Committee. The Trustees so appointed shall remain in office until resignation or death or until removal from office by the Committee. All real property owned by the Club shall be vested in the Trustees who in their dealing therewith shall be subject to the directions given them from time to time by the Committee. All other property shall be vested in the Club.

## **30. BY-LAWS**

The Club may make by-laws from time to time in order to:

30.1 Facilitate the functioning of the Club.

30.2 Cover areas not specified in these Rules provided that such by-laws do not conflict with these Rules or the Rules or by-laws of the Zone or the rules regulations or by-laws of the Association.

## **31. UNIFORM**

All riding members will wear the official uniform as set down by the Association at all official Club and Zone fixtures.

The Club shall select Club colours and these shall be submitted to the Zone in which the Club is situated for approval.

All financial members may wear the Badge of the Club and the Badge of the Association.

## **32. RALLIES**

The Club shall hold rallies each year to cater for all members. All members shall ensure that their attendance and that of their mount is recorded.

Should an injured member or mount attend for an activity and in the opinion of the Senior Instructor or his nominee is unfit to participate in the activity, the Senior Instructor or his nominee shall have the authority to prevent the member or his mount from participating.

## **33. MOUNTS**

Stallions, colts and rigs shall not be permitted at Pony Club activities nor shall mounts which in the opinion of the Senior Instructor or his nominee are considered to be unsafe or unsuitable.

#### **34. LEGAL LIABILITY**

The Committee shall maintain a third party policy to cover the legal liability of the Club as set down from time to time by the Pony Club Association.

No liability shall be accepted by the Committee or any person acting on behalf of the Committee thereof in respect of any accident or injury happening to any member of the Club or person or any property caused or happening in connection with any activity of the Club or its members.

#### **35. COMMON SEAL**

This clause has been deleted.

#### **36. MEMBERS LIABILITY**

36.1 The liability of the members is limited.

36.2 No member shall be liable to contribute any moneys over and above membership subscriptions towards payment of the debts and liabilities of the Club.

36.3 The income and property of the Club howsoever derived shall be applied solely towards the promotion of the objects of the Club and no portion thereof shall be paid or transferred directly or indirectly by way of profit to members of the Club provided that nothing herein contained shall be construed so as to prevent.

36.3.1 the allowance of an honorarium to any such member in respect of special honorary services rendered; or

36.3.2 the repayment to any such member of out-of-pocket expenses incurred by him on behalf of the Club and money lent by him to the Club or for the hire of goods or rent for premises hired or rented to the Club; or

36.3.3 the payment in good faith of interest to any such member in respect of moneys advanced by him to the Club or otherwise owing by the Club to him; or

36.3.4 the payment of remuneration to any officers or servants of the Club or other person in return for any skilled or professional services actually rendered to the Club; or

36.3.5 any payment to any Company or Corporation of which a member of the Club may be a member or in which such member shall hold not more than 100th part of the paid up capital and any such share of the profits of any such Company or Corporation which he or it may receive in respect of any such payment.



### **37. WINDING UP**

The Club may be wound up, upon a Special Resolution, at an Extraordinary General Meeting duly convened to do so, such intention being clearly set out in the notice convening such a meeting.

Upon such a resolution being carried all the property and assets of the Club, after payment of all properly incurred debts and liabilities of the Club shall be vested in an Association nominated by special resolution of the Club pursuant to Part 7 of the Act.

The Association so nominated shall be one that fulfils the requirements specified in Section Part 7 of the Act.

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**ASSOCIATIONS INCORPORATION ACT 2009**  
**THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED SCHEDULE “B”**  
**OBJECTS**

The objects for which the Zone is formed are:

- 1 to promote the aims and objectives of the Pony Club Association of New South Wales Incorporated through encouragement of Clubs and their members within the Zone;
- 2 to co-ordinate Clubs which are, within the administrative group of the Zone and to assist them to carry out the aims and objectives of the Association;
- 3 to provide the Clubs with representation on the Council; and
- 4 to co-ordinate Club Members to represent the Zone in competition where required.

**ASSOCIATIONS INCORPORATION ACT 2009 THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED**

**SCHEDULE “B”**

**RULES**

**1. NAME**

The name of the Zone shall be “**Zone \_\_\_\_\_ Pony Club Association of N.S.W. (Incorporated)**”.

**2. DEFINITIONS**

2.1 In these Rules unless the contrary intention appears:

“**The Act**” means the Associations Incorporation Act, 2009 (as amended).

“**The Annual General Meeting**” means the General Meeting held each year as required by the Act and these Rules.

“**The By-laws**” means the By-laws of the Zone for the time being in force.

“**The Office**” means the principal place of administration for the time being of the Zone.

“**The Register of Members**” means the register of Clubs as are designated by the Pony Club Association of New South Wales Incorporated Council to be members of the Zone.

“**Post**”, **writing** and **delivered**” to include electronic means of communication such as e-mail as well as Australia Post, Courier and hand delivery as determined by the club

“**Voting Member**” means a financial member of the Club 18 years or over.

“**The Executive Committee**” means the committee appointed from time to time by the Zone Committee pursuant to the power contained in Rule 18.

“**The Association**” means The Pony Club Association of New South Wales Incorporated.

“**The Council**” means the Council of the Association.

“**Zone Delegates**” are the members of the Clubs registered with the Zone and shall be elected to the Zone and the Zone Committee as representatives of their Clubs.

“**The Zone**” means Zone \_\_\_\_\_ Pony Club Association of N.S.W. Inc. being the group of Clubs as designated by the Council.

“**The Zone Committee**” means the committee of management of the Zone as constituted by these Rules.

“**Club**” means a Pony Club which has elected representatives to be members of the Zone

and being a body recognised by the Association and affiliated with the Association which has been nominated by the Association to be within the administrative grouping of the Zone.

**“The President”** means the President of the Zone.

**“The Zone Secretary”** means:

- (i) a person holding office under these Rules as; or
- (ii) where no such person holds that office; the public officer of the Zone.

**“The Treasurer”** means the Treasurer of the Zone.

**“Event”** includes a camp, competition, contest, course event, fixture function, gymkhana, show and social gathering.

### 3. INTERPRETATION

Words importing the masculine gender only include the feminine gender also and vice versa. Words importing the singular number shall also be deemed to include the plural number and vice versa.

### 4. RULES

4.1 The Zone shall be conducted in accordance with these Rules and regulations or by-laws made hereunder.

4.2 Alteration of Rules

These Rules or the Statement of the Objects of the Zone may be added to or amended by resolution of any Annual or Special General Meeting provided that Twenty-eight (28) days' notice has been given and that the resolution is carried by at least three-quarters (3/4) of the members voting thereon and that such addition or amendment is not at variance with the Pony Club Association of New South Wales Incorporated Rules and Regulations.

### 5. MEMBERS

5.1 Membership Qualification

A person is qualified to be a member of the Zone if, but only if:

5.1.1 the person is a natural person who has been elected by a Club as a Zone Delegate or a substitute Zone Delegate;

5.1.2 the person is a natural person who has been granted Honorary Life Membership of the Zone; or

5.1.3 the person is a natural person who currently holds the office of Zone Chief Instructor,

and a person shall be admitted to membership in the case of a Zone Delegate or substitute Zone Delegate upon receipt by the Zone Secretary of notice in writing in

accordance with Rule 6 of the election of that person and in the case of an Honorary Life Member or Zone Chief Instructor upon election. In every case the Zone Secretary shall forthwith enter the person's name in the Register of Members. The persons holding office as Zone Delegates substitute Zone Delegates and Zone Chief Instructor shall cease to be members upon ceasing to hold their respective appointments unless otherwise qualifying for membership.

## 5.2 Honorary Life Membership

5.2.1 The Zone Committee may from time to time appoint Honorary Life Members.

5.2.2 Honorary Life Membership may be granted to natural persons for outstanding service to the Zone over a period of in excess of ten (10) years. Nominations must be submitted to the Zone Secretary in writing signed by not less than five (5) Zone Delegates. A secret ballot shall be conducted and the Executive Committee will appoint three scrutineers. On receipt of a two-thirds (2/3) majority affirmative vote of the Committee the Life Membership shall be conferred. The declaration of the ballot will be made at the next Annual General Meeting of the Zone.

5.2.3 An Honorary Life Member shall enjoy all the social privileges as a member of the Zone but shall not be entitled to vote unless at the time the vote is taken the Honorary Life Member votes as a Zone Delegate, substitute Zone Delegate, Zone Chief Instructor or unless he holds a proxy from a person entitled to vote.

5.2.4 The Zone Committee shall not elect more than two (2) Honorary Life Members in any one year.

## 5.3 Cessation of membership

A person ceases to be a member of the Zone Committee if the person:

5.3.1 dies;

5.3.2 resigns that membership;

5.3.3 ceases to be a Zone Delegate, a substitute Zone Delegate or Zone Chief Instructor and is not otherwise admitted as a member; or

5.3.4 is expelled from the Zone Committee.

## 5.4 Membership rights not transferable

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

5.4.1 is not capable of being transferred or transmitted to another person; and

5.4.2 terminates upon cessation of the person's membership, provided that nothing in sub-cause 5.4.1 above shall prevent a member from appointing another person as his proxy as provided for elsewhere in these Rules.

## 5.5 Resignation of Membership

A member of the Zone Committee may resign from membership of the Zone Committee by giving notice in writing to the Secretary and the member shall cease to be a member on the expiration of the notice and the Zone Secretary shall make the appropriate entry in the Register of members recording the date of cessation of membership.

#### 5.6 Register of Members

The Zone Secretary shall establish and maintain a Register of members of the Zone Committee specifying the name and address of each person who is a member of the Zone Committee together with the date on which the person became a member. The Register of members shall be kept at the Office and shall be open for inspection free of charge by any member of the Zone Committee at any reasonable hour.

### 6. FINANCIAL YEAR

The financial year shall end no earlier than 31st October and no later than 31st December of each year.

### 7. ANNUAL FEES

The Zone Committee may annually determine a subscription fee to be paid by Clubs on behalf of their Zone Delegates, any such fee will be due on the day of the Zone Annual General Meeting each year and in the event of such subscription not being paid within two (2) months thereafter the Club may be deemed to be guilty of wilfully breaking the rules of the Association. No Zone Delegate or substitute Zone Delegate shall be entitled to vote at any Zone Committee meeting or General Meeting of the Zone if his Club is in default in payment of the annual subscription fee.

### 8. ZONE COMMITTEE

The Zone Committee shall consist of two (2) Zone Delegates from each Club (or such greater number as decreed by resolution at a Zone Annual General Meeting the number of permitted Zone Delegates from each Club being equal) together with the Zone Chief Instructor. Each Zone Delegate and the Zone Chief Instructor shall have one vote.

### 9. SUBSTITUTE ZONE DELEGATES

Clubs may nominate substitute Zone Delegates to attend Zone Committee meetings or General Meetings of the Zone in the absence of Zone Delegates. The substitute Zone Delegate shall assume for such meeting all rights, privileges and duties vested in the Zone Delegate for whom he is a substitute. A substitute Zone Delegate shall not be entitled to vote at a Zone Committee meeting or at a General Meeting of the Zone except in the absence of the Zone Delegate for whom he is substitute or unless he holds a proxy from a person entitled to vote at that meeting.

### 10. SUBMISSION OF NAMES AND ADDRESSES, ETC

Club Secretaries must submit the names, addresses and telephone numbers (if applicable) of Zone Delegates and substitute Zone Delegates to the Zone Secretary within seven (7)

days of election by their Clubs.

## **11. ANNUAL GENERAL MEETING**

### **11.1 When held:**

The Annual General Meeting of the Zone shall be held once in every calendar year and prior to the Annual General Meeting of the Association and within the period of six (6) months after the expiration of each financial year of the Zone. The Zone shall hold its first Annual General Meeting within the period of eighteen (18) months after its incorporation under the Act and within the period of two (2) months after the expiration of the first financial year of the Zone. Each Club shall have one vote per elected Zone Delegate or substitute Zone Delegate in attendance.

### **11.2 Quorum**

A quorum shall be 50% of the total number of Zone Delegates eligible to attend the meeting.

### **11.3 Chairman**

The President shall be Chairman at the meeting, or in his absence, a Vice-President, or if not in attendance, or if unwilling to act, those present and eligible to vote shall choose a Chairman from among their number.

### **11.4 Notice**

The Secretary shall, at least four (4) weeks prior to the date of the Annual General Meeting in each year, send to the Clubs notice of such meeting, stating the time and place at which it shall be held and the agenda for the meeting. An Annual General Meeting shall be specified as such in the notice convening it.

### **11.5 Date, time and place**

Subject to the Act and to this Rule the Annual General Meeting of the Zone shall be convened on such date and at such place and time as the Committee thinks fit.

### **11.6 Business**

The Business of the Annual General Meeting shall be:

11.6.1 to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;

11.6.2 to receive from the Committee reports upon the activities of the Zone during the last preceding financial year;

11.6.3 to elect office bearers of the Zone;

11.6.4 to elect a Zone Chief Instructor if applicable;

11.6.5 to receive and consider the statement which is required to be submitted to members pursuant to Part 5 of the Act; and

11.6.6 to transact any other business which may have been placed upon the agenda.

## **12. SPECIAL GENERAL MEETINGS**

The Zone Committee may whenever it thinks fit convene a Special General Meeting of the Zone. The Zone Committee shall on the requisition in writing of not less than eight Zone Delegates convene a Special General Meeting of the Zone. A requisition of Zone Delegates for a Special General Meeting:

- 12.1 shall state the purpose or purposes of the meeting;
- 12.2 shall be signed by the Zone Delegates making the requisition;
- 12.3 shall be lodged with the Secretary; and
- 12.4 may consist of several documents in a similar form, each signed by one or more of the Zone Delegates making the requisition.

If the Zone Committee fails to convene a Special General Meeting to be held within one (1) month after the date on which a requisition of Zone Delegates for the meeting is lodged with the Zone Secretary any one or more of the Zone Delegates who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date. A Special General Meeting convened by a Zone Delegate or Zone Delegates shall be convened as nearly as practicable in the same manner as General Meetings are convened by the Zone Committee.

## **13. ELECTION OF OFFICE BEARERS**

At the Annual General Meeting the following office bearers shall be elected from the Zone Delegates nominated to the Zone Committee:

- 13.1 President;
- 13.2 Vice-President(s);
- 13.3 Treasurer;
- 13.4 Zone Secretary;
- 13.5 Two (2) representatives to the Council and two (2) substitute Councillors; and
- 13.6 Patron (if desired).

Retiring Office Bearers shall be eligible for re-election to office. If there is only one nomination for any position that nomination will be confirmed in the case of more than one nomination for any one position, the election shall be decided by vote. Voting shall be by secret ballot. Each member present in person or by proxy shall have one vote for each vacancy.

## **14. APPOINTMENT OF ZONE CHIEF INSTRUCTOR**

- 14.1 In the first instance nominations will be called by the Zone Secretary from Old System Level II Examiners, NCAS Level 1, NCAS Preliminary and Old System Level II Instructors. In the event of there being no nominations from the above categories nominations from Old System Level I Examiner and Level I Instructors Certificate holder can be considered.



- 14.2 These nominations shall be called in advance of the meeting at which the election is to take place;
- 14.3 The Zone Secretary will advise those nominated for the position on the agenda for the meeting at which the election is to take place;
- 14.4 Nominees are to be voted on by the Zone Delegates or their proxies or substitute Zone Delegates present at the meeting as instructed by their Clubs;
- 14.5 The successful nominee shall be recommended by the Zone to the Chief Instructors' Committee who may ratify the appointment; and
- 14.6 The appointment will be for a three year term, or part thereof in the event of a casual vacancy.

## **15. APPOINTMENT OF ZONE DEPUTY CHIEF INSTRUCTOR**

A Deputy Chief Instructor, where considered necessary, shall be recommended by the Zone Chief Instructor in conjunction with the Zone Committee. Such recommendations shall be considered by the Chief Instructors' Committee and if confirmed shall be for a period of three years or part thereof. The duties of the Deputy Chief Instructor are to assist the Zone Chief Instructor and to deputise for him when requested. The Zone Chief Instructor may appoint one Deputy Chief Instructor only. At the expiry of his term of office or on retirement of the Zone Chief Instructor the Deputy Chief Instructor shall revert to his former status prior to the appointment as a Deputy Chief Instructor.

## **16. CASUAL VACANCIES**

The Zone Committee may appoint any Zone Delegate to fill any casual vacancy among the Office Bearers. Such person shall hold office for the time determined by the Zone Committee, but not exceeding the date of the next Annual General Meeting.

## **17. POWERS OF THE ZONE COMMITTEE**

The Zone Committee shall administer the affairs of the Zone and shall exercise all such powers and do all such things as may be provided in these Rules. It shall present resolutions to the Council.

## **18. EXECUTIVE COMMITTEE**

The Zone Committee may appoint from time to time from its members an Executive Committee to deal with affairs of the Zone between meetings of the Committee subject to any limitations imposed by the Zone Committee.

## **19. PROCEEDINGS OF ZONE COMMITTEE MEETINGS**

The members of the Zone Committee shall meet together for the dispatch of business, adjourn and otherwise conduct their meetings. The quorum necessary for the transaction of business shall be 50% of those eligible to attend the meeting present either in person or by accepted proxy.

The President, or in his absence, a Vice-President, shall chair the meetings of the Zone Committee or if not present at the meeting, the Zone Committee shall choose one of its number to be chairman of the meeting. Decisions on any question arising at a meeting shall be decided by simple majority, by showing of hands, and in the case of an equality the Chairman shall have a casting vote. A Zone Delegate may request that a question be decided by secret ballot.

## **20. STANDING ORDERS**

Standing Orders shall be those as currently adopted by the Council.

## **21. ZONE PRESIDENT**

The President will oversee the Zone as he sees fit subject to any direction from the Zone Committee.

## **22. ZONE SECRETARY**

The Zone Secretary shall keep accurate records of all proceedings at Zone Meetings, maintain the Register of members, disseminate information received to Clubs in the Zone, record gradings, qualifications or whatever is required to facilitate the organisation of the Zone and co-ordinate Clubs to forward affiliation fees and insurance premiums to the Association without delay and prior to stipulated dates.

The Zone Secretary shall, within seven (7) days after the Zone Annual General Meeting advise the Association Secretary of the names, addresses and telephone numbers (applicable) of the Zone Office Bearers and all Club Secretaries within the Zone. Where changes occur in any Office during the year the Zone Secretary must advise the Association Secretary of any such change within seven (7) days of it occurring. The Zone Secretary shall liaise with other Zone Secretaries in his appropriate area for the purpose of organisation of Royal Agricultural Show showjumping teams.

## **23. ZONE TREASURER**

23.1 The Treasurer shall maintain a full and accurate account of the financial situation of the Zone and must make this available at all meetings. He shall present the balance sheet and statement of receipts and expenditure at the Annual General Meeting.

23.2 All moneys shall be deposited to the Zone's bank account as soon as practicable following receipt.

23.3 Electronic fund transfers are permitted with two authorisations.

## **24. ZONE CHIEF INSTRUCTOR**

The Zone Chief Instructor shall:

24.1 oversee and ratify all instructional policy within the zone;

24.2 conduct instructional schools;

- 24.3 recommend to the Association the appointment of club examiners and instructors;
- 24.4 examine for K and B certificates within the Zone;
- 24.5 conduct preliminary examinations for A certificates;
- 24.6 ensure that examinations for D, D Gold Star and C Star certificates are conducted;
- 24.7 sign all certificates issued in his Zone with the exception of H and A Certificates (All certificates are counter-signed by the examiner.);
- 24.8 ensure that certificates gained at each Club in his Zone are recorded;
- 24.9 represent his Zone at Chief Instructors' committee meetings;
- 24.10 check applications for State Championships and State Camp.

## **25. COUNCILLORS**

- 25.1 Councillors are elected from the Zone Committee to represent the Zone at Council Meetings.
- 25.2 Councillors assume office at the first Council Meeting following the Zone Annual General Meeting.
- 25.3 A substitute Councillor may, on production of written authority from the Zone Secretary, President or absent Councillors of the Zone, handed to the Chairman of the Council Meeting prior to the commencement, substitute for an absent Zone Councillor and shall assume for such Meeting all rights, privileges and duties vested in the Councillor for whom he is a substitute.

## **26. AUDITOR**

The Zone Committee shall determine by vote if the accounts are required to be audited.

## **27. RIGHTS POWERS AND PRIVILEGES**

The Zone shall (if incorporated) have the rights, the powers and the privileges of a natural person in respect of its property which rights, powers and privileges shall be exercised and determined from time to time by the Zone Committee.

## **28. BY-LAWS**

The Zone Committee may make By-laws from time to time in order to:

- 28.1 facilitate the functioning of the Zone; or
- 28.2 cover areas not specified in these Rules,

Provided that such By-laws do not conflict with these rules or the general rules and regulations of the Association or the Memorandum and Articles of Association of the Association.

## **29. RULES**

The Zone shall be conducted in accordance with these Rules and any By-laws made hereunder.

## **30. ALTERATION OF RULES AND OBJECTS**

These Rules and Objects may be added to or amended by Special Resolution at any General Meeting, provided that the resolution is passed by a majority which comprises not less than three quarters of such members of the Zone Committee as being entitled under the Rules of the Zone so to do, vote in person or where proxies are allowed by proxy at the General Meeting of which not less than twenty-eight (28) days' written notice specifying the intention to propose the resolution as a Special Resolution has been given in accordance with the Rules and provided that no addition or amendment is at variance with the Rules of the Association.

## **31. NOTICES**

- 31.1 For the purposes of these Rules, a notice may be served by or on behalf of the Zone upon any member either personally or by sending it by post to the member at the member's address shown in the Register of Members.
- 31.2 Where a notice is sent to a person by properly addressing, prepaying and posting to the person a letter, envelope or wrapper containing the notice the notice 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 same would have been delivered in the ordinary course of post.
- 31.3 In proving service by post it shall be sufficient to prove that the letter envelope or wrapper containing the notice was properly addressed, prepaid and put into the post office. A certificate in writing signed by the Zone Secretary or public officer of the Zone that the letter envelope or wrapper containing the notice was so addressed, prepaid and posted shall be conclusive evidence thereof.

## **32. CONDUCT OF AND PARTICIPATION IN EVENTS**

The Zone may conduct events for the purpose of advancing the objects of the Zone and the Association and it may for such purposes, collaborate with other bodies in the conduct of such events. The Zone may authorise the participation of members of the Zone Committee, as officials and advisors, at these events and as official representatives of the Zone, if in the opinion of the Zone Committee, it is in the best interests of the Zone to do so.

## **33. LIABILITY**

- 33.1 No liability shall be accepted by the Zone Committee or any person acting on behalf of the Zone Committee in respect of any accident or injury happening to any member of any Club or person or any property caused or happening in connection with any activity of the Zone.
- 33.2 The members of the Zone Committee shall not be liable to contribute towards the

payment of the debts and liabilities of the Zone or the costs charges and expenses of the winding up of the Zone.

#### **34. INCOME AND PROPERTY**

The income and property of the Zone whensoever derived shall be applied solely towards the promotion of the objects of the Zone and no portion shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to or amongst members of the Zone Committee.

Nothing herein contained shall prevent the payment in good faith of interest to any member in respect of moneys advanced by him to the Zone or otherwise owing by the Zone to him or of remuneration to any officers or servants of the Zone or to any members of the Zone Committee or person in return for any services actually rendered to the Zone.

No members of the Zone Committee shall be appointed to any salaried office of the Zone or any office of the Zone paid by fees.

No remuneration shall be given by the Zone to any member of the Zone Committee provided that nothing herein contained shall be construed so as to prevent the allowance of an honorarium to any such member in respect of special honorary services rendered or the repayment to any such member of out-of-pocket expenses or the payment of interest on money loaned or the payment of rent for the hire of goods or premises demised to the Zone.

#### **35. WINDING UP AND SURPLUS PROPERTY**

35.1 The Zone may be wound up:

35.1.1 on the instruction of the Council;

35.1.2 if its membership becomes less than five; or

35.1.3 upon a resolution passed by a majority which comprises not less than three fourths of such members as, being entitled under the Rules so to do, vote in person at a Special General Meeting of which not less than twenty-eight (28) days written notice specifying the intention to propose the resolution as a Special Resolution has been given in accordance with the rules.

35.2 If upon the winding up or dissolution of the Zone there remains, after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Zone Committee. The funds shall be given or transferred to the Clubs and in such proportion as determined by a Special Resolution of the members at a Special General Meeting, provided, that the Clubs have similar or in part similar objects as the Zone and have rules which prohibit the distribution of their income and property among their members to an extent at least as great as is imposed on the Zone by virtue of its Rules and which, shall fulfil the requirements specified in the Act and in the absence of such a Special Resolution any such property shall vest in The Pony Club Association of New South Wales Inc.

#### **36. INSURANCE**

The Zone shall effect and maintain such insurance as the Zone Committee may from time to

time deem fit.

### **37. SOURCE OF FUNDS**

The funds of the Zone shall be derived from Annual Fees, donations, and subject to any resolution passed by the Zone in general meeting, such other sources as the Zone Committee determines.

### **38. COMMON SEAL**

This clause has been deleted.

### **39. CUSTODY OF BOOKS**

Except as otherwise provided by these Rules the Zone Secretary shall keep in his custody or under his control all records, books and other documents relating to the Zone.

### **40. INSPECTION OF BOOKS ETC**

40.1 Subject to Clause 39.2 of this Rule the Zone Committee shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the records books and other documents of the Zone shall be open to inspection of persons not being members of the Zone Committee and no person (not being a member of the Zone Committee) shall have any right of inspecting any records books or other documents of the Zone except as conferred by statute, by these rules or authorised by the Zone Committee or by the Zone in General Meeting.

40.2 The Zone Committee shall cause to be kept open to inspection by members of the Zone Committee free of charge at any reasonable hours:

40.2.1 A copy of the objects and rules of the Zone;

40.2.2 A copy of the last Annual Statement, Balance Sheet and Profit & Loss Account for the time being, together with the Auditor's Report if applicable;

40.2.3 The prescribed register of Zone Committee members;

40.2.4 A register of all trusts (if any) of which the Zone is a trustee including the name (if any) of each trust, the names of the beneficiaries of each trust, a short description of trust property including its estimated value, details of any mortgages, charges or other securities affecting the trust property and a copy of each trust deed (if any) creating or embodying each trust;

40.2.5 A copy of the Certificate of Currency for any insurance policy held.

40.2.6 A copy of the Minutes of General Meetings of members of the Zone Committee.

## **41. DISPUTES RESOLUTION**

- 41.1 A dispute between a member and another member (in their capacity as members of the zone), or a dispute between member or members and the zone shall be dealt with under the policy that has been adopted by the Association.
- 41.2 A complaint may be referred to the zone committee, by any member of the association, if he/she is of the opinion that a member of a club within the Zone;
- (a) Has refused or neglected to comply with a provision or provisions of this Constitution, or
  - (b) Has wilfully acted in a manner prejudicial to the interest of the Association.
- 41.3 The disputes resolution process will be that which had been adopted by the Association.
- 41.4 The zone committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

## **42. DISCIPLINING OF MEMBERS OF CLUBS AT EVENTS**

- 42.1 The process for disciplining of members at zone events shall be that which had been adopted by the Association. (Please see the Policy section of the Associations website for full details).
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