

THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED

NOTICE IS HEREBY GIVEN that the **ANNUAL GENERAL MEETING OF THE PONY CLUB ASSOCIATION OF NEW SOUTH WALES INCORPORATED** will be held at the Campbelltown Catholic Club, 20-22 Camden Road, Campbelltown (Phillip Room) on Tuesday 22nd March 2016.

Confirmation of “Members” eligible to represent Clubs and proxy votes will commence at 8:00 am, the Annual General Meeting will commence at 9:00 am.

Any proxy vote 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 prior to the scheduled commencement of the meeting (i.e. by 9:00 am on Friday 18th March 2016).

A G E N D A

- 1. OPENING**
- 2. CONFIRMATION** of “Members” eligible to vote.
- 3. APOLOGIES**
- 4. MINUTES** of the Annual General Meeting held on Tuesday 31st March 2015.
- 5. CONFIRMATION** of the above Minutes.
- 6. BUSINESS ARISING** out of the above Minutes (other than referred to elsewhere in the Agenda).
- 7. REPORTS**
 - i) Annual Report - presentation and adoption of Executive Report.
 - ii) Financial Report and adoption.
- 8. ELECTION OF AN AUDITOR**
- 9. AUTHORISATION OF SIGNATORIES FOR ANNUAL STATEMENT**
- 10. MEMBERSHIP FEES** - Fixation for 2017
- 11. NOTICES OF MOTION –**

State Executive Recommendation

The following motion is moved as a special resolution:

THAT the PCANSW constitution (**Constitution**) be amended as follows:

- That Schedule A, clause 5.6 of the Constitution be deleted and replaced with the following:

"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."

- That Schedule A, clause 11.2 of the Constitution be delegated and replaced with the following

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.

The Members acknowledge that if the above motion is passed that it will take effect immediately and the Company Secretary is authorised to prepare and execute all necessary documents and take all necessary actions as are required to give effect to the resolutions.

Guidelines have been prepared to help Clubs through the above processes and are presented for your review and adoption as below:

CLUB MEMBERSHIP APPLICATIONS, RENEWALS AND TRANSFERS GUIDELINES FOR CLUB COMMITTEES

The following guidelines should be considered and followed by your club (**Club**) and its committee (**Committee**) when considering any new applications for membership of the Club as well as any applications to renew existing memberships of the Club or transfers to the Club. The following guidelines, if followed, will increase the likelihood that any decision to reject or fail to renew a membership is made lawfully and limits the risk such decision may be subjected to a legal challenge by the declined applicant.

For the purposes of these guidelines, unless indicated otherwise, an application refers to both an application to become a new member of the Club as well as an application to renew an existing membership of the Club.

1. Requirements for a lawful rejection of membership application

For the lawful rejection of a membership application by the Club, the position at law in Australia requires:

- (a) the rules (i.e. Constitution) of the Club to allow for rejection of membership applications;
- (b) that the decision to reject is taken strictly in accordance with the rules;
- (c) that the decision to reject is made in good faith; and
- (d) that the decision to reject is made in accordance with the objects of the Club.

2. Rules of the Club must allow rejection

As the Club, under clause 5.6 of its rules (**Rules**), has absolute discretion in relation to memberships, (which includes the power to refuse memberships), this requirement will be satisfied.

3. Decision to refuse must be in accordance with the Club's Rules

The Rules do not provide a procedure for making decisions on membership, except for requiring the refusal of any renewal applications to be made in good faith. Therefore, as long as the good faith requirement (see paragraph 4) is fulfilled, this requirement will also likely be fulfilled.

4. Decision to refuse must be made in good faith

It is a requirement under the law in Australia that membership applications be considered by the Club in good faith. Consideration 'in good faith' means that the Committee must act honestly and without malice or fraud in making its decision. The exact requirements of 'good faith' in any situation will be guided by the circumstances, however provided a Club can show that it was fair when considering a membership application, assessed the application on its merits and was open to accepting the application then the good faith requirement will generally be satisfied.

5. Decision to refuse must be made in accordance with the objects of the Club

The objects of the Club are provided in the Rules and are as follows:

***TO ENCOURAGE** young people to ride and to learn to enjoy all approved kinds of sport connected with horses and riding.*

***TO PROVIDE** instruction in horsemanship and to instil in members the proper care of their animals.*

***TO PROMOTE** the highest ideals of fellowship, citizenship and loyalty and to cultivate strength of character and self-discipline in the members.*

***TO SUBSCRIBE** to become a member of an affiliate with the Pony Club Association of New South Wales Incorporated.*

***TO DO** all such other things as are expedient or conducive to the attainment of all or any of the above objects.*

When refusing a membership application, the Club must be able to show how a refusal is in some manner consistent with the objects of the Club. Examples of circumstances where the rejection of a membership application is likely to be consistent with the above objects include:

- (a) where an applicant has previously failed to comply with the objects; and
- (b) where admission of the applicant would hinder (or prevent) the Club achieving one or more of the objects.

6. Anti-discrimination legislation

Anti-discrimination legislation (both NSW and Commonwealth) also prevents a Club from rejecting a person's membership application based solely or substantially on a prescribed attribute of the person as defined under the specific legislation (i.e. a person's race, gender, disability etc.). Clubs should never make a decision solely or predominantly on the basis of such an attribute or they risk exposure to legal challenge by the unsuccessful applicant and in some instances penalties.

7. Further requirements that exist when refusing applications to renew an existing membership

If the Committee considers a renewal application and decides it should be rejected, the member must first be afforded an opportunity to lodge written submissions to the Committee regarding their renewal of membership prior to the Committee confirming its decision. The Committee must consider the submissions (if any) and subsequently reach a final decision on whether to accept or refuse the renewal application, whilst complying with all other requirements contained in these guidelines.

8. Record keeping of disapproved membership applicants

We recommend that the Club keeps records of the Committee's consideration of disapproved membership applicants to evidence its compliance with the requirements above and to refute any allegation by a disapproved candidate that it has breached general law requirements or anti-discrimination legislation. Ideally, the records of the Committee's consideration of disapproved applicants should contain the reasons for the Committee's decision. In circumstances where the Club's refusal was challenged in court, it would be entitled to rely on the minutes/records as evidence that the Committee had exercised the decision in good faith, in accordance with the objects of the Club, and in accordance with anti-discrimination legislation.

Dated January 2016

Zone 5 Motion

That financial members of Pony Club who are deemed professional coaches, be able to hold an instructional position in a voluntary capacity, such as: - Club Senior Instructor – Deputy Club Senior Instructor – Zone Chief Instructor – Deputy Zone Chief Instructor.

Zone 20 Motion

That the stipulation that members must be Club Delegates to undertake Executive positions for their Zone be removed.

Rational:

That Club and zones are struggling to fill positions let alone making it mandatory for positions to be filled by Club Delegates.

12. LIFE MEMBERSHIP NOMINATION.

13. NOTIFICATION of nominated Councillors for 2016.

14. CLOSE OF MEETING