

# **PONY CLUB ASSOCIATION of QUEENSLAND INC.**



## **CONSTITUTION**

**OCTOBER 2020**

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**Pony Club Association of Queensland Inc.  
CONSTITUTION**

**1. NAME & DEFINITIONS**

- (1) The name of the incorporated Association shall **be The Pony Club Association of Queensland Inc.** referred to as Pony Club Qld (in these rules, called the Association).
- (2) The Association shall be limited to amateur Pony Clubs in Queensland, which shall subscribe to the objects of the Association and its By-laws, which may be from time to time added to or altered by the Management Committee.
- (3) In these Rules, except where a different intention appears: -
  - ACT** means the *Associations Incorporation Act 1981* (Queensland).
  - ASSOCIATION** means The Pony Club Association of Queensland Incorporated.
  - AFFILIATED CLUB** means Pony Club, which has complied with the provisions contained herein in relation to affiliation.
  - CLUB** means an incorporated body, which is affiliated, has become (and remains) a Member of the Association.
  - COACH** means any Financial Member over 17 yrs of age who has been accredited as Coach (and renews such accreditation annually) in accordance with the requirements set down from time to time by the Pony Club Association of Queensland Inc. and whose appointment and/or renewal has been approved by the Management Committee of such Association.
  - COMMISSIONER** means a Member of an affiliated club appointed by the Management Committee for the purposes of conducting relevant enquiries and inspections to determine whether the body applying to be an affiliated Club is fit in all manners to perform to the standard sought by the Association.
  - ELECTED OFFICE BEARERS** means any person who has been a Member of an Affiliated Pony Club, for a period of no less than five years holding office as set out at paragraph 11 herein having complied with and been elected in accordance with paragraph 11(3) herein. **EXECUTIVE COMMITTEE** means is as defined at paragraph 11 herein.
  - FEES** mean the annual affiliation fees as fixed from time to time by resolution of the Annual General Meeting or any other fee as resolved by the Executive Committee.
  - FINANCIAL MEMBER** means any Club member who has paid moneys as prescribed by the Association and/or affiliated club.
  - GENERAL MEETING** means an Annual General Meeting or a Special General Meeting;
  - MANAGEMENT COMMITTEE** means Members of the Association as defined at paragraph 14 herein.
  - MEMBER** means a member of a Pony Club.
  - MEMBER OF THE ASSOCIATION** means a duly nominated representative of the 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.
  - PONY CLUB** means a body affiliated with the Association after a copy of its Constitution has been accepted, and the said Club is granted affiliation.
  - REGISTER** means the Register of Members of the Club.
  - REGULATIONS** means *Association Incorporation Regulations 1999* (Queensland).
  - RESOLUTION MEETING** means a meeting of the Management Committee held for the purpose of discussing discipline proceedings only as defined at paragraph 32.
  - STANDING COMMITTEE** means a committee of Members of the Association as provided for at paragraph 18 herein.
  - SURPLUS ASSETS** means, in relation to the incorporated association, the assets after payment of the debts and liabilities remaining on a winding-up of the incorporated association and the costs, charges and expenses of the winding-up.
  - ZONE** is defined as an entity with objectives similar to that of the Association and is an area of land within Queensland geographically delineated by the Management Committee containing at least two affiliated clubs, as defined in paragraph 14 herein, run by a Zone Committee
  - ZONE COMMITTEE** means the committee of management of the Zone.
  - ZONE DELEGATE** means the person/s appointed from time to time to act for and on behalf of a Zone and to represent Zone at Management Meetings, defined at paragraph 14(a) herein.

## 2. OBJECTS

- (1) To encourage young people to ride and to learn to enjoy all kinds of sport connected with horses and riding;
- (2) To provide instruction in riding and horsemanship and to instill in members the proper love and care of their animals;
- (3) To promote the highest ideals of horsemanship, citizenship, sportsmanship and loyalty thereby cultivation strength of character and self-discipline.

## 3. INTERPRETATION

Unless the contrary intention appears, words or expressions contained in these rules have the same meaning as defined in the *Acts Interpretation Act 1954* (Queensland) and the Act.

## 4. 3. POWERS

The powers of the Association are: -

- (1) To take over the funds and other assets and the liabilities of the present Association known as "The Pony Club Association of Queensland Inc."
- (2) To subscribe to, amalgamate with, become a member of and co-operate with any other Association, Club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any Club, Association or Organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of Rule 25(10);
- (3) In furtherance of the objects of the Association to buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid for the Members of the Association or persons frequenting the Association's premises.
- (4) To purchase, take on, lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property which may be requisite for the purpose of or capable of being conveniently used in connection with any of the objects of the Association. Provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as allowed by law having regard to such trusts;
- (5) To enter into any arrangement with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association, to obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain, and to carry out, exercise and comply with any such arrangement.
- (6) To appoint, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purpose of the Association.
- (7) To appoint, discipline or terminate affiliated clubs in accordance with the provisions contained herein.
- (8) To remunerate any persons or body corporate for services rendered, or to be rendered and whether by way of brokerage or otherwise in placing or assisting to place or guaranteeing the placing of any unsecured notes, debentures or other securities of the incorporated Association, or in or about the incorporated Association or promotion of the incorporated Association or in the furtherance of its objects;
- (9) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidize or otherwise assist and take part in the construction, improvements, maintenance, development, working, management, carrying out, alteration or control thereof;
- (10) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit;
- (11) To take, or otherwise acquire and hold shares, debentures or other securities of any company or body corporate;
- (12) In furtherance of the objects of the Association to lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.

- (13) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures of debenture stock perpetual or otherwise, or by mortgage charge, lien or other security upon the whole or any part of the incorporated Association's property or assets present or future and to purchase, redeem or pay off such securities;
- (14) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (15) In furtherance of the objects of the Association to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (16) To take or hold mortgages, liens or charges, to secure payment of the purchase price or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association or any money due to the Association from purchasers and others;
- (17) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association, but subject always to the proviso in sub-rule (4);
- (18) To take such steps by persons or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise;
- (19) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects;
- (20) In furtherance of the objects of the Association to transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised to amalgamate;
- (21) To make donations to patriotic, charitable or community purposes;
- (22) To transact any lawful business in aid of the Commonwealth of Australia in the prosecution of any war in which the Commonwealth of Australia is engaged;
- (23) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

## **5. CLASSES OF MEMBERS**

- (1) The Association shall be limited to amateur Pony Clubs in Queensland, which shall subscribe to the objects of the Association also its By-laws and rules adopted by the Association, which may be from time to time added to or altered by the Executive Committee or Management Committee.

## **6. MEMBERSHIP OF AFFILIATED CLUBS**

- (1) Members of an Affiliated Club shall be limited to: -  
Riding and Social Members. Only those members aged 18 years and above will be eligible to vote at meetings and to hold office.  
A Register of members shall be maintained by the Club Secretaries and made available to the Management Committee on request;
- (2) The decision of the Executive Committee shall be final and binding on every affiliated Club on all questions concerning eligibility after recommendation in accordance with clause 8 (1) (c).
- (3) The Annual General Meeting of the Association may on the advance and recommendation of the Management Committee, carry on the majority of the members there present and entitled to vote declare and appoint any member or ex-member of an affiliated Pony Club who has given long service to the Association as a Life Member of the Association, and from after such appointment, no further fees shall be payable by such member who shall thereafter enjoy all the privileges, benefits and advantages of any other Member of the Association, provided he/she has no voting rights. Should a Life Member wish to retain voting rights then that member will need to be a current financial member.

## **7. AFFILIATION FEES**

- (1) Every Affiliated Club shall pay to the Association an annual affiliation fee of such sum as may be fixed from time to time by resolution at an Annual General Meeting. Affiliation fees must be

paid direct to the Association.

At present fees are assessed as follows:

- (i) All financial members pay a combined affiliation and insurance assessment fee;
  - (ii) All other Affiliated Club members are assessed for capitation purposes;
  - (iii) Any Levies, charges or other monies as the Association may see fit to impose.
- (2) Every Affiliated Club shall apply for renewal of affiliation during the month of December each year and such applications to be submitted to the Association Secretary not later than the 31<sup>st</sup> December of that year;
  - (3) All applications for renewal of affiliation are to be submitted electronically on the prescribed form and accompanied by required fees and insurance premiums;
  - (4) The above mentioned affiliation form will be a common form for affiliation, coach accreditation and renewal of appointment, insurance assessment, notification of office bearers and such other details as the Executive Committee may decide from time to time;
  - (5) At the 31st December each year, a list will be drawn up from the affiliations received. Unless an Affiliated Club has reaffiliated within 3 months of the due date, the Members of that Affiliated Club shall not be permitted to take part in any Inter-Club, Zone or Association fixture or event until such time as all fees have been paid and its affiliation application endorsed by the Association.
  - (6) An Affiliated Club which has failed to comply with paragraph 6(2) and paragraph 6(5) in failing to apply for renewal of affiliation within the time prescribed therein may make written application to the Executive Committee for renewal of affiliation.

## **8. APPLICATION FOR AFFILIATION**

- (1) (a) Any group of persons or corporation may apply to the Association to become an affiliated Club. Such applications must be made on such forms as provided by the Association and all details requested must be supplied, including a copy of the Club's constitution.
- (b) Probationary period – six months' probation for new Clubs commencing on date of favourable commissioned inspection. All affiliation fees are due when Clubs are placed on probation. Any financial probationary Club has full membership rights and privileges;
- (i) During the probationary period for new Clubs, the members of the new Club will be entitled to:
  - a. Vote at Zone meetings;
  - b. Appoint a representative to attend Zone meetings;
  - c. Notification of all Club events;
  - d. Participate in Zone activities;
  - e. Participate in Club promotions;
  - f. Use instructional methods as provided for in Association rule books & Association Admin Handbook;
  - g. Any other rights or entitlements as determined by Executive Committee or the Management Committee.
- (c) All such applications shall be dealt with by the Management Committee and the applicant Club concerned shall be notified of its decision. Should affiliation be granted, such applicant Club shall be known as an affiliated Club and shall be allocated to a Zone; Affiliation will only be granted on receipt of Incorporation Certificate
- (d) A Commissioner shall be appointed by the Management Committee to undertake all necessary enquiries to determine the appropriateness of the Club to undertake activities to the standard required by the Association.
  - (ii) The Secretary of the Association shall notify a newly affiliated Club of its registered colours and shall maintain a register of colours of all affiliated Clubs;
  - (iii) The Secretary of the Association shall within fourteen days after granting of affiliation of a new Club, inform the Zone Secretary of the name and address of the Secretary of the affiliated Club and details of the colours of the Club;
  - (iv) Financial Members of Affiliated Clubs may wear the badge of the Association with the name of the Affiliated Club thereon.



## **9. TERMINATION OF MEMBERSHIP OF A CLUB**

- (1) Any affiliated Club may of its own wish cease to become an affiliated body provided that not less than three months' notice is given to the Association's Secretary and that any fees or other monies owing to the Association are paid. In the event of the dissolution of a Club such Club shall ipso facto cease to be an affiliated Club;
- (2) Any affiliated Club may at the discretion of the Executive Committee of the Association, with a 75% majority vote of the full executive be struck off the roll or have its application for renewal of membership rejected if found guilty of willfully breaking any conditions of membership or rules of the Association contained in this Constitution, the Association By- Laws or rules adopted by the Association and such Club shall cease to be a member of the Association.
- (3) The affiliated Club concerned shall be given a full and fair opportunity of presenting its case and if the Executive Committee resolves to terminate its membership it shall instruct the Secretary to advise the affiliated Club in writing accordingly.

## **10. APPEAL BY A CLUB AGAINST REJECTION OF RENEWAL OR TERMINATION OF MEMBERSHIP**

- (1) An affiliated Club whose application for renewal of membership has been rejected or whose membership has been terminated may, within one month of receiving written notification thereof lodge with the Secretary written notice of its intention to appeal against the decision of the Executive Committee;
- (2) Upon receipt of notification of intention to appeal against rejection or termination of membership, the Executive Committee shall at the next scheduled meeting determine the appeal. At any such meeting the applicant shall be given the opportunity to fully present its case and the Executive Committee or those members thereof who rejected the application for membership or terminated the membership subsequently shall likewise have the opportunity of presenting its or their case. The appeal shall be determined by the Executive Committee, whose decision shall be final.
- (3) Where a Club, whose application is rejected, does not appeal against the decision of the Executive Committee within the time prescribed by these rules or so appeals but the appeal is unsuccessful, the Secretary shall forthwith refund the amount of any fees paid.

## **11. EXECUTIVE COMMITTEE -**

### **11A. Executive Committee**

- (1) A quorum of the Executive Committee shall consist of a minimum of five (5) members. The Committee shall present a report of its proceedings to the next meeting of the Management Committee.
- (2) The duties of the Committee are:
  - (a) To meet at least twice a year and at other times as necessary.
  - (b) To develop, as a minimum, a three (3) year plan.
  - (c) Development of regional planning.
  - (d) Programming and development in accordance with government regulations.
  - (e) To do all that is necessary to achieve the objects of the Association within the powers contained herein.
  - (f) The Executive Committee of the Association shall be entitled to, following a minimum 75% of the full executive majority vote.
    - (i) Make directions relating to the interpretation of this Constitution, By-Laws and Rules, alter By-Laws and Rules. However, recommendations made by the State Coaching Panel and any of the Standing Committees can only be approved or rejected by the Executive Committee.
    - (ii) Make determinations to permit or revoke decisions made by the Management Committee, Zones, Clubs or members.
  - (g) The Executive Committee shall have authority to interpret the meaning of the rules and any matter relating to the Association on which this Constitution, By-Laws or Rules are silent.
- (3) The members of the Executive Committee of the Association may participate in a meeting of the Executive Committee by means of a conference telephone or other communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at such meeting.
- (4) Notices permitted or required to be given to the Executive Committee shall be deemed sufficiently given if delivered by:

- (a) Postage;
  - (b) Courier delivery with proof of delivery;
  - (c) Facsimile addressed to the association or a Executive Committee member;
  - (d) By electronic mail (excluding SMS and social media posts);
  - (e) Such other methods as the Executive Committee may designate from time to time.
- (5) Executive Committee members are to attend no less than half of the Executive Committee meetings and no less than half of the Management Committee meetings. Failure by an Executive Committee Member to meet these requirements may result in that member having to show cause to the Executive Committee as to why that person should retain his or her position on the Executive Committee.

#### 11B. Membership of the Executive Committee

- (1) The Executive Committee of the Association shall consist of a President, four (4) Vice-Presidents (each a member of a different Zone), a Secretary, a Treasurer, and a State Director of Coaching.
- (2) At the first Annual General Meeting (AGM) of the Association once this Constitution is adopted, the Chairperson, Secretary, and two (2) Vice-Presidents shall be elected for a term of two (2) years and the Treasurer, State Director of Coaching and two (2) Vice-Presidents shall be elected for a term of one (1) year.
- (3) Thereafter, all Executive Committee Members shall serve for a term of two (2) years.
- (4) In each even year, four (4) members of the Executive Committee (the Chairperson, Secretary and two (2) Vice-Presidents) shall be elected and in each odd numbered year four (4) members of the Executive Committee (the Treasurer, State Director of Coaching and two (2) Vice-Presidents and the State Director of Coaching) shall be elected.
- (5) Executive Committee Members may re-nominate at the end of their term and shall not serve more than 4 consecutive terms on the Executive Committee.
- (6) Once an Executive Committee Member has served the maximum number of consecutive terms they must stand down from the Executive Committee for at least 12 months before they can re-nominate.
- (7) Should any adjustment to the term of the Executive Committee Members elected under these rules be necessary to ensure rotational terms remain in accordance with these rules, this shall be determined by the Executive Committee.
- (8) An Individual Member may be appointed to a casual vacancy on the Executive Committee under rule 13.
- (9) If a State Director of Coaching, after being appointed for by the State Chief Instructors' Panel, has completed 4 consecutive terms; if then, the position of State Director of Coaching is not filled and if the outgoing incumbent is in agreeance, they may be appointed to continue as State Director of Coaching for a further two years.

#### 11C. Electing the Executive Committee

- (1) A member of the Executive Committee, other than the State Director of Coaching, may only be elected as follows:
  - (a) an Affiliated Club may nominate an Individual Member (the *candidate*) to serve as a member of the Executive Committee;
  - (b) the nomination must be:
    - (i) in writing, on the form prescribed by the Executive Committee;
    - (ii) signed by the candidate and the President and Secretary of the Affiliated Club who nominated him or her; and
    - (iii) given to the Secretary at least 42 days before the Annual General Meeting at which the election is to be held;
- (2) A person may be a candidate only if the person:
  - (a) is an adult;
  - (b) is a member of the Association; and
  - (c) is not ineligible to be elected under section 61A of the Act.
- (3) The election will be conducted via a ballot sent to Affiliated Clubs and Zones at least 30 days prior to the Annual General Meeting. The ballot must contain the names of the candidates for each vacant position on the Executive Committee in alphabetical order. Each Affiliated Club and Zone may vote for one candidate for each vacant position on the Executive Committee.
- (4) The Executive Committee will determine the manner in which a ballot under rule 11C (3) will be



conducted.

- (5) If no nominations are received for a position on the Executive Committee before the close of nominations under rule 11C (1) (b) (iii), then nominations from the floor of the meeting are not permitted.
- (6) The Executive Committee must ensure that, before a candidate is elected as a member of the Executive Committee, the candidate is advised:
  - (a) whether or not the Association has public liability insurance; and
  - (b) if the Association has public liability insurance; the amount of the insurance.
- (7) The State Director of Coaching will be selected by the State Coaching Panel at a meeting prior to the Annual General Meeting of the Association. The appointment of the State Director of Coaching will be ratified at the Annual General Meeting. Rule 11C (1), 11C (3), 11C (4) and 11C (5) do not apply to the election of the State Director of Coaching.

## **12. REMOVAL OF A MEMBER OF THE EXECUTIVE COMMITTEE**

- (1) Any member may be called upon to terminate his/her membership if required to do so by a resolution passed by a 75% majority at a Special General Meeting provided that at least 28 days written notice of the proposed resolution is given and provided also that the member concerned is given the opportunity to be heard before the resolution is voted on by a secret ballot.

Such member may be removed from office at a Special General Meeting of the Association where that member shall be given the opportunity to fully present his/her case. The question of removal shall be determined by the vote of the members present at such a meeting as set out in 19 Special General Meeting.

## **13. VACANCIES ON THE EXECUTIVE COMMITTEE**

- (1) Any member of the Executive Committee may resign position on the Executive Committee at any time by giving notice in writing to the Secretary; such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- (2) In the event of any vacancies among the members of the Executive Committee during the current year, the Executive Committee shall have power of appointment to fill such vacancy for the balance of the term;
- (3) The continuing members of the Executive Committee may act notwithstanding any casual vacancy in the Executive Committee, so long as their number is not reduced below the number fixed by or pursuant to these Rules as the necessary quorum of the Executive Committee, the continuing member or members may act for the purpose of increasing the number of members of the Executive Committee to that number or of summoning a general meeting of the Association, but for no other purpose.

## **14. MANAGEMENT COMMITTEE**

The Management Committee shall comprise of the Executive Committee and the Chairperson of the State Coaching Panel and Patron/s and in addition, two representatives from each Zone duly elected as follows:

- (a) There shall be five or more Zones. Each Zone to comprise not less than two affiliated clubs. Each Zone shall elect two Zone Delegates to the Management Committee. The persons so elected shall be recognised as Management Committee Members on receipt of written advice of such election signed by the Chairman and Secretary of the Zone Committee and shall assume office at the first meeting of the Management Committee in the following calendar year.
- (b) Any Financial member, over 18 years of age of an affiliated Club shall be eligible to be a Zone Delegate provided that fees of such Club are not overdue; No person may represent more than one Zone.
- (c) The Management Committee shall have power to:-
  - (i) Alter the number of Zone Delegates returnable from any Zone;
  - (ii) Fix the maximum number of Clubs in any Zone;
  - (iii) Determine the boundaries of any Zone in consultation with the Clubs concerned;
  - (iv) Establish additional Zones;
  - (v) The Management Committee shall, subject to these rules, have power to regulate its

- proceedings, appoint and delegate committees and/or sub- committees or any of its powers, to enable matters affecting the Association to be dealt with as required
- (d) The Management Committee shall have the power to appoint up to five additional members to the Management Committee. Such appointees will hold the position until the termination of the ensuing Annual General Meeting of the Association, and as such members of the Management Committee have all rights vested in the elected members of the Management Committee but no voting rights.

#### **15. REMOVAL OF A MEMBER OF THE MANAGEMENT COMMITTEE**

- (1) Any member may be called upon to terminate his/her membership if required to do so by a resolution passed by a 75% majority at a General Meeting provided that at least 28 days written notice of the proposed resolution is given and provided also that the member concerned is given the opportunity to be heard before the resolution is voted on by a secret ballot.

Such member may be removed from office at a general meeting of the Association where that member shall be given the opportunity to fully present his/her case. The question of removal shall be determined by the vote of the members present at such a General Meeting as set out in 19. General Meetings.

#### **16. VACANCIES ON THE MANAGEMENT COMMITTEE**

- (1) Any member of the Management Committee may resign from membership of the Management Committee at any time by giving notice in writing to the Secretary, such resignation shall take effect at the time such notice is received by the Secretary unless a later date is specified in the notice when it shall take effect on that later date.
- (2) In the event of any vacancies among the members of the Management Committee during the current year, the Management Committee shall have power of appointment to fill such vacancy for the balance of the term;
- (3) The continuing members of the Management Committee may act notwithstanding any casual vacancy in the Management Committee, so long as their number is not reduced below the number fixed by or pursuant to these Rules as the necessary quorum of the Management Committee, the continuing member or members may act for the purpose of increasing the number of members of the Management Committee to that number or of summoning a general meeting of the Association, but for no other purpose.

#### **17. MEETINGS OF THE MANAGEMENT COMMITTEE**

- (1) The Management Committee shall meet at least five times each year in addition to the Annual General Meeting which meetings shall be no more than two calendar months apart. The Annual General Meeting and subsequent Management Committee Meeting shall be held in Brisbane. The venue of the other Management Committee meetings shall be determined by the Management Committee. A quorum of the Management Committee shall consist of 25% of the total number of zones entitled to vote together with a 50% of Office Bearers;
- (2) At all meetings of the Management Committee, the President or in his/her absence the Chairman of the meeting shall have a casting vote only.
- (3) A special meeting of the Management Committee shall be convened by the Secretary on the requisition in writing signed by not less than one-third of the members of the Management Committee, which requisition shall clearly state the reasons why such special meeting is being convened and the nature of the business to be transacted thereat;
- (4) A member of the Management Committee shall not vote in respect of any contract or proposed contract with the Association in which he/she has an interest or any matter arising thereat, and if he/she does so vote, his/her vote shall not be counted;
- (5) Not less than twenty-one days' notice shall be given by the Secretary to members of the Management Committee of any special meeting of the Management Committee. Such notice shall clearly state the nature of the business to be discussed thereat;
- (6) The President shall preside as Chairman at every meeting of the Management Committee or if at any meeting he/she is not present the President is to appoint a Chairperson for that meeting.
- (7) Members of the Management Committee may participate in a meeting of the committee by means of a conference telephone or other communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means

shall constitute presence in person at such meeting.

## **18. COACHING PANEL AND STANDING COMMITTEES**

The President will appoint a member of the Executive Committee to the position of Chairperson of each Standing Committee and upon recommendation by the State Coaching Panel, a Technical Advisor to each of the sub-committees. The appointed Chairperson and Technical Advisor will be entitled to all voting rights of those sub-committees.

### **(1) STATE COACHING PANEL**

- (i) Structure: The State Coaching Panel shall consist of the State Director of Coaching, Assistant Director/s of Coaching and the State Coaching Panel. The State Director of Coaching and Assistant Director/s of Coaching are appointed biennially by the Management Committee on the recommendation of members of the State Coaching Panel. Members of the State Coaching Panel: Appointment to the State Coaching Panel is by the Management Committee on the recommendation of the State Director of Coaching in agreement with the existing members of the State Coaching Panel.
- (ii) Recommendations for State Coaching Panel may come to the Management Committee from:
  - (a) State Director of Coaching and existing members of the State Coaching Panel
  - (b) Zones
  - (c) Clubs
- (iii) The duties of the Committee are:
  - (a) To meet at least twice a year and at other times as necessary;
  - (b) To organise, arrange and control all matters of instruction with the Rules and By laws of the Association on behalf of the Management Committee.
- (iv) The members of the State Coaching Panel of the Association may participate in a meeting of the Instructional Panel by means of a conference telephone call or other telecommunications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at such a meeting.
- (v) The State Director of Coaching and Assistant Directors' of Coaching are to be appointed each odd numbered year prior to the Annual General Meeting by the State Coaching Panel, which is to be submitted to the Management Committee for ratification. If a State Director of Coaching, after being appointed for by the State Chief Instructors' Panel, has completed 4 consecutive terms; if then, the position of State Director of Coaching is not filled and if the outgoing incumbent is in agreeance, they may be appointed to continue as State Director of Coaching for a further two years.
- (vi) Recommendations by the State Coaching Panel to the Management Committee and/or the Elected Office Bearers can only be approved or rejected. If rejected, the recommendation is to return to the State Coaching Panel with reasoning for further consideration.

### **(2) STANDING COMMITTEES**

- (a) The Standing Committees shall have the power to co-opt any persons' as they deem appropriate.
- (b) Save as aforesaid, the Standing Committee may meet and regulate its proceedings as it thinks fit, provided that questions arising at any meeting of the Standing Committee shall be decided by a majority of votes and, in case of equality of votes, the question shall be deemed to be decided in the negative.
- (c) Shall present full account of its proceedings to the next meeting of the Management Committee for ratification.
- (d) Each Standing Committee may comprise of a chairperson, technical delegate plus one delegate from each affiliated zone.
- (e) A quorum of a Standing Committee shall consist of 10% of the total number of zones entitled to vote plus the chairperson or technical advisor.
- (f) The Standing Committee shall meet no less than twice per year.
- (g) The following Standing Committees shall be established by the Executive Committee:
  - a. Show Jumping & Jumping Equitation
  - b. Horse Trials

- c. Mounted Games
  - d. Sporting and Camp Draft
  - e. Dressage and Combined Training
  - f. Tetrathlon
- (h) The Executive Committee shall determine in writing the duties and powers afforded to any Standing Committee and the Standing Committee shall, in the exercise of its duties and powers comply with any direction, rule or regulation that may be prescribed by the Executive Committee.

## **19. GENERAL MEETINGS**

- (1) A General Meeting of the Association shall consist of the Management Committee and one delegate from each affiliated Club. All nominations must be lodged in writing with the Secretary prior to the meeting. The quorum at a General Meeting shall be ten percent (10%) of the total number of financial Clubs entitled to vote together with fifty percent (50%) of the Executive Committee and Zones entitled to vote.
- (2) No Delegate, other than the Chairman shall represent more than one affiliated Club. A Club may appoint a substitute, who must also be a member of an affiliated Club, to attend and vote for the affiliated Club appointing the delegate at any meeting of the Association, but such appointment as substitute or proxy, must be in writing and be received by the Chairman of the Meeting prior to commencement of the meeting. refer to Clause 33.
- (3) The Secretary shall convene all general meetings of the Association by giving not less than twenty-eight days' notice in writing of any such meeting to the members of the Association.
- (4) The manner by which such notice shall be given shall be determined by the Management Committee; Provided that Notice of any meeting convened for the purpose of hearing and determining the appeal of a member against the rejection or termination of his/her membership by the Management Committee shall be given in writing. Notice of a general meeting shall clearly state the nature of the business to be discussed thereat.
- (5) The Association will conduct no less than one General Meeting per calendar year.

## **20. SPECIAL GENERAL MEETINGS**

- (1) The Secretary shall convene a special general meeting:-
  - (a) When directed to do so by the President;
  - (b) When directed to do so by the Management Committee;
  - (c) Upon the requisition in writing of any of three Secretaries of affiliated Zones;
  - (d) Upon the requisition in writing of any 25 Secretaries of affiliated Clubs;
  - (e) Upon the winding up of the Association as defined at paragraph 29;
- (2) Each request shall be as a result of a motion passed at a meeting of the Club or Zone agreeing that a General Meeting be called. If he/she should fail to call such meetings within seven days from receipt of the requisition, the requisitioner may themselves convene the same.
- (3) A Special General Meeting of the Association shall consist of the Management Committee and one delegate from each affiliated Club. All nominations must be lodged in writing with the Secretary prior to the meeting.
- (4) No Delegate, other than the Chairman shall represent more than one affiliated Club. A Delegate may appoint a substitute, who must also be a member of an affiliated Club, to attend and vote for the affiliated Club appointing the delegate at any meeting of the Association, but such appointment as substitute or proxy, must be in writing and be received by the Chairman of the Meeting prior to commencement of the meeting. refer to Clause 33.

The quorum at a Special General Meeting shall be ten percent (10%) of the total number of financial Clubs entitled to vote together with fifty percent (50%) of the Executive Committee and Zones entitled to vote.

## **21. ANNUAL GENERAL MEETING**

- (1) The Annual General Meeting of the Association shall be convened and held each year in such months and on such dates and time as the Management Committee shall from time to time appoint provided that the date of such meeting shall be not later than 30<sup>th</sup> September of any year. Twenty-eight days clear notice in writing of such meeting shall be

sent to the Secretaries of all affiliated Clubs together with the Agenda Paper setting forth all known business of the meeting.

- (2) The business to be transacted at every Annual General Meeting shall be to receive and vote upon: -
  - (i) The Management Committee's report and the statement of income and expenditure, assets and liabilities and mortgages, charges and securities affecting the property of the Association for the preceding financial year, revision of fees, recommendations for life membership;
  - (ii) The Auditor's report upon the books and accounts for the preceding financial year;
  - (iii) The appointment of an auditor;
  - (iv) The appointment of an honorary solicitor;
  - (v) The election of office bearers;
  - (vi) The appointment of patron/s;
  - (vii) Notices of motion;
  - (viii) Any other business.

The quorum at an Annual General Meeting shall be ten percent (10%) of the total number of financial Clubs entitled to vote together with fifty percent (50%) of the Executive Committee and Zones entitled to vote.

## **22. MEETINGS**

Unless otherwise provided by these Rules, at every General or Annual General Meeting:

- (1) The President or in his/her absence a Vice President shall preside as Chairman. In the absence of the President and all Vice Presidents, the Chairman of the day shall be appointed by those persons present entitled to vote at the meeting;
- (2) The Chairman shall maintain order and conduct the meeting in a proper and orderly manner;
- (3) Every question, matter or resolution shall be decided by a majority of votes of those present entitled to vote and proxy votes directed to the Chairman;
- (4) Every person entitled to vote who is present shall be entitled to one vote in the case of an equality of votes, the Chairman shall have a casting vote;
- (5) Voting at all General Meetings shall be by a show of hands or by ballot if demanded by not less than three members present in person;
- (6) The Secretary shall cause full and accurate minutes of all questions, matters, resolutions and other proceedings of every Management Committee meeting and General Meeting to be entered in a book to be open for inspection at all reasonable times by a member of a Pony Club who previously applies to the Secretary for that inspection. For the purposes of ensuring the accuracy of the recording of such minutes, the minutes of every Management Committee meeting shall be signed by the President or Chairman of the meeting or the President or Chairman of the next succeeding Management Committee Meeting verifying their accuracy. Similarly, the minutes of every general meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding General Meeting;

Provided that the minutes of any Annual General Meeting shall be signed by the Chairman of that meeting or the Chairman of the next succeeding General Meeting or Annual General Meeting.

## **23. BY-LAWS**

- (1) Each affiliated Club shall, except as authorised by the Association adopt objects and rules that conform to the requirements of the Association.
- (2) All fixtures conducted by the Association shall be governed by By-Laws and/or rules as made by the Association, provided however that affiliated Clubs may within this Rule, make By-Laws and Regulations for the conduct of their own Club fixtures on the basis that such rules, by-laws or regulations do not contravene those provided for by the Association.

## **24. ALTERATION OF RULES**

Subject to the provisions of the Act these Rules may be amended, rescinded or added to from time to time carried by special resolution by not less than 75% of delegates present at any Annual General Meeting provided that no such amendment, rescission or addition shall be valid unless the same shall have been previously submitted to and approved by the, Department of Justice and Attorney-



General, Queensland.

## **25. COMMON SEAL**

The Association shall have a common seal which shall be under the control of the Secretary and shall be fixed by her/him and signed by the Secretary and at least one office bearer to document in pursuant of a resolution of a general meeting of the Management Committee and in the presence of at least one member of the Management Committee.

## **26. FUNDS AND ACCOUNTS**

- (1) The funds of the Association shall be banked in the name of the Association in such bank as the Executive Committee shall from time to time direct;
- (2) Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Association and the particulars usually shown in books of a like nature;
- (3) All moneys shall be banked as soon as practicable after receipt thereof;
- (4) All amounts of one hundred dollars or over shall be paid by cheque signed by or electronic transfer authorised by any two of the President, Secretary, Treasurer or other member authorised from time to time by the Executive Committee;
- (5) Cheques shall be crossed "Not Negotiable" except those in payment of wages, allowances or petty cash recoupments which may be open;
- (6) The Management Committee shall determine the amount of petty cash which shall be kept on the imprest system;
- (7) All expenditure shall be approved or ratified at a Management Committee meeting;
- (8) As soon as practicable after the end of each financial year, the Treasurer shall cause to be prepared a statement containing particulars of: -
  - i. The income and expenditure for the financial year just ended; and
  - ii. The assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of that year;
- (9) All such statements shall be examined by the Auditor who shall present his/her report upon such audit to the Secretary prior to the holding of the Annual General Meeting next following the financial year in respect of which audit was made;
- (10) The income and property of the Association whence so ever derived shall be used and applied solely in promotion of its objects and in the exercise of its power as set out herein and no portion thereof shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of profit to or amongst the Members of the Association provided that nothing therein contained shall prevent the payment in good faith of interest to any such Member in respect of moneys advanced by him to the Association or otherwise owing by the Association to him or of remuneration to any officers or servants of the Association or to any Member of the Association or other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable and proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association.

## **27. DOCUMENTS**

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

## **28. FINANCIAL YEAR**

The financial year of the Association shall close on 30 June in each year or alternatively a date to be determined by the Executive Committee.

## **29. WINDING UP OF THE ASSOCIATION**

- (1) If upon the winding up of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever the remaining property and assets shall be disposed of in such manner as shall be decided by an Annual or Special General Meeting of the Association.
- (2) The Association may be wound up upon a Special Resolution at an Annual Meeting or a



Special 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 sections 89(1) and 92 of the Act. The Association so nominated shall be one, which fulfills the requirements specified in Part 10 of the Act.

### **30. TEMPORARY CLOSE DOWN OF A CLUB**

- (1) A Club may be temporarily closed down, upon a Special Resolution, at an Annual Meeting by the Club or a Special General Meeting by a Club duly convened to do so, such intention being clearly set out in the notice convening such a meeting.
- (2) 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 to the Association as nominated by the special resolution of the Club and held on trust until such time as the Club wishes to reopen or a maximum of 5 years.
- (3) If 5 years have passed since the temporary close down of the Club, the Club will be deemed wound up and the money held on trust will be treated as a surplus asset and distributed as per paragraph 31(3).

### **31. WINDING UP OF A CLUB**

- (1) A Club may be wound up, upon a Special Resolution, at an Annual Meeting by the Club or a Special General Meeting by a Club duly convened to do so, such intention being clearly set out in the notice convening such a meeting.
- (2) 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 to either an entity pursuant to Part 10 of the Act or the Association as nominated by the special resolution of the Club pursuant to Part 10 of the Act.
- (3) If the Special Resolution of the wound up Club is to vest the surplus assets to the Association, the Association will fulfill the requirements specified in Section Part 10 of the Act.

### **32. POWER TO DISCIPLINE**

- (1) Subject to these rules the Management Committee may:
  - (a) Expel a Club from the Association;
  - (b) Suspend a Club from the Association for a period not exceeding twelve months;
  - (c) Direct or instruct a Club to take action against one of its Members or adult supporters; or
  - (d) Fine a Club, subject to the provision in the Act and the Regulations,
- (2) If the Management Committee is of the opinion that the Club or Member has failed to comply with these Rules and/or is guilty of conduct that is prejudicial to the interests and objects of the Association. A Management Meeting must be held to discuss and vote on a resolution.
- (3) As soon as practicably possible the Association must serve the Club or Member with a notice of resolution prior to the Resolution Meeting setting out;
  - (a) The resolution and the ground for the resolution;
  - (b) The date, time and place of the Resolution Meeting; and
  - (c) The Club or Member's rights to either have a representative attend the meeting or submitted a written response seeking revocation the resolution.
- (4) At the Resolution Meeting the Management Committee shall;
  - (a) Give the Club's representative or Member the opportunity to be heard;
  - (b) Read and give due consideration to any written response submitted by the Club or Member; and
  - (c) By vote determine whether to confirm or revoke the resolution.
- (5) If a Club or Member wishes to appeal a decision made at a Resolution Meeting, a Club or Member may within one calendar month from the date of the Resolution Meeting, lodge a notice of appeal with the Association.
- (6) Where the Association receives a notice of appeal, the Association must hold a Special Meeting of the Executive Committee within 45 days to discuss the notice of appeal.
- (7) The Club or Member must be advised by written notice prior to the Special Meeting of the

Executive Committee the date, time and place of the Special Meeting of the Executive Committee to discuss the notice of appeal.

- (8) At the Special Meeting of the Executive Committee:
- (a) No other business other than the notice of appeal may be discussed;
  - (b) The Executive Committee may present at the Special Meeting of the Executive Committee the details on the grounds for the resolution;
  - (c) A representative from the Club or member shall be given the opportunity to be heard; and
  - (d) The Executive Committee shall vote by secret ballot to either confirm or revoke the resolution.
  - (e) If 66% of the members of the Executive Committee vote in favour to confirm the resolution, the resolution will be confirmed.
  - (f) If less than 66% of the members of the Executive Committee vote in favour to confirm the resolution, the resolution will be revoked.

### 33. PROXIES

- (1) The instrument appointing a proxy must be signed by the club / zone president AND secretary
- (2) A proxy must be a member of the association.
- (3) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- (4) Each instrument appointing a proxy must be given to the secretary at least seven days before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote. The instrument may be sent by:
  - (a) Postage
  - (b) Courier delivery with proof of delivery
  - (c) Facsimile addressed to the association
  - (d) By electronic mail (excluding SMS and social media posts)
- (5) All proxy votes directed to the Chairman, must vote for or against the resolution. In this instance, the instrument appointing the proxy must be in the form as set out in paragraph (8) of this Clause.
- (6) As per Clause 14(a) each Zone is entitled to two delegates and as a result two votes. If a Zone is represented in person by a delegate, a proxy voted delivered as per paragraph (4) of this Clause will count as one (1) votes for the Zone. If no Zone delegate is present a proxy vote from a Zone will as two votes.
- (7) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.
  
- (8) The instrument appointing the proxy must be in the following or similar form:-

[Name of club / zone]:

Being a member of the association, appoint \_\_\_\_\_ of \_\_\_\_\_ / the chairman [*strike out whichever is not wanted*] as our proxy to vote for us on our behalf at the (annual) general meeting of the association, to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of the meeting.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Signature

President \_\_\_\_\_ Secretary \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

This form is to be used \*in favour of / \*against [*strike out whichever is not wanted*] the following resolutions:-

[*List relevant resolutions*]