

ANNEXURE "A"

CONSTITUTION OF THE GOOLWA DISTRICT PONY CLUB

1. The name shall be GOOLWA DISTRICT PONY CLUB INCORPORATED, hereinafter referred to as "the Club".
2. **AIMS AND OBJECTIVES**
 - a. To encourage young people to ride and to learn to enjoy all kinds of sport connected with horses and riding.
 - b. To provide instruction in riding and horsemastership and to instil in members the proper care of their animals.
 - c. To promote the highest ideals of sportsmanship, citizenship and loyalty, thereby cultivating strength of character and self-discipline.
3. **MEMBERSHIP**
 - a. For the Club, membership is as follows:
 - i. **Junior** member is a person who has not reached the age of seventeen (17) years.
 - ii. **Senior** member is a person who has reached the age of seventeen (17) years and has not reached the age of twenty-six (26) years.
 - iii. **Adult** member is a person who has reached the age of twenty-six (26) years.
 - iv. **Riding** member is any person in categories i, ii, or iii.
 - v. **Non-Riding** member is any person who wishes to be a member to assist in the running of the club (such fee as set by the Club and held by the Club)
 - b. All members in categories ii to v – inclusive – will be eligible to vote except members under the age of eighteen (18) years at the Annual General Meeting – providing they have been financial for the preceding year. Members under the age of eighteen (18) years must appoint a parent/guardian eighteen (18) years or over to be their representative in Club matters, including voting at meetings. No proxies shall be allowed.
 - c. Rally participation may be granted upon application and receipt of the rally participation fee and insurance waiver.
 - d. The Club shall consist of all persons who elect to be members and remain financial. However, the Club reserves the right to refuse membership to any person should that membership be disputed. A membership shall be deemed to be disputed if objection is raised in writing by any two financial members of the Club. Upon receipt of an objection, the disputed applicant will be notified in writing by the Secretary and have fourteen (14) days to respond to the objection. Objection and response will then be presented at the next available committee meeting to be resolved by a vote.

- e. A member shall be deemed unfinancial if their subscription is sixty (60) days in arrears. An unfinancial member shall not be entitled to vote at general meetings. Any unfinancial member whose subscription remains unpaid for more than three (3) months after having fallen due shall thereupon cease to be a member of the Club.
- f. No member shall ride a horse at a Club, affiliated Zone or Pony Club Association of South Australia Inc. gathering without having paid their subscription.
- g. A member may resign from membership of the Club by giving written notice to the Secretary of the Club. Any resigning member shall be liable for any outstanding subscriptions which may be recovered as a debt due to the Club.

4. HONORARY MEMBERSHIP

In addition to the provisions of rule headed membership, the Club may admit to honorary membership any person for such period as it thinks fit. Such person shall have limited powers as are set from time to time by the Club.

5. AWARD OF MERIT or LIFE MEMBERSHIP

The Club may at its discretion award to any person, who has given long and meritorious and outstanding service to the Club, an award of merit or life membership. Such nomination should be in writing to detail the service provided by the member, to be submitted to the committee for ratification.

6. REGISTER

The Club shall keep a register of members which shall be available for inspection at any time.

7. MEMBERSHIP CARD

- a. Each Junior, Senior and Adult Member MUST apply for an Attendance Performance Record Card. This Card will contain date of birth and all other particulars required by the Club and the Association.
- b. This Card must be signed by the President AND Secretary of the Club and must be produced on request.
- c. This Card is a record of financial status for the year for the Member and must be produced upon request at any Club, Zone, or Association event, including Rallies.

8. CLUB COLOURS

The colours of the Club shall be navy and white.

9. MANAGEMENT

- a. The Management of the Club shall be vested in a Committee consisting of;
 - i. President,
 - ii. Vice Presidents, not more than two
 - iii. Secretary,
 - iv. Treasurer,
 - v. Chief Instructor,
 - vi. and general committee members comprising no more than one (1) position per ten (10), or part total thereof, category iv. (Riding) financial members.
 - vii. The offices of President and Chief Instructor may be combined, as may Secretary and Treasurer offices.

- b. The affairs of the Club shall follow the rules of the Pony Club Association of South Australia Inc.

- c. In the event that a person is a Committee member in more than one capacity they shall not have the additional right of representation on the Committee and the Committee member shall only have one vote.

- d. All officers of the Club shall be elected annually at the Annual General Meeting and such members shall hold office until the next period of election to that office.

- e. Office bearers are to be elected at an Annual General Meeting. On resignation or forfeiture of office before the expiration of the term of service, the vacancy may be filled by a simple majority vote of the Committee on a suitable candidate(s). The elected office bearer shall retire at the next Annual General Meeting, and such vacancies shall be filled at the Annual General Meeting in accordance with the rules, and shall serve the remaining term of service of the original elected office bearer.

- f. The office of a committee member shall become vacant if a committee member is:
 - i. disqualified from being a committee member by the Act
 - ii. expelled as a member under these rules
 - iii. permanently incapacitated by ill health
 - iv. absent without an apology from more than four meetings in a financial year

- g. The Club shall be governed by the Committee, who, in addition to the power hereinafter specifically conferred upon it, shall have control of the finances and all of the property of the Club, and shall have all such administrative powers as may be necessary for properly carrying out the Aims and Objectives of the Club in accordance with the rules.

- h. The committee shall appoint a public officer as required by the Act.

- i. The Committee may appoint such Sub-Committees and Officials as they deem desirable, and may depute to them powers and duties of the Committee as are permissible in the rules.

10. MEETINGS

- a. An **ANNUAL GENERAL MEETING** shall be held before the 31st July at a convenient time and place to be fixed by the Committee.
- i. To receive from the Committee a Report and the Statement of Accounts and Balance Sheet for the preceding year.
 - ii. To elect officers and auditor for the year.
 - iii. To decide on any motion which may be submitted to the meeting. No such motion shall be moved unless notice shall be given to the Secretary in writing by the 14th June.
 - iv. At least 14 days prior to the Annual General Meeting a notice of such meeting and of the business to be transacted thereat shall be sent by the Secretary to every Junior, Senior, Adult and Non Riding Member, either by written or electronic notice or advertising such Meetings in the local press, stating the time, date and place of the Meeting and business to be dealt with thereat. No business other than that of which notice has been given shall be brought forward at such a meeting.
 - v. To decide on Junior, Senior, Adult and Non-Riding Membership subscription fees for the coming year.
 - vi. The Report and Balance Sheet and Statement of Account shall be open to inspection on the day of the meeting only. The President or Vice President, and in their absence a member selected by the meeting, shall preside at all General Meetings of the Club. Every question shall be determined by half the financial members plus one who vote in person. Every financial member eighteen (18) years and over shall have one vote.
 - vii. The Chairman at any Annual or Special General Meeting shall not have a deliberative vote but in the case of an equality he shall have a casting vote.
 - viii. The quorum for all General Meetings shall consist of half the financial members plus one. If a quorum shall not be present, the members present may at the expiration of thirty minutes from the time of the appointed assembling, adjourn the meeting to a time and place to be arranged and notified as for an Annual General Meeting. If a quorum cannot be formed at the adjournment meeting, a third meeting shall be called, as above, at which a quorum will not be necessary.
 - ix. At the conclusion of the Annual General Meeting the Secretary shall forthwith send in writing to the Association Secretary, the names of the President and Secretary of the Club, as well as the President and Financial reports.
 - x. At the conclusion of the Annual General Meeting the Secretary shall forthwith send in writing to the Zone Secretary the names of the office bearers of the Club. The names of the delegates and alternative delegates to the Zone Executive shall be included in the letter.

- b. SPECIAL GENERAL MEETINGS** may only be called by the Secretary, upon the requisition in writing of one-third of financial members stating the purpose for which the meeting is required.
- i. Such meeting to take place not less than 14 days nor more than 28 days of the receipt of the letter to the Secretary, and shall be notified to Members as for an Annual General Meeting.
 - ii. No business other than for which the meeting was called shall be dealt with.
 - iii. A quorum shall consist of half the financial members plus one.
 - iv. Any matter requiring the attention of a Special General Meeting, which is voted against, may not be considered for at least a one calendar year after the said meeting.
 - v. A question for decision at a general meeting, other than a special resolution, must be determined by half the financial members plus one who vote in person. Unless a poll is demanded by at least five (5) members, a question for decision at a general meeting must be determined by a show of hands.
 - vi. If a poll is requested by at least five (5) members, it must be conducted in a manner specified by the person presiding and the result of the poll is the resolution of the meeting on that question. A poll demanded for the election of a person presiding or on a question of adjournment must be taken immediately by secret ballot, but any other poll may be conducted at any time before the close of the meeting.
- c. COMMITTEE MEETINGS** shall be held, at such times as may be necessary for the proper conduct of the Club's business, or on other occasions when the Secretary has been requested (in writing) by two Committee members to call a meeting. A quorum shall consist of half the Executive Committee members plus one (see MANAGEMENT for members).
- i. **PRESIDENTS DUTIES:**
 1. To chair all meetings and promote the wellbeing of the Club.
 - ii. **SECRETARIES DUTIES:**
 1. To keep a record of minutes of all meetings dealing with Club business.
 2. To record, handle and pass onto the Committee all Club correspondence.
 3. To keep a register of Members.
 4. To call meetings at appointed times or when requested to do so.
 - iii. **TREASURERS DUTIES:**
 1. To compile and issue a Balance Sheet and Statement of Revenue and Expenditure, which shall be laid out before a meeting of the Club.
 2. To issue all receipts for fees and other monies paid to the Club.
 3. To arrange for audit of all finances of the Club and present at Annual General Meeting. All books to be available for checking.
 4. To maintain PCASA membership and monthly strength returns.

11. MINUTES OF MEETINGS

Minutes shall be taken of all proceedings of the Committee and shall be read and confirmed at the next and subsequent meeting. At every meeting the President and in their absence, some other member of the Committee selected by the Meeting, shall take the chair. Every question shall be decided by a simple majority of votes, the Chairman shall have a casting vote only. No proxies shall be allowed.

12. DISCIPLINE OF CLUB MEMBERS

The Committee may suspend, fine or expel any member of the Club;

- a. Who shall commit any breach of any Rule or By-Law of the Club, the Zone, or the Association or of any order or direction of the Committee or of any Special or Ordinary General Meeting; or
- b. Who in the opinion of the Committee shall be guilty in or out of the Club of;
 - i. Any act, practice, conduct matter or thing which shall be seriously prejudicial to the interests of the Club or calculated in any matter to bring discredit to the Club or its Members; or
 - ii. To seriously impair or affect the enjoyment of any Club premises by the Members; or
 - iii. Who shall act contrary to any direction of the Executive Council of the Association or the governing body of the Zone.
- c. Notice of any such suspension, fine or expulsion shall forthwith be sent to the member at their last recorded address. The Club shall call upon them for an explanation of their account and shall hear what they have to say, or consider any written explanation in their defence.

13. MEMBER PROTECTION

Goolwa District Pony Club, its officials, coaches, and attendees, are committed to providing a sport and work environment free of discrimination and harassment, where individuals are treated with respect and dignity, and where children are protected from abuse. The Club will not tolerate behaviour which constitutes abuse, discrimination or harassment under any circumstances and will take disciplinary action against anyone who breaches this.

14. BY-LAWS

The Committee may, from time to time, alter and repeal By-Laws regulating the management of the Club and without limiting the power, particularly as to:

- a. The selection, resignation and expulsion of Members.
- b. The different classes of Members and their rights and disabilities.
- c. The subscription and calls to be paid by Members or any class of Members.
- d. The effect of failure to pay subscriptions when due.
- e. The election of office bearers and their rights and duties and casual vacancies.
- f. The procedure to be adopted at General Meetings.
- g. The convening of Committee Meetings and proceedings thereat.
- h. The use by Members and others of the Club's property.
- i. The appointment of Sub-Committees for any special resolution at General Meetings of the Club.

Such By-Laws and alterations shall be binding to all Members and construed as part of the Rules of the Club until repealed by the Committee or set aside by a special resolution at a General Meeting of the Club.

15. FINANCE

- a. The financial year shall end on the 30th June each year to which day the accounts of the Club shall be balanced.
- b. All revenue of the Club shall be deposited with a Bank in an account titled "Goolwa District Pony Club", and shall be applied in any manner the Club deems fit.
- c. Such account shall be operated upon by cheque or electronic transfer, signed or authorised by any two of the following; President, Secretary or Treasurer. Signatories shall be appointed each year at the Annual General Meeting.
- d. The Committee shall authorise all expenditure.
- e. The Club shall keep and retain such accounting records as are necessary to correctly record and explain the financial transactions and financial positions of the Club in accordance with the Act.

16. AFFILIATION

The Club may affiliate with any kindred organisation having similar objectives, providing that at least three quarters of the Committee are in favour of such affiliation.

17. ANY MATTERS ARISING

- a. Any matter arising and not dealt with under the above Constitution will be covered under the Zone or Association Constitution and/or By-Laws.
- b. In the event of any such matter not being included in the above Constitutions or By-Laws, the matter will be dealt with, firstly, under Equestrian Australia (EA) rules, and then if necessary, the matter will be referred to Fédération Equestre Internationale rules.

18. LEGAL LIABILITY

This Club together with the Pony Club Association of South Australia Incorporated and the Zone with which this Club is affiliated shall not be liable for damage through proceedings of any kind except to the extent of the indemnity afforded to it on them by any policy of insurance then in force in relation to any such claim made against it, the Pony Club Association of South Australia Inc. and the Zone with which this Club is affiliated.

19. COMMON SEAL

The Common Seal of the Association shall, be kept in the custody of the Secretary and shall only be affixed to any document on the authority of a resolution of the Committee and in the presence of two (2) members of the Committee.

20. POWERS OF THE ASSOCIATION

Solely for furthering the Objects, the Association has, in addition to the rights, powers and privileges conferred on it under section 25 on the Act to:

- a. Acquire, hold, deal with, and dispose of, real or personal property; and
- b. Administer any property on trust; and
- c. Open and operate ADI (Authorised Deposit Taking Institution) accounts; and
- d. Invest its moneys -
 - i. In any security with trust moneys may, by Act of Parliament, be invested; or
 - ii. In any other manner authorised by the rules of the association; and
- e. Borrow money upon which terms and conditions as the association thinks fit; and
- f. Give such security for the discharge of liabilities incurred by the association as the association thinks fit; and
- g. Appoint agents to transact any business of the association on its behalf; and
- h. Enter into any other contract it considers necessary or desirable.

21. INTERPRETATION

- a. The interpretation and application of this Constitution shall be vested in the Committee, whose decision thereon and on all matters affecting the Club not provided for by this Constitution shall be final and binding on each Member of the Club, and it shall not be incumbent upon the Committee before arriving at such decision to give any notice to any Member, or to hold any formal or informal hearing, or to take any evidence or statement from any Member, or any other person.
- b. In construction of this Constitution, words importing or signifying males only, shall extend to and include females and the singular number shall include the plural and vice versa.

22. AMENDMENT OF CONSTITUTION AND BY-LAWS

This constitution and any By-Laws issued by the Committee may be added to, repealed or amended by resolution, moved by any Annual or Special General Meeting providing that no such resolution shall be deemed to have been passed unless it was carried by at least three quarters of the members voting thereon.

23. NON PROFIT CLAUSE

The assets and income of the Club shall be applied in furtherance of its objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.

24. WINDING UP

The association may be wound up in the manner provided for in the Act.

25. APPLICATION OF ASSETS UPON WINDING UP

- a. Any assets of the Club shall be used to pay any creditors and liabilities of the Club and the costs and expenses of winding up.
- b. If after winding up of the Club there remains assets, after the liabilities of the Club have been discharged and the costs and expenses of the winding up have been paid – whether they be money, property, or other – these assets are to be distributed to the Pony Club Association of South Australia Inc. and at least half to any kindred organisation(s) in the Goolwa District area, as approved by the meeting of the members of the Club for special resolution.
- c. No distribution of surplus assets shall be made to members, associates of members or former members of the Club, either directly or indirectly.
- d. Should winding up occur after a period of recess, the above shall be undertaken by special resolution at a general meeting of the caretaker.

26. DEFINITIONS

- a. 'Committee' means the committee of management of the association.
- b. 'General meeting' means a general meeting of members of the association convened in accordance with these rules.
- c. 'Member' means a member of the association.
- d. 'Special Resolution' means a special resolution defined in the Act.
- e. 'the Act' means the Associations Incorporation Act 1985.