

February 1, 2012

SCONE SHOWJUMPING CLUB CONSTITUTION

February 2012

The name of our club shall be Scone Showjumping Club. (SSJC)

Article I. OBJECTIVES

- (a) To raise the standard and to facilitate enjoyment of our chosen sport showjumping
- (b) To achieve the abovementioned statement within the rules and guidelines of/ and to be affiliated with Equestrian New South Wales, Equestrian Australia.

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Article II. SSJC MEMBERSHIP SECTION

- (a) All SSJC members are encouraged to be a current member of Equestrian Australia (EA) and are advised that EA membership offers Personal Accident Insurance that SSJC membership does not
- (b) New membership applicants must read understand and complete “The Scone Showjumping Club Membership Pack” and pay the annual fee
- (c) The Secretary on receiving the completed SSJC Membership Pack and the annual fee enter the name onto the SSJC Members Register list, at that point the applicant becomes a member of SSJC

Section 2.02 CESSATION OF MEMBERSHIP

- (a) A person ceases to be a member of SSJC if the person:
 - (i) Dies
 - (ii) Resigns membership
 - (iii) Is expelled from the association
 - (iv) Fails to pay the annual fee within 3 months of the due date

Section 2.03 MEMBERSHIP ENTITLEMENTS ARE NOT TRANSFERABLE

- (a) Membership is not transferrable or transmitted from one person to another
- (b) Terminates on cessation of the persons membership

Section 2.04 RESIGNATION OF MEMBERSHIP

- (a) A member may resign from membership by giving the secretary a written notice of at least 1 month, at that point the membership expires
- (b) The secretary must remove the member from the member register at that point

Section 2.05 REGISTER OF MEMBERS

- (a) The Public Officer of SSJC will establish a register of members of the association listing name, postal or residential address and date of membership of each member of SSJC

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- (b) The register must be kept in NSW at the Associations official address
- (c) The register must be able to be inspected and copied by any other member of SSJC at any reasonable hour
- (d) The information available to another member must be not more than the members name only
- (e) The member register is to be used only for SSJC business only

Section 2.06 MEMBERSHIP FEES

- (a) Are payable on joining SSJC
- (b) Are due annually on the 1 July of every year

Section 2.07 MEMBERSHIP LIABILITIES

- (a) The liability of a member of the association to contribute towards the payment of the debts and liabilities of the club or costs, charges and expenses of the winding up of the association is limited to the amount if any, unpaid by the member in respect of membership of the association

Section 2.08 MEMBERSHIP RESOLUTION OF DISPUTES

- (a) All disputes between SSJC members are to be handled in accordance with the Public Interest Disclosures Act NSW 1994 and all persons involved in a dispute including the complainant are to be offered protections due to them in this Act
- (b) A dispute between one member or members and another of the association are to be referred to a community justice centre for mediation
- (c) A dispute that is not resolved by the above mediation is to be referred to arbitration

Section 2.09 DISCIPLINING OF MEMBERS

- (a) A complaint may be made to the committee that a member of the association:
 - (i) Is not complying with this constitution
 - (ii) Has willfully acted in a prejudicial manner to the interests of the association

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- (b) The committee may refuse to deal with the complaint if it considers it to be trivial or vexatious in nature.
- (c) If the committee decides to deal with the complaint the committee:
 - (i) Must notify the member the complaint is about
 - (ii) Must give the member the notice was given to 14 days in which to make a submission in connection with the complaint
 - (iii) Must take into consideration any submissions made by the member in connection to the complaint
 - (iv) The committee may by resolution, expel or suspend the member from the membership after considering the complaint and any submissions made in connection with the complaint if it is satisfied that the facts alleged in the complaint have been proven and that expulsion or suspension is warranted in the circumstances.
- (d) If the committee expels or suspends a member the secretary must within seven days after the action is taken give written notice to the member of who the action is taken, including the reasons given by the committee for having taken action
- (e) The expulsion does not take effect
 - (i) Until the expiration period of right of appeal
 - (ii) If the member exercises the right of appeal until the association confirms the resolution.

Section 2.10 RIGHT OF APPEAL OF A DISCIPLINED MEMBER

- (a) A member may appeal to the association in a general meeting against the resolution of the committee within 7 days after the notice of resolution is served on the member, by lodging to the secretary a notice to that effect.
- (b) The notice may but need not, be accompanied by a statement of the grounds on which the member intends to reply for the purposes of the appeal.
- (c) On the receipt of a notice by a member the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (d) At a general meeting convened for the above reason no other business than the question of appeal is to be transacted.

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- (e) The committee and the member must be given the opportunity to state their respective cases orally or in writing or both
- (f) The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked
- (g) The appeal is to be determined by a simple majority of votes cast by members of the association

Section 2.11 ANTI-DISCRIMINATION ACT NSW 1977

- (a) SSJC must, in its daily practices and in dealing with complaints, maintain standards of conduct and decision making answerable to the Anti-Discrimination Act NSW 1977 and ensure that the club culture offers equal opportunity to all members

Article III. THE COMMITTEE

Section 3.01 POWERS OF THE COMMITTEE

- (a) Is to control and manage the affairs of the association.
- (b) May exercise all such functions as may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of the members of the association
- (c) Has the power to perform all such things as appear to the committee to be necessary and proper to management of the affairs of the association.

Section 3.02 COMPOSITION OF THE MEMBERSHIP OF THE COMMITTEE

- (a) The committee is to consist of:
 - (i) The office bearers of the association
 - (ii) At least 3 ordinary committee members each of whom are to be elected at the annual general meeting of the association
- (b) The Office bearers of the association are as follows
 - (i) The president

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- (ii) The vice-president
 - (iii) The treasurer
 - (iv) The secretary
-
- (c) A committee member may hold up to two offices (other than the president and vice-president)
 - (d) Each member of the committee is subject to this constitution, to hold office until the conclusion of the annual general meeting the following year, and is eligible for re-election

Section 3.03 ELECTION OF COMMITTEE MEMBERS

- (a) Nominations of candidates for election as office bearers of the association or as ordinary members
 - (i) Made in writing signed by 2 members and the person to be nominated
 - (ii) Must be delivered to the secretary 7 days before the fixed date of the annual general meeting

- (b) If there are insufficient nominations to fill all the vacancies on the committee, the candidates nominated are taken to be elected and further nominations will be received at the annual general meeting.
- (c) If insufficient further nominations are received any vacant positions remaining on the committee are taken as being casual vacancies.
- (d) If the nominations received are equal to the vacancies the persons nominated are taken to be elected.
- (e) If the number of nominations received exceeds the number of vacancies to be filled a ballot is to be held.
- (f) The ballot for the election of office-bearers and ordinary committee members is to be conducted at the same annual general meeting in a proper manner as the committee may direct.
- (g) A member nominated as a candidate for election must be a member of the club.

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Section 3.04 THE SECRETARY

- (a) The Duty of the Secretary is to keep minutes of:
 - (i) The appointment of office-bearers and members of the committee
 - (ii) Names of the members of the committee present at all meetings
 - (iii) All proceedings at all meetings
 - (iv) Minutes of the proceedings at a meeting must be signed by the chairperson of the meeting or the chairperson of the next meeting

Section 3.05 TREASURER

- (a) Must ensure that all money due to the association is collected and received and that all payments authorised by the association are made
- (b) That correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.

Section 3.06 CASUAL VACANCIES

- (a) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member to fill the vacancy subject to the constitution until the conclusion of the next annual general meeting. A casual vacancy occurs as follows:
 - (i) A committee member dies
 - (ii) Ceases to be a member of the club
 - (iii) Becomes insolvent under the Corporations Act 2001
 - (iv) Resigns by a written notice given to the secretary
 - (v) Is removed from office
 - (vi) Becomes mentally incapacitated
 - (vii) Is absent without the consent of the committee for 3 consecutive meetings
 - (viii) Is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months.
 - (ix) Is prohibited from being a director of a company under the Corporations Act 2001

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Section 3.07 REMOVAL OF COMMITTEE MEMBERS

- (a) The association in a general meeting may by resolution remove any member of the committee from office and may by resolution appoint another person to hold same office for the extent of the term of the removed member
- (b) If a member of the committee to whom a proposed resolution makes representations in writing to the secretary or president and requests that the same representation be notified to members of the association, the secretary or the president may send a copy of the representations to each member of the association, or if the representations are not so sent, the member is entitled to require that the same representations are read out at the meeting at which the resolution is considered

Section 3.08 COMMITTEE MEETINGS AND QUORUM

- (a) The committee will meet more than 3 times a year as the committee determine and notify committee members of the same
- (b) Additional meetings of the committee may be convened by the president or a committee member
- (c) Oral or emailed notice of said meetings and place should be made at least 48 hours ahead of the meeting
- (d) Notice of the meeting must specify the general nature of the meeting and no other business may be transacted at the meeting unless it is unanimously agreed to treat as urgent business
- (e) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee
- (f) No business is to be transacted unless there is a quorum present and within half an hour of the appointed time of the meeting, the meeting is to stand adjourned until further meeting. And at this time the meeting will be dissolved
- (g) In the president's absence the vice president will preside or
- (h) If the president and the vice president are absent or unwilling to act, as such one of the remaining members of the committee may be chosen by the committee members present at the meeting to preside

Section 3.09 DELEGATION BY THE COMMITTEE TO A SUB-COMMITTEE

- (a) The committee may delegate one or more sub-committees

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- (b) The exercises of such, of the functions of the committee as are specified in the instrument other than:
 - (i) This power of delegation
 - (ii) A function which is a duty imposed on the committee by the ACT or by any other law.

- (c) A function of the exercise which has been delegated, and while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation
- (d) A delegation may be subject to such conditions or limitations, time or circumstance as may be specified in the instrument of delegation
 - (i) Any act done or suffered by a sub-committee acting in the delegation has the same effect as if it had been done or suffered by the committee
- (e) The committee may in writing revoke whole or part of any delegation under this clause
- (f) A sub-committee may meet and adjourn as it thinks proper

Section 3.10 VOTING AND DECISIONS

- (a) Questions arising at a meeting of the committee or sub-committee appointed by the committee are to be determined by a majority of the votes of the members at said meeting
- (b) Each member present at a meeting including the presiding member is entitled to one voted but in the event of equality of votes the presiding person may exercise a second or casting vote
- (c) The committee may act despite a vacancy on the committee
- (d) Any act or thing done or suffered by the committee or sub-committee is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub -committee

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Article IV. GENERAL MEETING SECTION

Section 4.01 ANNUAL GENERAL MEETINGS.

- (a) To be held in July each year

Section 4.02 CALLING OF ANNUAL GENERAL MEETINGS

- (a) To be held in July at a venue to be advised and include the following:
 - (i) To confirm the minutes from the last Annual General Meeting and of any special meeting held since then
 - (ii) To receive committee reports on the activities of the last preceding financial year
 - (iii) To elect office bearers and ordinary committee members
 - (iv) To receive and consider any financial report or statement that is submitted by members under the Act
 - (v) To receive Safety Document Report from the Public Officer
- (b) An Annual General Meeting must be specified as such in the notice convening it.
- (c) To only proceed when a quorum is present, within 30 minutes of the appointed meeting time
- (d) If adjourned for the above reason to be held one week later on notice from the secretary

Section 4.03 CALLING OF SPECIAL GENERAL MEETING

- (a) The committee whenever it see fit call a special general meeting of the association
- (b) The committee must on the requisition in writing of 5% of total members convene a special general meeting
- (c) The requisition must state the purpose and be signed by the requisitioners and must be lodged with the secretary
- (d) The requisition may be formed by several documents that are to be signed by the requisitioners

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- (e) If the committee fails to convene a special general meeting within 1 month after the requisition date any one of them may convene a special general meeting to be held no later than 3 months after that date
- (f) A special general meeting convened by a member/s must be convened as nearly as practicable in the same manner as a general meeting by the committee

Section 4.04 NOTICE

- (a) Unless the nature of the business proposed requires special resolution, the ordinary procedure for notice will be notified by the Secretary at least 14 days before the fixed date, time and place of the holding of a general meeting; to each member
- (b) If the nature of the general meeting requires special resolution of the association, 21 days before that meeting each member is to be given notice specifying the intended purpose of the meeting
- (c) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting
- (d) A member desiring to bring any business before a general meeting may give notice of the same to the secretary, and it will be included in the next general meeting after receipt of the notice from the member

Section 4.05 QUORUM FOR GENERAL MEETINGS

- (a) See quorum in the COMMITTEE SECTION OF THE CONSTITUTION Section 3.08 COMMITTEE MEETINGS AND QUORUM

Section 4.06 PRESIDING MEMBER

- (a) The president or vice-president is to preside as chairperson
- (b) If the above two persons are absent or unwilling to act the members must elect one of their number to preside

Section 4.07 ADJOURNMENT

- (a) The Chairperson of a general meeting at which a quorum is present may with the consent of the majority of members present adjourn the meeting

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- (b) No new business may be transacted after adjournment, but unfinished pre-adjournment business may be finished
- (c) If a general meeting is adjourned for more than 14 days the secretary must give written notice to all of the members stating date place and business to be transacted at the next meeting

Section 4.08 MAKING DECISIONS

- (a) Decisions may be made by a show of hands or
- (b) If, on the motion of the chairperson or 5 other committee members at the meeting require, a written ballot should determine the outcome of the question
- (c) A show of hands should be indicated in the minutes as majority of so many and minority of so many
- (d) A written ballot will be conducted in accordance with the chairperson

Section 4.09 SPECIAL RESOLUTIONS

- (a) A special resolution may only be passed by the association in accordance with section 39 of the Act

Section 4.10 VOTING

- (a) On any question arising at a meeting a member has one vote only
- (b) In the case of equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to have the casting vote
- (c) A member is not entitled to vote at a meeting if they are not fully financial at the time
- (d) **PROXY VOTES** are not permitted

Article V. MISCELLANEOUS SECTION

Section 5.01 INSURANCE

- (a) SSJC will effect and maintain insurance

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Section 5.02 FUNDS

- (a) The funds of SSJC are derived from Annual Fees, Entry Fees, Grants, Sponsors donations and merchandise and are subject to any resolution passed by the committee in a general meeting
- (b) All funds received must be deposited as soon as practicable and without deduction into an accredited financial institution
- (c) Receipts must be issued as soon as practicable for funds received

Section 5.03 FUND MANAGEMENT

- (a) Subject to any resolution by the committee in a general meeting the club funds are to be used in pursuance with the objectives of the club as the committee has determined
- (b) All expenses or outgoings (any negotiable instrument e.g. Cheque) of the club are to be signed by 2 members of the committee

Section 5.04 CHANGE OF NAME, OBJECTS AND CONSTITUTION

- (a) An application to the Director – General for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the Public Officer or a committee member

Section 5.05 CUSTODY OF BOOKS

- (a) To be under the control of the Public Officer

Section 5.06 INSPECTION OF BOOKS

- (a) The following documents must be open for inspection (at a reasonable hour) free of charge by a member of the association, copies can be made:
 - (i) This Constitution, Records, Risk Management Manual, other books and other financial documents
 - (ii) Minutes of all committee meetings and general meetings of the club

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Section 5.07 SERVICE OF NOTICE

- (a) May be served, personally, to a member's address by pre-paid post, or by electronic means
- (b) Notice is taken to be given or served unless the contrary is proved upon the date it would have been received

Section 5.08 FINANCIAL YEAR

- (a) Each 12 month period: Year End to be 30 June annually, Year Beginning 1 July annually

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