



ACT Endurance Riders Association Inc

RULES OF ASSOCIATION  
Version: 31 July 2007

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**RULES OF ASSOCIATION<sup>1</sup>**  
AUSTRALIAN CAPITAL TERRITORY ENDURANCE RIDERS ASSOCIATION INC  
incorporated under the *Associations Incorporation Act 1991*  
of the Australian Capital Territory

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## **Objects and purposes of the Association**

1. The name of the Association shall be the Australian Capital Territory Endurance Riders Association Incorporated (herein called 'the Association')
2. The objects of the Association are:
  - (a) To promote the sport of endurance horse riding in the Australian Capital Territory and its surrounding districts and to promote further public interest in the sport;
  - (b) To conduct an annual endurance horse ride of no less than 80 kilometres, under the rules of the Australian Endurance Riders Association;
  - (c) To hold programs for public interest and education in the sport such as seminars, film nights or any other function the Association deems useful in promoting the sport of endurance horse riding;
  - (d) To draw together all people who may be interested in the sport of endurance horse riding;
  - (e) To liaise with the veterinary profession, the Royal Society for the Prevention of Cruelty to Animals and other relevant bodies to ensure the good health and management of horses competing in endurance horse rides in the Australian Capital Territory and surrounding districts.

## **Powers**

3. (1) In addition to the objects of the Association the powers of the Association shall be deemed to include:
  - (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association;
  - (b) the buying, selling and supplying of, and dealing in, goods of all kinds;
  - (c) the construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Association;
  - (d) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;
  - (e) the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donations, subscriptions, or otherwise;

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<sup>1</sup> Changed from 'Constitution' to 'Rules of Association' by special resolution 19 June 2002.

- (f) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Association;
- (g) the borrowing and raising of money in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at a general meeting; and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Association by giving mortgages, charges or securities upon or over all or any of the real or personal property of the Association;
- (h) subject to the provision of the Trustee Ordinance 1957, the investment of any money of the Association not immediately required for any of its objects or purposes in such matter as the committee may determine;
- (i) the making of gifts, subscription, or donations to any of the funds, authorities, or institutions, to which paragraph (a) of subsection (1) of section 78 of the Income Tax Assessment Act 1936 of the Commonwealth relates;
- (j) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes, and conveniences calculated to benefit servants or past servants of the Association and their dependents, and the making of payments towards insurance in relation to any of those purposes;
- (k) the establishment and support or aiding in the establishment or support, of any other association formed for any of the objects of the Association;
- (l) the doing of all such other lawful things as are incidental or conducive to the attainment of the objects of the Association or of any of the powers specified in the foregoing provisions of this sub-rule.

## **Rules of the Association**

4. (1) In these rules, unless the contrary intention appears

‘the Act’ means the *Associations Incorporation Act 1991*;

‘General meeting’ means a general meeting of members convened in accordance with Rule 13;

‘Ordinary committee member’ means a member of the committee to whom paragraph (b) of sub-rule (1) of rule 23 relates.

- (2) In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photocopy, and other modes of representing or reproducing words in a visible form.
- (3) Words of expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation Ordinance 1937 and that Ordinance as in force on the date on which the Association adopts these rules.

5. (1) A person who applies for<sup>2</sup> membership as provided in these rules is eligible to be a member of the Association on payment of the annual subscription prescribed in, or fixed under, these rules.
- (2) New members may be admitted to the Association with the approval of a committee member.<sup>3</sup>
- (3) The application of a person for membership of the Association:
  - (a) shall be made in writing;
  - (b) shall be accompanied by the written consent of the person applying (which may be endorsed on the application form); and
  - (c) shall be lodged with the Secretary of the Association.<sup>4</sup>
- (4) Upon an applicant being approved for membership, the Secretary shall, with as little delay as possible, and upon receipt of the sum payable by or on behalf of the nominee as their first year's subscription, enter the nominee's name in a register of members to be kept by the Secretary, whereupon the applicant becomes a member of the Association.<sup>5</sup>
- (5) A membership shall be any one of the following categories<sup>6</sup>:
  - (a) Single: one person;
  - (b) Family: two seniors and any number of juniors, all of whom are genuinely part of the family. For this part, 'junior' means anyone under the age of 16 years.<sup>7</sup>
  - (c) In each of the above membership categories, only one yearly subscription is payable and only one vote per adult in the case of family memberships is allowed.<sup>8</sup>
- (6) A member of the Association may, at any time, resign from the Association by delivering or sending by post to the Secretary a written notice of resignation.<sup>9</sup>
- (7) A member shall cease to be a member of the Association if they are unfinancial for a period exceeding two calendar months.<sup>10</sup>
- (8) Upon receipt of a notice under sub-rule (8) of this rule, the Secretary shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Association.<sup>11</sup>

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<sup>2</sup> Changed by special resolution 19 June 2002.

<sup>3</sup> Changed by special resolution 19 June 2002.

<sup>4</sup> Changed by special resolution 19 June 2002.

<sup>5</sup> Text added, previous sub-clause 4 deleted and sub-clause number changed by special resolution 19 June 2002.

<sup>6</sup> Clause number changed by special resolution 19 June 2002.

<sup>7</sup> Added by special resolution 19 June 2002.

<sup>8</sup> Added by special resolution 19 June 2002.

<sup>9</sup> Clause number changed by special resolution 19 June 2002.

<sup>10</sup> Clause number changed by special resolution 19 June 2002.

<sup>11</sup> Clause number changed by special resolution 19 June 2002.

- (9) A right, privilege, or obligation of a person by virtue of their membership of the Association<sup>12</sup>
- (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates upon the cessation of their membership, whether by death, resignation, or otherwise.
- (10) Members shall not be liable to contribute towards payment of liabilities of the Association on a winding up.<sup>13</sup>

### **Income and Property of the Association**

6. (1) The income and property of the Association, however derived shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonuses, or otherwise, to any member of the Association.
- (2) The Association shall not
- (a) appoint a person who is a member of the committee to any office of the Association to the holder of which is payable any remuneration by way of salary, fees, or allowances; or
  - (b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).
- (3) Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Association of
- (a) remuneration in return for services actually rendered to the Association by the servant or member or for any goods supplied to the Association by the servant or member in the ordinary courses of business;
  - (b) interest at current bank overdraft rate on money lent; or
  - (c) a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

### **Accounts of Receipts, Expenditure etc**

7. (1) True accounts shall be kept
- (a) of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and
  - (b) of the property, credits and liabilities of the Association, and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, these accounts shall be open to the inspection of the members of the Association.

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<sup>12</sup> Clause number changed by special resolution 19 June 2002.

<sup>13</sup> Clause number changed by special resolution 19 June 2002.

- (2) The Treasurer of the Association shall faithfully keep all general records, accounting books and records of receipt and expenditure connected with the operations and business of the Association in such form and manner as the committee may direct.
- (3) The accounts, books, and records referred to in sub-rules (1) and (2) of this rule shall be kept at the Association's office or at such other place as the committee may decide.
- (4) Any other documents or securities that the association holds shall also be kept at the Association's office or at such other place as the committee may decide.
- (5) Members of the Association may arrange with the committee to inspect any books or documents of the Association by writing to the secretary and requesting access to the documents. Access must be freely provided to any member who requests it.

### **Banking and Finance**

8. (1) The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof issue official receipts therefor.
- (2) The committee shall cause to be opened with such bank as the committee selects a banking account in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after the receipt thereof
- (3) The committee may receive from the Association's bank or bankers for the time being the cheques drawn by the Association on any of its accounts with the banks or bankers from and against all claims, actions, suits, or arising directly or indirectly out of those cheques or the surrender thereof to the Association.
- (4) Except with the authority of the committee, no payment of a sum exceeding two dollars shall be made from the funds of the Association otherwise than by cheque drawn on the Association's bank account, but the committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the committee may impose.
- (5) No cheques shall be drawn on the Association's bank account except for the payment of expenditure that has been authorised by the committee.
- (6) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the Treasurer or, in their<sup>14</sup> absence, by such other member or members of the committee as the committee may nominate for that purpose.
- (7) The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.

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<sup>14</sup> Changed from 'his' to 'their' by special resolution 19 June 2002.

## **Auditor**

9. (1) At each annual general meeting of the Association, the committee shall appoint a person who is not a member or the public officer of the Association as the auditor of the Association.
- (2) A person so appointed shall hold office until the annual general meeting next after that at which they are<sup>15</sup> appointed, and is eligible for re-appointment.
- (3) The first auditor of the Association may be appointed by the committee before the annual general meeting, and, if so appointed, shall hold office until the first annual general meeting unless previously removed by a resolution of the members at a general meeting, in which case the members at that meeting may appoint an auditor to act until the first annual general meeting.
- (4) If an appointment is not made at an annual general meeting the committee shall appoint an auditor of the Association for the then current financial year of the Association.
- (5) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the committee may appoint a person to be the auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

## **Audit of Accounts**

10. (1) Once at least in each financial year of the Association, the accounts of the Association shall be examined by the auditor.
- (2) The auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the members present at the annual general meeting.
- (3) In their<sup>16</sup> report, and in certifying to the accounts, the auditor shall state
  - (a) whether they have<sup>17</sup> obtained the information required by them;
  - (b) whether, in their opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at their disposal and the explanations given to them and as shown by the books of the Association<sup>18</sup>; and
  - (c) whether the rules relating<sup>19</sup> to the administration of the funds of the Association have been observed.
- (4) The treasurer<sup>20</sup> of the Association shall cause to be delivered to the auditor a list of all accounts, books and records of the Association.

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<sup>15</sup> Changed from 'he is' to 'they are' by special resolution 19 June 2002.

<sup>16</sup> Changed from 'his' to 'their' by special resolution 19 June 2002.

<sup>17</sup> Changed from 'he or she has' to 'they have' by special resolution 19 June 2002.

<sup>18</sup> Changed from 'his/her' to 'their' and 'him' to 'their' by special resolution 19 June 2002.

<sup>19</sup> Changed from 'relation' to 'relating' by special resolution 19 June 2002.

<sup>20</sup> Changed from 'public officer' to 'treasurer' by special resolution 19 June 2002.

- (5) The auditor
  - (a) has a right of access to the accounts, books, records, vouchers, and documents of the Association;
  - (b) may require from the servants of the Association such information and explanations as may be necessary for the performance of their<sup>21</sup> duties as auditor;
  - (c) may employ persons to assist them in investigating the accounts of the Association; and
  - (d) may in relation to the accounts of the Association, examine any member of the committee or any servant of the Association.
- (6) The association shall retain its accounting records for at least seven years after the transactions to which they relate were completed.

### **Annual General Meeting**

11. (1) The association shall, in each year, hold an annual general meeting.
  - (2) The annual general meeting shall be held on such day (being not later than three months after the close of the financial year of the Association) as the committee may determine.
  - (3) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
  - (4) The annual general meeting shall be specified as such in the notice convening it.
  - (5) The ordinary business of the annual general meeting shall be
    - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
    - (b) to receive from the committee, auditor, and servants of the Association reports upon the transactions of the Association during the last preceding financial year;
    - (c) to elect the officers of the Association and the ordinary committee members;
    - (d) to appoint the auditor and determine their remuneration; and
    - (e) to determine the remuneration of servants of the Association.
  - (6) The annual general meeting may transact special business of which notice is given in accordance with these rules.
  - (7) All general meetings other than the annual general meeting shall be called special general meetings.

### **Special General Meetings**

12. (1) The committee may, whenever it thinks fit, convene a special general meeting of the Association.

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<sup>21</sup> Changed from 'his/her' to 'their' by special resolution 19 June 2002.

- (2) The committee shall, on the requisition in writing of not less than ten members, convene a special general meeting of the Association.
- (3) A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited with the Secretary<sup>22</sup> of the Association and may consist of several documents in the like form, each signed by one or more of the requisitionists.
- (4) If the committee does not cause a special general meeting to be held within twenty-one days from the date on which a requisition therefor is deposited with the Secretary<sup>23</sup> of the Association, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.
- (5) A special general meeting convened by the requisitionists in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the committee, and all reasonable expense incurred in convening the meeting shall be refunded by the Association to the persons incurring them.

### **Notices of General Meetings**

13. The secretary of the Association shall, at least twenty-one<sup>24</sup> days before the date fixed for holding a general meeting of the Association, cause to be inserted in a newspaper published daily in the ACT an advertisement specifying the place, day, and time for the meeting, and the nature of business to be transacted at the meeting<sup>25</sup>.

### **Business and quorum at General Meetings**

14. (1) All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business.
- (2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (3) Five members personally present (being members entitled under these rules to vote at the meeting<sup>26</sup>) constitute a quorum for the transaction of the business of a general meeting.
- (4) If within one hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time (unless another place is specified by the chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour of the time appointed for the commencement of the meeting, the meeting shall be dissolved.

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<sup>22</sup> Changed by special resolution 19 June 2002.

<sup>23</sup> Changed by special resolution 19 June 2002.

<sup>24</sup> Changed from 'fourteen' to 'twenty-one' by special resolution 19 June 2002.

<sup>25</sup> Some words deleted and 'thereat' changed to 'at the meeting' by special resolution 19 June 2002.

<sup>26</sup> Changed from 'thereat' to 'at the meeting' by special resolution 19 June 2002.

## **President to Preside at General Meetings**

15. (1) The President, or in their<sup>27</sup> absence, the Vice-President, shall preside as chairperson<sup>28</sup> at every general meeting of the Association.
- (2) If the President and the Vice-President are absent from a general meeting, the members present shall select one of their number to preside as chairperson at that meeting<sup>29</sup>.

## **Adjournment of General Meetings**

16. (1) The chairperson<sup>30</sup> of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a meeting is adjourned for fourteen days or more, like notice of the adjourned meeting shall be given as in the case of the original meeting.
- (3) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjourned meeting.

## **Determination of Questions Arising at a General Meeting**

17. (1) A question arising at a general meeting of the Association shall be determined on a show of hands. The chairperson will then make a declaration<sup>31</sup> that a resolution has either been carried, or carried unanimously, or carried by a particular majority or lost. An entry to that effect in the minute book at the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (2) If, before or on the result of the show of hands a poll is demanded, the chairperson will not make a declaration on the result of the resolution and will cause a poll to be taken.<sup>32</sup>

## **Votes**

18. (1) Upon any question arising at a general meeting of the Association, each adult member<sup>33</sup> has one vote only.
- (2) Votes shall be given personally, or a member may appoint another member to act as their proxy<sup>34</sup>.
- (3) The instrument appointing a proxy shall be in writing in the form appearing at Schedule 1 to these Rules and shall be given to the Secretary before commencement of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.<sup>35</sup>

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<sup>27</sup> Changed from 'his' to 'their' by special resolution 19 June 2002.

<sup>28</sup> Changed from 'chairman' to 'chairperson' by special resolution 19 June 2002.

<sup>29</sup> Changed from 'chairman thereat' to 'chairperson at that meeting' by special resolution 19 June 2002.

<sup>30</sup> Changed from 'chairman' to 'chairperson' by special resolution 19 June 2002.

<sup>31</sup> In this clause, certain words have been deleted and replaced with text in bold by special resolution 19 June 2002.

<sup>32</sup> Sub-clause (2) added and certain words from previous clause 17 rearranged to be more meaningful. Changed by special resolution 19 June 2002.

<sup>33</sup> Changed from 'a member' to 'each adult member' by special resolution 19 June 2002.

<sup>34</sup> Facility for proxy voting added by special resolution 19 June 2002.

<sup>35</sup> Sub-clause (3) added by special resolution 19 June 2002.

- (4) In the case of an equality of voting on a question the chairman of the meeting is entitled to exercise a second or casting vote.<sup>36</sup>

### **Taking of Poll**

19. If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairperson<sup>37</sup> may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

### **When Poll to be Taken**

20. A poll that is demanded on the election of a chairperson, or on a question of adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairperson<sup>38</sup> may direct.

### **Affairs of Association to be Managed by a Committee**

21. (1) The affairs of the Association shall be managed by a committee of management constituted as provided in rule 23.
- (2) The committee
- (a) shall control and manage the business and affairs of the Association;
  - (b) may, subject to these Rules, exercise all powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by general meetings of members of the Association;
  - (c) subject to the Act and these Rules, has power to perform all such acts and things as appear to the business and affairs of the Association; and
  - (d) shall appoint a Public Officer who shall be a resident of the Australian Capital Territory. The Public Officer shall act until he or she resigns or the Committee appoints their successor.

### **Officers of the Association and Tenure of Office**

22. (1) The officers of the Association shall be:
- (a) President, the office of which shall not be held by the same person in excess of three consecutive years
  - (b) Vice-President
  - (c) Treasurer
  - (d) Secretary<sup>39</sup>
- (2) The provisions of sub-rules (2), (3) and (4) of rule 24, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-rule (1) of this rule.

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<sup>36</sup> Previously sub-clause (3). Changed by special resolution 19 June 2002.

<sup>37</sup> Changed from 'chairman' to chairperson' by special resolution 19 June 2002.

<sup>38</sup> Changed from 'chairman' to chairperson' by special resolution 19 June 2002.

<sup>39</sup> Previous sub-clause (d) Course organiser changed by special resolution 19 June 2002.

- (3) Each officer of the Association shall hold office until the annual general meeting next after the date of their election.
- (4) At each annual general meeting, a President-Elect shall also be elected and shall, upon the conclusion of the annual general meeting next following their appointment, automatically become President for the succeeding year.
- (5) In the event of a casual vacancy in any office mentioned in sub-rule (1) of this rule, the committee may appoint one of its members to the vacant office, and the member so appointed may continue in office up to and including the conclusion of the annual general meeting next following the date of their appointment. In this case (a) and (b) of sub-rule (1) of this rule are eligible for re-election for one additional year.

### **Constitution of the Committee**

23. (1) The committee shall consist of
- (a) the officers of the Association; and
  - (b) up to four ordinary members; and<sup>40</sup>
  - (c) a newsletter editor.<sup>41</sup>
- (2) Each ordinary committee member shall, subject to these rules, hold office until the annual general meeting next after the date of their election, but is eligible for re-election.
- (3) In the event of a casual vacancy occurring in the office of ordinary committee members, the committee may appoint a member of the Association to fill the vacancy, and the member so appointed shall hold office, subject to these rules until the conclusion of the annual general meeting next following the date of their appointment.
- (4) Committee members shall inform the public officer of any change of address so that they can then inform the Registrar's Office of the changes.

### **Election of Members of Committee**

24. (1) Nominations of candidates for election as officers of the Association or as ordinary committee members
- (a) shall be called for at the time of the annual general meeting<sup>42</sup>; and
  - (b) such nominations shall be deemed to be accepted upon the nominee consenting to their nomination.<sup>43</sup>
- (2) Members who wish to nominate themselves for election to a position may do so before the annual general meeting and need not be present at the meeting to be elected to the position.<sup>44</sup>

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<sup>40</sup> Sub-clause changed and added to by special resolution 19 June 2002 further amended by special resolution 13 June 2007.

<sup>41</sup> Sub-clause added by special resolution 19 June 2002 subsequently amended by special resolution 13 June 2007.

<sup>42</sup> Changed by special resolution 19 June 2002.

<sup>43</sup> Former sub sub-clause (b) changed by special resolution 19 June 2002.

<sup>44</sup> Sub-clause (2) added by special resolution 19 June 2002. Former sub-clause (2) becomes sub-

- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of officers and ordinary committee members shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

### **Vacation of Office**

25. For the purposes of these rules, the office of an officer of the Association or an ordinary committee member becomes vacant if the officer or committee member
- (a) dies;
  - (b) becomes bankrupt or applies to take or takes advantage of any law relating<sup>45</sup> to bankrupt or insolvent debtors or compounds with their creditors;
  - (c) becomes of unsound mind;
  - (d) resigns their office by writing under their<sup>46</sup> hand addressed to the committee;
  - (e) fails, without leave granted by the committee, to attend three consecutive meetings of the committee;
  - (f) ceases to be a member of the Association; or
  - (g) fails to pay all arrears of subscription due by them within fourteen days after they have<sup>47</sup> received a notice in writing signed by the Secretary stating that they have ceased to be a financial member of the Association.

### **Meetings of the Committee and Sub-Committee**

26. (1) The committee shall meet at such places and at such times as the committee may determine.
- (2) Special meetings of the committee may be convened by the President, or any four of its members.
  - (3) Notice shall be given to members of the committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
  - (4) Any five members of the committee constitute a quorum for the transaction of business of a meeting of the committee.

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clause (3) and the numbering of subsequent sub-clauses advances by one.

<sup>45</sup> Changed from 'relation' to 'relating' 19 June 2002.

<sup>46</sup> Changed from 'his or her' to 'their' by special resolution 19 June 2002.

<sup>47</sup> Changed from 'he has' to 'they have' by special resolution 19 June 2002.

- (5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place at the same hour of the same day in the following week unless the meeting was a special meeting, in which case it lapses.
- (6) At a meeting of the committee the President, and in their<sup>48</sup> absence the Vice-President, or in the absence of both the President and the Vice-President, such one of the remaining members of the committee as may be chosen by the members present shall preside.
- (7) Questions arising at meetings of the committee or of any sub-committee appointed by the committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such a manner as the person presiding at the meeting may determine.
- (8) Each member at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Notice of each committee meeting shall be served on each member of the committee, either personally, at a reasonable time before the meeting or by sending it by post in a prepaid letter addressed to them at their usual or last known place of abode in time to reach them in due course of the post before the date of the meeting.

### **Disclosures of Interest in Contracts etc**

27. (1) A member of the committee who is interested in any contract or arrangements made or proposed to be made with the Association shall disclose their interest at the first meeting of the committee at which the contract or arrangement is first taken into consideration, if their interest then exists, or, in any other case, at the first meeting of the committee after the acquisition of their interest.
- (2) If a member of the committee becomes interested in a contract or arrangement after it is made or entered into they shall disclose their interest at the first meeting of the committee after they become<sup>49</sup> so interested.
- (3) No member of the committee shall vote as a member of the committee in respect of any contract or arrangement in which they are<sup>50</sup> interested and if they do so vote their vote shall not be counted.

### **Sub-Committees and Executive**

28. (1) The committee may at any time appoint a sub-committee from the committee as it may think fit and shall prescribe the powers and functions thereof.
- (2) The committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not these persons are members of the Association, but a person so co-opted is not entitled to vote.
- (3) Three appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.

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<sup>48</sup> Changed from 'his' to 'their' by special resolution 19 June 2002.

<sup>49</sup> Changed from 'he becomes' to 'they become' by special resolution 19 June 2002.

<sup>50</sup> Changed from 'he or she is' to 'they are' by special resolution 19 June 2002.

- (4) The person chairing a sub-committee<sup>51</sup> of the Association is responsible for calling meetings of the sub-committee.
- (5) Written notice of each sub-committee meeting shall be served on each member of the sub-committee by delivering it to them at a reasonable time before the meeting or by sending it by post in a prepaid letter addressed to them at their usual or last-known place of abode in time to reach them in due course of post before the date of the meeting.
- (6) The President, the Vice-President, the Treasurer, and the Secretary constitute an executive committee, which may issue instructions to the public officer and the servants of the Association in matters of urgency connected with the management of the affairs of the Association during the intervals between meetings of the committee, and where any such instructions are issued shall report thereon to the next meeting of the committee.

### **Annual Subscription**

29. (1) Until otherwise fixed according<sup>52</sup> to sub-rule (2) of this rule, the annual subscription payable by members shall be determined<sup>53</sup> by the committee.
- (2) The amount of the annual subscription may be altered from time to time by the members of the Association by special<sup>54</sup> resolution.
- (3) The annual subscription of a member is due and payable before the first day of the financial year of the Association.

### **Financial Year**

30. The financial year of the Association is the period beginning on the first day of May in each year and ending on the last day of April next following.<sup>55</sup>

### **Notices**

31. A notice may be served by or on behalf of the Association upon any member either personally or by sending it through the post in a prepaid letter addressed to the member at their usual or last known place of abode.

### **Expulsion of Members**

32. (1) Subject to this rule, the committee may expel a member from the Association if, in the opinion of the committee the member has been guilty of conduct detrimental to the interests of the Association.
- (2) The expulsion of a member pursuant to sub-rule (1) of this rule does not take effect
  - (a) until the expiration of fourteen days after the service on the member of a notice under sub-rule (3) of this rule; or
  - (b) if the member exercises their right of appeal under this rule, until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.

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<sup>51</sup> Changed from 'public officer' by special resolution 19 June 2002.

<sup>52</sup> Changed from 'pursuant' by special resolution 19 June 2002.

<sup>53</sup> Changed from 'prescribed' by special resolution 19 June 2002.

<sup>54</sup> Words in bold in sub-clause (2) added by special resolution 19 June 2002. Former sub-clause (4) deleted.

<sup>55</sup> Amended by special resolution 30 June 1999.

- (3) Where the committee expels a member from the Association, the public officer of the Association shall, without undue delay, cause to be served on the member a notice in writing
  - (a) stating that the committee has expelled the member;
  - (b) specifying the grounds for expulsion; and
  - (c) informing the member that if they so desire they may, within fourteen days after the service of the notice on them, appeal against the expulsion as provided in this rule.
- (4) A member on whom a notice under sub-rule (3) of this rule is served may appeal against the expulsion to a special general meeting by delivering or by sending by post to the public officer of the Association, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his appeal.
- (5) Upon receipt of a requisition under sub-rule (3) of this rule, the public officer shall forthwith notify the committee of its receipt and the committee shall thereupon cause a special general meeting of members to be held within twenty-one days after the date on which the requisition is received by the public officer.
- (6) At a special general meeting convened for the purpose of this rule
  - (a) no business other than the question of the expulsion shall be transacted;
  - (b) the committee may place before the meeting, details of the grounds of the expulsion and the committee's reasons for the expulsion;
  - (c) the expelled member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question of whether the expulsion should be lifted or confirmed.
- (7) If at the special general meeting a majority of members present shall vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue their membership of the Association.
- (8) If at the special general meeting a majority of the members vote in favour of the confirmation of the expulsion, the expulsion takes effect, and the expelled member ceases to be a member of the Association.

### **Alteration of the Constitution**

33. (1) The rules may be amended by a resolution passed by a three-quarters<sup>56</sup> majority of financial members voting at a special general meeting.
- (2) Notice of the proposed amendment shall be included in the notice calling the special general meeting.
- (3) An amendment to the objects and purposes of the Association shall not be effective until approved by the Registrar-General's Office<sup>57</sup> in the ACT.

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<sup>56</sup> Changed from 'two-thirds' on instruction from ACT Registrar-General's office 13 June 2007.

<sup>57</sup> Changed from 'Corporate Affairs Commission' 19 June 2002.

- (4) An alteration to the objects and purposes or rules is of no effect until a copy of the alteration is lodged with the Registrar-General's Office<sup>58</sup> in the ACT.

### **Seal of the Association**

34. 1) The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association encircling the word 'Seal'.
- (2) The seal of the Association shall not be affixed to any instrument except by the authority of the committee and the affixing thereof shall be attested by the signatures either of two members of the committee or of one member of the committee and of the public officer of the Association or such other person as the committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.
- (3) The seal shall remain in the custody of the public officer.

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<sup>58</sup> Changed from 'Corporate Affairs Commission' 19 June 2002.

