

**Australian National Working Equitation – Qld Inc.**



**QLD**

**Constitution**

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## 1. Interpretations and Definitions

(1) In this constitution:

**The Act** means the *Associations Incorporations Act 1981*.

**The Association** means “*Australian National Working Equitation – QLD Inc*”. Hereafter noted as “*ANWE Qld*”.

**Person** means and includes natural persons, firms, companies, and other legal entities.

**Rules** means the rules herein set out as from time to time amended pursuant to the provisions hereinafter contained.

**Writing** includes printing, typing, faxing, e-mailing, and other recognised means of communication.

**Member** refers to an ANWE Qld affiliated association.

## 2. Objectives

(1) The objectives of the association shall be:

- (a) Conduct, encourage, promote, control, and manage all levels of Working Equitation in Queensland interpedently with Members and others. This includes Working Equitation events, competitions and championships within Queensland held by clubs affiliated with ANWE Qld.
- (b) Promote the sport of Working Equitation, promote a sportsperson-like attitude amongst competitors and to encourage harmony between horse and rider.
- (c) Promote, control, manage and conduct Working Equitation events, competitions, and championships within Queensland.
- (d) Maintain and enhance standards, quality, and reputation of Working Equitation for the collective and mutual benefit and interest of members and Working Equitation.
- (e) To be an affiliated member of the sport’s recognised governing body for Working Equitation within Australia.

## 3. Powers

(1) The association has the powers of an individual.

(2) The association may, for example;

- (a) Enter into contracts; and
- (b) Acquire, hold, deal with and dispose of property; and
- (c) Make charges for services and facilities it supplies; and
- (d) Do other things necessary or convenient to be done in carrying out its affairs.

## **4. Membership**

- (1) Membership of ANWE Qld shall comprise any legally established club or incorporated association that is affiliated with Australian National Working Equitation Limited (ANWEL) and with ANWE Qld as nominated and accepted for membership in accordance with rule 5 below.
- (2) Membership fees shall be set down by the committee.

## **5. New membership**

- (1) An application for membership must be;
  - (a) In writing; and
  - (b) Signed by the applicant (this may include the use of an electronic signature); and
  - (c) Must be lodged with secretary of the association in writing.

## **6. Membership fees**

- (1) The membership fee for each member;
  - (a) Is the amount decided by the members from time to time at a general meeting;
  - (b) Is payable when, and in the way, the management committee decides.
- (2) A full membership begins on the 1<sup>st</sup> of July or later and ends of the 30<sup>th</sup> of June of each year. Renewal memberships are due from the 1<sup>st</sup> of July and no later than 30<sup>th</sup> September annually or joining fee will apply.

## **7. Admission and rejection of new members**

- (1) The association must consider an application for membership at the next general meeting held after it receives the application of membership.
- (2) The association must decide at the meeting whether to accept or reject the application.

- (3) If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member.
- (4) As soon as practicable the secretary or president must notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable); and
- (5) Once accepted the nominee must then pay the appropriate membership fees; and
- (6) The secretary must, on payment by the nominee of the membership subscription enter or cause to be entered the nominee's name in the register of members and, on the name being entered, the nominee becomes a member of the association.
- (7) A person whose application for membership has been rejected may give the secretary written notice of the person's intention to appeal against the decision;
  - (a) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
  - (b) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.

## **8. Cessation of membership**

- (1) A member ceases to be a member of the association if the member;
  - (a) Ceases to be affiliated with ANWEL and ANWE Qld; or
  - (b) Resigns membership by notice.
  - (c) Is expelled from the association (as per rule 12); or
  - (d) Fails to pay the annual membership fee and or required fees

## **9. Register of members**

- (1) The executive committee must keep a register of members of the association.
- (2) The register must include the following particulars for each member;
  - (a) The full name of the member.
  - (b) The postal or residential address of the member.
  - (c) The date of admission as a member.
  - (d) The time of resignation of the member.

- (e) Details about the termination or reinstatement of membership.
  - (f) Any other particulars the executive committee or the members at a general meeting decide.
- (3) The register must be open by members of the association at all reasonable times.
- (4) A member must contact the secretary to arrange an inspection of the register.
- (5) However, the executive committee will, on the application of a member of the association, withhold information about the member (other than the members full name) from the register available for inspection until the executive committee has received approval from that member to release their information.
- (6) A member of the association must not;
- (a) Use information obtained from the register of members of the association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable, or commercial purposes; or
  - (b) Disclose information obtained from the register to someone else, knowing that information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable, or commercial purposes.
- (7) Subrule (6) does not apply if the use or disclosure of the information is approved by the association.

## **10. Members' Liabilities**

- (1) The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the 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 as required by rule 6.

## **11. Grievance resolution**

- (1) Grievances may arise from time to time between;
- (a) A member and another member; or
  - (b) A member and the executive committee; or
  - (c) A member and the association.

- (2) The member raising the grievance (the *complainant*) may appoint any person to act on behalf of the member (the *nominated representative*).
- (3) The association will ensure that;
  - (a) Each party to the dispute will be given an opportunity to be heard on the matter the subject of the dispute; and
  - (b) The mediator, and any person engaged under the rules to decide the outcome of the dispute, is unbiased.
- (4) If a member has initiated a grievance procedure in relation to a dispute between the member and the association, the association must not take disciplinary action against any of the following persons in relation to the matter the subject of the grievance procedure until the grievance procedure has been completed;
  - (a) The member who initiated the grievance procedure (the *complainant member*);
  - (b) A member of the association appointed by the complainant member under subsection (2) to act on the behalf of the complainant member in the grievance procedure.
- (5) When a member wishes to raise a grievance with the association under this rule, that member must initially attempt to resolve the grievance through discussions with the other party or parties involved in the grievance process.
- (6) If the member is dissatisfied with the reply, the member, or their nominated representative must advise the president of the association.
- (7) At the request of the parties involved in the grievance process, or at the discretion of the president of the association, the president of the association will arrange a mediation of the grievance with the members involved in the grievance process, by independent and neutral mediators, within 28 days where practicable.
- (8) Where the grievance remains unsolved after 28 days, or as soon as practicable following the mediation, either party to the grievance process may refer the matter to Queensland Civil and Administrative Tribunal.

## **12. Disciplining of members**

- (1) A complaint may be made to the committee by any person that a member of the association;



- (a) Has refused or neglected to comply with a provision or provisions of this constitution; or
  - (b) Has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee;
  - (a) Must cause notice of the complaint to be served on the member concerned; and
  - (b) Must give the member at least 14 days from the notice is served within which to make submissions to the committee in connection with the complaint; and
  - (c) Must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 13.
- (6) The expulsion or suspension does not take effect;
  - (a) Until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
  - (b) If within that period the member exercises the right of appeal, unless and until the association confirms the resolution under rule 13, whichever is the later.

### **13. Right of appeal of disciplined member**

- (1) A member may appeal to the association in general meeting against a resolution of the committee under rule 12, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.

- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely on for the purposes of the appeal.
- (3) On receipt of a notice from a member under sub-rule (1), 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.
- (4) At a general meeting of the association convened under sub-rule (3);
  - (a) No business other than the question of the appeal is to be transacted; and
  - (b) The committee and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

## **14. The Powers of the committee**

- (1) Subject to the Act and this constitution and to any resolution passed by the association in general meetings, 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 members of the association.
  - (c) Has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.
  - (d) Obtain, collect, and receive money or funds by way of contributions, donations, grants, and any other lawful method towards the aims of the association.
  - (e) Associate local authorities, voluntary organisations, and the residents of Working Equitation area, in a common effort to carry out the aims of the association.
  - (f) Do all such lawful things as will further the aims of the association.

## 15. Indemnity of Officers

- (1) Every officer appointed by the association, or the committee and every member of the committee shall be entitled to be indemnified out of the funds of the association against any loss, expense or liability incurred or sustained by them in their bona fide and proper exercise of their duty.

## 16. Appointment or election of secretary

- (1) The secretary must be an individual residing in Queensland, who is;
  - (a) A member of an ANWE Qld affiliated association elected by the association as secretary; or
  - (b) Any of the following persons appointed by the executive committee as secretary;
    - (i) A member of the association's executive committee;
    - (ii) Another member of an ANWE Qld affiliated association;
    - (iii) Another person.
- (2) The secretary must be 18 years old or older.
- (3) If a vacancy happens in the office of secretary, the members of the executive committee must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.
- (4) If the executive committee appoints a person mentioned in subrule (1)(b)(ii) as secretary, other than to fill a casual vacancy on the executive committee, the person does not become a member of the executive committee.
- (5) However, if the executive committee appoints a person mentioned in subrule (1)(b)(ii) to fill a casualty vacancy on the executive committee, the person becomes a member of the executive committee.
- (6) In this rule – *casual vacancy*, on an executive committee, means a vacancy that happens when an elected member of the executive committee resigns, dies, or otherwise stops holding office.

## 17. Removal of secretary

- (1) The executive committee of the association may at any time remove a person appointed by the committee as the secretary.

- (2) If the executive committee removes a secretary who is a person mentioned in rule 16(1)(b)(i) the person remains a member of the executive committee.
- (3) If the executive committee removes a secretary who is a person mentioned in rule 16(1)(b)(ii) and who has been appointed to a casual vacancy on the executive committee under rule 15(4), the person remains a member of the executive committee.

## **18. Functions of secretary**

- (1) The secretary's functions include, but are not limited to;
  - (a) Calling meetings of the association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the association; and
  - (b) Keeping minutes of each meeting; and
  - (c) Keeping copies of all correspondence and other documents relating to the association; and
  - (d) Maintaining the register of members of the association.

## **19. Membership of executive committee**

- (1) The executive committee of the association consists of a president, vice president, treasurer, secretary, and any other members the association members elect at an annual general meeting.
- (2) A member of the executive committee must be a financial member of the ANWEL and ANWE Qld affiliated organisation.
- (3) A member of the executive committee must not hold a executive committee position (president, vice president, secretary, or treasurer) of an ANWEL and ANWEL Qld affiliated organisation (a disqualifying position).
- (4) If a member of the executive committee holds a disqualifying position set out in subrule (3), the member upon appointment to the executive committee must resign from that disqualifying position within 30 days.
- (5) At each annual general meeting of the association, the members of the executive committee must retire from office, but are eligible, on nomination, for re-election.
- (6) A member of the executive committee may not serve more than 3 consecutive terms.

## **20. Electing the executive committee**

- (1) Nominations of candidates for election as members of the executive committee;
  - (a) Any 2 members of the ANWEL and ANWEL Qld affiliated organisation may nominate another member to serve as a member of the executive committee;
  - (b) The nomination must be;
    - (i) In writing; and
    - (ii) Signed by the candidate and the members who nominated them; and
    - (iii) Given to the secretary at least 14 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 over 18 years of age;
  - (b) Meets the requirements set out in rule 19;
  - (c) Is not ineligible to be elected as a member under section 61A of the Act.
- (3) If, at the start of the meeting, there are not enough candidates nominated to fill all the vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be called from the floor.
- (4) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (5) If the number of nominations received is equal to the number of the vacancies to be filled, the persons nominated are taken to be elected.
- (6) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held. The election shall be determined by a secret ballot counted by 2 scrutineers elected by the members present and who are ineligible to vote.
- (7) All elections shall be by simple majority of the votes cast by those present and eligible to vote.

## **21. Resignation, removal, or vacation of office of executive committee member**

- (1) A member of the executive committee may resign from the committee by giving written notice of resignation to the secretary.

- (2) The resignation takes effect at;
  - (a) The time the notice is received by the secretary; or
  - (b) If a later time is stated in the notice – the later time.
- (3) A member may be removed from office at a general meeting of the association if a majority of members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the member's removal under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

## **22. Vacancies on executive committee**

- (1) If a casual vacancy happens on the executive committee, the continuing members of the committee may appoint another member of the association to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the executive committee may act despite a casual vacancy on the executive committee.
- (3) However, if the number of committee members is less than the number fixed under rule 26 as a quorum of the executive committee, the continuing members may act only to;
  - (a) Increase the number of executive committee members to the number required for a quorum; or
  - (b) Call a general meeting of the association.

## **23. Functions of executive committee**

- (1) Subject to these rules or a resolution of the members of the association carried at a general meeting, the executive committee has the general control and management of the administration of the affairs, property, and funds of the association.
- (2) The executive committee has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.
- (3) The executive committee may exercise the powers of the association;

- (a) To borrow, raise or secure the payment of amounts in a way the members of the association decide; and
  - (b) To secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee, or other engagement incurred or to be entered into by the association in any way; and
  - (c) To borrow amounts from members and pay interest on the amounts borrowed; and
  - (d) To mortgage or charge the whole part of its property; and
  - (e) To invest in a way the members of the association may from time to time decide.
- (4) For subrule 3(d), the rate of interest must not be more than the current rate being charge for overdrawn accounts on money lent (regardless of the term of the loan) by;
- (a) The financial institution of the association; or
  - (b) If there is more than 1 financial institution for the association – the financial institution nominated by the executive committee.
- (5) The executive committee must ensure the association keeps proper financial records.

## **24. Duties of executive committee members**

- (1) A member of the executive committee must disclose the nature and extent of any material personal interest (other than an interest that arises only from the person's position as a member of the association) in a matter being considered at a executive committee meeting;
- (a) To the executive committee, as soon as the member becomes aware of the interest; and
  - (b) At the next general meeting of the association;
  - (c) With the relevant details of a material personal interest recorded in the minutes of the meeting at which they were disclosed and provided to members of the association upon request.
- (2) A member of the executive committee must abstain from voting where that member has a material personal interest (other than an interest that arises only from the person's position as a member of the association) in a matter being considered by the executive committee.

- (3) A member of the executive committee must exercise their powers and discharge their duties with the degree of care and diligence that a reasonable person in the same position would exercise.
- (4) A member of the executive committee must exercise their powers and discharge their duties in good faith in the best interests of the association and for a proper purpose.
- (5) A member of the executive committee must not improperly use their position or information obtained because of their position to gain a pecuniary benefit or material advantage for themselves or another person, or cause detriment to the association.
- (6) A member of the executive committee has a duty to prevent insolvent trading and not to incur a debt if;
  - (a) The association is insolvent when the debt is incurred or becomes insolvent by incurring that debt, or by incurring debts including that debt; and
  - (b) Immediately before the debt was incurred, either;
    - (i) There were reasonable grounds to expect that the association was insolvent; or
    - (ii) There were reasonable grounds to expect that, if the association incurred the debt, the association would become insolvent.
- (7) Members of the executive committee must disclose details of the remuneration paid and other benefits given, if any, to members of the executive committee at the association's annual general meeting.

## **25. Meetings of the executive committee**

- (1) Subject to this rule, the executive committee may meet and conduct its proceedings as it considers appropriate.
- (2) The executive committee must meet at least every 4 months to exercise its functions.
- (3) The executive committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the executive committee.
- (5) The executive committee may hold meetings or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in subrule (5) is taken to be present at the meeting.



- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- (8) A member of the executive committee must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract and, if the member does vote, the member's vote must not be counted.
- (9) The president is to preside as chairperson at an executive committee meeting.
- (10) If there is no president or if the president is not present within 10 minutes after the time fixed for an executive committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.
- (11) The secretary must ensure full and accurate minutes of all questions, matters, resolutions, and other proceedings of each executive committee meeting are kept.
- (12) To ensure the accuracy of the minutes, the minutes are to be confirmed at the next executive committee meeting.

## **26. Quorum for, and adjournment of, executive committee meeting**

- (1) At an executive committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for an executive committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for an executive committee meeting called other than on the request of the members of the committee;
  - (a) The meeting is to be adjourned for at least 1 day; and
  - (b) The members of the executive committee who are present are to decide the day, time, and place of the adjourned meeting.
- (4) If, at the adjourned meeting mentioned in subrule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

## **27. Special meeting of the executive committee**

- (1) If the secretary receives a written request signed by at least a third of the members of the executive committee, the secretary must call a special meeting of the committee by

giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.

- (2) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- (3) A request for a special meeting must state;
  - (a) Why the special meeting is called; and
  - (b) The business to be conducted at the meeting.
- (4) A notice of a special meeting must state;
  - (a) The day, time, and place of the meeting; and
  - (b) The business to be conducted at the meeting.
- (5) A special meeting of the executive committee must be held 14 days after notice of the meeting is given to the members of the executive committee.

## **28. Appointment of subcommittees**

- (1) The executive committee may appoint a subcommittee consisting of members of the association considered appropriate by the committee to help with the conduct of the association's operations.
- (2) A member of the subcommittee who is not a member of the executive committee is not entitled to vote at an executive committee meeting.
- (3) A subcommittee may elect a chairperson of its meeting.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

## **29. Acts not affected by defects or disqualifications**

- (1) An act performed by the executive committee, a subcommittee or a person acting as a member of the executive committee is taken to have been validly performed.

(2) Subrule (1) applies even if the act was performed when;

- (a) There was a defect in the appointment of a member of the executive committee, subcommittee, or person acting as a member of the executive committee; or
- (b) An executive committee member, subcommittee member, or person acting as a member of the executive committee was disqualified from being a member.

### **30. Resolutions of executive committee without meeting**

- (1) A written resolution signed by each member of the executive committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subrule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

### **31. Annual General Meeting**

- (1) Each annual general meeting must be held;
  - (a) At least once each year; and
  - (b) Within 6 months after the end date of the association's reportable financial year.
- (2) The secretary must give at least 4 weeks notice of the meeting to each member of the association.

### **32. Business to be conducted at annual general meeting**

- (1) The following business must be conducted at each annual general meeting of the association;
  - (a) To confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting.
  - (b) To receive from the executive committee reports on the activities of the association during the last preceding financial year.
  - (c) Receiving the association's financial statement, and audit report, for the last reportable financial year.

- (d) Presenting the financial statement and audit report to the meeting for adoption.
- (e) Appointing an auditor or an accountant for the present financial year.
- (f) To elect executive committee members.

### **33. Notice of general meeting**

- (1) The secretary may call a general meeting of the association.
- (2) The secretary must give at least 14 days notice of the meeting to each member of the association.
- (3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting.
- (4) The executive committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing;
  - (a) A meeting called to hear and decide the appeal of a person against the executive committee's decision;
    - (i) To reject the person's application of membership of the association; or
    - (ii) To terminate the person's membership of the association.
  - (b) A meeting called to hear and decide a proposed special resolution of the association.
- (6) A notice of a general meeting must state the business to be conducted at the meeting.

### **34. Quorum for, and adjournment of, general meeting**

- (1) The quorum for a general meeting is at least half the number of current members of the association plus 1, and at least half the number of executive members.
- (2) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.
- (3) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the executive committee or the association, the meeting lapses.

- (4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the executive committee or the association;
- (a) The meeting is to be adjourned for at least 7 days; and
  - (b) The executive committee is to decide the day, time, and place of the adjourned meeting.
- (5) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and place to place.
- (6) If a meeting is adjourned under subrule (5), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- (7) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- (8) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

### **35. Procedure at general meeting**

- (1) A member may take part and vote in a general meeting, by proxy, by attorney, or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (2) A member who participates in a meeting as mentioned in subrule (1) is taken to be present at the meeting.
- (3) At each general meeting;
  - (a) The president is to preside as chairperson; and
  - (b) In the president's absence, the vice-president is to preside as chairperson.
  - (c) The chairperson must conduct the meeting in a proper and orderly way.

### **36. Voting at general meeting**

- (1) At a general meeting, each question, matter, or resolution, other than a special resolution, must be decided by a majority of votes of the members present.
- (2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the question is decided in the negative.

- (3) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the executive committee.
- (5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot is held.
- (8) Members of the executive committee are not entitled to vote on matters raised at a general meeting.

### **37. Special general meeting**

- (1) The secretary must call a special general meeting by giving each member of the association notice of the meeting 14 days after;
  - (a) Being directed to call the meeting by the executive committee; or
  - (b) Being given a written request signed by;
    - (i) At least a third of the number of members of the executive committee when the request is signed; or
    - (ii) At least the number of ordinary members of the association equal to double the number of members of the association on the executive committee when the request is signed plus 1; or
  - (c) Being given a written notice of an intention to appeal against the decision of the executive committee;
    - (i) To reject an application for membership; or
    - (ii) To terminate a member's membership.
- (2) A request mentioned in subrule (1)(b) must state;
  - (a) Why the special general meeting is being called; and
  - (b) The business to be conducted at the meeting.
- (3) A special general meeting must be held within 3 months after the secretary;

- (a) Is directed to call the meeting by the executive committee; or
  - (b) Is given the written request mentioned in subrule (1)(b); or
  - (c) Is given the written notice of an intention to appeal mentioned in subrule (1)(c).
- (4) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

### 38. Proxies

- (1) An instrument appointing a proxy must be in writing and be in the following or similar form;

*Australian National Working Equitation – Qld Inc:*

I, \_\_\_\_\_ of (Club) \_\_\_\_\_,  
being a financial member of the association, appoint;

\_\_\_\_\_ of (Club) \_\_\_\_\_,  
As my proxy to vote for me on my behalf at the (annual) general meeting of  
the association, to be held on the; \_\_\_\_\_ and at any  
adjournment of the meeting.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Position: \_\_\_\_\_

- (2) The instrument appointing a proxy must be signed by a properly authorised officer of the member.
- (3) A proxy may be a member of the association or another person.
- (4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- (5) Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.
- (6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.

- (7) If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form;

*Australian National Working Equitation – Qld Inc:*

I, \_\_\_\_\_ of (Club) \_\_\_\_\_,  
being a financial member of the association, appoint;  
\_\_\_\_\_ of (Club) \_\_\_\_\_,  
As my proxy to vote for me on my behalf at the (annual) general meeting of the  
association, to be held on the; \_\_\_\_\_ and at any adjournment of the  
meeting.  
Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ Position: \_\_\_\_\_  
This form is to be used \*in favour of\* / \*against\* (strike out whichever is not  
wanted) the following resolutions;  
[list the relevant resolutions]

### 39. Minutes of general meetings

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions, and other proceedings of each general meeting are kept.
- (2) To ensure accuracy of the minutes, the minutes are to be confirmed at the next general meeting.
- (3) If asked by a member of the association, the secretary must, within 28 days after the request is made;
  - (a) Make the minutes for a particular general meeting available for inspection by the member; and
  - (b) Give the member copies of the minutes of the meeting.

### 40. By-Laws

- (1) The executive committee may make, amend, or repeal by-laws, not inconsistent with these rules, for the internal management of the association.
- (2) A by-law may be set aside by a vote of members at a general meeting of the association.

### 41. Alteration of rules

- (1) Subject to the Act, these rules may be amended, repealed, or added to by a special resolution carried at a general meeting.



- (2) However, an amendment, repeal, or addition is valid only if registered by the association.

## **42. Funds and accounts**

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the executive committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts deposited must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.
- (5) If a payment of \$100 or more is made by cheque or electronic funds transfer, the cheque or transfer must be signed by any 2 of the following;
  - (a) The president;
  - (b) The vice-president;
  - (c) The secretary;
  - (d) The treasurer;
  - (e) Any 1 of 3 other members of the association who have been authorised by the executive committee to sign cheques issued by the association.
- (6) However, 1 of the persons who signs the cheque must be the president, the secretary, or the treasurer.
- (7) Cheques, other than cheques for wages, allowances, or petty cash recoupment, must be crossed not negotiable.
- (8) A petty cash account must be kept on the imprest system, and the executive committee must decide the amount of petty cash to be kept in the account.
- (9) All expenditure must be approved or ratified at a executive committee meeting.

## **43. General financial matters**

- (1) On behalf of the executive committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year.

- (2) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

#### **44. Financial year**

- (1) The end date of the association's financial year is 31<sup>st</sup> December in each year.

#### **45. Documents**

- (1) The executive committee must ensure the safe custody of books, documents, instruments of title, and securities of the association.

#### **46. Distribution of surplus assets to another entity**

- (1) This rule applies if the association;
- (a) Is wound-up under part 10 of the Act; and
  - (b) Has surplus assets.
- (2) The surplus assets must not be distributed among the members of the association.
- (3) The surplus assets must be given to another entity;
- (a) Having objects similar to the association's objects; and
  - (b) The rules of which prohibit the distribution of the entity's income and assets to its members.
- (4) In this rule – *surplus assets* means those assets that remain after the liabilities of the association have been discharged and the costs and expenses of the cancellation have been paid.