

## INDEX

PCAWA Constitution .....	2
PCAWA By-Laws .....	20

## PONY CLUB ASSOCIATION OF WESTERN AUSTRALIA INC

**CONSTITUTION****1. Name of Association**

The name of the Association is Pony Club Association of Western Australia Incorporated

**2. Definitions**

In these rules, unless the contrary intention appears-

- “Annual General Meeting” is the meeting convened under paragraph (b) of rule
- “Council meeting” means a meeting referred to in rule 17
- “Council member” means person referred to in paragraph (a), (b), (c), (d), (e), (f) and (g) of rule 10.1
- “department” means the government department with responsibility for administering the *Associations Incorporation Act (1987)*
- “financial year” means a 12 month period as designated by Council from time to time
- “general meeting” means a meeting to which all members are invited
- “Club” means member Club of the Association
- “member” means a natural person whose name and corresponding due monies has been submitted to the PCAWA on a Strength Return Form or a Club as defined in Rule 5.
- “Zone” means a group of clubs as designated by the Council
- “ordinary resolution” means resolution other than a special resolution
- “poll” means voting conducted in written form (as opposed to a show of hands)
- “Pony Club” means a properly constituted voluntary youth organisation for those interested in horses and riding
- “special general meeting” means a general meeting other than the Annual General Meeting
- “special resolution” has the meaning given by section 24 of the Act, that is-

*A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the Clubs of the association who are entitled under the rules of the association to vote and vote in person or, where proxies or postal votes are allowed by the rules of the association by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.*

*At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the association present in person or, where proxies are allowed, by proxy.*

- If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared
- “the Act” means the *Associations Incorporation Act 1987*
- “the Association” means the Association referred to in rule 1
- “PCAWA” means Pony Club Association of Western Australia Inc.
- “office bearers” means the President, Senior Vice-President, Junior Vice President and Treasurer
- “the President” means-
  - (a) in relation to the proceedings at a Council meeting or general meeting, the person presiding at the Council, General meeting of Executive meeting in accordance with rules 10, 11 and 12; or
  - (b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 10.1 or, if that person is unable to perform his or her functions, the Senior Vice President; if that person is unable to perform his or her functions, the Junior Vice President.
- “the Commissioner” means the Commissioner for Fair Trading exercising powers under the Act
- “the Council” means the Council of Management of the Association referred to in rule 10 (1);
- “the Treasurer” means the Treasurer referred to in paragraph (d) of rule 10.1
- “the Vice-President” means the Vice-President referred to in paragraph (b) and (c) of rule 10 (1).
- The word “Horse” shall also include “Pony”.

### 3. Aims & Objectives of Association

#### 3.1 The aims & objectives of the Association are-

- (a) To encourage young people to ride and to learn to enjoy all approved kinds of sports connected with horses and riding; to provide instruction in horsemastership and to instil in members the proper care of their animals; through this medium to promote the highest ideals of fellowship, citizenship, and loyalty, and to cultivate strength of character and self-discipline in the members of the clubs
- (b) To co-ordinate Clubs affiliated with the Association and to act in affiliation with the Australian Pony Club Council, the British Horse Society, the Equestrian Federation of Australia, and other organizations that may be decided by the Association.
- (c) To establish Zones for closer contact and liaison between Clubs
- (d) To direct the policies of Clubs

#### 3.2 The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income

may be paid or otherwise distributed, directly or indirectly, to Clubs, except in good faith in the promotion of those objects.

#### **4. Powers of Association**

The powers conferred on the Association are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association may do all things necessary or convenient for carrying out its aims & objectives, and in particular, may -

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money -
  - (i) in any security in which trust monies may lawfully be invested; or
  - (ii) in any other manner authorised by the rules of the Association;
- (d) borrow money upon such terms and conditions as the Association thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- (f) appoint agents to transact any business of the Association on its behalf;
- (g) enter into any other contract it considers necessary or desirable;  
and
- (h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Association.

#### **5. Qualifications for membership of Association**

##### **5.1** Membership of the Association is open to-

Any Club that has applied as per the procedure ratified by Council for membership and subsequently has passed and complied with inspections as are deemed necessary by the Council, is accepted as a member Club. Terms of admission shall be laid down from time to time by the Council.

##### **5.2** Clubs and Zones shall support the aims and objectives of the Association.

##### **5.3** Council shall have the power to form Clubs into Zones which shall have their own Constitution subject to approval of Council. Zones shall apply for Incorporation under the Associations Incorporation Act.

##### **5.4** Council shall have the power to transfer Clubs from one Zone to another, and to form new Zones. Clubs may request Council to transfer them from one Zone to another, and if both Zones concerned agree to this it may be done. If both Zones do not agree the Club may call a Special General Meeting to consider the transfer, and if the meeting approves with a majority of at least 75% of those present and eligible to vote, the transfer shall be done.

## **6. Register of Members of the Association**

- 6.1** The Executive Officer, on behalf of the Association, must comply with section 27 of the Act by keeping and maintaining in an up to date condition a register of the member Clubs of the Association and their postal or residential addresses and, upon the request of a member Club of the Association, shall make the register available for the inspection of the Club and the Club may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.
- 6.2** The register must be so kept and maintained at the Association's office, or at such other place as the Clubs at a general meeting decide.
- 6.3** Member Clubs must supply to the Association a list of all members of their Club. The Association will hold this list. If the Member Club does not include a person on the Club's individual Membership Strength Return this person is not considered to be a part of the Association. This list may be supplied to any outside bodies as deemed suitable by the Council.

## **7 Subscriptions of members of Association**

- 7.1** The Council may from time to time at a general meeting determine the amount of the subscription to be paid by each member and each Club.
- 7.2** Each Club must pay to the Association, annually on or before such date as the Council from time to time determines, the amount of the subscription determined under rule 7.1
- 7.3** Subject to rule 7.4, a Club whose subscription is not paid within 30 days after the relevant date fixed ceases on the expiry of that period to be a Club, unless the Council decides otherwise.
- 7.4** A club exercises all the rights and obligations of a member Club for the purposes of these rules if their subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 30 days thereafter, or such other time as the Council allows.

## **8. Termination of membership of the Association**

Membership of the Association may be terminated upon-

- (a) (i) receipt by the Council of a notice in writing from a Club of their resignation from the Association.
- (ii) A Club may request Voluntary suspension of membership for a period of up to two years. If during this period, the Club wishes to re-establish membership, the normal inspection criteria are waived.
- Such Clubs as referred to in (i) and (ii) remain liable to pay to the Association the amount of any subscription due and payable by that Club to the Association but unpaid at the date of termination
- (b) non-payment by a Club of their subscription within 60 days of the date fixed by the Council for subscriptions to be paid, unless the Council decides otherwise in accordance with rule 7.3; or

- (c) expulsion of a Club in accordance with rule 9.

**9. Suspension or expulsion of members of Association**

**9.1** If the Council considers that a Club should be suspended or expelled from membership of the Association because their conduct is detrimental to the interests of the Association, the Council must communicate, in writing, to the Club-

- (a) notice of the proposed suspension or expulsion and of the time, date and place of the Council meeting at which the question of that suspension or expulsion will be decided; and
- (b) particulars of that conduct, not less than 30 days before the date of the Council meeting referred to in paragraph (a).

**9.2** At the Council meeting referred to in a notice communicated under rule 9.1, the Council may, having afforded the Club concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Council, suspend or expel or decline to suspend or expel that Club from membership of the Association and must, forthwith after deciding whether or not to suspend or expel that Club, communicate that decision in writing to that Club.

**9.3** Subject to rule 9.5, a Club has their membership suspended or ceases to be a Club 14 days after the day on which the decision to suspend or expel a Club is communicated to them under rule 9.2.

**9.4** A Club who is suspended or expelled under rule 9.2 must, if they wish to appeal against that suspension or expulsion, give notice to the Executive Officer of their intention to do so within the period of 14 days referred to in rule 9.3.

**9.5** When notice is given under rule 9.4-

- (a) the Association in a general meeting, must either confirm or set aside the decision of the Council to suspend or expel the Club, after having afforded the Club who was given notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting; and
- (b) the Club who was given that notice is not suspended or does not cease to be a Club unless and until the decision of the Council to suspend or expel them is confirmed under this sub-rule.

**9.6** Suspension may be for any period up to the end of the current financial year of the Association, or such other period as may be decided by Council.

**9.7** Any expelled Club may reapply to Council as per the set procedure for membership after a period of twelve calendar months from expulsion.

**10. Council**

- 10.1** Subject to rule 10.9, the affairs of the Association will be managed exclusively by a Council consisting of-
- (a) a President;
  - (b) a Senior Vice-President;
  - (c) a Junior Vice-President
  - (d) a Treasurer; and
  - (e) a representative of the State Coaching Panel
  - (f) not less than one and not more than two representatives from each Zone of the Association, of which only one may vote.
  - (g) The Immediate Past President of the Association for his or her first year in that position ONLY. The person in this position has no vote at Council meetings.

all of whom must be members of the Association.

- 10.2** The President, Senior Vice President, Junior Vice President and Treasurer must be elected at an Annual General Meeting or appointed under rule 10.77. Such elections to be a postal ballot open to all Clubs. The Executive Officer shall forward nomination forms to all Clubs. Completed forms are to be received by the Executive Officer no later than 60 days prior to the Annual General meeting. From these completed Nomination Forms ballot papers will be constructed. The Executive Officer shall forward the relevant ballot papers to all Clubs at least 30 days before the Annual General Meeting, and voting will close fifteen minutes prior to the scheduled commencement of the meeting. Votes shall be counted by the Returning Officer appointed by the Executive and the result announced at the Meeting. Election will be based on the Board system. In the Board election method, voters rank the candidates as first, second, third, etc. The first choice of each voter gets a number of points one less than the number of candidates. Each subsequent choice then gets one less point than the preceding choice, until the last choice get no points at all. If the number of candidates is four, for example, the first choice gets three points, the second gets two points, the third gets one, and the last choice gets none. The points from each voter are added together to determine the winner.

The State Coaching Panel Representative will be appointed by the State Coaching Panel.

- 10.3** Subject to rule 10.7, an Office bearer's term will be from their election at an Annual General Meeting until the election referred to in rule 10.2 at the next Annual General Meeting after his or her election, but he or she is eligible for re-election. The President may only hold that position for up to three consecutive years, but may be eligible for re-election for a further term after a one year interval.
- 10.4** Except for nominees under rule 10.6, a person is not eligible for election as an Office bearer unless a Club has nominated him or her for election by delivering notice in writing of that nomination, signed by-
- (a) the nominator; and
  - (b) the nominee to signify his or her willingness to stand for election, to the Executive Officer in accordance with the rules for election current at that time.

- (c) Nominees need not hold any executive position in a Cub or Zone at the time of their nomination but must have held an executive position in a Club or Zone and shall be nominated by a Club.
- 10.5** If the number of persons nominated for election in accordance with rule 10.4 does not exceed the number of vacancies to be filled the Executive Officer shall-
- (a) advise the President at the Annual General Meeting
  - (b) the President shall then declare those persons to be duly elected as Office Bearers.
- at the Annual General Meeting concerned.
- 10.6** If vacancies remain for office bearers after the declaration under rule 10.5, additional nominations may be accepted from the floor of the Annual General Meeting. If such nominations from the floor do not exceed the number of vacancies the President must declare those persons to be duly elected. Where the number of nominations for the floor exceeds the remaining number of vacancies, a ballot shall be conducted.
- 10.7** If a vacancy remains for an office bearer after the application of rule 10.6, or when a casual vacancy within the meaning of rule 16 occurs –
- (a) the Council may appoint a member to fill that vacancy; and
  - (b) a member appointed under this sub-rule shall hold office until the next Annual General Meeting.
- 10.8** The Council may delegate, in writing, to one to more sub-committees (consisting of such member or members of the association as the Council thinks fit) the exercise of such functions of the Council as are specified in the delegation other than-
- (a) the power of delegation; and
  - (b) a function which is a duty imposed on the Council by the Act or any other law.
- 10.9** Any delegation under rule 10.8 may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Council may continue to exercise any function delegated. All Sub-Committee decisions are subject to ratification by Council.
- 10.10** The Council may, in writing, revoke wholly or in part any delegation under rule 10.8.

## **11. President and Vice-President**

- 11.1** Subject to this rule, the President must preside at all Council meetings, general meetings and Executive meetings.
- 11.2** In the event of the absence from a general meeting of-
- (a) the President, the Senior Vice-President must preside; or in the absence of both these the Junior Vice-President will preside
  - (b) the President and both Vice-Presidents, a member elected by the Clubs present at the general meeting, must preside at the general meeting.

- 11.3** In the event of the absence from a Council meeting of-
- (a) the President, the Senior Vice-President will preside; or in the absence of both these the Junior Vice-President will preside.
  - (b) the President and both the Vice-Presidents, a Council member elected by the other Council members present at the Council must preside at the Council meeting.

**12. Executive**

- 12.1** Notwithstanding anything else herein no person whose main source of income is from letting out horses, instructing in equitation or dealing in horses shall be eligible to occupy an office within the Executive, except in special circumstances which the Council, in its absolute discretion shall decide.

- 12.2** The Executive shall be responsible for all day to day running of the Association.

It shall consist of the President, Senior Vice-President, Junior Vice-President, Treasurer, a Representative of the State Coaching Panel, and the Immediate Past President of the Association (for the first twelve months after they are replaced as President, and who shall have no voting rights). The Executive may invite any other person as deemed appropriate to observe and/or advise.

Each member of the Executive has one vote only, excepting only the Chairman, who has a casting vote also. A quorum of the Executive shall be one more than half the number of voting members of the committee.

- 12.3** Sub-Committees

Council has the power to form Sub-Committees for various purposes. Membership of Sub-Committees must be confirmed annually by Council. Membership of Sub-Committees shall consist of representatives from each Zone of the Association, together with those persons that the Sub-committee (with the approval of Council) or Council may wish to add. All nominations for members of a sub-committee must be submitted as per the procedure set by Council.

The total members of a sub-committee should not exceed in number the number of Zones.

No Zone may be represented by more than one-quarter of the members of the Sub-committee unless no other nominations are received. A quorum of any sub-committee shall be one more than half the number of members of the committee.

Zones may recommend to Council persons willing to serve on the various sub-committees.

Minutes of meetings of all sub-committees shall be forwarded to PCAWA Headquarters within two weeks of the date of each meeting, and shall be kept on file at PCAWA Headquarters.

All members of the sub-committee shall have one vote. The Chairman shall have a casting vote also.

All decisions of sub-committees must be presented to Council for ratification.

#### 12.4 The State Coaching Panel

This Panel shall be responsible for the policy and direction of Coaching throughout the Association, subject to the approval of Council. Panel members are Coach Educators, so a core of experienced members must continue.

The Panel shall also be responsible for the examination of Coaches, the issuing of certificates, arrangement of Schools for potential Coaches, arranging for examining and issuing of certificates to Coaches, the inspection of potential new Club's facilities, and all other matters that may be relevant to Coaching for members of the Association.

The Panel shall consist of all those members of the Panel at the time of adoption of this Constitution. It shall elect from those persons a Chairman and a representative to Council and Executive, who need not be the same person. Membership of the Panel shall be for a period of three years from the date of appointment. Retiring appointees shall be eligible for reappointment for a further term.

The four longest serving Members of the Panel must retire annually, and shall be eligible for nomination to a further term. In the case of a dispute between those Members whom are the longest serving, a decision by way of random lot will be made.

All members of the Panel shall have one vote. The Chairman shall have a casting vote also.

The number of Members of the Panel shall not exceed twelve.

A quorum of the Coaching Panel shall be one more than half the number of members of the Panel.

Membership of the Coaching Panel shall be confirmed by Council annually at the Annual General Meeting. The Panel may appoint from time to time such additional co-opted members as it sees fit. Such members will not be eligible to vote at Panel meetings.

In the event of a casual vacancy or vacancies occurring on the panel after the Annual General Meeting, or if there are insufficient nominations from the zones to fill all positions at the Annual General Meeting, the Panel shall have the power of filling the same up until the next General Meeting when an election shall be held to fill such vacancy or vacancies.

All members of the Panel to hold a PC-NCAS Level 1 Coaching Certificate or equivalent Qualifications. All members of the Panel must maintain their current level of qualifications whilst on the Panel and must be actively involved at Club, Zone or State level.

Zones may recommend in writing to the Panel a suitable candidate to be appointed to the Panel. This nomination will, providing it meets the criteria, be considered for ratification by Council.

Minutes of meetings of the State Coaching Panel shall be forwarded to PCAWA Headquarters within two weeks of the date of each meeting, and shall be kept on file at PCAWA Headquarters.

### **13. State Director of Coaching**

The State Director of Coaching may be appointed by the Council on the recommendation of the Coaching Panel. The Director shall be responsible for the policy and direction of Coaching throughout the Association subject to the approval of the Council. They shall be assisted by the Coaching Panel.

Should the position become vacant these duties shall be carried out by the Coaching Panel until a new appointment is made.

### **14. Executive Officer**

The Association shall appoint an Executive Officer who shall:

- (a) co-ordinate the correspondence of the Association;
- (b) keep full and correct minutes of the proceedings of the Council and of the Association;
- (c) comply on behalf of the Association with-
  - (i) section 27 of the Act with respect to the register of members of the Association, as referred to in rule 6;
  - (ii) section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of a Club of the Association, must make available those rules for the inspection of the Club and the Club may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
  - (iii) section 29 of the Act by maintaining a record of –
    - (iv) the names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Council and persons who are authorised to use the common seal of the Association under rule 25; and
    - (v) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association, and the Executive Officer must, upon the request of a Club of the Association, make available the record for the inspection of the Club and the Club may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;

- (d) unless the Clubs resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c)
- (e) perform such other duties as are imposed by these rules, or by order of the Council.

## 15 Treasurer

The Treasurer must-

- (a) be responsible for the receipt of all moneys paid to or received by, or by them on behalf of, the Association and must issue receipts for all cash moneys in the name of the Association;
- (b) ensure that all moneys referred to in paragraph (a) are paid into such account or accounts of the Association as the Council may from time to time direct;
- (c) make payments from the funds of the Association with the authority of a general meeting or of the Council and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised member, or by any two others as are authorised by the Council;
- (d) make payments from the funds of the Association with the authority of a general meeting or of the Council and in so doing ensure that all Credit/Debit Card forms are signed by a nominated officer of the Association and authorised by him or her;
- (e) comply on behalf of the Association with sections 25 and 26 of the Act with respect to the accounting records of the Association by-
  - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Association;
  - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
  - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
  - (iv) submitting to Clubs at each Annual General Meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- (f) whenever directed to do so by the President, submit to the Council a report, balance sheet or financial statement in accordance with that direction;
- (g) unless the Clubs resolve otherwise at a general meeting, ensure that all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); are kept in the custody of the Association's place of business; and
- (h) perform such other duties as are imposed by these rules or by the Council.

**16. Casual vacancies in membership of Executive, Council, Sub-committees or State Coaching Panel**

A casual vacancy occurs in the office of the Executive, Council, Sub-committees or State Coaching Panel if a member-

- (a) dies;
- (b) resigns by notice in writing delivered to the President or, if the Executive member is the President, to a Vice-President and that resignation is accepted by resolution of the Executive;
- (c) is convicted of an offence under the Act;
- (d) is permanently incapacitated by mental or physical ill-health;
- (e) is absent from more than-
  - (i) 3 consecutive meetings; or
  - (ii) 3 meetings in the same financial year without tendering an apology to the person presiding at each of those meetings of which meetings the member received notice, and the office has been declared vacant;
- (f) ceases to be a member of the Association; or
- (g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Executive member.

Council may appoint any person to be an Office Bearer to fill any casual vacancy. Such person to have held an executive position in a Member Club. Any casual vacancy of a Zone representative shall be filled by a member appointed by that Zone. Such person shall hold office for the time determined by Council, but not exceeding the date of the next Annual General Meeting.

**17. Proceedings of Council**

- 17.1** The Council must meet together for the dispatch of business not less than four times in each year and the President, or at least half the Clubs of the Council, may at any time convene a meeting of the Council.
- 17.2** Each Council member has a deliberative vote, with a maximum of one vote per Zone, with the exception of the Immediate Past President. The Chairman has a casting vote also. Any Council member may appoint in writing a person to attend and vote in their place.
- 17.3** A question arising at a Council meeting must be decided by a majority of votes, but, if there no majority, the person presiding at the Council meeting will have a casting vote.
- 17.4** At a Council meeting one more than half the numbers of Council members constitute a quorum.

- 17.5 Subject to these rules, the procedure and order of business to be followed at a Council meeting must be determined by the Council members present at the Council meeting.
- 17.6 As required under sections 21 and 22 of the Act, a Council member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Council (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must-
- (a) as soon as they becomes aware of that interest, disclose the nature and extent of their interest to the Council; and
  - (b) not take part in any deliberations or decision of the Council with respect to that contract.
- 17.7 The Executive Officer must cause every disclosure made under rule 17.6 (a) by a member of the Council to be recorded in the minutes of the meeting of the Council at which it is made.
- 18. General meetings**
- 18.1 The Council-
- (a) may at any time convene a special general meeting;
  - (b) must convene Annual General Meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner, except for the first Annual General Meeting which may be held at any time within 18 months after incorporation; and
  - (c) must, within 30 days of-
    - (i) receiving a request in writing to do so from not less than six Clubs, convene a special general meeting for the purpose specified in that request; or
    - (ii) the Executive Officer receiving a notice under rule 9.4, convene a general meeting to deal with the appeal to which that notice relates.
  - (d) must, after receiving a notice under rule 5.4, convene a general meeting, no later than the next Annual General Meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Association at that next annual general meeting in relation to the Council's rejection of his or her application and the Association at that meeting must confirm or set aside the decision of the Council.
- 18.2 The Clubs making a request referred to in rule 18.1 (c) (i) must-
- (a) state in that request the purpose for which the special general meeting concerned is required; and
  - (b) sign that request.
- 18.3 If a special general meeting is not convened within the relevant period of 30 days referred to-

- (a) in rule 18.1 (c) (i), the Clubs who made the request concerned may themselves convene a special general meeting as if they were the Council; or
  - (b) in rule 18.1 (c) (ii), the Club who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Council.
- 18.4** When a special general meeting is convened under rule 18.3 (a) or (b) the Association must pay the reasonable expenses of convening and holding the special general meeting.
- 18.5** Subject to rule 18.7, the Executive Officer must give to all Clubs not less than 21 days notice of a special general meeting and that notice must specify-
  - (a) when and where the general meeting concerned is to be held; **and**
  - (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- 18.6** Subject to rule 18.7, the Executive Officer must give to all Clubs not less than 21 days notice of an Annual General Meeting and that notice must specify-
  - (a) when and where the Annual General Meeting is to be held;
  - (b) the particulars and order in which business is to be transacted, as follows-
    - (i) first, the consideration of the accounts and reports of the Association;
    - (ii) second, the election of office bearers to replace outgoing Office bearers; and
    - (iii) third, any other business requiring consideration by the Association at the general meeting.
- 18.7** A special resolution may be moved either at a special general meeting or at an Annual General Meeting; however the Executive Officer must give to all Clubs not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in rule 18.5 or 18.6, as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- 18.8** The Executive Officer must give a notice under rule 18.5, 18.6 or 18.7 by-
  - (a) serving it on a Club personally; or
  - (b) sending it by post to a Club at the address of the Club appearing in the register of members kept and maintained under rule 6.
- 18.9** When a notice is sent by post under rule 18.8 (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the Club concerned by ordinary prepaid mail.
- 18.10** At the Annual General Meeting in each year a qualified auditor shall be appointed for the ensuing year. This person shall not be an office bearer of the Association the Auditor shall from time to time audit the accounts of the Association, and shall certify the Balance Sheet and Statement of Accounts laid before the Annual General Meeting in each year.

**19. Quorum and proceedings at general meetings**

- 19.1** At a general meeting one more than one quarter of the Clubs eligible to attend present in person constitute a quorum.
- 19.2** If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 17 .5 or 18.6-
- (a) as a result of a request or notice referred to in rule 16 .1 (c) or as a result of action taken under rule 16 .3 a quorum is not present, the general meeting lapses; or
  - (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 19.3** If within 30 minutes of the time appointed by rule 19.2 (b) for the resumption of an adjourned general meeting a quorum is not present, the Clubs who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.
- 19.4** The Chairman may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- 19.5** There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- 19.6** When a general meeting is adjourned for a period of 30 days or more, the Executive Officer must give notice under rule 18 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- 19.7** At a general meeting-
- (a) an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to rule 19.9; and
  - (b) a special resolution put to the vote will be decided in accordance with section 24 of the Act as defined in rule 2, and, if a poll is demanded, in accordance with rules 19.9 and 19.11.
- 19.8** A declaration by the Chairman of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with rule 19.9.
- 19.9** At a general meeting, a poll may be demanded by the Chairman or by three or more Clubs present in person or by proxy and, if so demanded, must be taken in such manner as the Chairman directs.

**19.10** If a poll is demanded and taken under rule 19.9 in respect of an ordinary resolution, a declaration by the Chairman of the result of the poll is evidence of the matter so declared.

**19.11** A poll demanded under rule 19.9 must be taken immediately on that demand being made.

**20. Minutes of meetings of Association**

**20.1** The Executive Officer must cause proper minutes of all proceedings of all general meetings and Council meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Council meeting, as the case requires, in a minute book kept for that purpose.

**20.2** The President must ensure that the minutes taken of a general meeting or Council meeting under rule 20.1 are checked and signed as correct by the President of the general meeting or Council meeting to which those minutes relate or by the President of the next succeeding general meeting or Council meeting, as the case requires.

**20.3** When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-

- (a) the general meeting or Council meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;
- (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
- (c) all appointments or elections purporting to have been made at the meeting have been validly made.

**21. Voting rights of members of Association**

**21.1** Subject to these rules, each Club present in person or by proxy at a general meeting is entitled to a deliberative vote.

**21.2** A Club may appoint in writing a natural person, whether or not he or she is a member, to represent it at a particular general meeting or at all general meetings. Such written appointment must be registered with the Association not later than 48 hours prior to the scheduled commencement of that meeting.

**21.3** A person appointed under rule 21.2 to represent a Club is deemed for all purposes to be a member until that appointment is revoked by the Club or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of that general meeting.

**22. Proxies of members of Association**

A Club (in this rule called "the appointing Club") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote

on behalf of the appointing Club at, any general meeting. Such proxy must be registered in writing with the Association no later than the commencement of the meeting at which said person will be a proxy.

### **23. By Laws**

The Council may (by itself or by delegation to a committee) formulate, approve, issue, adopt, interpret and amend such by-laws, regulations and policies (“By Laws”) for the proper advancement of the objects for the Association and the sport of Pony Club as it thinks necessary or desirable. Such By Laws must be consistent with this Constitution.

All By Laws made under this Rule shall be binding on the Association, Clubs and Members.

All By Laws, regulations and policies of the Association in force at the date of the approval of this Constitution under the Act insofar as such By Laws, regulations and policies are not inconsistent with, or have been replaced by this Constitution, shall be deemed to be By Laws under this rule.

### **24. Rules of Association**

**24.1** The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-

- (a) Subject to rule 24.1 (d) and (1) (e), the Association may alter its rules by special resolution but not otherwise;  
Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of this Act;
- (b) An alteration of the rules of the Association does not take effect until rule 24.1 (b) is complied with;
- (c) An alteration of the rules of the Association having effect to change the name of the association does not take effect until rules 24.1 (a) 24.to 1 (c) are complied with and the approval of the Commissioner is given to the change of name;
- (d) An alteration of the rules of the Association having effect to alter the objects or purposes of the association does not take effect until rules 24.1 (a) to 24.1 (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

- 23.2 These rules bind every Club, member and the Association to the same extent as if every Club, member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

**25. Common seal of Association**

- 25.1 The Association must have a common seal on which its corporate name appears in legible characters.
- 25.2 The common seal of the Association must not be used without the express authority of the Executive and every use of that common seal must be recorded in the minute book referred to in rule 19.
- 25.3 The affixing of the common seal of the Association must be witnessed by any two of the Chairman, the Executive Officer and the Treasurer.
- 25.4 The common seal of the Association must be kept in the custody of the Executive Officer or of such other person as the Council from time to time decides.

**26. Inspection of records, etc. of Association**

A Club may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

**27. Conflict of Interest**

Executives and Officials at Club, Zone and State level with a conflict of interest in an appeal situation must stand down from their position and related duties until the matter is resolved.

**28. Disputes and mediation**

- 28.1 The grievance procedure set out in this rule applies to disputes under these rules between-
- (a) a member or Club and another member of Club; or
  - (b) a member or Club and the Association; or
  - (c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.
- 28.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 28.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 28.4 The mediator must be-

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement-
  - (i) in the case of a dispute between a Club or member and another Club or member, a person appointed by the Council of the Association;
  - (ii) in the case of a dispute between a Club or member or relevant non-member (as defined by rule 28.21 (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.

**28.5** A member of the Association can be a mediator.

**28.6** The mediator cannot be a member who is a party to the dispute.

**28.7** The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

**28.8** The mediator, in conducting the mediation, must-

- (a) give the parties to the mediation process every opportunity to be heard;
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

**28.9** The mediator must not determine the dispute.

**28.10** The mediation must be confidential and without prejudice.

**28.11** If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **29. Distribution of surplus property on winding up of Association**

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the Clubs, or former Clubs. The surplus property must be given or transferred to another association incorporated under the Act which has similar objectives and which is not carried out for the purposes of profit or gain to its individual, and which association shall be determined by resolution of the Clubs.

# BY-LAWS

## FOR PONY CLUBS AFFILIATED WITH PONY CLUB ASSOCIATION OF WESTERN AUSTRALIA INC.

### PRELIMINARY

In these Rules :

"The Association"	means Pony Club Association of Western Australia Inc.
"PCAWA"	means Pony Club Association of Western Australia Inc.
"EFA"	means the Equestrian Federation of Australia Inc.
"The Council"	means the Council of the Association.
"The Zone"	means a group of Clubs, as designated by the Council.
"The Club"	means the individual Pony Club affiliated with the Association.
"The Committee"	means the Committee of the Club.
"Membership"	means the membership of a Member to a Club.
"Adult Supporters"	means the persons who have attained the age of twenty five (25) years and who are financial with a Club.

### 1. MEMBERS

- (a) Members who are under 17 years of age and who shall be known as :
- \* Ordinary Riding Members.
  - \* Ordinary Non-Riding Members.
- (b) Members who are 17 years of age and over, up to and including the end of the calendar year in which they attain the age of 25 years, who shall be known as :
- \* Associate Riding Members.
  - \* Associate Non-Riding Members.
- (d) Adult Supporters, being persons who have attained 25 years of age.

### 2. MEMBERSHIP

A member shall not, at any time, be a member of more than one Club affiliated with the Association.

### 3. VISITING MEMBERS

A member may be a visiting member of another Club affiliated with the Association. A visiting member shall not represent the Club they visit, and may not be a visiting rider more than twice in any calendar year.

Prior arrangements of a visiting member to attend a rally at another Club must be made by each of the Club Coach Coordinators. Contact must not be made by the Parent or Guardian of the visiting member. Club Coach Coordinators have a Duty of Care and all relevant information is to be passed on.

Attendance Cards must be signed by the Club visited by the rider

#### 4. **TRANSFER OF MEMBERS**

The procedure for a member wishing to transfer to or from a Club shall be as follows :-

- (a) The member resigns in writing, from the Club of which they are a member, and the Club shall acknowledge, in writing, the resignation.
- (b) The member applies in writing to the Club of which they wish to become a member, enclosing the acknowledgment of their resignation.
- (c) In the event of the Club from which the member wishes to resign refusing to acknowledge the resignation in writing within one (1) month, such member shall have the right to appeal to Council, which may then act in place of the said Club.

#### 5. **SUSPENDED MEMBERS**

If a member is suspended by a Club for a period of time, the member shall be suspended from membership of all Clubs affiliated with the Association for the period of time of suspension. The maximum period of time of suspension shall be twelve (12) months, and the member shall be required to reapply to the Club to renew their membership.

#### 6. **ZONE MEMBERSHIP**

The Club shall be a member of a Zone as designated by the Council and shall follow the rules of that Zone.

#### 7. **COMMITTEE**

The Committee (which includes the Office Bearers) shall have a minimum of five (5) members who shall be current financial Adult Supporting or Associate members listed on the Annual Strength Return. The Committee shall appoint a Coach Co-Ordinator, who shall be or become a member thereof.

8. The term of office for a Club Coach Co-Ordinator shall be one (1) year, and they shall be eligible for re-appointment.
9. The Club Coach Co-Ordinator shall be the person responsible to their Club and to the Association for the running of the Club rallies and activities. The Club shall inform the Pony Club Association of Western Australia Inc. of the Club Coach Co-Ordinator or any other coaching appointment, immediately following their appointment.

#### 10. **RALLIES**

At least four (4) rallies shall be held each financial year, and shall cater for all members. At each rally the Club shall record the attendance of all members and their mounts.

11. Should an injured member or mount attend for an activity who/which in the opinion of the Club Coach Co-Ordinator or their nominee is unfit to participate in the activity, the Club Coach Co-Ordinator or their nominee shall have the authority to prevent the member or mount from participating.

#### 12. **UNIFORM**

The uniform to be worn by Pony Club members taking part in Pony Club events shall comply with the rulings made by the Council from time to time.

#### 13. **MOUNTS**

The following mounts are not permitted as Pony Club mounts, and shall only be permitted at Pony Club activities for demonstration or exhibition purposes, with the express permission of the Club Committee:

- (a) Stallions, colts and rigs.
- (b) Mounts which in the opinion of the Club Coach Co-Ordinator or their nominee are considered to be unsafe or unsuitable.

#### 14. **GEAR**

The gear to be used by riders and their mounts shall comply with the rulings made by the Council from time to time.

#### 15. **DRUGS**

The use of drugs prohibited by the PCAWA / EFA, including sedatives (calming drugs) is not permitted at any Pony Club activity. The use of drugs may be detrimental to the welfare of the horse and the rider. See the PCAWA Handbook for copies of all PCAWA Policies.

#### 16. **CONFLICT OF INTEREST**

Executives/Officials at Club, Zone and State Level with a conflict of interest in an appeal situation must stand down from their position and related duties until the matter is resolved.

#### 17. **WINDING UP**

The Constitution of the Club shall contain a procedure for winding up the Club.