

**AUSTRALIAN CAPITAL TERRITORY EQUESTRIAN ASSOCIATION  
INCORPORATED CONSTITUTION**

Adopted at a general meeting on 14 June 2012 by special resolution and lodged  
with the Office of Regulatory Services 22 June 2012

**NAME OF ASSOCIATION**

The Association shall be known as the Australian Capital Territory Equestrian Association Incorporated.

**1 INTERPRETATION**

1.1 In this Constitution, unless the context otherwise provides;

The "Association" means the Australian Capital Territory Equestrian Association Incorporated or ACTEA, incorporated under the Australian Capital Territory *Associations Incorporation Act 1991*.

An "Affiliate" means an organisation, club, or association eligible to join the Association and accepted as an Affiliate in accordance with section 6.1.

An "Associate" means an individual or business with an interest in equestrian pursuits and accepted as an Associate in accordance with section 6.2.

The "Capital Region" means the area of New South Wales surrounding the Australian Capital Territory.

The "Committee" means the body of persons elected pursuant to section 10.

A "Delegate" means a person notified by an Affiliate to represent such a body at meetings of the Association.

The "Executive" means those members of the Committee described in section 11.

An "Ordinary Committee Member" means a member of the Committee who is not a member of the Executive of the Association as defined in section 11.

A "Subcommittee" is a group established with specified rules for a specific purpose consistent with the powers of the Association.

1.2 Words importing the feminine gender only also include the masculine gender and vice versa. Words importing the singular number shall be deemed also to include the plural number and vice versa.

**2 ASSOCIATION OFFICE**

2.1 The office of the Association shall be at a place as the Committee may,

from time to time, determine.

### **3 OBJECTS AND PURPOSES OF THE ASSOCIATION**

3.1 The objects and purposes of the Association are:

3.1.1 to act as the peak body and represent equestrian bodies in their dealings with government bodies or other relevant authorities;

3.1.2 to promote horse riding as a recognised healthy recreational activity;

3.1.3 to formulate and carry out policies designed to:

3.1.3.1 promote the development of equestrian activities and facilities in the Australian Capital Territory and Capital Region;

3.1.3.2 assist the efforts of affiliated bodies to obtain and/or improve facilities for the conduct of equestrian activities;

3.1.3.3 improve the standard of horsemanship and horse mastership in the Australian Capital Territory and Capital Region; and

3.1.3.4 encourage the support of equestrian activities by the Commonwealth, other governments, and other persons and organisations.

### **4 POWERS OF THE ASSOCIATION**

4.1 Subject to this Constitution, the Association has the power to do all things that are necessary or convenient to be done for or in connection with the objectives and purposes and, in particular, has power:

4.1.1 to promote the maintenance of ethical standards for the conduct of equestrian activities;

4.1.2 to make recommendations to appropriate government agencies or authorities and other recognised bodies on the scale and nature of facilities to be provided for equestrian activities;

4.1.3 to make recommendations to appropriate authorities on measures which the Association considers should be taken to ensure the safety and advancement of equestrian activities;

4.1.4 to examine any relevant matter referred to it; and

4.1.5 to accept grants, gifts, devises and bequests made to the Association, whether on trust or otherwise, and to act as trustee of

moneys or other property vested in the Association upon trust.

## **5 DELEGATION OF POWERS**

5.1 Subject to this Constitution, the Association may, by resolution, delegate to the Executive or to the Committee or to a Subcommittee such of its powers as can be appropriately performed by the Executive or the Committee, or the Subcommittee.

5.2 A power so delegated shall be performed or exercised in accordance with the resolution.

5.3 A delegation under this section is revocable by resolution of the Association and does not prevent the exercise of a power by the Association.

## **6 MEMBERSHIP OF THE ASSOCIATION**

6.1 The Association shall consist of the following bodies based in the Australian Capital Territory and Capital Region which seek Affiliation and pay the prescribed fee:

6.1.1 any properly constituted club formed for the pursuit of equestrian activities; and

6.1.2 any not-for-profit organisation of which equestrian activities form a significant part of its normal activities.

6.2 Associate membership may be granted to such of the following bodies or persons seeking membership and paying the prescribed fee:

6.2.1 any person in the Australian Capital Territory and Capital Region personally engaged in the pursuit of equestrian activities; and

6.2.2 any business enterprise in the Australian Capital Territory and Capital Region engaged in the pursuit of equestrian activities.

6.3 Subject to this Constitution, Associates may participate in meetings, volunteer and promotional activities of the Association but shall not be entitled to nominate persons for office nor to vote at general meetings.

6.4 An Associate elected to the Committee as an individual has the power to vote on motions at Committee.

6.5 Honorary membership as an Affiliate or Associate may be confirmed by majority vote in a general meeting. Honorary Affiliates and Associates are entitled to the same rights as financial Affiliates and Associates.

## **7 CESSATION OF MEMBERSHIP**

- 7.1 Affiliate membership of the Association ceases if the Affiliate:
- 7.1.1 is wound up;
  - 7.1.2 resigns from membership of the Association;
  - 7.1.3 is expelled from the Association; or
  - 7.1.4 fails to renew membership of the Association within three months of the end of the Association's previous financial year.
- 7.2 Associate membership of the Association ceases if the Associate:
- 7.2.1 dies, or, in the case of a business, ceases to trade;
  - 7.2.2 resigns from membership of the Association;
  - 7.2.3 is expelled from the Association; or
  - 7.2.4 fails to renew membership of the Association within three months of the end of the Association's previous financial year.
- 7.3 Where an affiliate or associate is expelled from the Association, the Association Secretary must notify the affiliate or associate of the grounds for this expulsion. The affiliate or associate may submit within 14 to 28 days written representations relating to the expulsion. If the next General meeting confirms the expulsion the Association Secretary must notify the Affiliate or Associate of the decision with the date of effect of expulsion.

## **8 RESIGNATION OF MEMBERS**

- 8.1 An Affiliate or Associate may resign from the Association by giving notice in writing to the Secretary. Any paid membership fees are not refundable. The Secretary shall make an appropriate entry in the register of Affiliates and Associates recording the date on which the Affiliate or Associate resigned.

## **9 MEETINGS OF THE ASSOCIATION**

- 9.1 The Association shall hold Committee or general meetings as are necessary for the performance of its functions. The meetings:
- 9.1.1 shall be held at intervals not exceeding three months; and
  - 9.1.2 shall be convened by the Secretary, or in the absence of the Secretary, by any other member of the Executive.
- 9.2 Notice of general meetings shall be given by the Secretary electronically to both the secretaries and Delegates of Affiliates and to Associates at least seven days prior to the date of the meeting.

9.3 Notice of Committee meetings shall be given by the Secretary electronically to Committee members at least seven days prior to the date of the meeting, or in the case of an urgent meeting at least 48 hours prior to the meeting.

9.4 An Affiliate or an Associate desiring to bring any business before a general meeting may give written notice of that business to the Secretary who must include that business in the next notice calling a general meeting.

9.5 A quorum at a general meeting shall be five Delegates.

9.6 A quorum at a Committee meeting shall be three Committee members.

9.7 Affiliates of the Association are not entitled to vote by proxy at any meetings of the Association.

9.8 Except on a matter involving amendment of the Constitution (see section 25) or winding up of the Association (see section 29), where a vote is taken at a general or committee meeting, a decision is taken to be in the affirmative if the number of votes for it is greater than the number of votes against it. Where votes for and against are equal the chairperson of the meeting has a casting vote.

9.9 Minutes of proceedings at a meeting must be approved with a confirmatory motion by the next general, Committee or annual general meeting as appropriate.

## **10 ANNUAL GENERAL MEETING**

10.1 The Association shall hold an annual general meeting within five months of the end of the Association's financial year.

10.2 At the annual general meeting of the Association a Committee consisting of office bearers listed here shall be elected by Delegates of Affiliates of the Association:

President  
Vice President  
Secretary  
Treasurer

and at least three Ordinary Committee Members.

10.3 Elected office bearers and Ordinary Committee members will hold office from the annual general meeting at which elected until the next annual general meeting.

10.4 Nominations of candidates for election as members of the Committee shall be made in writing and be signed by two members of Affiliates of the Association and be accompanied by the written consent of the candidate and be delivered to the Secretary before the holding of the election.

10.5 Where more than one nomination is received for an Executive position a ballot will be held at the annual general meeting to decide the election to the position.

10.6 Where insufficient nominations are received in writing, nominations will be called for at the annual general meeting.

10.7 The immediate past President of the Association shall be an ex officio member of the Committee for the ensuing year and shall be entitled to vote at Committee meetings.

10.8 Where a person elected to the Committee fails to attend a sequence of four Committee meetings without sufficient explanation the Committee may declare a casual vacancy on the Committee and call for nominations from Affiliates to the position as in 10.4 and 10.5. An official elected under this process holds office until the next annual general meeting following her election.

## **11 EXECUTIVE**

11.1 The Executive shall consist of those members of the Committee who occupy the positions of President, Vice President, Secretary and Treasurer.

## **12 RESIGNATIONS FROM OFFICE**

12.1 Any member of the Committee who resigns from the Committee before her term is completed must inform the Secretary in writing. Members of Affiliates may nominate a candidate for election to the Committee as in section 10.4. Nominations will be considered at the next general meeting. A Committee member elected in this way holds office until the next annual general meeting following her election.

## **13 POWERS OF THE COMMITTEE TO COOPT PERSONS**

13.1 The Committee may appoint a person to be a coopted member of the Committee and such persons shall have full powers of Committee members.

## **14 POWERS OF THE COMMITTEE**

14.1 The Committee, subject to section 5, and to any resolution passed by the Association in general meeting:

14.1.1 controls and manages the affairs of the Association;

14.1.2 may exercise all functions that may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in general meeting; and

14.1.3 has power to perform all acts and do all things that appear to the

Committee to be necessary or desirable for the proper management of the affairs of the Association.

## **15 SUBCOMMITTEES**

15.1 The Committee, subject to sections 5 and 14, may establish Subcommittees to carry out particular functions and may establish rules for the operation of such subcommittees.

## **16 AFFILIATE AND ASSOCIATE FEES**

16.1 Affiliate and Associate fees shall be determined in a general meeting and are due on 1 April each year.

## **17 MONEYS OF THE ASSOCIATION**

17.1 The moneys of the Association shall be applied only to expenditure incurred in the performance of its functions.

17.2 The assets and income of the Association shall be applied solely in furtherance of its objects and purposes (see section 3) and no portion shall be paid or distributed directly or indirectly to Affiliates or their members, Associates, or members of the Committee, except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

17.3 Notwithstanding anything contained in this Constitution, where a gift or bequest to the Association is subject to conditions in relation to the purposes for which it is to be applied, the moneys paid to the Association as a result of the gift or bequest and any income derived from the investment of those moneys, shall be applied for those purposes and on those conditions, not otherwise.

## **18 BORROWING AND INVESTMENT**

18.1 The Association shall not borrow moneys from any person.

18.2 The Association shall not invest moneys otherwise than in the direct performance of its functions.

## **19 ACCOUNTS OF RECEIPTS AND EXPENDITURE**

19.1 The Committee or Subcommittee shall maintain appropriate banking accounts in the name of the Association with such bank or banks as the Committee selects.

19.2 The Treasurer of the Association or where delegated the Treasurer of a Subcommittee shall on behalf of the Association, receive moneys paid to the Association, record its receipt and without delay deposit it to the credit of the relevant account.

19.3 No payment shall be made from the funds of the Association except with the authority of the Committee, or Subcommittee where authority has been delegated.

19.4 The Committee may provide the Treasurer or other official of ACTEA with a sum to meet minor or urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the Committee may impose.

19.5 All cheques, drafts, bills of exchange, promissory notes, electronic funds transfer and other negotiable instruments shall be authorised by any two of the three signatories to the bank account.

19.6 The Association shall cause to be kept proper accounts and records of the transactions and affairs of the Association and shall do all things necessary to ensure that all payments out of moneys of the Association are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Association and over the incurring of liabilities by the Association. A report on all transactions of funds shall be provided to the next available Committee or Subcommittee meeting.

## **20 ACQUIRING OR DISPOSING OF ASSETS**

20.1 The Committee shall not without the approval of a majority of Delegates at a general meeting of the Association:

20.1.1 acquire or dispose of any personal property including leasehold interests where the value of such property exceeds an amount determined from time to time by the Association;

20.1.2 acquire, hold or dispose of any real property; nor

20.1.3 make any grant or loan where the value of such grant or loan exceeds \$100.

## **21 FINANCIAL REPORT**

21.1 The Committee shall, prior to the annual general meeting of the Association prepare and furnish to the Association an audited report of the financial operations of the Association during the previous financial year.

## **22 FINANCIAL YEAR**

22.1 The financial year of the Association shall be the period beginning on the first day of April of each year and ending on the thirty first day of March next succeeding.

## **23 AUDITOR**



23.1 At the annual general meeting of the Association the persons present and entitled to vote shall appoint a person who is not a member of the Association, nor the Public Officer as the auditor. The auditor selected must meet the requirements for the appointment of a qualified auditor as prescribed in the *Associations Incorporation Act 1991* and subsidiary legislation relating to the Association.

23.2 A person appointed as auditor according to section 23.1 shall hold office until the annual general meeting next after that at which she is appointed and is eligible for reappointment.

23.3 If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association, the Committee may appoint a person who is not a member of the Association nor the Public Officer as the auditor. The auditor selected must meet the requirements for the appointment of a qualified auditor as prescribed in the *Associations Incorporation Act 1991* and subsidiary legislation relating to the Association.

23.4 The person appointed as in section 23.3 shall hold office until the next annual general meeting.

## **24 BY-LAWS**

24.1 The Committee may make by-laws not inconsistent with this Constitution prescribing all matters that are required or permitted to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to the Constitution.

24.2 Such by-laws as are made by the Committee must be presented to the first available general meeting after their making and are subject to amendment or disallowance by the Association.

24.3 The Secretary shall maintain a register of by-laws.

## **25 ALTERATION OF THE CONSTITUTION**

25.1 The clauses of this Constitution may be altered or rescinded only as a special resolution of a general meeting.

25.2 The mover and seconder of the motion proposing amendment of the Constitution must give the Secretary notice in writing at least twenty eight days prior to the day of the general meeting at which it is proposed that the motion be considered.

25.3 Notice of motion of amendment of the Constitution shall be given by the Secretary to both the secretaries and Delegates of Affiliates and to Associates at least twenty one days prior to the date of the special general meeting at which the motion is put.

25.4 For adoption it must be voted for by three quarters of the Delegates present and voting at the general meeting of the Association.

## **26 SEAL OF THE ASSOCIATION**

26.1 The seal of the Association shall be in the form of a rubber stamp inscribed with the name of the Association encircling the word "SEAL".

26.2 The seal of the Association shall not be affixed to any instrument except by the authority of the Committee and the affixing thereto shall be attested by the signatures either of two members of the Executive or of one member of the Executive and the Public Officer of the Association or such other person as the Committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the Committee.

26.3 The seal shall remain in the custody of the Public Officer.

## **27 CUSTODY OF BOOKS AND DOCUMENTS**

27.1 The Secretary must keep in her custody or under her control all records, books, and other documents relating to the Association.

27.2 Affiliate officials and Delegates and Associates may request inspection of Association records through the Secretary.

## **28 PUBLIC OFFICER**

28.1 The Public Officer shall be appointed by the Committee in accordance with the *Associations Incorporation Act 1991*.

28.2 The Public Officer shall carry out the duties required by law and such other duties as the Committee shall from time to time direct.

## **29 WINDING UP**

29.1 The Association may be wound up voluntarily if the Association has, by Special Resolution at a General Meeting, resolved that it be wound up.

29.2 The liability of an Affiliate or an Associate to contribute towards the payment of 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 Affiliate or Associate in respect of membership of the Association.

29.3 On dissolution of the Association, the assets and funds in hand at the time shall, after payment of expenses and liabilities, be paid and applied by the Association in accordance with its powers to such Affiliates operating in the Australian Capital Territory and Capital Region which have similar objects and rules prohibiting the distribution of their assets and income to their members as a majority of the Delegates of Affiliates present at the meeting to dissolve the

Association decide.

### **30 MISCELLANEOUS**

30.1 Matters not otherwise referred to in this Constitution follow the Model Rules included as part of the *Associations Incorporation Regulation 1991*.