

WESTERN AUSTRALIAN QUARTER HORSE ASSOCIATION (INC)

CONSTITUTION AND RULES 2024

1 NAME

The name of the Association shall be “WESTERN AUSTRALIAN QUARTER HORSE ASSOCIATION (Inc.)” (hereinafter called The Association)

2 DEFINITIONS AND INTERPRETATION

(a) Definitions

In these Rules unless the contrary intention appears:

“The Act” means the Associations Incorporations Act 2015.

“By-Law” means any By-Law of the Association made by the Committee pursuant to Rule 35.

“By-Laws” means all By-Laws of the Association made by the Committee pursuant to Rule 35.

“The Committee” means the Committee of the Association, constituted in accordance with Rule 15.

“Constitution” means this constitution as it may be amended from time to time.

“Member” means a member for the time being of the Association under Rule 6.

“Office Bearer” means any one of those officers of the Association detailed in Rule 14(a).

“Ordinary Committee Member” means any one of those members of the Association set out in Rule 15(a)(ii).

“Rule” means a rule of this Constitution.

“Seal” means the common seal of the Association and includes any official Seal of the Association.

” Special General Meeting” means any meeting called by the Committee pursuant to Rule 30(a);

“Special Resolution” means a resolution passed in accordance with the Act by a 75% majority of the members present and entitled to vote at a Special General Meeting.

“Sub-Committee” means any Sub-Committee appointed by the Committee pursuant to Rule 27;

“Subscription” means the appropriate subscription fee for each category (class) of Member, as determined in accordance with Rule 8;

“Voting Member” means any:

- (a) Adult Full Member who has paid the subscription as per constitution is entitled to vote at the Annual General Meeting or any Special General Meeting
- (b) Adult Family Member who has paid the subscription as per constitution is entitled to 1 vote only per family membership and entitled to vote at the Annual General Meeting or any Special General Meeting.

Interpretation

- (a) words importing the singular include the plural and vice versa.

- (b) words importing any gender include the other genders.
- (c) references to persons include corporations and bodies politic.
- (d) reference to a person include the legal personal representatives, successors and permitted assigns of that person.
- (e) a reference to a statute, ordinance, code, or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments, or replacements of any of them (whether of the same of a legislative authority having jurisdiction).
- (f) a reference to “writing” shall unless the contrary intention appears, be construed as including, but not being limited to, references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form, including messages sent by electronic means.

3 OBJECTS

The objects for which the Association is established are:

- (a) to promote, foster, encourage, support and conduct competitions, shows and exhibitions of Quarter Horses and Appendix Quarter Horses.
- (b) to promote, foster, encourage, and support public interest in Quarter Horses and Appendix Quarter Horses
- (c) to promote, foster and encourage the objects of the Australian Quarter Horse Association in accordance with its rules and regulations.
- (d) To promote to suitable persons to become a member by subscription.
- (e) To administer Ledgers of assets for Members.
- (f) To hold Ledgers of Awards for Member, Rider and Horse achievements.
 - (i) RECOGNITION AWARD– Shall be a Member nominated by a 2/3 majority of committee members present and voting at a committee meeting to honour their service or contribution to the Association.. There shall be no limit on nominations and no subscription paid. A recognition award has no voting or competition rights. The award title shall be recorded with the member on the Associations Membership register.
 - (ii) HERITAGE REGISTER - Heritage registry shall be for pioneer members and past Honorary Members recognised for their contribution to the Association . Nominations are made and voted by a 2/3 majority of the committee. There shall be no limit on nominations and no subscription paid. Heritage Registry will have no voting rights or competition rights. All names are to be maintained by the Associations Heritage Registry in perpetuity.

4 POWERS

Subject to the Act and to this Constitution, the Association may do all things necessary or convenient for carrying out its objects and purposes, and in particular, shall have the following powers -

- (a) to appoint or delegate any person or persons to represent the Association at any enquiry, appeal or meeting convened to consider any matter incidental or conducive to the attainment of the objectives of the Association.
- (b) to draw up, alter and promulgate rules, regulations and by-laws for or in connection with competitions, shows, and exhibitions relating to Quarter Horses and Appendix Quarter Horses.
- (c) to act in concert with representative associations or bodies with reference to matters of common interest or to act independently in any such matter.
- (d) to give or contribute to prizes, awards, distinctions and trophies and to guarantee prize money as per AQHA requirements for shows, and expenses in connection with any competitions, shows, or exhibitions conducted by the Association.

- (e) to subscribe when voted by committee, to become a member of and to co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association.
- (f) in furtherance of the objects of the Association, to buy, sell and deal in every kind of apparatus and provisions for animals that may be required or requested by members of the Association or by persons frequenting or visiting the premises of the Association.
- (g) to acquire, purchase, hire, take on lease or deal within any other way, any real and personal property and any rights therein which the Association may deem necessary or convenient for the purpose of carrying out the objects of the Association or any of them and in particular any land, building, easement or other interest in plant, machinery or stock-in-trade;
- (h) to use the whole or any part of the property of the Association for the conducting of competitions, shows, and exhibitions for or of Quarter Horses and Appendix Quarter Horses any person authorised by the Association.
- (i) to lease or sub-lease any real property of the Association and to sell, let, dispose of or grant rights over all or any property of the Association.
- (j) to enter into any arrangement with a government or other authority, person or corporation for any right, privilege or concession and to carry out any such arrangement.
- (k) to invest the monies of the Association not immediately required in such a manner as the Association may from time to time determine.
- (l) to appoint, employ, remove, or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association.
- (m) to establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit the Western Australian Quarter Horse Association.
- (n) to take any gift of real or personal property or money, whether or not subject to any special trust, for any one or more of the objects of the Association.
- (o) to take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient or necessary for the purpose of procuring contributions to the funds of the Association by way of donations, annual subscriptions or otherwise.
- (p) to print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
- (q) to allow the Association property or any part thereof to be used for charitable purposes and to apply such portion of the Association's funds to such charitable purposes as the Committee may decide.
- (r) to do all such other things as are incidental or conducive to the attainment of the above objects and the exercise of these powers or any of them.

5 RESTRICTION ON DISTRIBUTION

The profits (if any) and any other income of the Association shall be applied solely to the promotion of the objects of the Association and no takings, receipts, profits, gains, or any other income of the Association however derived shall be distributed amongst its members or any of them and no payment of any dividend shall be made to members of the Association.

6 MEMBERSHIP CATEGORIES

- (a) The Association shall consist of all members whose names appear in the register of Members of the Association. Any other person may become a Member in the manner provided in this Constitution:
 - (i) all members have paid a subscription as set by the committee, in accordance with By-Laws and that all reference is to a subscription being paid in full for the term set out.

- (b) The Association shall consist of members who have paid the subscription divided into the following categories/class.
 - (i) Full Membership
 - (ii) Family Membership
 - (iii) Youth Membership
 - (iv) Constituent Membership
- (c) "FULL MEMBERSHIP shall be natural persons of good standing who have paid the Subscription. Each Adult Full Member shall have one (1) vote. Full Member shall have competition rights if required.
- (d) "FAMILY MEMBERSHIP" shall be an immediate family of two adults and two youth members who have paid the Subscription. Each financial Family Member shall have full riding rights, and ONE adult Family Member shall have one (1) vote.
- (e) "YOUTH MEMBERSHIP shall be natural persons up to and including the age of eighteen (18) years who have paid the Subscription. Youth members shall be eligible to attend and speak at meetings but shall not be entitled to vote.
- (f) CONSTITUENT MEMBERSHIP – shall be corporations, societies and associations whether incorporated or not who or which have paid the Subscription. Each Constituent member shall have one (1) vote and each corporation, society or association being a constituent member shall appoint a representative by memorandum in writing addressed and delivered to the secretary of the Association. Such representative shall have and may exercise full membership rights until such time as his appointment be cancelled by memorandum in writing address and delivered to the secretary by the corporation, society or association which nominated them.

7 APPLICATIONS FOR MEMBERSHIP

- (1) Any person, corporation, society, or association, whether incorporated or not, who or which is interested in Quarter Horses shall be entitled to apply for membership of the Association, in accordance with By-Law 1.
- (2) An applicant shall become a member if so elected by an 80% majority of the Committee present at the meeting held in accordance with By-Law 1.
- (3) The applicant applying to become a member must complete and return the membership application to the Association Secretary.
- (4) The applicant must complete and return the Liability and Waiver form to the Association Secretary.
- (5) The committee must consider each application for membership of the Association and decide whether to accept or reject the application.
- (6) Subject to rule (3) the committee must consider applications for membership in the order in which they are received.
- (7) The committee must not accept an application unless the applicant has applied under rule 7 (2)

8 SUBSCRIPTIONS

- (a) The membership subscription fee for each class of member shall be determined from time to time in accordance with By-Law 2.
- (b) Where the Committee determines the annual Subscriptions, then the Subscription for each category shall be set based on the following guidelines:
 - (1) Adult Members – as set out in By Laws 2 – Subscriptions
 - (2) Youth Members - Not less than one third of the Subscription payable by a Full Member in that year
 - (3) Family Memberships - Not less than 60% of two Full Memberships and two Youth Memberships payable in that year

(4) Constituent Membership- the same as a Full Member payable in that year.

9 PAYMENT OF SUBSCRIPTIONS

(A) The Associations financial year will be the period of 12 months commencing on 1st August and ending on the 31st July of each year.

(B) All annual subscriptions shall be payable in advance on the FIRST day of AUGUST in each year.

(C) On payment of such subscription, a Member shall be considered to have agreed to abide by this Constitution and the By-Laws.

(D) Any member whose subscription is unpaid on the FIRST day of OCTOBER shall cease to be a member from that date.

(E) The Secretary of the Committee shall send a notice in writing to all members of the Association whose subscription is unpaid on the FIRST day of SEPTEMBER and shall inform the said member of the provisions of sub-paragraph (d) of this paragraph.

10 REGISTER OF MEMBERS

(a) The Secretary or other persons nominated by the committee shall keep a register of members (“the Register”) of the Association listing the full name, and contact address of each member under section 53 of the Act (2015) to maintain the register of members and record in that register any change in the membership of the association.

(b) The Secretary shall from time to time, and when necessary, strike off the Register the name of any person who has ceased to be a member of the Association.

(c) Any member who desires to alter, amend or strike out any detail or details of their own membership from the Register must advise the Secretary in writing of the details of such alteration, amendment or striking out.

(d) In addition to the matters referred to in section 53(2) of the Act 2015 the register of members must include the category/class of membership if applicable to which each member belongs and the date on which each member becomes a member.

11 RESIGNATIONS OF MEMBERS

(a) Any member may at any time, by giving written notice to the Secretary, resign his membership of the Association

(b) Any member who resigns or ceases to hold position of office bearer is to deliver to a member of the committee, all the relevant documents, records and passwords they hold pertaining to the management of the Association’s affairs. (Section 41 of the Act) in a time frame to be set by the committee upon each resignation.

12 MEMBERS BOUND BY RULES

Every member shall be bound by and agree to the rules and regulations of the Association and Bylaws.

13 EXPULSION – SUSPENSION OF MEMBERS

(A) If any member of the Association (in this rule, “the Defaulting Member”)

(i) wilfully refuses or neglects to comply with, be bound by, or submit to the rules, regulations or by-laws of the Association; or

(ii) engages in any conduct which the Committee decides is:

(a) unbecoming of a member,

(b) calculated to discredit the Association or its members,

(c) prejudicial to the interests of the Association, or

- (d) detrimental to the enjoyment of the Association by other members.

the Committee shall have the power to expel or issue a warning to the Defaulting Member from the Association and delete the Defaulting Member's name from the Register, in accordance with Rules 13(b), 13(c) and 13(d).

- (B) The Committee shall inform the Defaulting Member by notice in writing of its intention to expel the Defaulting Member and to delete the Defaulting Member's name from the Register if the Defaulting Member refuses or neglects within a period of fourteen (14) days from the date of the notice to resign from the Association.
- (C) If the Defaulting Member refuses or neglects to resign from the Association, the Committee shall convene a Special General Meeting of the members of the Association to be held within six (6) weeks of the date upon which the said notice was received by the Defaulting Member (such notice shall be deemed to have been received by the Defaulting Member on the second day after the date of posting). The Defaulting Member may attend the Special General Meeting so convened as aforesaid and may give orally or in writing any statement, explanation or defence he may think fit.
- (D) If at the said Special General Meeting, the resolution for the expulsion of the Defaulting Member is passed by a majority of two-thirds of the Voting Members present and voting (such vote to be taken by secret ballot) the Defaulting Member shall be expelled from the Association and the Defaulting Member's name deleted from the Register.
- (E)) The Defaulting Member so expelled or requested to resign shall be permitted to make application for membership of the Association for the next and all subsequent years.
- (F) Notwithstanding any such expulsion or resignation, the Defaulting Member shall be liable for all monies due by him at the date of such expulsion or resignation.

14 OFFICE BEARERS

- (a) The officers of the Association shall comprise:

1. President (the President)
2. Vice President
3. Secretary ("the Secretary")
4. Treasurer ("the Treasurer")

(collectively, "the Office Bearers").

- (b) The term of office for each of the Office Bearers shall be **two (2) years**.
- (c) The Office Bearers shall be elected at the Annual General Meeting in the manner hereinafter provided.
- (d) Each of the Office Bearers who retires shall be eligible for re-election.

15 COMMITTEE

- (A) The affairs of the Association shall be managed by a Committee consisting of voting members.

The Committee shall consist of:

- (i) the Office Bearers; and
- (ii) six (6) other members of the Association ("the Ordinary Committee Members").

(collectively, "the Members of the Committee").

- (B) The term of office for an Ordinary Committee Member shall be **two (2) years** provided that the original Ordinary Committee Members shall be elected by ballot at the first General Meeting for the Association by the Voting Members (if any) present at that Meeting as follows:

Where at any Annual General Meeting, there are more than three (3) Ordinary Committee Members required to retire from office pursuant to this rule and/or rule 18, only three (3) shall be required to retire, being:

- (i) firstly, those Ordinary Committee Members who have been appointed to fill casual vacancies pursuant to rule 18, and where there are more than three (3), those to retire must be determined by lot (unless otherwise agreed to amongst themselves); and
- (ii) secondly, those of the remaining Ordinary Committee Members who have been longest in office, and as between those who came to office on the same day (and unless otherwise agreed to amongst themselves), those who received the least number of votes from members on appointment.

- (C) Subject to paragraph (c) hereof, up to six (6) Ordinary Committee Members shall be elected at each Annual General Meeting in the manner hereinafter provided.
- (D) An Ordinary Committee Member who retires shall be eligible for re-election.
- (E) The Secretary shall call a meeting of the Committee at least once every two (2) months or whenever requested so to do by the President of the Association or by any four (4) members of the Committee.
- (F) Notice of all meetings of the Committee shall be given to all Members of the Committee. Notice shall be given in writing at least 7 days before the meeting of the Committee PROVIDED THAT the Secretary may give notice of a meeting by telephone or email, if requested so to do by the President of the Association.
- (G) The Secretary may dispense with the requirement that seven (7) days' notice in writing be given if directed so to do by the President.
- (H) The quorum necessary for a meeting of the **Committee shall be five (5) Members of the Committee**. A meeting shall also include phone or video/teams contact during the meeting
- (I) At all meetings of the Committee, each Member of the Committee shall be entitled to one (1) vote and in the case of an equality of voting the President shall have a casting vote.
- (J) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of electronic communication.
- (K) A member who participates in a committee meeting as allowed under (J) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.
- (L) The chairperson (President) or in the chairpersons absence (President), the vice chairperson (Vice President) must preside as Chairperson for each committee meeting. If the Vice President is not available, the Secretary will take the meeting. If the Secretary is not available, the Treasurer will take the meeting.

16 RESIGNATION OF COMMITTEE MEMBER

A Member of the Committee may resign from office by giving written notice to the Secretary.

17 LOSS OF OFFICE BY CONTINUED ABSENCE

Any Member of the Committee who is absent for three (3) consecutive committee meetings without leave of absence obtained from the President shall automatically cease to be a Member of the Committee, unless otherwise decided by the Committee.

18 CASUAL VACANCIES

- (a) Any casual vacancies on the Committee shall be filled by the Committee and any member so chosen shall retire at the following Annual General Meeting but shall be eligible as a candidate for re-election to the Committee at such Annual General Meeting.

- (b) An office bearer may assist in duties of another officer bearer in acting capacity until it is filled by:
 - a. another committee member or
 - b. A member nomination if accepted and voted by the committee.
- (c) If there are fewer committee members than required for a quorum (section 32) the committee may act only for the purpose of appointing committee members under this rule or convening a general meeting.

19 NOMINATIONS FOR ELECTION AND RE-ELECTION

- (a) A candidate for election as a Member of the Committee must be a Voting Member.
- (b) Nominations for election as a Member of the Committee shall be in accordance with By-Law 3.

20 CONDUCT OF ELECTION

- (a) The Office Bearers and the six (6) Ordinary Committee Members who are to be elected at the Annual General Meeting shall be elected by Voting Members present at the Annual General Meeting.
- (b) A vote by secret ballot shall be taken to fill each position in the following order:
 - (i) President
 - (ii) Vice President
 - (iii) Secretary
 - (iv) Treasurer
 - (v) 50% of the Ordinary Committee Members
- (c) The successful candidates shall take office at the close of the meeting at which they are elected.
- (d) If there are no nominations for election, the members of the Committee in office shall continue as if re-elected at the Annual General Meeting and this fact shall be entered in the minute book.

21 DUTIES OF THE SECRETARY AND TREASURER

Subject to the direction and control of the Committee, the duties of the Secretary and Treasurer shall be as detailed in By-Laws 4 and 5 respectively.

22 BANKING and SIGNATORIES

All monies received by the Association shall be banked by the Treasurer within fourteen (14) days of the receipt thereof in one or more accounts to be audited at a bank nominated by the Committee. Two signatories are required on bank records..

23 ACCOUNTS FOR PAYMENT

All accounts shall be presented to and passed for payment at meetings of the Committee or of any Sub Committee to which this function shall be delegated (of which the Treasurer shall be a member) and a proper record of such approvals shall be included in the minutes of such meetings. .

24 COMMON SEAL

There shall be a common seal engraved with the name of the Association and it shall be kept in the care and custody of the Secretary. The seal shall not be used or affixed to any deed or other document except pursuant to and by virtue of a resolution of the committee and in the presence of the President and the Secretary, both of whom shall subscribe their names as witness.

25 AUDITORS AND AUDIT

At least once in every financial year, the books and accounts of the Association shall be audited by a suitable qualified person who shall be appointed by the committee at each Annual General Meeting as required by the Associations Incorporated Act 2015.

26 EMPLOYEES

The Committee or a Sub-Committee to whom such function has been delegated shall employ such persons on such terms and conditions as it considers necessary and shall insure all persons so employed against such risks as are covered by the voluntary workers liability.

27 SUB-COMMITTEES

- (a) The Committee may appoint such Sub-Committees of the members of the Committee and delegate to such Sub-Committees such powers as it thinks fit.
- (b) Any Sub-Committees shall in the exercise of the powers so delegated conform to any regulations that may be imposed upon them by the Committee.
- (c) A Sub-Committee may co-opt any person or persons to serve on that particular Sub-Committee.
- (d) The members of the Sub-Committee shall be appointed for a period not exceeding one (1) year.

28 MINUTES

- (a) Detailed minutes shall be made of all business transacted at all General Meetings and the meetings of the Committee and of Sub-Committees.
- (b) If a member wishes to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision that the discretion of the committee has made about minutes of committee meetings, or the minutes of a specific committee meeting being available for inspection by members.
- (c) A member may make a copy of or take an extract from a record or document referred to in (b) but does not have the right to remove the record or document for that purpose.
- (d) The member must not use or disclose information in a record or document referred to in (b) except for a purpose –
 - (i) that is directly connected with the affairs of the Association or
 - (ii) that is related to complying with a requirement of the Act.2015

29 ANNUAL GENERAL MEETING

The Annual General Meeting of the Association shall be held each year as the Committee determines dates/venues, but preferred in the month of August or in the month of September at such place and at such time as the Committee shall determine

30 SPECIAL GENERAL MEETING

- (a) The Committee may call a Special General Meeting three (3) times each year or when any question of importance shall arise and shall be bound so to do on receiving a requisition signed by 20% of Voting Members and addressed to and served on the Secretary of the Association. Any such requisition shall state the purpose of the request.
- (b) If the Committee fails to convene a Special General Meeting within one (1) month from the date of the service of the requisition so signed by the 20% of Voting Members, then those 20% Voting Members may convene a Special General Meeting on behalf of the Association PROVIDED notice of the said Special General Meeting has been placed by advertisement in a local daily newspaper and on the notice board at the premises of the Association, such notices to appear not less than twenty eight (28) days prior to such meeting.

31 NOTICE OF MEETING

At least fourteen (14) clear days notice of any Annual General Meeting and at least twenty one (21) days notice for a Special General Meeting specifying the business to be transacted and the day, place and hour of the meeting shall be given by the Secretary by circular addressed to each member, by electronic means or advertisement in a local daily newspaper.

32 QUORUM FOR GENERAL MEETINGS

1. The quorum necessary for all Annual General Meetings or Special General Meetings shall be ten (10) Voting Members or 25% of all Voting Members (whichever is the lesser) and the President shall preside as chairperson at all such meetings.
2. The President or in the Presidents absence, the Vice President must preside as chairperson at each General Meeting.
3. If the President or Vice President are absent or unwilling to act as chairperson at a general meeting the committee members at the meeting must choose a committee member to act as chairperson at that meeting.
4. No business is to be conducted at a general meeting unless a quorum is present.

33 VOTING

- (a) A Voting Member whose annual subscription is unpaid may not vote at an Annual General Meeting or Special General Meeting.
- (b) A proxy vote may not be accepted. All proxy votes are accepted at the discretion of the Committee, all decisions regarding a proxy vote's eligibility are final.
- (c) Electronic voting may be accepted in the form of email or postal vote on official Association voting form stating full membership details and if voting for or against any proposal.

34 ALTERATION OF RULES

- (a) No rule contained in this Constitution shall be repealed or altered and no new rule shall be made, save by a 75% majority of the members present at a General Meeting.
- (b) Thirty (30) days notice of the intention to propose any new rule or alteration shall be given to the Secretary who shall give notice of the same to every member at least fourteen (14) days before the General Meeting. Such notice is to be served in the manner described in Rule 31

35 BY-LAWS

- (a) The Committee shall have power to make or amend by-laws ("The By-Laws") regulating the conduct and affairs of the Association.
- (b) The By-Laws shall not be inconsistent with this Constitution.
- (c) Any new By-Law or any amendment to an existing By-Law shall come into effect on such date as is determined by the Committee.
- (d) Any amendment to the By-Laws shall be notified to members of the Association in the Association's newsletter as soon as practicable after such amendment is made, and shall be posted in some conspicuous part of the Association premises (if any) or by notice in writing and shall be binding on all members.
- (e) Ten (10) Voting Members may at any time request that any of the By-Laws be reviewed at the next Annual General Meeting of the Association, subject to Rule 31.

36 COMPLAINTS

- (a) All complaints shall be made in writing to the Secretary who shall submit them to the Committee for due consideration. and determination.
- (b) In no instant shall a servant, committee member or employee of the Association be reprimanded directly by a member.
- (c) All complaints shall be heard by the committee.
- (d) Parties to a dispute between members should try to resolve the issue themselves.

37 ASSOCIATION PROPERTY

- (a) No member shall take away or permit to be taken away from the Association premises or shall injure or destroy any newspaper, pamphlet, book or other article, or chattel the property of the Association without the prior approval of the Committee.
- (b) A record of all property and assets is to be kept by the Association.
- (c) Any retiring committee member or persons ceasing to be a member of the Association shall hand over all property and documents pertaining to the Association within a time frame and location set by both retiring committee member and the committee.
- (d) Any member who does not adhere to 37 C - rules and regulations with respect to property of the Association will face disciplinary action at the discretion of the committee.

38 NOTICES

No notice shall be put on the Association outlets, including social media programs, without the sanction of the Secretary or the President.

39 PRIVILEGES OF MEMBERS

The privileges of membership of the Association shall include the power to vote at any General Meeting of members and such other privileges as the members at a duly convened General Meeting shall from time to time determine.

40 CESSATION OF RIGHTS

Any person ceasing to be a member of the Association shall forfeit all such rights to or claim upon the Association or its property or funds as he would have had by reason of membership.

41 DISSOLUTION OF ASSOCIATION

- (a) The Association may be dissolved in the following manner:
 - (i) by Special Resolution passed by 75% of Voting Members present and voting at a Special General Meeting convened for that purpose; and
 - (ii) the resolution so passed is confirmed by 75% of Voting Members present and voting at a subsequent Special General Meeting convened for the same purpose, and held no less than twenty-one (21) days and no more than thirty-five (35) days after the first Special General Meeting).
- (b) If such resolution is passed and confirmed, the Voting Members present at the second Special General Meeting shall appoint two (2) or more members of the Association to be trustees for the purpose of winding up the business of the Association.
- (c) Thereafter the Association shall be deemed to exist only for the purpose of winding up the business of the Association and distributing the assets as hereinafter provided.

(d) Upon dissolution or winding up of its affairs and after all debts and liabilities of the Association have been paid or discharged in full, any Association property and assets remaining (hereinafter referred to as surplus property) shall not be paid to or distributed amongst the Association's members, but shall be paid some other society, association, or more than one, which are: Incorporated under the Act 2015

(i) has objects similar wholly or in part to the objects of the Association; and is affiliated with the **Australian Quarter Horse Association.**

(ii) prohibits the distribution of its income and property amongst its members;

(e) All payments of surplus property referred to in Rule 41(d) shall be determined:

(i) by the Voting Members of the Association, on or before the time of dissolution or winding up; or

(ii) in default thereof or insofar as effect cannot be given to such determination, by a Judge of the Supreme Court.

(f) Every Member undertakes to contribute to the assets of the Association in the event that the Association is wound up while he is a Member, or within one (1) year after he ceases to be a Member, for payment of the debts and liabilities of the Association contracted before he ceases to be a Member and of the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves, such amount as may be required, not exceeding \$20.00.

42 INDEMNITY

Every Member of the Committee, Member, Auditor, volunteer or agent of the Association shall, in the bona fide exercise of his powers and duties of office, be indemnified by the Association against all costs, actions, claims, charges, damages, losses or expenses arising from the proper performance by that person of his duties, if not attributable to his own dishonesty, or a wilful omission or any unauthorised act known to that person.

I HEREBY CERTIFY that the within Constitution and Rules comprise a true copy of the Constitution and Rules of the Western Australian Quarter Horse Association (Inc.)

POSITION _____

SIGNED _____

DATED the _____ day of _____ 20

BY-LAWS

1 APPLICATION FOR MEMBERSHIP

(a) Every applicant for membership shall submit to the Secretary of the Association an application form which shall contain the full name, address, date of birth of the applicant, and any further or other information which the Committee may from time to time require.

(b) Every application for membership shall be submitted to the Committee at the meeting next following the date of its receipt by the Secretary and the Committee shall proceed to the election or rejection of the applicant.

(c) Voting at the Committee meeting shall be by secret ballot if so desired by any member of the Committee.

2 SUBSCRIPTIONS

- (a) Pursuant to Rule 8 of the Constitution, the Committee may, at its discretion, determine the annual Subscription fee to be paid for each class /category of membership.
- (b) If a membership application – fully paid - is made more than 9 months into the Associations financial year, the membership may be carried forward into the next financial year at the discretion of the committee.

3 NOMINATIONS FOR ELECTION

- (a) Nominations for election as an Ordinary Committee Member shall be called for by the Secretary at the Annual General Meeting.
- (b) Nominations for election as an Office Bearer shall be lodged with the Secretary in writing at least two (2) weeks before the Annual General Meeting.
- (c) A nomination shall be signed by the candidate and two (2) financial members.
- (d) If no nominations are received by the Secretary, nominations for election as an Office Bearer shall be called for by the Secretary at the Annual General Meeting in the following order.
 - (i) President
 - (ii) Vice President
 - (iii) Secretary
 - (iv) Treasurer

4 DUTIES OF SECRETARY

- (a) Subject to the direction and control of the Committee, the Secretary shall:
 - (i) conduct the correspondence of the Association.
 - (ii) have the custody of all records and documents belonging to the Association.
 - (iii) keep full and correct minutes of all proceedings, and records of all events of the Association.
 - (iv) perform such other duties as may be reasonably required by either the President or the Committee.
- (b) The Secretary shall at any time upon written request of the President or a member of the Committee make available to the President or the member of the Committee all records, minutes and documents belonging to the Association.
- (c) That all access to the Associations correspondence, business, including social media passwords that represent the Association be handed to newly elected Secretary within 2 weeks to enable smooth handover of duties.

5 DUTIES OF TREASURER

Subject to the direction and control of the Committee, the Treasurer shall:

- (a) keep the accounts of the Association,
- (b) make up the annual statement of accounts and balance sheets of the Association to the 31st of July in each year;
- (c) after the accounts are audited, cause them to be printed and circulated amongst the members or made available for inspection by the members; and
- (d) perform such other duties as may be reasonably required by either the President or the Committee.
- (e) That all financial records, receipts and statements be held for the legal term required by the Department of Commerce and Mines and the Australian Taxation Office. That all records, passwords, and authorities are handed to the elected Treasurer within two weeks of taking office.

END