

HORSE RIDING CLUBS ASSOCIATION OF VICTORIA INC.

(A0002667H)

CONSTITUTION



HRC AV

HORSE RIDING CLUBS ASSOCIATION OF VICTORIA INC.

Amended 24/11/89

Amended 26/11/93

Amended 20/11/98

Amended 17/11/00

Amended 25/11/05

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Section 12 The Constitution of the Horse Riding Clubs Association of Victoria Incorporated

NAME:

1. The name shall be THE HORSE RIDING CLUBS ASSOCIATION OF VICTORIA INCORPORATED and it shall hereafter be referred to as the Association.

OBJECTIVES:

2.
 - a) To promote interest in Equestrian Sports.
 - b) To promote good fellowship among those interested in Equestrian Sports.
 - c) To educate, train, coach and encourage members of the Association.
 - d) To do all things and acts conducive to the furtherance of the objectives and interests of the Association.

DEFINITIONS:

3. SPECIAL NOTES:

- a) The Constitution of the Horse Riding Clubs Association of Victoria Inc is the *primary governing document* of the Association.
- b) *General rules and guidelines* for the day to day administration of the Association and the conduct of competition which do not form part of the Constitution may be made, varied or repealed by the Committee in accordance with clause 51.
- c) In this Constitution the term 'Club' is used to denote members of the Association. The term 'member' refers to individual members of the Clubs.

4. In this Constitution, unless the contrary intention appears, the following definitions shall apply:

- a) Act – the Associations Incorporation Reform Act 2012
- b) Association – the Horse Riding Clubs Association of Victoria Inc (HRCVA)
- c) Authorised Officer – Officer appointed by the Committee to perform delegated duties provided those duties are not the legal responsibility of the Secretary or Treasurer of the Association
- d) Club – an individual group or body which is a member of the Association

- e) Club Delegate – the Club President or their nominated proxy, present at General Meetings of the Association. Delegates must be registered with the Association as a current financial member of a Club.
- f) Committee – the committee of management of the Association
- g) Committee meeting – a meeting of the Committee held in accordance with the Constitution
- h) Financial Club – a Club which has paid all fees and charges due for the current financial year. Financial year – year ending 31st October
- i) General meeting – general meeting of Clubs convened in accordance with clauses 33, 34 and/or 38 of the Constitution
- j) Manual – Document containing the general rules/guidelines for the day to day administration of the Association and conduct of competition.
- k) Member – a person, being a member of a Club, whose details and fees for the current financial year have been lodged by their Club with the HRCAV.
- l) Registrar – the Registrar of Incorporated Associations
- m) Sub Committee – group of interested members formed with the approval of the Committee to oversee and advise on matters related to Association disciplines or activities.

MEMBERSHIP:

5. Membership of the Association shall be open to incorporated Clubs or bodies which embrace the Objects of the Association as defined above.
6. As a condition of membership, Clubs must agree to comply with the requirements of the Constitution, and general rules of the Association. Further, Clubs must require their individual members to agree to be bound by same.
7. Applications for membership shall be made in writing on a form as determined by the Committee from time to time.
8. A Club shall become a member of the Association upon acceptance by the Committee or its authorised officer of its application and payment of prescribed fees to the Treasurer or its authorised officer. The Club's name shall then be listed on the register of member Clubs.
9. The Committee is not bound to give reasons for rejecting an application for membership

RIGHTS AND OBLIGATIONS OF MEMBERSHIP:

10. Clubs are required to submit the prescribed fees for membership renewal with an Annual Return in a form determined by the Committee, by 31st October each year.
11. Membership of the Association entitles Clubs to:
 - a) Conduct HRC AV endorsed events and activities
 - b) Receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by the Constitution
 - c) Submit items of business for consideration at a general meeting as prescribed by the Constitution
 - d) Have access to the minutes of general meetings and other documents of the Association as provided under clause 81
 - e) Inspect the register of Clubs
 - f) Submit nominations for positions on the Committee
 - g) Vote at general meetings of the Association
 - h) Propose amendments to the HRC AV rules and Constitution
12. Rights of membership are not transferable.

FEES:

13. The entrance fee payable by Clubs for membership of the Association shall be determined by the Committee from time to time.
14. The annual fee for Association membership shall be determined by the Committee from time to time and shall be payable by the 31st October each year.
15. A Club shall cease to be a member of the Association at the expiration of one month after notice by the Treasurer or its authorised officer to it that its membership fee is overdue unless within that period it pays the fee and any other moneys properly payable by it to the Association and set out in the notice of the Treasurer or its authorised officer.
16. Upon any Club ceasing to be a member of the Association for any reason whatsoever they shall not be entitled to return of their membership fee or any portion thereof.

RESIGNATION OF ASSOCIATION MEMBERSHIP:

17. Any Club may resign from the Association and such resignation must be in writing and forwarded to the Secretary of the Association or its authorised officer.

DISCIPLINARY ACTION:

18. The Committee may expel from the Association or otherwise punish or penalise any Club which, in the opinion of the Committee, has refused or neglected to comply with the requirements of the Constitution or rules of the Association, or refuses to support the purposes of the Association or which has engaged in activities or actions which are considered to be discreditable or injurious to the character or interest of the Association.
19. The Committee may take disciplinary action against individual members of Clubs in accordance with the Association Complaint Handling rules.

Disciplinary Sub Committee:

20. If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a Club, the Committee must appoint a Disciplinary Sub Committee to hear the matter and determine what action, if any, to take against the Club.
21. The members of the Disciplinary Sub Committee may be Committee members, representatives of Clubs or anyone else but must not be biased against, or in favour of, the Club concerned.

Notice to Club:

22. Before disciplinary action is taken against a Club, the Secretary or their Authorised Officer must give written notice to the Club. The notice must
 - a) State that the Association proposes to take disciplinary action against the Club
 - b) State the grounds for the proposed disciplinary action
 - c) Specify the date, place and time of the meeting at which the Disciplinary Sub Committee intends to consider the disciplinary action (the disciplinary meeting)
 - d) Advise the Club that it may do one or both of the following
 - i. Send a representative to address the Disciplinary Sub Committee at that meeting
 - ii. Give a written statement to the Disciplinary Sub Committee at any time before the disciplinary meeting and
 - e) Set out the Club's appeal rights.
23. The notice must be given no earlier than 28 days, and no later than 14 days before the disciplinary meeting is to be held

Disciplinary Meeting:

24. At the disciplinary meeting, the Disciplinary Sub Committee must;
- a) Give the Club representative the chance to be heard; and
 - b) Consider any written statement submitted by the Club.
25. After complying with clause 24, the Disciplinary Sub Committee may;
- a) Take no further action against the Club; or
 - b) Take the following action/s:
 - i. Reprimand the Club
 - ii. Direct a Club to take action against its own individual members
 - iii. Suspend the membership rights of the Club for a specified period
 - iv. Expel the Club from the Association
26. The Disciplinary Committee may not fine the Club
27. The suspension of membership rights or the expulsion of a Club by the Disciplinary Sub Committee under this section takes effect immediately after the vote is passed.

Appeal Rights

28. A Club which has been suspended or expelled from the Association by the Disciplinary Sub Committee may give notice to the effect that it wishes to appeal against the suspension or expulsion.
29. The notice must be in writing, signed by two members of the Club Executive, and given
- a) To the Disciplinary Sub Committee immediately after the vote to suspend or expel the Club is taken or
 - b) To the Secretary or their Authorised Officer at the registered address of the Association not later than 48 hours after the vote.
30. On receipt of a notice of appeal, the President of the HRC AV shall convene a meeting of 5 impartial Club Presidents who agree to sit on an Appeal Panel. The panel members shall elect the Chairperson.

- 31.** At a Disciplinary Appeal meeting
- a) no business other than the question of the appeal may be conducted and
 - b) the Committee must state the grounds for suspending or expelling the Club and the reasons for taking the action: and
 - c) A representative of the suspended or expelled Club must be given an opportunity to be heard.
- 32.** After complying with clause 31, the Disciplinary Panel shall vote by secret ballot on the question of whether the decision to suspend or expel the Club should be upheld or revoked. The decision is upheld if the majority of Panel members vote in favour of the decision.

GENERAL MEETINGS:

33. Clubs shall be given at least 30 days notice in writing of a general meeting. The notice must
- a) Specify the date, time and place of the meeting; and
 - b) Indicate the general nature of each item of business to be considered at the meeting; and
 - c) Address eligibility to vote as per clause 47 and provide a form for appointing a proxy.
 - d) If a special resolution is to be proposed;
 - i. State in full the proposed resolution; and
 - ii. State the intention to propose the resolution as a special resolution.

USE OF TECHNOLOGY AT GENERAL MEETINGS

34. The association may hold its general meetings, or permit members to take part in its general meetings, by using any technology that allows members to clearly and simultaneously communicate with each other participating member.

ANNUAL GENERAL MEETING:

35. The Annual General Meeting of the Clubs shall be held in the month of November in each year.
36. The ordinary business of the Annual General Meeting shall be:
- a) To confirm the minutes of the previous Annual General Meeting and of any general meeting held since that meeting,
 - b) To receive from the Committee, the annual report and balance sheet or financial statement for the preceding year and
 - c) To elect Officers and Ordinary Committee members of the Association.
37. The Annual General Meeting may conduct any special business of which notice has been given in accordance with clause 40.

SPECIAL GENERAL MEETING:

38. Any general meeting of the Association other than the Annual General Meeting is a special general meeting. A special general meeting of Clubs shall be called at the request of the President or Secretary or any three members of the Committee or at the written request of Clubs representing not less than 10% of the total number of Clubs affiliated with the Association. Such meeting shall be held within 60 days of such request.
39. The request for a special meeting must:
- a) state the objectives of the meeting,
 - b) be signed by the parties requesting the meeting and
 - c) be sent to the address of the Association office.

SPECIAL BUSINESS:

40. All business that is conducted at a special general meeting and all business that is conducted at the Annual General Meeting, excepting business conducted under the clause as ordinary business of the Annual General Meeting, is deemed to be special business.
41. Special business including special resolutions intended for consideration at the Annual General Meeting must be submitted in writing to the Secretary of the Association or their Authorised Officer not later than 60 days prior to the date of the Annual General Meeting. Special business must be submitted by:
- a) a current financial Club of the Association and be signed by the President of the Club or
 - b) The Association President, Secretary or any three members of the Committee.
42. Special business submitted in accordance with the above clauses shall be included on the agenda for that meeting. No business other than that set out in the Agenda may be conducted at that meeting.

PRESIDING AT GENERAL MEETINGS:

43. The President of the Association shall be the chairperson at all general meetings. Should he/she not be present then the Vice-President shall be elected to the chair, and if the Vice-President is not present the Club Delegates shall elect a Committee member to take the chair.
44. a) At all meetings the chairperson's decision on points of order shall be final.
- b) The chairperson shall have a casting vote.

QUORUM FOR GENERAL MEETINGS:

45. Club Delegates representing 15% of financial Clubs, present either in person or by proxy, shall constitute a quorum for the transaction of business of a general meeting.
46. If at any general meeting, other than the Annual General Meeting, there be no quorum within 30 minutes of the time appointed for the meeting then the meeting shall lapse unless a majority of the Members present decide to adjourn the meeting for a period not exceeding fourteen days. If there be no quorum within 30 minutes after the time appointed for such adjourned meeting then the meeting shall lapse altogether.
47. If at the Annual General Meeting there be no quorum at the time appointed for the meeting, Clubs with delegates present personally or represented by proxy shall constitute a quorum and the meeting may proceed.

VOTING AT GENERAL MEETINGS:

48. Only financial Clubs with delegates present in person shall be entitled to vote. The Club Delegate must be registered with the Association as a financial member of a Club. Proxies must be lodged with the Association Secretary or their authorised officer no later than 48 hours before the time of the general meeting. The notice appointing the proxy shall be in such form as determined by the Committee from time to time.
49. Questions or special business requiring resolution may be determined by a poll taken at that meeting in such manner as the Chairperson may direct, and the resolution of that poll shall be deemed to be a resolution of the meeting on that question.

50. Special resolutions including those relating to amendments to the Constitution of the Association shall not be passed unless three quarters of the Club Delegates voting at the meeting, whether in person or by proxy, vote in favour of the resolution.
51. Other resolutions are to be determined by a majority vote of the Clubs with delegates present. Such determinations shall be taken under advisement by the Committee.
52. A Club Delegate who participates in a general meeting in a manner permitted under clause 34 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

COMMITTEE:

53.
 - a) The business and affairs of the Association shall be under the management and control of an Executive Committee herein referred to as the Committee, provided however that, except in the case of extreme urgency, the Committee shall not take any action contrary to decisions made at a general meeting.
 - b) The Committee may, subject to the decisions made at general meetings, exercise all the powers of the Association and do all such acts and things as may be done by the Association or which it considers necessary or expedient to carry out the Objects of the Association.
 - c) The Committee may make, vary or repeal rules for the day to day administration of the Association provided that the rules are not inconsistent with this Constitution.
 - d) The Committee may make, vary or repeal rules governing the conduct of competitions between Clubs and/or individual Club members of the Association.

COMPOSITION OF THE COMMITTEE:

54. The Committee shall consist of:
 - a) The President, a Vice-President, a Secretary and a Treasurer, hereinafter called the office-bearers, and six Committee members, hereinafter called the ordinary members, elected at the Annual General Meeting or as otherwise provided herein.
 - b) The total number of Committee members, being office bearers and ordinary members, is not to exceed ten with a limit of two members from any one Club.

- c) The senior Administrative Officer of the Association shall be included as a co-opted member of the Committee.
- d) Salaried employees of the Association shall not have voting rights.

VACANCIES ON COMMITTEE:

- 55.** The Committee may appoint an eligible member to fill vacancies of the Committee in accordance with 53 a) b) and c). Persons so appointed shall hold office for the unexpired portion of his/her predecessor's term. The Committee may continue to act despite any vacancy in its membership.
- a) Should the office of President, Vice President or Treasurer become vacant, other than in the normal course of elections, the Committee shall fill such vacancy from one of their number.
 - b) Should any vacancy occur in the ordinary members of the Committee, the Committee shall fill such vacancy from the membership of Clubs.
 - c) If the office of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- 56.** For the purposes of this Constitution, the office of an officer of the Association or of any ordinary member of the Committee becomes vacant if the officer,
- a) ceases to be a member of a Club, or
 - b) becomes an insolvent under administration within the meaning of the Corporations Act 2001 (Cth), as amended from time to time, or
 - c) has been convicted of an offence against or arising out of a law of the Commonwealth, a State, Territory or foreign country, being an offence of dishonest conduct, or
 - d) has been disqualified at any time from managing corporations under the Corporations Act 2001 (Cth), or
 - e) resigns his/her office by notice in writing given to the Secretary or the Association's authorised officer.
 - f) fails to attend 3 consecutive Committee meetings or fails to attend more than 50% of Committee meetings in any 6 month period. The Committee can decide to overrule this in exceptional circumstances, eg: temporary but serious illness of the officer or ordinary member

COMMITTEE MEETINGS:

57. The Committee shall meet as often as may be required to conduct the business of the Association. The President or the Secretary or three members of the Committee shall have the power to call a meeting of the Committee.
58. A Committee member who is not physically present at a Committee meeting may participate in the meeting by the use of technology that allows that Committee member and the Committee members present at the meeting to clearly and simultaneously communicate with each other. Such Committee member is taken to be present at the meeting and, if the member votes, is taken to have voted in person.
59. The chairperson at all Committee meetings shall have a casting vote in addition to a deliberative vote.
60.
 - a) Unless a majority of the Committee considers that it is necessary to meet on less than 7 days notice, all notices of Committee meetings shall be in writing and posted to members of the Committee at least 7 (seven) days before the date of such meeting.
 - b) All members of the Committee who are within the State shall be entitled to notice of meetings but the accidental omission to give any member or the non-receipt by any member of any notice required by this constitution, shall not invalidate or affect any proceedings at such meeting.
61. The Committee shall have the power to delegate any of its powers to a sub-committee to deal with any particular matter or matters and upon such terms as the Committee may think fit. Each sub-committee will have one ex-officio Committee member.
62. All acts or decision done or made by any meeting of the Committee or any member thereof shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of such a member or all or any member of the Committee, be as valid and effective as if every such member of the Committee had been duly appointed or elected to the Committee unless it is proved that the appointment was made fraudulently or in bad faith

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AMENDED 14/1/2014

- 63.** The quorum for Committee meetings shall be more than half of the current Committee members present in person or via use of technology as per clause 56.
- 64.** A Committee member who has a material personal interest in a matter being considered at a Committee meeting must disclose the nature and extent of that interest to the Committee. The member must not be present while the matter is being considered at the meeting and must not vote on the matter. This clause does not apply to a material personal interest
- a) That exists only because the member belongs to a class of person for whose benefit the Association is established or
 - b) That the member has in common with all, or a substantial proportion of, the members of the Association.

TERM OF OFFICE AND ELECTION OF COMMITTEE:

Term of Office

65. a) Each office bearer shall hold office until the conclusion of the Annual General Meeting next after the date of his or her election but is eligible for re-election.
- b) Each ordinary Committee member shall hold office until the conclusion of the second Annual General Meeting next after the date of his or her election but is eligible for re-election.
- c) No person shall bear the same office for more than four consecutive years, however they may bear different offices consecutively for an unlimited period and return to bear any single office for another four years after a minimum of one year's gap. There is no limit on the number of consecutive years a person may hold a position as an ordinary Committee member, subject to being duly re-elected.

Nominations

66. a) Any Club may nominate a person being a member of a Member Club for election as an office-bearer or ordinary committee member, with a limit of two nominations from any one Member Club. The nominee is not required to be a member of the Club nominating them.
- b) Nominations must be made in writing, signed by the President or Secretary of the Club and the nominee, and be delivered to the Secretary of the Association or their authorised officer not less than 45 days before the date fixed for the holding of the Annual General Meeting.
- c) A candidate may only be nominated for one office, or as an ordinary Committee member of the Committee, prior to the Annual General Meeting.
- d) In addition to the Code of Conduct provisions which apply to all members, by signing the nomination form, candidates commit that they will at all times behave in a professional manner and avoid any behaviour which might bring the Committee or the HRCAV into disrepute.

- e) Any candidate who is unsuccessful in winning selection as an office bearer is eligible for nomination as an ordinary committee member, such nomination to be considered equally with those made directly for ordinary committee member vacancies. The nomination form for office bearers must enable candidates to indicate their willingness to also be considered as a candidate for an ordinary committee vacancy.

Election process

- 67. a) Contested offices shall be subject to ballot at the Annual General Meeting of Clubs present and voting thereon.
- b) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected subject to the provisions of rule 36 b) and further nominations may be received from the floor. Only nominations put by a Club Delegate will be received.
- c) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected subject to the provisions of rule 36 b).

DUTIES:

Secretary

- 68. The Secretary or the Association's authorised officer shall carry out his/her duties under the direction of the committee and be responsible for keeping a true record of all minutes of all meetings, attendance to correspondence, issuing notices for meetings, keeping of records and carrying out such duties as the Committee may direct from time to time.
- 69. The Secretary or the Association's authorised officer shall be responsible at all times for maintaining a correct and up to date register of Clubs.

Treasurer

- 70. The Treasurer or the Association's authorised officer shall receive all money payable to the Association and give receipts for same. All moneys so received shall be paid into the banking account of the Association. The Treasurer shall ensure that financial records of the Association are kept in accordance with the Act, present at each meeting of the Committee a balance of the finances of the Association and coordinate the preparation of financial statements of the Association and their certification by the Committee prior to their submission at the Annual General Meeting of the Association.

FINANCE:

71. The financial year shall be from 1st November to 31st October.
72. All moneys of the Association shall be paid into the account of the Association at such bank as the Committee may from time to time direct.
73. The Committee may authorise the Treasurer or their authorised officer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended. Where such approval is withheld, no cheque shall be signed or money withdrawn unless such withdrawal has been approved by the Committee or, in the case of urgency, by the President or Secretary or the Association's authorised officer.
74. With the approval of the Committee, the Treasurer or their authorised officer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of transaction.
75. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by at least two of the bank signatories authorised by the Committee.
76. For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
77. The books and accounts of the Association shall be reviewed or audited (as required by the Act) annually by an auditor appointed by the Annual General Meeting.
78. Once appointed, an auditor may only be removed from office by resolution passed at a general meeting of the Association. Notice of the proposed resolution must be given to all Clubs, the Auditor and the Registrar. The Auditor can make written representation to the Secretary of the Association or their Authorised Officer and request that a copy be given to all Clubs.
79. The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- 80.** The Secretary or the Association's authorised officer shall keep in his/her custody or under his/her control all books, documents and securities of the Association except as otherwise provided in this Constitution.
- 81.** Officer holders are required to return any documents that belong to the Association within 28 days after they cease to hold that position.
- 82.** Minutes of Sub Committee meetings are to be lodged with the Secretary or their authorised officer and a copy retained in the office of the Association.
- 83.** A representative of a Club may inspect at the office of the Association
- a) The Constitution of the Association
 - b) General meeting minutes
 - c) The register of Clubs
 - d) Subject to clause 83, the financial records, books, securities and any other relevant documents (as defined in the Act) including minutes of Committee meetings and Sub Committee meetings.
- 84.** A Club can apply in writing for a copy of these documents (with the exception of the register of Clubs). A fee may be charged for providing copies
- 85.** The Committee may refuse to permit a representative of a Club to inspect or receive copies of records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

AMENDMENTS TO THE CONSTITUTION:

- 86.** This shall be the only Constitution and statement of purposes of THE HORSE RIDING CLUBS ASSOCIATION OF VICTORIA INCORPORATED and shall come into force forthwith and shall not be altered, varied, added to or repealed unless three quarters of Club Delegates present at an Annual General Meeting or at a meeting specially convened for that purpose who are entitled to vote (either in person or via proxy) are in favour of a special resolution to make such alteration, variation, addition or repeal.
- 87.** Special resolutions to alter, vary, add to or repeal the Constitution must be submitted in writing, providing full details of the proposal, to the Secretary of the Association or their Authorised Officer in accordance with clauses 37, 38 or clause 40. The Secretary of the Association or their Authorised Officer must issue written notice of a proposed special resolution to the Clubs at least 30 days before the meeting at which the special resolution will be voted upon. The notice shall set out the full details of the proposal and shall make it clear that the resolution is being proposed as a special resolution.
- 88.** The property, assets and income of the Association, wherever derived shall be applied solely towards the promotion of the Objects of the Association, and no portion thereof shall be paid to transferred either directly or indirectly by way of dividend, bonus or otherwise by way of profit to Clubs generally of the Association. Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officers or servants of the Association or any member in return for services actually rendered, not prevent the payment of interest on money borrowed. Should the Association for any reason whatsoever cease to function, any Club or persons holding any Association moneys or property shall forthwith pay the same to the Committee.
- 89.** On the dissolution of the Association any assets remaining after the payment of all debts and liabilities shall be disposed of to another organisation with similar purposes that is not carried on for the profit or gain of its individual members in accordance with a special resolution approved by at least three quarters of the Club Delegates present and voting at a general meeting called for the purpose of considering such a special resolution.
- 90.** Any notice required by this Constitution to be given to any Club shall be sufficiently given if posted or delivered to the last address of the Club notified in writing by the Club and in the case of notice by post the notice shall be deemed to have been received on the first day on which the mail is delivered after the day of posting.

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SEAL:

91. a) The Common Seal of the Association shall be kept in the custody of the Secretary or the Association's authorised officer.
- b) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures two members of the Committee.

GRIEVANCE PROCEDURE:

92. The grievance procedure set out in this section applies to disputes under this section between-
- a) a Club and another Club; or
- b) a Club and the Association
93. 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 parties.
94. 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.
95. 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 and another Club, a person appointed by the committee of the Association; or
- (ii) in the case of a dispute between a Club and the Association, a person who is a member of the Dispute Settlement Centre of Victoria (Department of Justice).
96. A member of a Member Club of the Association can be a mediator.
97. A mediator cannot be a member of a Member Club which is party to the dispute.
98. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- 99.** The mediator, in conducting the mediation, must;
- a) give the parties to the mediation process every opportunity to be heard; and
 - 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.
- 100.** The mediator must not determine the dispute

*This clause provides for resolution of a dispute by a referee. Note that section 14A of the Act provides another procedure whereby application may be made to the Magistrates' Court for an order declaring and enforcing rights or obligation of members between themselves, or of the Association and a member between themselves. The Court may refuse to make an order, or may make an order for costs, if the Court is of the opinion that the application is unreasonable or the issue trivial.

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