

Model Constitution

**Under the Associations Incorporation Act 2009 and the
Associations Incorporation Regulation 2016**

**Constitution
of**

NSW Mini-Trotting Association Inc.

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New South Wales Mini-Trotting Association Incorporated

CONSTITUTION

1. Name

The name of the incorporated Association shall be New South Wales Mini-Trotting Association Inc (Registration No. [Y0123221](#)) (“the Association”).

The Association was incorporated on 10/12/1986.

2. Objects and Powers

The Association is established for the objects:

- (a) To foster the sport of mini trotting for children between the ages of 5 to 17;
- (b) To promote friendly competition in an atmosphere of co-operation and good sportsmanship, encouraging social interaction for all concerned;
- (c) To provide opportunities for children to participate in equine courses to enhance horsemanship and life skills;
- (d) To support and encourage the breeding of mini trot horses for racing;
- (e) To conduct the annual the NSW mini trotting championships;
- (f) To oversee the conduct of mini trotting races at various racing tracks throughout New South Wales and the ACT;
- (g) To raise money by entrance fees, subscriptions, fundraising activities, sponsorships, charges and to grant to members concessions rights and privileges with regard thereto;
- (h) To hear and determine appeals from Members of mini-trotting clubs where the Constitution of the club so provides;
- (i) To promote and maintain the effective control and administration of mini trot racing in New South Wales and the ACT by, including but not limited to, admitting on condition, refusing to admit or excluding or ejecting from such property, premises and buildings or any part thereof any person or Member, Member of a NSW/ACT based Mini Trot club for breaches of this Constitution or upon such other grounds as the Association may from time to time determine; and
- (j) To do all things incidental or conducive to the attainment of the above objects and the orderly administration and advancement of the Association, the proper upkeep and improvement of its property and the promotion and advancement of mini trot racing.

Subject to this Constitution, the Association has all the powers of an individual in accordance with section 19 of the Act.

3. Definitions and Interpretation

3.1 Definitions

In this Constitution:

Act means the *Associations Incorporation Act 2009*.

Annual General Meeting means a meeting of Members convened under Section 9.

Association means New South Wales Mini Trotting Association Inc. (“NSWMTA”) registered under the *Associations Incorporation Act 2009*.

Active Affiliated Club Member means a club that conducts mini trots races on a regular basis each season for its own junior members and has paid its annual affiliation fee. Where a club fails to have any Junior Members and does not conduct mini trot races for its own Junior Members it shall be deemed inactive and ineligible to vote at any Association Meetings

Committee means the governing body which is the Association’s Committee for purposes of the Act.

Committee Member means a member of the Committee who is not the Chairperson, Deputy Chairperson, Secretary or Treasurer of the Association.

Club means a mini trotting club which is a Member of the NSWMTA under Section 6 of this constitution and formed to further the objects of mini trotting in a particular geographic area.

Club President means a person elected to such position in a Club who shall be entitled to represent that Club at NSWMTA Meetings.

Controlling Authority means Harness Racing New South Wales (HRNSW) constituted by the *Harness Racing Act 2009*.

Director means a Member of the governing body which is the Association’s ‘Committee’ for purposes of the Act.

Director-General means the Director-General of the Department of Services, Technology and Administration or the relevant New South Wales (NSW) Government Department in place at the time.

Financial Year means the year ending on 30 June each year.

General Meeting means a meeting at which all Members of the Association are entitled to be present.

Harness Racing Act means the *Harness Racing Act (2009)*.

Harness Racing Australia National Mini Trot Rules means the rules issued by Harness Racing Australia (HRA) on 1 September 2016 and any subsequent updates or amendments.

Harness Racing New South Wales means the controlling body for harness racing and mini trotting activities in New South Wales constituted under the *Harness Racing Act (HRNSW)*.

Member means a member from time to time being as defined in Section 6 of this constitution.

Ordinary Resolution means a resolution passed in accordance with section 38 of the Act.

Public Officer means the person appointed under Section 34 of the Act.

Registered Post means the mode of registration of mail as determined by Australia Post or its equivalent from time to time.

Regulation means the *Associations Incorporation Regulation 2016*.

Rules of Harness Racing means the Rules which govern harness racing in Australia and the Local Rules and Policies introduced in New South Wales by HRNSW.

Secretary means:

- (a) the person appointed under this Constitution as Secretary of the Association, or
- (b) if no such person holds that office - the Public Officer of the Association.

Special General Meeting means any general meeting of the Association other than an Annual General Meeting.

Special Resolution means a resolution passed in accordance with section 39 of the Act.

Working with Children Check is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct. The check is issued by the NSW Office of Children's Guardian.

Youth Development Officer means the person appointed from time to time by HRNSW.

3.2 Interpretation

In this Constitution:

- (a) A reference to a rule, regulation, schedule or annexure is to a rule, regulation, schedule or annexure of, or made under this constitution.
- (b) a reference to a function includes a reference to a power, authority and duty.
- (c) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (d) The provisions of the *Interpretation Act 1987* apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under that Act.
- (e) Where pursuant to this Constitution a payment of a specific sum of money is to be made then, unless the contrary intention appears, that sum is expressed to be exclusive of any Goods and Services Tax which may also be payable in addition to that sum.
- (f) Words importing the singular include the plural and vice versa.
- (g) Words importing any gender include the other genders;
- (h) Headings are for convenience only and shall not be used for interpretation.
- (i) References to persons include natural persons, corporations and bodies politic, and any legal representatives, successors and permitted assigns of that person.
- (j) 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 or any legislative authority having jurisdiction);
- (k) Expressions referring to "writing" shall unless the contrary intention appears, be construed as including references to printing, photography and other modes of representing words or reproducing words in a visible form, including messages sent by electronic mail;
- (l) An adult is a person who has attained at least 18 years of age and a minor is a person who has not attained that age.

3.3 Enforceability

If any provision of this constitution or any phrase contained in it is invalid or unenforceable in any jurisdiction, the phrase shall be read down for the purpose of that jurisdiction, if possible, so as to be valid or enforceable. If it cannot be so read down the provision shall be severed to the extent of the invalidity or unenforceability. The remaining provisions of this Constitution and its validity or enforceability shall not be affected by the severance in any other jurisdiction.

4 Associations Incorporation Act

Where, in relation to any matter this Constitution makes no provision, the provisions of the Model Constitution of the Associations Incorporation Act 2009 shall, in relation to that matter, be deemed to be included in this Constitution.

Any Object or Rule of the Association has no effect if it is inconsistent with the *Associations Incorporation Act 2009* or contrary to law.

5 Registration with HRNSW and Compliance

5.1 Registration by HRNSW

The Association acknowledges that HRNSW has the sole right to register the Association as a harness racing association in accordance with the *Harness Racing Act 2009*.

5.2 Compliance of Association

The Members acknowledge and agree the Association shall:

- 5.2.1 be and remain incorporated in New South Wales;
- 5.2.2 apply its property and capacity solely in pursuit of the Objects of this Constitution;
- 5.2.3 do all that is reasonably necessary to enable the Objects to be achieved;
- 5.2.4 act in good faith and loyalty to ensure the maintenance and enhancement of harness racing, its standards, quality and reputation for benefit of the Members and harness racing; and
- 5.2.5 act on behalf and in the interest of the Members and harness racing.

5.3 Operation of Constitution

The Association and Members acknowledge and agree:

- 5.3.1 that they are bound by this Constitution and that this Constitution operates to create consistency in the way in which the Objects and mini trotting are to be conducted, promoted, encouraged, advanced and administered throughout the state.
- 5.3.2 to ensure the maintenance and enhancement of mini trotting, its standards, quality and reputation for the benefit of its Members and mini trotting;
- 5.3.3 not to do or permit to be done any act or things which might adversely affect or derogate from the standards, quality and reputation of mini trotting and its maintenance and enhancement;
- 5.3.4 to promote the economic and community services success, strength and stability of each other and to act interdependently with each other in pursuit of their respective objects; and
- 5.3.5 to act in the interest of mini trotting and the Members as a group.

5.4. Conduct of Mini Trot Race Meetings

- 5.4.1 The Association shall conduct any mini trotting race meetings including the annual championships.
- 5.4.2 The number of meetings to be conducted by the Association will be determined by the Committee in conjunction with individual clubs.
- 5.4.3 The Rules of Harness Racing New South Wales, NSWMTA Rules and Regulations and the Harness Racing Australia National Mini Trot Rules apply to the Association. If there is an inconsistency between the rules in this

constitution and the Rules of Harness Racing New South Wales, the later prevail.

6. Membership

6.1 Membership Generally

Membership of the Association is open to all persons who accept the constitution and regulations of the Association.

6.1.1 Membership of the NSWMTA shall consist of:

- (a) Clubs, which subject to this constitution, shall be represented by their Club President or appointed delegate, who shall have the right to be present, debate and vote on behalf of the Club at NSWMTA general meetings;
- (b) Individual Ordinary Members of Clubs, who have the right to be present at NSWMTA general meetings but shall only have the right to speak on any matters in general business at a General Meeting including an Annual General Meeting;
- (c) Individual General Members of Clubs who are parents/guardians of junior members.
- (d) Life Members, who have the right to be present at NSWMTA general meetings but shall only have the right to speak on any matters in general business at a General Meeting including an Annual General Meeting;
- (e) [Deleted].

6.1.2 A person is ineligible to be an Ordinary Member of the Association if the person:

- (a) is currently warned off or disqualified under the Rules of Harness Racing or the *Harness Racing Act 2009*; or
- (b) during the previous 10 years has been convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable; or
- (c) in the case of an adult, does not possess, cannot obtain or maintain or is refused a NSW Working with Children Check.

6.1.3 Notwithstanding paragraph 6.1.2, a person shall be eligible to be considered by the Committee for membership if the disqualification referred to has terminated or been avoided.

6.1.4 Notwithstanding paragraph 6.1.2 (c), an adult shall be eligible to be a General Member of a Club if they do not possess a Working With Children Check and they agree to:

- (i) [Deleted];
- (ii) [Deleted];
- (iii) Not in any way assist with the conduct of a mini trot event;
- (iv) That their name can be provided to another Club advising them that they are ineligible to assist with the conduct of mini trot events;
- (v) not nominate for or hold a position on a Mini Trot Club Committee.

6.2 Effect of Membership

Members acknowledge and agree that:

- (a) This Constitution constitutes a contract between each of them and the Association and that they are bound by this Constitution, the Regulations, any HRNSW rules and regulations, NSWMTA Rules and Regulations and Harness Racing Australia National Mini Trot Rules ;

- (b) They shall comply with and observe this Constitution and the Regulations and any regulations or rules passed by HRNSW, NSWMTA and any Harness Racing Australia National Mini Trot Rules adopted by HRNSW;
- (c) By submitting to this Constitution and the Regulations they are subject to the jurisdiction of the Association;
- (d) This Constitution and the Regulations are necessary and reasonable for promoting the Objects;
- (e) They are entitled to all benefits, advantages, privileges and services of their membership as determined by the Committee; and
- (f) Where the Committee considers or is advised that a Member has allegedly:
 - a. Breached, failed, refused or neglected to comply with a provision of this Constitution, the Regulations, or any resolution or determination of the Association;
 - b. Acted in a manner prejudicial to the Objects and interest of the Association, Mini Trotting and / or harness racing; or
 - c. Brought the Association, any harness racing Association or harness racing into disrepute,

The Association may, after allowing the Member a reasonable opportunity to explain, refer the matter and / or the member to HRNSW for determination of any penalty that it deems appropriate. Where the Member is a minor, that reasonable opportunity must include notice to and an opportunity for the Member's parent or guardian to make representations.

6.3 Classes of Membership

There shall be four classes of membership, namely:

- (a) "Club Members" which subject to this constitution, shall be represented by their Club President, who shall have the right to be present, debate and vote on behalf of the Club at NSWMTA meetings.
- (b) "Ordinary Members" who will be entitled to certain privileges of the Association and who have the right to be present at NSWMTA general meetings but shall only have the right to speak on any matters in general business at a General Meeting including an Annual General Meeting.
- (c) "General Members" who will be entitled to certain privileges of the Association but will not have the right to speak at any meetings of the Association.
- (d) "Life Members" who may attend meetings of the Association and who have the right to be present at NSWMTA general meetings but shall only have the right to speak on any matters in general business at a General Meeting including an Annual General Meeting.

6.4 Club Application and Admission to Membership and Affiliation

- 6.4.1 Any Club desirous of becoming a Member will be required to make application in writing (including by email or other electronic means, if the Committee so determines) in the form determined by the Committee stating the name of the Club, address, contact details and any other details required by the Committee.

- 6.4.2 Any nomination for Club Membership shall be forwarded to HRNSW which shall have the final say as to whether a Club Member will be permitted to join the Association in accordance with the National Rules.
- 6.4.3 To be eligible for membership of NSWMTA Club Members must be incorporated.
- 6.4.4 An application for membership of NSWMTA must be:
- (i) In writing on the form prescribed by NSWMTA from time to time and lodged with NSWMTA, accompanied by the appropriate fee;
 - (ii) in the case of a Club, accompanied by a copy of the Club's constitution, register of Members and the appropriate fee.
- The application shall be lodged (including by electronic means, if the Committee so determines) with the Secretary of the Association accompanied by the Association's then current Membership Fee.
- 6.4.5 As soon as practicable after receiving an application for membership, all applications for membership will be submitted to a meeting of the Committee of the Association for decision as to whether they will be accepted or otherwise.
- 6.4.6 HRNSW will determine the number of clubs granted affiliation in NSW. Any applications for membership to NSWMTA by a Club must be referred to HRNSW for determination before such approval can be granted by the Association.
- 6.4.7 NSWMTA may accept or reject an application whether the applicant Club has complied with the requirements of rule 6.4.3 (i) or (ii) or not. Membership will commence upon acceptance of the application by the Association.
- 6.4.8 As soon as practicable after the Committee makes a determination, the Secretary must notify the applicant in writing (including by email or other electronic means, if the Committee so determines) that the Committee approved or rejected the application (whichever is applicable).
- 6.4.9 Should the decision be in favour of an admission of an applicant to membership the applicant shall be duly enrolled as a Member from the date of such decision and the new Member's name is entered in the Register of Members. A receipt for his/her membership fee will be issued.

6.5 Annual Affiliation and Renewal of membership

- 6.5.1 All Club Members must renew their membership annually. Upon renewal a club must lodge with NSWMTA any amendments to its constitution or changes to its nominated representatives.
- 6.5.2 Individual Members of Club Members must renew their membership of their clubs annually.

6.6 Discretion to accept or reject a Membership Application or Renewal

- 6.6.1 The Committee will have full right to accept or reject any application for membership and, in the event of rejection, it need not give reasons for so doing.
- 6.6.2 In the case of any rejected application for membership, any fee paid in respect thereof will be refunded in full.

- 6.6.3 In relation to the renewal of a membership, as soon as practicable after the Committee makes a determination, the Secretary must:-
- a. In the case of renewal of membership notify the club, in writing, if the Committee rejected the renewal;
 - b. If the Committee approved the renewal, the Secretary must enter or cause to be entered the Club's name in the Register of Members;
 - c. If the Committee rejected the renewal of an existing membership, the Secretary must enter or caused to be entered in the Register of Members the date on which the membership of the Association ceased.
 - d. The Committee will have full right to accept or reject any renewal of membership and in the event of rejection it need not give reasons for so doing. The Member has a right of appeal.

6.7 Cessation or Resignation of Membership

6.7.1 A Club Member ceases to be a Member of the Association if the Club:

- (a) ceases to exist; or
- (b) has less than five (5) Members; or
- (c) is expelled from the Association; or
- (d) fails to pay their annual subscription by the due date; or
- (e) except to reconstruct or amalgamate whilst solvent, the Club enters into a scheme of arrangement, deed of company arrangement or composition with, or assignment for the benefit of, all or any class of creditors, or it proposes a reorganisation, moratorium or other administration involving any of them; or
- (f) the Club resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention to do so, except to reconstruct or amalgamate while solvent, or is otherwise wound up or dissolved or an administrator is appointed;
- (g) if it fails to maintain Active Affiliated Club Member status. A Club will cease to maintain its Active Affiliated Status if it fails to conduct mini trot races for its own junior members or fails to attract at least five new junior members over a three year period.

Where a club fails to have any Junior Members and does not conduct mini trot races for its own Junior Members it shall be ineligible to vote at Association Meetings.

6.7.2 An Ordinary Member ceases to be an Ordinary Member of the Association if the Member:

- (a) fails to renew their membership of a Club within 3 months of them being required to do so;
- (b) dies; or
- (c) resigns their membership; or
- (d) is expelled from the Club; or
- (e) fails to pay their annual subscription by the due date; or
- (f) is warned off or disqualified under the Rules of Harness Racing or the *Harness Racing Act 2009*; or

- (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable; or
- (h) [Deleted]
- (i) becomes mentally incapacitated;
- (j) is listed on the Unpaid Forfeits List;
- (k) if an adult, fails to provide, renew or maintain the working With Children check, subject to Clause 6.1.4.

6.7.3 A General Member ceases to be a General Member of the Association if the Member:

- (a) fails to renew their membership of a Club within 3 months of them being required to do so;
- (b) dies; or
- (c) resigns their membership; or
- (d) is expelled from the Club; or
- (e) fails to pay their annual subscription by the due date; or
- (f) is warned off or disqualified under the Rules of Harness Racing or the *Harness Racing Act 2009*; or
- (g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable; or
- (h) becomes mentally incapacitated;
- (i) is listed on the Unpaid Forfeits List.

6.7.4 A Member may resign from the Association at any time by notice in writing (including by email or other electronic means, if the Committee so determines) forwarded to the Secretary but he/she shall not be entitled to any refund of subscriptions or levies, forfeit all rights whatsoever against the Association and all claims as a Member against any other Member other than in respect of loans.

6.7.5 If a Member ceases to hold membership, the Secretary must make an appropriate entry in the Register of Members recording the date on which the Member ceased to be a Member.

6.7.6 Any Member who ceases to hold membership shall not be entitled to a refund of any annual subscription which they have paid. Upon ceasing to be a Member a person shall not be relieved of their liability to pay any money then due by them to the Association and the Committee may take such action as it sees fit to recover such money.

6.8 Fees and Subscriptions

6.8.1 The Membership Fee for Club Members shall be such sum as recommended by the Committee of the Association and ratified at an Annual General Meeting or Special General Meeting.

- 6.8.2 The annual subscription shall be payable yearly in advance on or before the 1st day of July and the period to which such subscription shall relate (hereinafter called the 'subscription year') shall be the period of twelve months immediately following the 1st day of July.
- 6.8.3 If the Membership Fee remains outstanding as at 1 July of that year the Member shall cease to be a Member and his/her name shall be removed from the list of Members.
- 6.8.4 The Committee of the Association shall recommend membership fees to be charged by Clubs to Ordinary Members.
- 6.8.5 Life Members shall not be required to pay an annual subscription.
- 6.8.6 No Member shall be eligible to exercise the rights and privileges of membership while his/her Membership Fee for the current year remains outstanding.
- 6.8.7 Any person who becomes a Member during the year shall nevertheless pay the full year's subscription, unless the Committee otherwise determines.

6.9 Forfeiture of Rights

A Member who ceases to be a Member, for whatever reason, shall forfeit all rights in and claims upon the Association and its property and shall not use any equipment or other property of the Association including intellectual property. Any Association documents, records or other property in the possession, custody or control of that Member shall be returned to the Association immediately.

6.10 Membership may be reinstated

Membership which has been discontinued may be reinstated at the discretion of the Committee, upon such conditions as it deems appropriate.

6.11 Honorary Life Members

- 6.11.1 Life Membership of the Association may be conferred by the Association for distinguished service over a number of years (10 minimum) to the mini trotting industry in New South Wales.
- 6.11.2 Nominations must be submitted through a Club accompanied by a written summary of the nominee's contribution to the industry. Two Ordinary Members of a Club must propose and second the nomination.
- 6.11.3 The Committee, at its discretion, may put a resolution to the Annual General Meeting for the election of that Member to Life Membership.
- 6.11.4 If an Ordinary Member is elected to Life Membership, the Secretary must enter or cause to be entered that person's name in the Register of Members and, on the name being so entered, the nominee becomes a Life Member of the Association.
- 6.11.5 Any person on whom the office of Life Member is conferred shall have the right to attend meetings of the Association and who have the right to be present at NSWMTA general meetings but shall only have the right to speak on any matters in general business at a General Meeting including an Annual General Meeting.

6.12 Resolution of Internal Disputes

- 6.12.1 A dispute between a Member and another Member (in their capacity as Members) (Grievance) of the Association shall be referred to the Committee.

6.12.2 Where a dispute involves junior Members a parent / guardian of the child or each child must be in attendance.

6.12.3 The Committee's decision will be final and binding on all parties.

6.13 Disciplining of Members

6.13.1 A complaint may be made to the Committee by any Member that another Member of the Association:

- (a) has refused, breached or neglected to comply with a provision or provisions of this Constitution; or
- (b) conducted himself or herself in a manner or to have engaged in action detrimental to the good name or interests of the Association or the attainment of its objectives;
- (c) Failed to comply with a resolution or determination of the Committee or any duly authorised committee;
- (d) brought the Association into disrepute;
- (e) failed to pay any outstanding monies including Membership Fees;
- (f) failed to comply with Regulations.

6.13.2 A complaint may also be made by a Member about:

- (a) The conduct of races at mini trot club events;
- (b) The conduct of races and related matters at the annual Mini Trot NSW championships;
- (c) The behavior or decisions of NSWMTA Officials.

6.13.3 The Committee itself or a Member of the Committee may resolve to initiate a complaint on the grounds specified in sub-clause (1).

6.13.4 The Committee or an appointed sub-committee may deal with disciplinary appeals lodged by Members of mini trot clubs and any refusal by a Club to provide a Member with access to records in accordance with its Constitution. The procedure in this clause 6 will apply with any necessary changes. In the case of disciplinary appeals, the Committee has power to stay the decision under appeal on such terms as it thinks fit and to appoint a judiciary committee to consider the matter.

A Committee Member who is a Member of a club from which an appeal has been brought must not hear or participate in determination of the appeal

6.13.5 The Committee may refuse to deal with a complaint if:

- (a) the conduct complained of occurred more than twelve months before the date of the complaint; or
- (b) the Committee considers the complaint to be trivial or vexatious in nature.

6.13.6 If the Committee decides to deal with the complaint, the Committee must cause notice of the complaint to be served on the Member concerned and in the case of a Member who is a minor, the Member's parent or guardian. This notice must:

- (a) set out the particulars of the complaint;

- (b) specify a period (not being less than fourteen days from the time the notice is served) in which the Member may make a written submission to the Committee in connection with the complaint; and
- (c) specify a date (not being less than thirty five days or more than six months from the time the notice is served) on which the Member is required to appear before the Committee to address the complaint; and
- (d) Specify that the matter will be dealt with by the Committee or an appointed judiciary committee.

6.13.7 If, after considering the complaint and any submissions made in connection with the complaint, the Committee or the judiciary committee is satisfied that the facts alleged in the complaint have been proved and the reprimand, expulsion or suspension is warranted in the circumstances, the Committee may or the judiciary committee may recommend to the Committee that they should reprimand the Member, expel the Member from the Association suspend the Member from membership of the Association or impose any penalty outlined in section 6.14.

6.13.8 If, the Committee resolves to impose any penalty outlined in Section 6.14, the Member must be served notice of the determination and of the Member's right of appeal under clause 6.15 and the Member's right to seek a stay of proceedings under clause 6.15.

6.13.9 The reprimand, expulsion or suspension does not take effect:

- (a) until the expiration of the period within which the Member is entitled to appeal against the resolution concerned, or
- (b) if the Member seeks a stay of proceedings in accordance with clause 6.15, until a date to be determined by the Committee when determining that stay application;

whichever is the later.

6.14 Penalties that may be imposed

The Committee may impose the following penalties:

- 1) Reprimand.
- 2) Suspension of such activities, on such terms and for such period as the Committee thinks fit.
- 3) Exclusion from a particular activity, event or events.
- 4) Expulsion.
- 5) Such combination of any of the above penalties as the Committee thinks fit.

6.15 Right of Appeal of Disciplined Member

6.15.1 A Member may appeal any decision of the Committee in accordance with the appeal processes afforded harness racing participants.

6.15.2 Any appeal must be lodged within seven (7) days of a notice of penalty and should include a statement of grounds on which the Member intends to rely on for the purposes of the appeal.

6.15.3 All appeals will be heard by HRNSW or a person(s) or body appointed by HRNSW.

6.15.4 If the Member seeks a stay of proceedings HRNSW or a person(s) or body appointed by HRNSW will determine whether a stay of proceedings will be granted and, if granted, what conditions will apply.

6.16 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a Member of the Association:

- (a) Is not capable of being transferred or transmitted to another person; and
- (b) Terminates on cessation of the person's membership.

6.17 Members' Liabilities

The liability of a Member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the Member in respect of membership of the Association.

6.18 Privileges of Membership

6.18.1 Subject only to restrictions and limitations imposed by or contained in this Constitution, the privileges of a Club Member shall be:

- (1) The right to attend and vote at the Annual General Meeting and all Special and General Meetings.
- (2) Eligibility for a representative or Ordinary Member of a Club Member to be elected to the Committee of the Association.

6.18.2 Subject only to restrictions and limitations imposed by or contained in this Constitution, the privileges of an Ordinary Member shall be:

- (i) The right to attend the Annual General Meeting and all Special and General Meetings but only have the right to speak on any matters in general business at a General Meeting including an Annual General Meeting.
- (ii) Eligibility to be elected to the Committee of the Association.

6.18.3 Subject only to restrictions and limitations imposed by or contained in this Constitution, the privileges of a General Member shall be:

- (i) The right to attend the Annual General Meeting and all Special and General Meetings.

6.19 Minimum Number of Members

The Association must have a minimum of at least Five (5) active Club Members.

6.20 Register of Members

6.20.1 The Secretary of the Association must establish and maintain a register of members of the Association (whether in written or electronic form) specifying:

- (i) the name and postal or residential address of each person who is a member of the Association;
- (j) the email address of the member if appropriate;
- (ii) the date on which the person became a member.
- (iii) The date of cessation of membership;
- (iv) The category of membership of the Member;
- (v) Any other information determined by the Committee.

6.20.2 The Register of Members must be kept in New South Wales:

- (a) at the main premises of the Association, or

- (b) if the Association has no premises, at the Association's official address.
- 6.15.3 The register of members must be open for inspection, free of charge, by any member of the Association at any reasonable hour.
- 6.15.4 A member of the Association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- 6.15.5 No person shall be permitted to make any copy of the register, or any part of it, without the permission of the Committee, which may be given on terms determined by the Committee.
- 6.15.6 If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection. No information regarding a member who is a minor will be available for inspection.
- 6.15.7 A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the Association or other material relating to the Association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- 6.15.7 If the register of members is kept in electronic form:
 - (a) It must be convertible into hard copy; and
 - (b) the requirements of sub-clauses (2) and (3) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

7. The Committee

7.1 Role of the Committee

The role of the Committee is to:

- (i) Manage and guide the business of the NSWMTA with harmony, consistency and integrity;
- (ii) Facilitate, design and review of a rolling three year strategic plan;
- (iii) Co-ordinate the annual NSWMTA championships;
- (iv) Resolve or refer through the policy and procedures process any complaints, conflicts or code of conduct matters brought forward by members or clubs;
- (v) Promote the business of NSWMTA to enhance the opportunity for increased participation into the future;
- (vi) Support professional learning opportunities for affiliated members to facilitate progression into the government controlled standardbred racing industry for licensed adult participants;
- (vii) Liaise with interstate and national bodies to promote and market mini trotting.

7.2 Powers of the Committee

Subject to the Act and any direction given by HRNSW, the Regulation and this Constitution and to any resolution passed by the Association in general meeting the Committee has power to:-

- 1) Control and manage the affairs of the Association according to recognised standards of effective management; and
- 2) Exercise all such functions as may be exercised by the Association, other than those functions that are required by this Constitution to be exercised by a General Meeting of members of the Association; and
- 3) Perform all such acts and do all such things as appear to the Committee to be essential, necessary or desirable for the proper management of the affairs of the Association.
- 4) **Association Regulations and Job Descriptions – New, Repeal or Amend**
From time to time make, repeal and amend Association Regulations and Job Descriptions as it shall deem expedient for the internal management and well-being and efficiency of the Association.

All such Regulations and Job Descriptions shall be binding upon the members until repealed or set aside by a resolution of the Committee.

Any amendment, addition or deletion to the Regulations or Job Descriptions, as approved by the Committee, shall be:-
 - (a) Effected by the Secretary within thirty one (31) days of resolution;
 - (a) Recorded by the Secretary in the Register of Revision – Association Regulations and Job Descriptions within thirty one (31) days of resolution.
- 5) **Expenditure Limits**
 - (a) Expend the funds of the Association in such a manner as it shall in its discretion deem expedient in the interests of the Association. Provided however, that the Committee shall not have the power to authorise the expenditure of more than the sum of \$3,000.00 on any one project without the consent of HRNSW;

- (b) In relation to sub-clause 5a) above the amount shall be increased each year by the lesser percentage as detailed in i) and ii) below:-
 - i) The same percentage increase as the Consumer Price Increase All Groups Sydney for the period of the year immediately preceding the Annual General Meeting, or
 - ii) Or Five per cent (5%) immediately following the Annual General Meeting.
- 6) **Approve Membership of the Association**
Approve membership of the Association in accordance with the relevant membership category.
- 7) **Power to refer disciplinary matters to HRNSW**
Power to refer any disciplinary or member related matters to the CEO of HRNSW who shall direct the matter to the relevant person for resolution.
- 8) **Appointment of Permanent Standing Committees/Panels**
The permanent Standing Committees as listed below shall assist the Committee in carrying out the business of the Association.

Such permanent Standing Committees shall have no authority to transact any business other than that referred to them. Any recommendation or resolution made by a Standing Committee, shall be recorded as business of the Committee.
- 9) **Delegation by the Committee to Standing or Sub-Committee**
The Committee may delegate from time to time, by instrument in writing, one or more Standing or Sub-Committees as it deems necessary or expedient (consisting of such member or members of the Association as the Committee deems fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:-
 - (a) This power of delegation, and
 - (b) A function which is a duty imposed on the Committee by the Act or by any other law;
 - (c) A function the exercise of which has been delegated to a Standing or Sub-Committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the Standing or Sub-Committee in accordance with the terms of the delegation;
 - (d) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation;
 - (e) Despite any delegation under this clause, the Association may continue to exercise any function delegated;
 - (f) Any act or thing done or suffered by a Standing or Sub-Committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Committee;
 - (g) The Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause;
 - (h) A Standing or Sub-Committee may meet and adjourn as it thinks proper.
- 10) **Interpretation of Constitution and Regulations**

The Committee shall interpret the Constitution and Regulations of the Association, and its decision upon any question of interpretation upon any matter affecting the Association shall be final and binding on the Members, subject only to manifest error.

If required, HRNSW and/or Solicitor may be consulted for advice.

11) **Matters not covered by the Constitutions or Regulations**

If a matter relating to the affairs of the Association arises which is not provided for by the Constitution and/or Regulations the Committee shall have full power and authority to refer the matter to HRNSW for direction.

12) **General**

- (a) Fill any casual vacancy occurring in membership of the Committee and the person so appointed shall continue in office until the next Annual General Meeting of the Association, and
- (b) Effect and maintain insurances for the Association.

7.3 Composition of the Committee

7.3.1 The Committee is to consist of:

- (a) the Office Bearers of the Association;
- (b) and two (2) ordinary Committee Members who will be responsible for:
 - (a) Publicity; and
 - (b) Assistant Secretary

each of whom is to be elected at the Annual General Meeting of the Association.

7.3.2 The total number of Committee Members shall not exceed six (6).

7.3.3 The Office Bearers of the Association are as follows:

- (a) President;
- (b) Vice President;
- (c) Secretary;
- (d) Treasurer;

7.3.4 A Committee member may only hold one (1) office.

7.3.5 Other than for the office of President no Club Member may have more than one of its Ordinary Members holding more than one position on the Committee.

For the sake of clarity a Club Member may have Ordinary Members filling the roles of President and one other Committee or Office Bearer positions but may not have two or more Ordinary Members filling roles that exclude President – For example Ordinary Members of one Club Member cannot hold the positions of Assistant Secretary and Treasurer.

7.2.6 The HRNSW Youth Development Officer or appointed HRNSW delegates may, at the discretion of HRNSW, attend all NSWMTA General and Committee Meetings but will not have any voting rights.

7.3.7 Any casual vacancy occurring in the Committee of directors may be filled by a financial ordinary member appointed by the Committee.

- 7.3.8 Each member of the Committee is, subject to this Constitution, to hold office until immediately before the election of Committee members at the Annual General Meeting following the date of the member's election, and is eligible for re-election.
- 7.3.9 All Ordinary Members of the Association shall be eligible for election to the Committee after a membership period of three months as an Ordinary Member.
- 7.3.10 There is no maximum number of consecutive terms for which a Committee Member may hold office.
- 7.3.11 All members of the Committee must reside in New South Wales or ACT.
- 7.3.12 Within 14 days after vacating office, a former Committee member of the Association must ensure that all documents in his or her possession that belong to the Association are delivered to the Public Officer or to his or her successor.
- 7.3.13 The appointment of all Committee Members must be advised to and ratified by HRNSW.

7.4 Nomination for Committee Member positions

- 7.4.1 The Secretary shall call for nominations for candidates to be elected to the Committee not less than twenty eight (28) days prior to the Annual General Meeting.
- 7.4.2 Candidates wishing to nominate to the Committee must:
- (i) be aged 18 years or over;
 - (ii) be a Member of a Club;
 - (iii) reside in New South Wales or the ACT;
 - (iv) comply with any other eligibility criteria as set out in this constitution and the Regulations;
 - (v) not be an undischarged bankrupt or taking advantage of the laws in force for the time being related to bankruptcy;
 - (vi) Must hold a Working with Children Check;
 - (vii) Must be an Ordinary Member of a Club Member.
- 7.4.3 Nominations of candidates for election as Office Bearers of the Committee or as Ordinary Committee members:
- (a) must be made in writing, signed by 2 members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
 - (b) One of the signatories for the nomination must be the President of the Club Member to which the Ordinary Member is affiliated; and
 - (b) specify the office for which the candidate is nominating;
 - (b) must be delivered to the Secretary of the Association by 5.00pm at least 7 days before the date and time fixed for the holding of the Annual General Meeting at which the election is to take place.

7.5 Election of Committee Members

- 7.5.1 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meeting.
- 7.5.2 If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies.

- 7.5.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- 7.5.4 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- 7.5.5 The ballot for the election of Office-Bearers of the Committee is to be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct. The Secretary shall prepare voting papers containing the names of the candidates in alphabetical order.

7.6 Election of Office Bearers

- 7.6.1 If any position remains unfilled the Committee shall direct the Secretary to advertise the vacancy to all members and advise the closing date for any nominations.
- 7.6.2 If not filled at the Annual General Meeting the President, Vice President, Treasurer Secretary and Committee Member shall be elected, in that order, by a ballot of members of the Committee at a Committee meeting to be held immediately following the Annual General Meeting.
- 7.6.3 If two or more candidates for the positions of President, Vice President or Secretary receive the same number of votes for that position, that number being higher than the vote received for any other candidate for the position, then that position shall be determined by a further ballot between those candidates receiving the same number of higher votes. Should this further ballot result in two or more candidates receiving the same number of votes for a position, then the matter is to be determined by drawing lots.
- 7.6.4 The ballots and drawing of lots for the election of the President, Vice President, Committee Member and Treasurer shall be conducted under the supervision of the Secretary.
- 7.6.5 The result of the ballots for President, Vice President, Treasurer, Secretary and Committee Member shall be notified to the members.

7.7 Officer Vacancies

- 7.7.1 If there is a vacancy in the office of the President, the position shall be filled by the Vice President until the next Annual General Meeting. Such period in office as President shall be reckoned as part of the term as Vice President. In any case the Vice President shall be eligible to nominate for the position of President at such Annual General Meeting.
- 7.7.2 If there is a vacancy in the office of Vice President, Treasurer or Secretary the other Committee Members shall elect by ballot a new Deputy President, Secretary or Treasurer from among themselves to hold office until the next Annual General Meeting. Such period of office shall not count as part of the Deputy Chairperson's, Secretary's or Treasurer's term.

7.8 Vacancy on the Committee

- 7.8.1 In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint an Ordinary Member, otherwise eligible to be elected as a Committee person, to fill the vacancy.
- 7.8.2 A person appointed under this clause is to hold office, subject to this Constitution, until the conclusion of the Annual General Meeting next following the date of the appointment.

- 7.8.3 Subject to this Constitution, an Ordinary Member appointed under this clause is eligible for election as a Committee Member.
- 7.8.4 A casual vacancy in the office of a Committee Member occurs if the Committee Member:
- (a) dies, or
 - (b) ceases to be a member of the Association, or
 - (c) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankruptcy, or
 - (d) resigns office by notice in writing given to the Secretary, or
 - (e) is removed from office under clause 5.10, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the Committee from three consecutive meetings of the Committee, or
 - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
 - (i) is warned off, disqualified or named on the Unpaid Forfeit List under the Rules made under the *Harness Racing Act 2009*; or
 - (j) is prohibited from being a Director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.
 - (k) Fails to maintain a Working with Children check.

7.9 Removal of Committee Members

- 7.9.1 Subject to sub clause 7.8.2, the Association in a general meeting may by resolution remove any Committee Member before the expiration of that Committee Member's term of office and may by resolution appoint an Ordinary Member, otherwise eligible to be elected as a Committee Member, to hold office until the expiration of the term of office of the Committee Member so removed.
- 7.9.2 If a Committee Member to whom a proposed resolution referred to in sub clause 7.8.1 relates makes representations in writing to the Secretary or President and requests that the representations be notified to Ordinary Members, the Secretary or the President may send a copy of the representations to each Ordinary Member or, if the representations are not so sent, the Committee Member is entitled to require that the representations be read out at the meeting at which the resolution is considered.
- 7.9.3 In the event that a sitting Committee member becomes a disqualified person, his/her office shall be considered vacant from the time of, and during the term of his/her disqualification, and another member shall be elected or appointed to that office as provided in this Constitution.
- 7.9.4 Any person affected by sub clause 7.8.3 cannot be automatically reinstated as a Committee Member of the Association once the disqualification ceases. That person must nominate and be re-elected at the following Annual General Meeting.

7.10 Secretary

- 7.10.1 The Committee may appoint a Secretary on such terms and conditions as the Committee from may determine.
- 7.10.2 The Secretary of the Association must, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.

- 7.10.3 It is the duty of the Secretary to:
- (a) keep and maintain the Register of Committee Members in accordance with section 29 of the Act;
 - (b) keep and maintain the Register of Members;
 - (c) keep and maintain the Members Notice Committee. The Members' Notice Committee is to be kept at the Association's official address and is to be readily available for inspection by members at any time when the Association's official address is open; and
 - (d) keep minutes of:
 - (i) all appointments of office holders and Committee Members;
 - (ii) the names of Committee Members present at a Committee meeting or a general meeting; and
 - (i) all proceedings at Committee meetings and general meetings.
- 7.10.4 All records kept by the Secretary can be in either written or electronic form.
- 7.10.5 Minutes of the proceedings at a meeting must be signed by the Chairperson of the meeting or by the chairperson of the next succeeding meeting.
- 7.10.6 The signature of the Chairperson may be transmitted by electronic means for the purposes of sub clause 7.6.4 (b).
- 7.10.7 The Secretary shall attend to all secretarial work of the Association and in particular shall:
- (a) Keep full and accurate minutes of all meetings conducted by the Association.
 - (b) Receive applications for membership, other documents dealing with the Association's activities and advise the particulars of such documents to those concerned.
 - (c) Keep and maintain a register containing the address and occupation of every member of the Association, opposite whose name shall be kept a record of the payment of his/her annual subscription. This register shall not be copied or duplicated without the approval of the President or any two members of Committee.
 - (d) Conduct all correspondence and carry out all business arising from the minutes of all meetings of the Association.
 - (e) Keep and produce when required all correspondence, papers and documents of the Association.
 - (f) Carry out any direction given by the Committee from time to time.
 - (g) Convene in conjunction with the President all meetings of the Committee, and see that all matters requiring their attention are brought to their notice.

7.11 Treasurer

It is the duty of the Treasurer of the Association to:

- (a) Ensure that all money due to the Association is collected and received and that all payments authorised by the Association are made, and
- (b) Ensure that correct books and accounts are kept showing the financial affairs of the Association, including full details of all receipts and expenditure connected with the activities of the Association.
- (c) Supervise the accounts of the Association. Subject to these Rules, attend to and perform all matters of a financial nature and shall from time to time, as required by the Committee, present a statement showing the financial

position of the Association as well as all books and/or documents from which such statement is/was prepared.

- (d) Ensure that a copy of the annual financial statements are sent to HRNSW for review and acceptance.

7.12 Public Officer

7.12.1 In accordance with Section 34 of the Act, the Association must have a Public Officer position appointed.

7.12.2 The Secretary or an appointed person, who is required to be eighteen (18) years of age or older and a resident of New South Wales, shall be the Public Officer.

7.12.3 The Public Officer shall be deemed to have vacated the position in the following circumstances:-

- a) Death;
- b) Resignation;
- c) Removal by the Committee of Directors or at a General Meeting;
- d) Bankruptcy or financial insolvency;
- e) Mental illness;
- f) Residency outside New South Wales;
- g) Is warned off or disqualified under the Rules of the *Harness Racing Act 2009*;
- h) Is named/placed on the Unpaid Forfeit List; or
- i) Fails to maintain a Working with Children check.

7.12.4 When a vacancy occurs in the position of Public Officer the Committee shall within fourteen (14) days appoint a new Public Officer and notify NSW Fair Trading on the prescribed form.

7.12.5 The Public Officer is required to notify NSW Fair Trading on the prescribed form concerning:-

- a) A change of residential address (within twenty eight (28) days);
- b) A change in the Association's Constitution (within twenty eight (28) days);
- c) The Association's financial affairs (within one (1) month after the Annual General Meeting);
- d) A change in the Association's name (within one month).

7.12.6 Service of documents on the Association is effected by serving them on the Secretary/Public Officer.

7.13 Committee Remuneration

7.13.1 No person shall be entitled to receive remuneration for their services as a Committee member.

7.13.2 For the sake of clarity a member of the Committee can be reimbursed for expenses incurred on behalf of the Association subject to the production of receipts and approval by the Committee.

7.13.3 If a Committee member provides other services to the Association any remuneration for those services must be approved at each Annual General Meeting by a simple majority of members present and entitled to vote at the meeting

7.14 Appointment of Association Members as Committee Members to Constitute quorum.

- 7.14.1 If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the association as committee members to enable the quorum to be constituted.
- 7.14.2 A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- 7.14.3 This clause does not apply to the filling of a casual vacancy to which clause 7 applies.

7.15 Use of technology at committee meetings

- 7.15.1 A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- 7.15.2 A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

8. Committee Meetings

8.1 Committee Meetings - General

- 8.1.1 The Committee shall meet as often as deemed necessary but must meet at least four (4) times in each period of 12 months at such place and time as the Committee may determine.
- 8.1.2 Additional meetings of the Committee may be convened by any member of the Committee.
- 8.1.3 The President, in consultation with the Committee, has the power to cancel any Committee meeting provided the minimum number of meetings is held each year and that a meeting will be held if at least two Committee members make a written request to the President.
- 8.1.4 Oral, written or electronic notice of a meeting of the Committee must be given by the Secretary to each member of the Committee at least one week (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- 8.1.5 Notice of a meeting given under sub-clause (4) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business.
- 8.1.6 Standing orders of all Committee meetings shall be:
- (a) Attendance;
 - (b) Apologies;
 - (c) Declaration of conflicts of interests;
 - (d) Confirm the minutes of the previous Committee meeting;
 - (e) Business arising from the previous minutes;
 - (f) Correspondence;
 - (g) Written / Electronic reports from Committee members;
 - (h) Financial Report;
 - (i) Resolutions of which at least five (5) days notice has been given.
In the case of an urgent or extraordinary motion being raised without notice, the Chairperson shall rule if the matter is to be heard or set aside to a future meeting;
 - (j) General Business;
 - (k) Date of next Meeting;
 - (l) Meeting closure.
- 8.1.7 At a meeting of the Committee:
- (a) the President or, in the President's absence, the Vice President is to preside, or
 - (b) if the President and the Vice President are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen, by a show of hands, by the Committee Members present at the meeting is to preside as President at the meeting.
- 8.1.8 Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any Committee Member.

- 8.1.9 The Committee shall at all times operate in accordance with the *Harness Racing Act 2009*, the Rules made under that Act, the Rules of Harness Racing, Harness Racing Australia National Mini Trot rules and the *Associations Incorporation Act 2009*.
- 8.1.10 The Committee shall be indemnified from the funds of the Association against the cost of any legal proceedings which may be instituted against them in consequence of the performance, in good faith, of their duties.

8.2 Committee Meetings - Quorum

- 8.2.1 The quorum necessary for all Meetings of the Committee shall be four (4), one being the President or Vice President.
- 8.2.2 No business is to be transacted by the Committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- 8.2.3 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.

8.3 Committee Meetings – Voting & Decisions

- 8.3.1 Questions arising at a meeting of the committee or of any sub-committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee or sub-committee present at the meeting.
- 8.3.2 Each member present at a meeting of the Committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 8.3.3 Voting by proxy is permitted at Committee meetings.
- 8.3.4 Subject to clause 20 (5), the Committee may act despite any vacancy on the committee.
- 8.3.5 Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.
- 8.3.6 A resolution in writing signed or assented to by facsimile or other form of electronic communication by all the voting directors, shall be valid and effectual as if it had been passed at a meeting of the Committee duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more of the directors.

8.4 Committee Meetings – Absence from Meetings

Any Office Bearers or Committee Members who, without being granted leave of absence, shall absent him/herself from three consecutive Committee Meetings shall thereby be considered to have vacated his/her position and he/she shall no longer be an officer or a member thereof subject however to the proviso that the Committee will not refuse application for leave of absence in any case of illness, or of absence interstate or overseas.

8.5 Use of Technology at Committee Meetings

8.5.1 A Committee meeting may be held at two or more venues using any technology approved by the Committee that gives each of the Committee's members a reasonable opportunity to participate.

8.5.2 A Committee member who participates in a Committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

8.5.3 Without limiting the power of the Committee to regulate its meetings as it thinks fit, a meeting of the Committee members may, at the sole discretion of the Committee, be held where one or more of the Directors is not physically present at the meeting, provided that:

- (i) all persons participating in the meeting are able to communicate with each other effectively, simultaneously and instantaneously whether by means of telephone or other form of communication;
- (ii) notice of the meeting is given to all the Committee members entitled to notice in accordance with the usual procedures agreed upon or laid down from time to time by the Committee;
- (iii) in the event that a failure in communications prevents rule 8.4 from being satisfied by that number of Committee members which constitutes a quorum, and none of such Committee members are present at the place where the meeting is deemed by virtue of the further provisions of this rule to be held then the meeting shall be suspended until rule 8.4 is satisfied again. If such condition is not satisfied within fifteen minutes from the interruption the meeting shall be deemed to have terminated; and
- (iv) any meeting held where one or more of the Committee members is not physically present shall be deemed to be held at the place specified in the notice of meeting provided a Committee member is there present and if no Committee Member is there present the meeting shall be deemed to be held at the place where the President of the meeting is located.

8.6 Delegation by Committee to a Sub-Committee

8.6.1 The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Committee as the committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than:

- (a) this power of delegation, and
- (b) a function which is a duty imposed on the committee by the Act or by any other law.

8.6.2 A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

8.6.3 A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

- 8.6.4 Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- 8.5.5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- 8.5.6 The Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- 8.5.7 A sub-committee may meet and adjourn as it thinks proper.
- 8.5.8 If required, the Committee may create a sub-committee to deal with disciplinary matters. The Committee can invite persons with the relevant qualifications and experience to join the sub-committee to deal with the matter, including Committee members not involved in the matter.

8.7 Sub-Committee Meetings – Voting & Decisions

- 8.7.1 Questions arising at a meeting of the sub-Committee appointed by the Committee are to be determined by a majority of the votes of members of the Committee present at the meeting.
- 8.7.2 Other than the Chairperson, each member present at a meeting of the Sub-Committee is entitled to one vote.
- 8.7.3 The Chairperson presiding at any meeting of the Sub-Committee shall have both a deliberative and a casting vote.
- 8.7.4 Questions arising at any meeting of the Sub-Committee shall be decided by a majority of those present and in the case of an equality of votes the Chairman shall have a second or casting vote.
- 8.7.5 Any act or thing done or suffered, or purporting to have been done or suffered, by the sub-Committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the sub-Committee.

8.8 Material personal interests

- 34.1 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.

A Committee member with such a material personal interest must not:

- (a) be present while the matter is being considered at the meeting; and
- (b) must not vote on the matter.

- 34.2 A general notice that a Committee member is to be regarded as having a material personal interest in a matter being considered is sufficient declaration for such Committee member and the said matter. After such general notice it is not necessary for such Committee member to give a special notice relating to the said matter.

- 34.3 Any declaration made or any general notice as aforesaid given by a Committee member in accordance with this rule must be recorded in the minutes of the relevant meeting.

8.9 Financial interest

- 8.9.1 A Director is disqualified from:
- (a) Holding any place of profit or position of employment in the Association, or in any company or incorporated association which the Association is a shareholder or otherwise interested; or
 - (b) contracting with the association either as vendor, purchaser or otherwise, except with the express approval of the Committee.
- 8.9.2 Any contract or arrangement in which any Director is in any way interested which is entered into by or on behalf of the Association without the approval of the Committee, will be voided for such reason.
- 8.9.3 The nature of the financial interest of such Director must be declared by the Director at the meeting of the Committee at which the contract or arrangement is first taken into consideration if the interest then exists, or in any other case at the first meeting of the Committee after the acquisition of the interest.
- 8.9.4 A general notice that a Director is a Member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company is sufficient declaration under rule 8.9 for such Director and the said transactions. After such general notice it is not necessary for such Director to give a special notice relating to any particular transaction with that firm or company.
- 8.9.5 Any declaration made or any general notice as aforesaid given by a Director in accordance with rule 8.9 must be recorded in the minutes of the relevant meeting.

8.10 Conflicts

A Director, notwithstanding any interest, may be counted in the quorum present at any meeting but cannot vote in respect of any contract or arrangement in which the Director is interested.

If the Director votes, the vote shall not be counted.

8.11 Minutes of Committee meetings

- 8.11.1 The Committee must ensure that minutes are taken and kept of each Committee Meeting.

The minutes must record:

- (a) the business considered at the meeting;
 - (b) any resolution on which a vote is taken and the result of the vote;
 - (c) the names of all persons present at the meeting;
 - (d) any interest declared under rules 8.8 or 8.9.
- 8.11.2 The minutes may be kept in electronic form.

9. General Meetings

9.1 Holding of Annual General Meetings

9.1.1 The Association must hold its Annual General Meetings:

- (a) within five (5) months after the close of the Association's financial year, or
- (b) within such later time as may be allowed by the Director-General or prescribed by the Regulation.

9.1.2 Subject to the Act and to clause 9.1.1, the Annual General Meeting of the Association is to be convened between the months of August and December and at such place and time as the Committee thinks fit.

9.2. Calling of and Business at Annual General Meetings

9.2.1 In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting is to include the following:

- (a) Attendance;
- (b) Apologies;
- (c) Confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;
- (d) Business arising from the previous minutes;
- (e) To receive from the Committee reports on the activities of the Association during the last preceding financial year;
- (f) To receive and consider any financial statement or report required to be submitted to members under the Act;
- (g) Lodgement of Annual report, financial Statements and Annual return with Department of Fair Trading;
- (h) To elect the Committee of the Association;
- (i) Election of an Auditor, if required under the Act;
- (j) Election of Life Members;
- (k) Fees to be charged to Club Members for the following year;
- (l) Recommendation for fees to be charged to Ordinary Members for the following year;
- (m) Recommendation for any other fees to be charged to all Members for the following year; and
- (m) Any other business that may be brought before the Annual General Meeting under this Constitution as General Business;
- (n) Meeting closure.

9.2.2 An Annual General Meeting must be specified as such in the notice convening it.

9.2.3 A copy of the Association's Annual Report and financial statements shall be furnished to each Member of the Association seven days before the Annual Meeting.

9.3 Holding of General Meetings

9.3.1 In addition to the Annual General Meeting the Association will hold at least three General Meetings in each financial year.

9.3.2 The business to be discussed at each meeting will be determined by the Committee and advised to Members.

9.4. Calling of Special General Meetings

- 9.4.1 Any general meeting other than an Annual General Meeting and any General Council Meeting is a Special General Meeting.
- 9.4.2 The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.
- 9.4.3 The committee must, on the requisition in writing of at least five (5) Club Members, convene a Special General Meeting of the Association.
- 9.4.4 Such meetings shall not transact any other business except that for which the Meeting has been convened.
- 9.4.5 A requisition of members for a Special General Meeting:
- (a) must be in writing; and
 - (b) must state the purpose or purposes of the meeting, and
 - (c) must be signed by the members making the requisition, and
 - (d) must be lodged with the Secretary, and
 - (e) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 9.4.6 If the Committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- 9.4.7 A special general meeting convened by a member or members as referred to in subclause (6) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- 9.4.8 For the purposes of this clause:
- (a) A requisition may be in electronic form; and
 - (b) A signature may be transmitted, and a requisition may be lodged, by electronic means.
- 9.4.9 If Members call a Special General Meeting the Secretary must advise HRNSW immediately.

9.5 Notice of General Meetings

- 9.5.1 For all General, General Council, Annual General Meetings and Special General Meetings, the Secretary must, at least twenty eight (28) days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 9.5.2 If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the secretary must, at least 28 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.

- 9.5.3 No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 9.2.
- 9.5.4 A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

9.6. Eligibility to Vote

- 9.6.1 For all General, General Council Meetings, Special General Meetings and Annual General Meetings the following Members only are eligible to vote on all matters at that meeting:

- (i) Active Affiliated Club Members; and
- (ii) Six (6) Committee Members

For the sake of clarity the Active Affiliated Club Members referred to in (i) above means the President or a proxy from each of the Active Affiliated Club members. Only one person from each of the Active Affiliated Club Members is eligible to vote.

Where a club fails to have any Junior Members and does not conduct mini trot races for its own Junior Members it shall be ineligible to vote at any Association Meetings.

- 9.6.2 At all General, General Council Meetings and Annual General Meetings, in addition to the Members outlined in 9.6.1 above, all Ordinary Members of Club Members and Life Members of the Association shall have the right to speak on any matters in general business.

9.7. Quorum for general meetings

- 9.7.1 No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- 9.7.2 The quorum necessary for all Meetings of Members including the Annual General Meeting shall be:
- (i) Fifty percent (50%) of Active Affiliated Club Members
 - (ii) Four (4) Committee Members
- combined.
- 9.7.3 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
- (a) if convened on the requisition of members, is to be dissolved, and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 9.7.4 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

9.8. Presiding Member

- 9.8.1 The President or, in the President's absence, the Vice-President, is to preside as chairperson at each general meeting of the Association.
- 9.8.2 If the President and the Vice-President are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

9.9. Adjournment

- 9.9.1 The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 9.9.2 If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 9.9.3 Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

9.10. Making of decisions

- 9.10.1 A question arising at a general meeting of the Association is to be determined by either:
- (a) a show of hands; or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- 9.10.2 If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 9.10.3 If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.
- 9.10.4 Any Questions arising at any meeting of Members shall be decided by a majority of those present and in the case of an equality of votes the President or Chairman of the meeting shall have a casting vote in addition to the vote to which he is entitled as a member.

9.11. Special Resolutions

- 9.11.1 A special resolution may only be passed by the Association in accordance with *Section 39* of the Act.
- 9.11.2 A special resolution must be passed by a General Meeting of the Association to effect the following changes:-
- a) A change in the Association's name;
 - b) A change in the Association's objects;

- c) A change of the Association's Constitution;
- d) An amalgamation with another incorporated Association;
- e) To voluntarily windup the Association and distribute its property.

9.11.3 In accordance with *Section 39* of the Act at least seventy five per cent (75%) of those present and voting must vote in favour for the Resolution to be successful.

9.12. Voting

9.12.1 On any question arising at a general meeting or an Annual General Meeting of the Association only Active Affiliated Club Members and Committee Members may vote.

9.12.2 At the meetings referred to in 9.12.1 above each Member has one vote only.

9.12.3 In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

9.12.4 A Member is not entitled to vote at any general meeting of the Association unless all money due and payable by the member to the Association has been paid.

9.12.5 For all business conducted at general and Annual General Meetings, the number of eligible votes of Committee Members must always be at least one less than the total votes of Active Affiliated club Members.

Once the number of Active Affiliated Club Members falls below seven (7) the number of eligible votes of Committee Members must be one less.

For the sake of clarity to ensure that the vote from clubs cannot be outnumbered by the votes from the Committee the following voting rights will apply:

Number of Active affiliated Clubs Voting at a Meeting	Committee Voting Power	Total Votes
9	6	15
8	6	14
7	6	13
6	5	11
5	4	9
4	3	7
3	2	5

9.13. Proxy votes permitted

Proxy voting can be used at or in respect of a general meeting.

All Proxy votes must be lodged with the Secretary at least 24 hours prior to the scheduled commencement time of the meeting.

9.14. Postal or electronic ballots

The Association may not conduct a postal or electronic ballot to determine any resolution in respect of a general meeting.

9.15 General Meetings – Scrutineers

At every meeting at which a ballot shall take place scrutineers shall be chosen from amongst the members or guests present at the meeting to conduct the ballot. In the case of doubt as to the formality or otherwise of any ballot paper the scrutineers shall forthwith refer same to the Returning Officer whose decision shall be final. The scrutineers shall certify to the Chairperson of the meeting the result of the ballot.

9.16 General Meetings – Returning Officer

The Secretary shall be the Returning Officer for all ballots conducted either by the Association or the Committee.

9.17 General Meetings – Use of Technology

9.17.1 A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's members a reasonable opportunity to participate.

9.17.2 A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

OR

9.17.3 A General Meeting of the Association will only be held at one location and technology will not be used for the conduct of the meeting.

9.18. Minutes of General Meetings

9.18.1 The Committee must ensure that minutes are taken and kept of each General Meeting.

9.18.1 The minutes must record:

- (a) the business considered at the meeting;
- (b) any resolution on which a vote is taken and the result of the vote;
- (c) the names of all persons present at the meeting.

9.18.3 In addition, the minutes of each Annual General Meeting must include:

- (a) any reports or financial statements submitted to the Members at the Annual General Meeting; and
- (b) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

9.18.4 Minutes may be kept in electronic form.

10. Financial

10.1 Funds - Source

- 10.1.1 The funds of the Association are to be derived from annual subscription fees, donations and such other sources as the Committee determines.
- 10.1.2 All money received by the Association must be deposited as soon as practicable and without deduction to the credit of the Association's bank or other authorised deposit-taking institution account.
- 10.1.3 The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

10.2 Funds - Management

- 10.2.1 Subject to any resolution passed by the Association in a general meeting, the income of the Association shall be used solely in pursuance of the objects of the Association in a manner that the Committee determines.
- 10.2.2 The income and property of the Association shall not be paid or transferred to members by way of dividend, bonus or profit providing always that a member who is not a Committee Member of the Association, may be employed for specific duties.
- 10.2.3 All cheques, drafts, bills of exchange, promissory notes, other negotiable instruments or EFT transactions must be signed or effected (by EFT) by two (2) members of the Committee or employees of the Association, being members or employees authorised to do so by the Committee with appropriate safeguards authorised by the Committee or General Meeting.
- 10.2.4 Nothing in this rule 10.3 shall preclude payment to a Member in good faith for expenses incurred for services rendered, including, but not limited to:
 - (a) any services actually rendered to the Association whether as an employee or otherwise;
 - (b) goods supplied to the Association in the ordinary and usual course of operation;
 - (c) interest on money borrowed from any Member;
 - (d) rent for premises demised or let by any Member to the Association; or
 - (e) any out-of-pocket expenses incurred by the Member on behalf of the Association,

provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

10.3 Custody of Books etc

- 10.3.1 Except as otherwise provided by this Constitution, all records, books and other documents relating to the Association must be kept in New South Wales:
 - (i) At the main premises of the Association, in the custody of the Public Officer or a member of the Association;
 - (ii) If the Association has no premises, at the Association's official address, in the custody of the Public Officer.
- 10.3.2 The Association shall establish and maintain, in accordance with the Act and this Constitution, proper accounting and other records and minutes concerning all transactions, business, meetings and dealings of the Association and the Committee.

10.4 Inspection of Books etc

- 10.4.1 The following documents must be open to inspection, free of charge, by a member of the Association at any reasonable hour:
- (a) records, books and other financial documents of the Association;
 - (b) this Constitution; and
 - (c) minutes of all Committee meetings and general meetings of the Association.
- 10.4.2 A Member may obtain a copy of any of the documents referred to in sub-clause (1) on payment of a fee of not more than \$1 for each page copied.
- 10.4.3 Despite sub clauses (1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of records of the association that relate to confidential, personal, employment, commercially confidential or legal matters or where to do so may be prejudicial to the interests of the association. The member may appeal to HRNSW against a decision not to disclose any record on the basis that the refusal is not reasonably based.
- 10.4.4 Despite anything contained in this Constitution it is acknowledged that the inspection of certain records may also be subject to Privacy legislation. For the avoidance of doubt, it is acknowledged that the Association respects the privacy of its members and, with the exception of disciplinary proceedings where a member's records may be accessed without consent of the member, where the personal details of members are to be revealed to persons other than to the member concerned, the member's prior written consent shall be obtained. The personal details of a minor are not to be made available for inspection.

10.5 Financial Year

- 10.5.1 The financial year of the Association is:
- (a) the period of time commencing on the date of incorporation of the Association and ending on the following 30 June, and
 - (b) each period of 12 months after the expiration of the previous financial year of the Association, commencing on 1 July and ending on the following 30 June.
- 10.5.2 The Committee shall keep or cause to be kept a record of all its receipts and payments to show its true financial position at the 30 June in each year.
- 10.5.3 The Committee shall cause to be prepared prior to the Annual General Meeting a statement of income and expenditure for the previous financial year duly certified by the Auditors (if required under the Act) and signed by the President and Treasurer and in the absence of the above two officers, the Secretary will sign as correct and shall submit the same to such meeting.
- 10.5.4 The Annual Report and a copy of the Financial Statements with any reports from the Auditors (if required) shall be available at the Annual General Meeting.
- 10.5.5 The books of account shall be kept with the Public Officer.
- 10.5.6 A copy of the draft financial statements must be provided to HRNSW for review prior to being sent to Members. If requested by HRNSW an auditor shall be engaged to review the draft financial statements.

10.6 Audit of Accounts

- 10.6.1 If required under the Act, a properly qualified auditor or auditors shall be appointed, and the remuneration of such auditor or auditors fixed by the Association in General Meeting. The auditors duties shall be regulated in accordance with the Act, or if no relevant provisions exist under the Act, in accordance with the Corporations Act 2001 and generally accepted principles, and/or any applicable code of conduct.
- 10.6.2 The auditor may be removed by the Association in a General Meeting.

10.7 Association is Non-Profit

The Association shall be a non-profit-making organisation. The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects of the Association as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly to the members 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 to any member or other person in return for any services actually rendered to the Association nor prevent the payment of interest at a rate to be determined from time to time by the Committee on money borrowed from any member of the Association.

10.8 Expenditure to be approved by HRNSW

Notwithstanding any other provision of this Constitution, all expenditure, other than reimbursement of expenses under \$3,000.00, must first be approved by HRNSW.

11. Miscellaneous

11.1 Insurance

The Association shall effect and maintain insurance so as to protect the assets of the Association in accordance with the risk tolerance as determined from time to time by the Committee.

11.2 Service of Notices

- 11.2.1 Subject to sub-clause (2), for the purpose of this Constitution, a notice may be served on or given to a person:
- (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post or Registered Post to the address of the person as it appears in the Register of Members, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- 11.2.2 A notice which is to be served on a member pursuant to clause 6.13 must be served by Registered Post.
- 11.2.3 For the purpose of this Constitution, a notice is taken, unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee;
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post; and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which

the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

In the case if a minor, notice must also be given to the person's parent or guardian.

11.3 Winding up of the Association

- 11.3.1 The Association may be wound up voluntarily if the Association so resolves by special resolution.
- 11.3.2 In the event of the Association being wound up, the liability of the Member shall be limited to any outstanding monies due and payable to the Association, including the amount of the Annual Subscription payable in respect of the current Financial Year. No other amount shall be payable by the Member.
- 11.3.3 If upon winding up or dissolution of the Association any surplus property remains after the satisfaction of all of the Association's debts and liabilities, that surplus property is to be distributed to Harness Racing New South Wales or in accordance with section 65 of the Act.

11.4 Report to Harness Racing New South Wales

At the end of each financial year but prior to 30 September of each year the Association's Secretary shall produce a report for Harness Racing New South Wales of the Association's activities for the preceding financial year.

11.5 Change of Name, Objects and constitution

- 11.5.1 Proposed amendments to the Association's Name, Objects and Constitution shall be dealt with by Special Resolutions adopting the following procedures:
 - (a) The proposed amendment(s) or alteration(s) shall be presented to the Committee. Due notice must be given in writing by a member or members at a meeting of the Committee of the intention to move for an amendment to the Name, Objects or Rules.

The notice shall set out the proposed amendment(s) or alteration(s). Such notice shall not be dealt with at the meeting at which the notice has been given but shall be dealt with at a following meeting of the Committee. At that meeting the Committee shall decide that the proposal(s) be recommended or not recommended for adoption by the Association at a general meeting. A recommendation for adoption must be carried by a **seventy five per cent (75%)** of the votes cast by the Committee members present.

Proposals which are recommended by the Committee shall be put to the members at a general meeting of the Association of which not less than 28 days written notice specifying the intention to propose the resolution as a Special Resolution shall be given. A resolution of a general meeting to amend the Name, Objects or Constitution of the Association must be passed by **seventy five per cent (75%)** of the votes cast by the eligible Members present.
 - (b) Proposals which are not recommended by the Committee may be put to the members at a general meeting. The only motion at this meeting shall be to recommend the proposals to a subsequent general meeting of the Association.

- 11.5.2 An application to the Director-General for registration of a change in the Association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

11.6 Regulations

- 11.6.1 The Committee shall have the power to draw up and adopt such Regulations as it considers necessary for ensuring the efficient management of the Association and such Regulations shall be binding until amended or revoked by the Committee. All Regulations shall be recorded in Section Two (2), Regulations of the Association by the Constitution Secretary and maintained for access by any member. To avoid doubt, any Regulations must not be inconsistent with this Constitution.

11.6.2 Regulations binding

All Regulations made under this clause shall be binding on the Association and Members of the Association.

11.6.3 Notices binding on Members

Amendments, alterations, interpretations or other changes to Regulations shall be advised to members of the Association by means of notices approved and issued by the Committee.

12. Miscellaneous

For the purposes of this Constitution:

- (a) Actions lawfully taken under any previous Constitution or other constituent document are valid and effective. By way of example only, proper notice of a matter (such as notice of a meeting or nomination for office) under any previous Constitution or other constituent document are taken to be proper notice under this Constitution.
- (b) A person appointed to an office under any previous Constitution or other constituent document continues to hold that office unless and until the person retires from office, is required to retire from office or is otherwise removed or replaced. To avoid doubt, an office holder that was required to retire from office at an Annual General Meeting called under any previous Constitution or other constituent document, is taken to have retired at that Annual General Meeting (even if the Annual General Meeting is held under the rules of this Constitution).
- (c) The adoption of this Constitution does not affect rights and liabilities that have accrued under any previous Constitution or other constituent document. By way of example only, the Association may sue and be sued under any previous Constitution or other constituent document in respect of amounts that were due and payable under that document.

13. Appendix 1 – Application for Membership of Association

New South Wales Mini-Trotting Association Inc

Application for Renewal of Membership by a Mini Trotting Club

- ✓ Please print clearly.
- ✓ Please attach additional information if space is not sufficient.
- ✓ This affiliation form should be signed by a Senior Club Officer, i.e. President, Club Secretary, etc.

Privacy

These personal details are being collected by NSW Mini Trotting Association for the purpose of application for annual affiliation by a mini trotting club. This information will not be disclosed to third parties.

Name of club seeking affiliation _____

Declaration

Please be advised that at a duly constituted meeting of the above club held on ___

The following resolution was carried:

That affiliation be sought for the _____ / _____ season with “NSW Mini Trotting Association”

Accordingly, application for affiliation is submitted.

Name of officer signing this form _____

Office held _____

Signature _____

Date _____

Payment details (where applicable)

The required affiliation fee of \$ _____ is attached
--

1. CLUB DETAILS

Mini Trot Club

GENERAL DETAILS

I hereby apply for membership of NSWMTA. I have read, understood, acknowledge and agree to the declaration and application over leaf. I have signed that declaration and

INITIAL MEMBERSHIP RENEWING TITLE _____ (Mr, Mrs, Ms, etc) *FIRST NAME _____ SECOND INITIAL _____ *LAST NAME _____
 POST NOMINAL _____

*GENDER M / F / X *DATE OF BIRTH ____ / ____ / ____ FAMILY GROUP NAME _____

OCCUPATION _____

*ADDRESS: UNIT _____ HOUSE _____ STREET or PO BOX _____ SUBURB _____

POSTCODE _____ *PHONE: HOME _____

FAX _____ MOBILE _____

*PREFERRED CONTACT NUMBER NO: B / H / M

EMAIL: _____

License: Number _____ License Type _____ Exp Date _____

Shirt Size (Please State) GIRLS (6 – 22) _____ BOYS (XS – 4XL) _____

Short Size (Please State) GIRLS (8-20) _____ BOYS (28-44) _____ I do not wish to receive email

communications or SMS communications **3. MEMBERSHIP CATEGORY APPLIED FOR – SUBJECT TO CLUB ENDORSEMENT (Tick on box only)** JUNIOR MEMBERSHIP (7-17) ADULT MEMBERSHIP Adult (18+), CLUB MEMBERSHIP

Active, Award)

Date Joined _____

 Working with ChildrenMember Protection Declaration Completed? YES NO Working with Children Expiry _____

Rego/Verification Date _____

4. OTHER MINI TROT CLUB MEMBERSHIP (Please attach list if insufficient space)**5. MEDICAL DETAILS**

If you suffer or you have suffered from any disease or any physical or mental disability (e.g., epilepsy, diabetes or permanent disability to a limb, eye or ear) likely to affect your efficiency as a Club member, it may affect your safety and the safety of the other mini trot members. You should consult your medical practitioner and NSWMTA prior to commencing any driving activity.

HAVE YOU READ THIS SECTION? YES NO **6. EMERGENCY CONTACT**

*FIRST NAME _____ *LAST NAME _____

 *RELATIONSHIP _____ *ADDRESS _____
 _____ *POSTCODE _____
 PHONE: HOME _____ BUSINESS FAX: _____
 *MOBILE: _____

7. BACKGROUND / LANGUAGE

Are you from a culturally and linguistically diverse background? YES NO Cultural Background _____

Do you use any languages other than English in your home? YES NO Second Language _____

Are you of Aboriginal descent? YES NO Are you of Torres Strait Islander descent? YES NO

8. DECLARATION

By ticking this box I declare that I (a) am not subject to any criminal investigation, (b) do not currently have any relating to a serious criminal conviction against my name and (c) have not been convicted of any serious criminal offence. I have read, understood, acknowledge and agree to the declaration and application and conditions of members leaf. I have signed that declaration and application. I warrant that all information provided is true and correct.

SIGNATURE _____ DATE: _____

9. PARENT / LEGAL GUARDIAN CONSENT

I have read, understood, acknowledge and agree to the declaration and application and conditions of members overleaf and I personally consent to the declaration and application for Membership of the applicant.

FIRST NAME _____ LA _____

SIGNATURE _____

10. OFFICE USE ONLY

Date Application received / / Amount paid: \$ _____
 _____ Receipt No. _____
 Accepted / Rejected by Club Management – Date / / Signature of Club Officer _____
 Membership Category allocated _____ Membership No. _____ ID Cited – Type _____
 _____ Entered / /

NSWMTA MEMBERSHIP APPLICATION & DECLARATION

I [insert name] of [insert address] apply for membership of NSWMTA. In consideration of my application for membership being accepted I acknowledge and agree that:

1. In this membership declaration:
 - Claim** means and includes any action, suit, proceeding, claim, demand, damage, penalty, cost or expense however arising including but not limited to negligence BUT does NOT include a claim against NSWMTA by any person entitled to make a claim under a relevant NSWMTA insurance policy or under the NSWMTA Constitution or NSWMTA Regulations.
 - NSWMTA** means New South Wales Mini Trotting Association.
 - NSWMTA Activities** means performing or participating in any capacity in any activity authorised or recognised by NSWMTA
 - NSWMTA Organisations** means and includes NSWMTA, its members (including Clubs) and their respective directors, officers, members, servants or agents.
 - NSWMTA rules** means the relevant constitutions, regulations and policies of the NSWMTA Organisations.
2. **If my application for membership is accepted I will be a member** of [Insert Club] Mini Trotting Club, I acknowledge my application will be considered and may be accepted or rejected in accordance with NSWMTA rules. If accepted I acknowledge that:
 - (a) I will be bound by and agree to comply with the NSWMTA Rules; and
 - (b) the NSWMTA rules are necessary and reasonable for promoting Mini Trotting; and
 - (c) neither membership nor the NSWMTA Rules gives rise to any:
 - (i) proprietary right of mine in, to or over any NSWMTA Organisation or its property or assets; and
 - (ii) automatic right of mine of renewal my membership of the Association; and
 - (iii) subject to any relevant law, any right to natural justice, unless expressly provided for in the relevant MTA Rules.
3. **Warning:** NSWMTA Activities can be inherently dangerous. I acknowledge that I am exposed to certain risks during NSWMTA Activities including but not limited to physical exertion, contact with mini trotting animals and equipment. I acknowledge that accidents can and often do happen which may result in me being injured or even killed, or my property being damaged. I have voluntarily read and understood this warning and accept and assume the inherent risks in participating in NSWMTA Activities.
4. **Release & Indemnity:** Where I have committed a criminal offence, been negligent and/or otherwise deliberately failed or refused to comply with the NSWMTA Rules as a member and/or whilst participating in any NSWMTA Activities and in consideration of NSWMTA accepting my application for membership I:
 - (a) release and will release the NSWMTA Organisations from all Claims that I may have or may have had but for this release arising from or in connection with my membership and/or participation in any NSWMTA Activities; and
 - (b) Indemnify and will keep indemnified the NSWMTA Organisations to the extent permitted by law in respect of any Claim by any person arising as a result of or in connection with my membership and/or participation in any NSWMTA Activities.
5. **Fitness to Participate:** I declare that I am medically, mentally and physically fit and able to participate in any NSWMTA Activities. I am not and must not be a danger to myself or to the health and safety of others. I will immediately notify NSWMTA in writing through my Club of any change to my medical condition, fitness and ability to participate.
6. **Privacy:** By completing this form I consent to NSWMTA using, disclosing and storing my personal information. I understand that the information I have provided in this form is necessary for the proper management of NSWMTA Activities, administration of NSW Mini Trotting Association and related activities in Australia. The information is collected in accordance with the NSWMTA Privacy Policy. NSWMTA may share my information with

other NSWMTA Organisations in accordance with the Privacy Policy and it may also be used to notify me of other events, news, and to offer the provision of services, including by third-party providers, to me. I understand that the NSWMTA Privacy Policy contains information about how I may access, and request correction of my personal information held by NSWMTA or make a complaint about the handling of my personal information and provides information about how a complaint will be dealt with by NSWMTA. If the information is not provided my application may be rejected. I acknowledge that if I do not wish to receive promotional material from NSWMTA sponsors and third parties I may advise in writing or via the opt-out process provided in the relevant communication.

7. **Use of image:** I consent to the relevant NSWMTA Organisation(s) of which I am a member, using my name, image, likeness and also my performance in or of any NSWMTA Activity at any time to promote the Objects of the relevant NSWMTA Organisation(s), by any form of media. I waive any rights I might have to or in such use of my name, image or likeness by the relevant NSWMTA Organisation(s).
8. **Commitment to the Protection of Children and Young People (CYP):** I declare that I will seek to protect all other members, and particularly CYP, from all Abuse and Child Abuse including grooming. I acknowledge that NSWMTA is seeking to create and maintain a member and CYP safe and inclusive culture that is understood, endorsed and put into action by all. I agree to use my best endeavours to develop and grow such a culture. I agree to be bound by and comply with the Code of Conduct for People in Position of Authority when Dealing with Children and Young People.
9. **I have provided the information required overleaf and signed both sides of this form.** I warrant that all information provided is true and correct. I acknowledge that this membership declaration cannot be amended. If I do amend it my application will be null and void and cannot be accepted by NSWMTA.
10. **Severance:** If any provision of this membership declaration is invalid or unenforceable in any jurisdiction, the phrase or clause is to be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable. If the phrase or clause cannot be so read down it will be severed to the extent of the invalidity or unenforceability of it in any other jurisdiction. Such severance does not affect the remaining provisions of this membership declaration or affect the validity or enforceability of it in any other jurisdiction.

I have read, understood, acknowledge and agree to the above declaration including the warning, exclusion of liability, release & indemnity, relating to a serious criminal offence. I acknowledge that if my application for membership is successful I will be entitled to all benefits, advantages, privileges and services of NSWMTA membership.

Signed: Date:

.....

Name:.....

NOTE: Where the applicant is under 18 years of age this form must also be signed by the applicant's parent or legal guardian.

I, am the **parent or guardian** of the applicant. I authorize and consent to the applicant undertaking the NSWMTA Activities. In consideration of the applicant's membership being accepted I expressly agree to be responsible for the applicant's behaviour and agree to personally accept in my capacity as parent or guardian the terms set out in this membership application and declaration

including the provision by me of a release and indemnity in the terms set out above. In addition, I agree to be bound by and to comply with the NSWMTA constitution and any regulations and policies made under it.

Parent's

signature:.....Date:.....

Name:

(Where applicant under 18 years of age

14. Appendix 2 – Form of Proxy

New South Wales Mini-Trotting Association Inc

Special General Meeting

A member entitled to attend and vote at the meeting is entitled to appoint a proxy.

The proxy must be a member of the Association.

The proxy form must be signed by the Member.

I

of

.....

(address)

being the President / A member

of..... (Name of Club)

appoint

of

(address)

Of

.....

(name of club the proxy is a member of)

as my proxy to vote for me on my behalf at the Special General Meeting to be held on [Date of Meeting] and at any adjournment of that meeting.

I direct my proxy to vote in respect of the resolution to be considered as outlined below and to vote or abstain in respect of any procedural resolution as my proxy thinks fit.

	For	Against	Abstain
Resolution			
Adoption of the Special Resolution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature

Signed atthisday of2019.

This proxy form must be returned to the Secretary of the Association **before 6.00 pm** on [2 days prior to date of meeting above].

NOTE

A proxy may not be given to a person who is not a member of a club or the Association