

**MOOROOLBARK &  
DISTRICT PONY CLUB  
INCORPORATED**

**Registered Association: A0005996E**

**MOOROOLBARK & DISTRICT  
PONY CLUB  
STATEMENT OF PURPOSES and  
RULES OF INCORPORATION**

Incorporated 6/8/1985  
As amended 29/4/2009

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## **STATEMENT OF PURPOSE**

### **AIMS AND OBJECTIVES:**

- To encourage young people to ride and to learn to enjoy all approved types of sport connected with horse riding.
- To provide instruction in horsemanship and riding and to instil in the members the proper care of their animals.
- To promote the highest ideals of sportsmanship, citizenship and loyalty, thereby cultivating strength of character and self-discipline

# **YOUR PONY CLUB INCORPORATED RULES**

## **1. NAME**

The name of the incorporated association is Mooroolbark & District Pony Club Incorporated.

## **2. INTERPRETATION**

(a) In these rules, unless the contrary intention appears:

**"The Pony Club"** means Mooroolbark & District Pony Club.

**"Committee"** means the Committee of Management of the Pony Club.

**"Financial Year"** means the year ending on 28th February

**"General Meeting"** means a general meeting of members convened in accordance with Rule 11.

**"Member"** means a member of the Pony Club as defined in Rule 3.

**"Officer"** of the committee means an Officer of the committee as defined in Rule 21.

**"Ordinary Member of the Committee"** means a member of the Committee of Management in accordance with Rule 22 who is not an officer of the Pony Club.

**"The Act"** means the Associations Incorporation Act 1981.

**"The District Commissioner"** means the District Commissioner of the Pony Club appointed in accordance with Rule 23.

**"The PCAV"** means the Pony Club Association of Victoria Inc.

**"The State Council"** means the State Council of the PCAV.

**"The Regulations"** means regulations under the Associations Incorporation Act 1981.

**"The Zone"** means the Northern Metropolitan Zone of Pony Clubs Incorporated and the group of clubs as designated by the PCAV of which the Pony Club is a member.

**"Zone Councillor"** means the Zone member who is appointed as its representative on the State Council also commonly known as the Zone Representative.

**"Zone Delegates"** mean the club representatives to the Zone.

**"Financial Member"** means a member who has met all of the conditions of Rule 3 and has fully paid all due monies to the Pony Club and PCAV.

(b) In these Rules, a reference to the Secretary of the Pony Club is a reference:

- (i) to the person who holds office under these rules as Secretary of the Pony Club; and
- (ii) in any other case, to the Public Officer of the Pony Club.

(c) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 and the Act as in force from time to time.

(d) The singular includes the plural and vice versa; and words importing one gender include the other.

### **3. MEMBERSHIP**

- (a) The Pony Club membership year is 1 March to 28 February each year.
- (b) A person who applies for membership or a member who applies to renew membership in ensuing years, is eligible to be a member of the Pony Club under these rules: -
- (c) Membership ceases at 31 May unless: -
  - (i) an application for renewal of membership is approved under these rules
  - (ii) the member, before 31 May, resigns under rule 6 or is expelled under rule 7.
- (d) A person who applies for membership or a member who applies to renew membership, must not be admitted or readmitted as a member of the Pony Club unless the application is:
  - (i) made in writing on a membership application form approved by the committee, which enables collection of all relevant membership details and any information required by the PCAV
  - (ii) signed by a parent or guardian giving written permission for an applicant under the age of 18 years to join the Pony Club
  - (iii) lodged with the Secretary of the Pony Club and with the annual fee under rule 4
  - (iv) approved by the committee.
- (g) Upon receipt of an application and the fee, the Secretary shall refer the application to the next scheduled committee of management meeting for consideration.
- (h) Upon application being referred to the committee, the committee shall determine whether to approve or to reject the applicant.
- (i) Upon an application being approved by the committee the Secretary or a nominated membership officer on behalf of the Secretary must :-
  - (i) immediately remit the prescribed PCAV club member fee to the PCAV in accordance with PCAV Rules and Regulations.
  - (ii) register the member with PCAV for insurance and other purposes in accordance with PCAV Rules and Regulations.
  - (ii) ensure that the PCAV issues and forwards to the Pony Club a PCAV club member when applicable and check the details upon receipt to ensure the members details are accurate.
  - (iii) enter the applicant's name in the register of members kept in accordance with rule 5. Upon the name being so entered, the applicant becomes a member of the Pony Club.
- (j) Upon the applicant becoming a member of the Pony Club the Secretary shall, with as little delay as possible, notify the applicant that the application was accepted and the member is eligible to participate in club activities subject to PCAV rules and regulations.
- (k) Upon an application being rejected by the committee the Secretary must notify the applicant in writing and return the annual fee without explanation of the reasons for rejection.
- (l) A right, privilege, or obligation of a person by reason of his membership of the Pony club:-
  - (i) is not capable of being transferred or transmitted to another person;
  - (ii) terminates upon the cessation of his membership whether by death or resignation or otherwise.

- (m) Members of the Pony Club shall be classified as club members who meet the requirements of these rules and as defined in the PCAV rules and regulations and honorary life members in rule 3(o).
- (n) The definitions, conditions and procedures for Financial, Un-financial, Transferring, Re-joining members and any other classification of members, must be in accordance with the PCAV rules and regulations.
- (o) Honorary Life membership may be bestowed upon a person who has been a Member or Adult Supporter for a minimum of Ten years and has served at least Five Years as an Officer of the Club. Life membership may be bestowed to not more than two persons in any one year. Such Honorary Life Memberships to be selected by Committee.
  - (i) a Life member is not required to pay a joining fee or the annual subscription fee and must be maintained on the PCAV and Pony Club register until the member is deceased, tenders their resignation or has their life membership revoked in accordance with rule 7.
  - (ii) Club Distinguished Service Award may be presented to a person who has been a Member or Adult Supporter for a minimum of Eight years.
  - (iii) All nominations for Life Membership and Club Distinguished Award nominations are to be in writing two months prior to the Annual General Meeting.

#### **4. ENTRANCE AND ANNUAL FEES**

- (a) The pony club membership year is 1 March to 28 February each year each year in accordance with rule 3.
- (b) There is no entrance fee for membership to the Pony Club.
- (c) The committee shall from time to time, determine the annual fee payable by each class of member with consideration of its obligation for PCAV and Zone fees.
- (d) Fees must be collected in time to satisfy PCAV requirements. Most fees will be collected between 1 March to 30 April.
- (f) The committee shall have discretionary powers to wave, vary or allow payment of the annual fee in instalments.
- (g) Honorary Life members are not required to pay the annual fee under rule 3(o)(i).

#### **5. REGISTER OF MEMBERS**

- (a) The Secretary must keep and maintain a register of members containing:
  - (i) the full name, address, electronic transmission details; and
  - (ii) the date of entry of the name of each member and the class of membership; and
  - (iii) subject to confidentiality and privacy considerations, an extract of the register, excluding the address of members shall be available for inspection (but not copying) free of charge by Members, upon reasonable request.
- (b) Any member that is granted access to the members register must keep the information confidential and may not disclose or distribute the information in any manner outside of the pony club nor to other members unless pre-approval is obtained from the committee of management.

#### **6. RESIGNATION OF MEMBER**

- (a) A member of the Pony Club who has paid all moneys due and payable by him to the Pony Club may resign from the Pony Club by first giving one month's notice in writing to the Secretary of his intention to resign.

- (b) After expiry of the one month referred to in rule 6(a):
  - (i) the member ceases to be a member; and
  - (ii) the Secretary must record in the register of members the date on which the member ceased to be a member.
  - (iii) issue and provide to the resigning member, a letter of acknowledgement and acceptance of the resignation with as little delay as possible.

## **7. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS**

- (a) Subject to these rules, if the committee is of the opinion that a member has refused or neglected to comply with these rules; or has been guilty of conduct unbecoming a member and/or prejudicial to the interests of the Pony Club or the PCAV; or a member shows insufficient interest in instruction; or misses too many rallies; or does not respond to the standard of discipline laid down by the committee, the committee may by resolution:
  - (i) suspend that member from membership of the Pony Club for a period of time to a maximum period of twelve months
  - (ii) fine that member an amount not exceeding the maximum prescribed penalty of the Act
  - (iii) expel that member from the Pony Club.
- (b) A resolution of the committee under rule 7(a) does not take effect unless:
  - (i) at a meeting held in accordance with rule 7(c) the committee confirms the resolution
  - (ii) if the member exercises a right of appeal to the Pony Club under this rule, the Pony Club confirms the resolution in accordance with this rule.
- (c) A meeting of the committee to confirm or revoke a resolution passed under rule 7(a) must be held not earlier than 14 days and no later than 28 days, after the notice has been given to the member in accordance with rule 7(d).
- (d) For the purposes of giving notice in accordance with rule 7(c) the Secretary must, as soon as practicable, cause to be given to the member a written notice:
  - (i) setting out the resolution of the committee and the grounds on which it is based; and
  - (ii) stating that the member, or his representative, may address the committee at a meeting to be held not earlier than 14 and not later than 28 days after the notice has been given to that member; and
  - (iii) stating the date, place and time of that meeting; and
  - (iv) informing the member that he may do one or more of the following -
    - (a) attend that meeting;
    - (b) give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
    - (c) informing the member that, if at that meeting, the committee confirms the resolution, he may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he wishes to appeal to the Pony Club in a general meeting against the resolution.
- (e) At a meeting of the committee to confirm or revoke a resolution passed under rule 7 (a) the committee must:
  - (i) give to the member, or his representative, an opportunity to be heard; and
  - (ii) give due consideration to any written statement submitted by the member; and
  - (iii) determine by resolution whether to confirm or to revoke the resolution.

- (f) If at the meeting of the committee, the committee confirms the resolution the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he wishes to appeal to the Pony Club in a general meeting against the resolution.
- (g) If the Secretary receives a notice under rule 7(f), he must notify the committee and the committee must convene a general meeting of the Pony Club to be held within 21 days after the date on which the Secretary received the notice.
- (h) At a general meeting of the Pony Club convened under rule 7(g):
  - (i) no business other than the question of the appeal shall be conducted; and
  - (ii) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
  - (iii) the member, or his representative, must be given an opportunity to be heard; and
  - (iv) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (I) A resolution is confirmed if, at the general meeting, not less than two-thirds of the members who are present or by proxy, vote in favour of the resolution. In any other case, the resolution is revoked.

## **8. DISPUTES AND MEDIATION**

- (a) The grievance procedure set out in this rule applies to disputes under these rules between:
  - (i) a member and another member; or
  - (ii) a member and the Pony Club Committee of Management and/or an Official of the Pony Club and/or the District Commissioner.
- (b) The parties to the dispute must meet and discuss the matter and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all parties.
- (c) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days, hold a meeting in the presence of a mediator.
- (d) The mediator must be a person chosen by agreement between the parties, or in the absence of agreement -
  - (i) in the case of a member and another member, a person appointed by the Committee of Management of the Pony Club; or
  - (ii) in the case of a member and the Pony Club Committee of Management and/or an Official of the Pony Club and/or the District Commissioner:
    - (a) a member of the pony club who is not a club officer; or
    - (b) a member of the Zone Committee of Management; or
    - (c) a person appointed by the PCAV Council or who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice), or a mediator appointed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (e) The mediator cannot be a family member or someone who is by association or friendship a party to the dispute.
- (f) A member of the Pony Club can be a mediator.
- (g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (h) The mediator, in conducting the mediation, must:
  - (i) give the parties to the mediation process every opportunity to be heard, and



- (ii) allow due consideration by all parties of any written statement submitted by any party; and
  - (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (I) The mediator must not determine the dispute.
- (j) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **9. ANNUAL GENERAL MEETINGS**

- (a) The committee shall convene an annual general meeting after the end of the financial year and before the 31<sup>st</sup> May each year, in a place, and at a time to be decided by the committee.
- (b) The Secretary must send to each member of the Pony Club, at least 21 days before the date fixed:
- (i) a notice convening and specifying that it is the annual general meeting in accordance with Rule 12
  - (ii) the 'Committee Member Nomination' form (Appendix 1).
- (c) The ordinary business of the annual general meeting shall be:
- (i) to confirm the minutes of the preceding annual general meeting and of any general meeting held since that meeting
  - (ii) to receive from the committee reports upon the transactions of the Pony club during the last preceding financial year
  - (iii) to elect officers of the Pony Club and the ordinary members of the committee
  - (iv) to receive and consider the statement submitted by the Pony Club in accordance with section 30(3) of the Associations Incorporation Act.
- (d) the annual general meeting may conduct special business of which notice has been given in accordance with these Rules.
- (e) The person presiding at the annual general meeting shall be as required in Rule 14.

## **10. SPECIAL GENERAL MEETINGS**

- (a) In addition to the annual general meeting, any other general meetings may be held in the same year.
- (b) All general meetings other than the annual general meeting are special general meetings.
- (c) The committee may, whenever it thinks fit, convene a special general meeting of the Pony Club.
- (d) If but for this sub-rule, more than 15 months would elapse between annual general meetings, the committee must convene a special general meeting before the expiration of that period.
- (e) The committee must, on the request in writing of members representing not less than 5 percent of the total number of members, convene a special general meeting of the Pony Club.
- (f) The request for a special general meeting must:
- (i) state the objects of the meeting
  - (ii) be signed by the members requesting the meeting
  - (iii) be sent to the address of the Secretary.

- (g) If the committee does not cause a special general meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the members making the request, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- (h) If a special general meeting is convened by members in accordance with this rule, it must be convened in the same manner so far as possible as a meeting convened by the committee and all reasonable expenses incurred in convening the special general meeting must be refunded by the Pony Club to the persons incurring the expenses.

## **11. SPECIAL BUSINESS**

All business that is conducted at a special general meeting and all business that is conducted at the annual general meeting, except for business conducted under the rules as ordinary business of the annual general meeting, is deemed to be special business.

## **12. NOTICE OF GENERAL MEETINGS**

- (a) The Secretary of the Pony Club, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Pony Club, must cause to be sent to each eligible to vote member of the Pony Club, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- (b) Notice may be sent –
  - (i) by pre-paid post to the address appearing in the register of members; or
  - (ii) if the member has agreed, by electronic transmission.
- (c) No business other than that set out in the notice convening the meeting shall be conducted at the meeting.
- (d) Any member intending to bring any business before a meeting may notify in writing or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

## **13. QUORUM AT GENERAL MEETINGS.**

- (a) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.
- (b) Five members personally present and entitled to vote constitute a quorum for the conduct of the business of a general meeting, except in the case of rule 13(d).
- (c) A quorum for committee of management meetings shall be in accordance with rule 29.
- (d) If within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present:
  - (i) in the case of a meeting convened upon the request of members, the meeting must be dissolved; and
  - (ii) in any other case, the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (e) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (being not less than 3) shall be a quorum.

#### **14. PRESIDING AT GENERAL MEETINGS**

- (a) The President, or in the Presidents absence, the Vice-President, shall preside as Chairperson at each general meeting of the Pony Club.
- (b) If the President and the vice-President are absent from the general meeting or are unable to preside, the members present shall elect one of their number as Chairperson.
- (c) At the annual general meeting, a person who has not been nominated for election or re-election, as an officer of the Pony Club, must be chosen to preside over the election of club officers until such time in the meeting that a nominated person who would normally preside over general meetings has been formally elected to office.
- (d) The committee may pre-appoint a Chairperson or a person may be elected from the floor at the annual general meeting to preside over only the elections of officers or the entire annual general meeting.

#### **15. ADJOURNMENT OF MEETINGS**

- (a) The Chairperson may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and place to place.
- (b) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (c) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 12.
- (d) Except as provided in rule 15(c), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

#### **16. VOTING AT GENERAL MEETINGS**

- (a) Upon any question arising at a general meeting of the Pony Club, Associate Members, Supporting Members and Life Members only are entitled to one vote each.
- (b) All votes shall be given personally or by proxy.
- (c) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (d) A member is not entitled to vote at any general meeting unless all monies due and payable by the member to the Pony Club have been paid.

#### **17. POLL AT GENERAL MEETINGS**

- (a) If at a meeting a poll on any question is demanded by not less than three members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (b) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

#### **18. MANNER OF DETERMINING A RESOLUTION**

- (a) If question arising at a general meeting of the Pony Club is determined on a show of hands:
  - (i) a declaration by the Chairperson that a resolution has been:
    - (a) carried

- (b) carried unanimously
- (c) carried by a particular majority
- (d) lost, and
- (ii) an entry to that effect in the minute book of the Pony Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

## **19. PROXY VOTES**

- (a) Each member is entitled to appoint another member as his proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (b) The notice appointing the proxy must be in the form set out in Appendix 2.

## **20. COMMITTEE OF MANAGEMENT**

- (a) The affairs of the Pony Club shall be managed by a committee of management.
- (b) The committee:
  - (i) shall control and manage the business and affairs of the Pony Club; and
  - (ii) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Pony Club other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Pony Club; and
  - (iii) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the committee to be essential for the proper management of the business and affairs of the Pony Club.
- (c) The committee shall consist of:
  - (i) a minimum of five financial Adult Supporters and a maximum of thirteen, who shall be assembled from :
    - (a) the Officers of the Pony Club in accordance with rule 21; and
    - (b) Ordinary Members in accordance with rule 22; and
    - (c) the District Commissioner in accordance with rule 23.

## **21. OFFICE HOLDERS**

- (a) The officers of the Pony Club shall be:
  - (i) a President
  - (ii) a Vice President (an optional position but there may also be two vice presidents)
  - (iii) a Secretary who shall also be the Public Officer of the Pony Club; and
  - (iv) a Treasurer.
- (b) The provisions of rule 25, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices referred to in rule 25(a).
- (c) Each officer of the Pony Club shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.
- (d) The officers of the Pony Club shall be Adult supporting members and/or Life members.
- (e) The officers of the Pony Club must act in accordance with their role as defined by the PCAV Rules and Regulations and these rules.
- (f) In the event of a casual vacancy in any office referred to in rule 25(a), the committee may appoint one of its members to the vacant office and the member appointed may

continue in office up to and including the conclusion of the annual general meeting next following the date of his appointment.

- (g) The Pony Club shall inform the PCAV, the Zone Secretary and the Zone Councillor in writing or be electronic transmission of the name and address of the Club Officers immediately following their appointment.

## **22. ORDINARY MEMBERS OF THE COMMITTEE**

- (a) The committee in addition to rules 21 and 23, shall consist of:
  - (i) not less than one and not more than eight ordinary members who shall be –
    - (a) adult supporting members and/or life members; and
    - (b) not more than two associate members.
  - (ii) each ordinary member shall be elected at the annual general meeting each year.
- (b) The provisions of Rule 25 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the ordinary committee members mentioned in rule 22(a)(i).
- (c) Each ordinary member of the committee shall hold office until the annual general meeting next after the date of his election but is eligible for re-election.
- (d) In the event of a casual vacancy occurring in the office of an ordinary member of the committee, the committee may appoint a member of the Pony Club to fill the vacancy and the member appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his appointment.

## **23. DISTRICT COMMISSIONER**

- (a) The committee shall, at the first committee meeting held immediately following the annual general meeting, appoint a District Commissioner:
  - (i) who shall be an Adult supporting member or Life member; and
  - (ii) satisfy the criteria for selection in accordance with the PCAV Rules and Regulations.
- (b) Upon appointment the District Commissioner shall become a committee member of the committee of management.
- (c) The District Commissioner shall remain in office until the committee appoints another District Commissioner for the ensuing year but is eligible for reappointment.
- (d) The Pony Club shall inform the PCAV, Zone Secretary and the Zone Councillor in writing or be electronic transmission of the name and address of the appointed District Commissioner immediately following the appointment.

## **24. ZONE MEMBERSHIP AND DELEGATES**

- (a) The Pony Club must be a financial member of the Zone as designated by the PCAV, and shall follow the rules of the Zone.
- (b) The committee, from year to year, must appoint zone delegates to attend and vote at the Zone committee of management meetings. The timing and criteria of these appointments will be in accordance with PCAV and the Zone rules.
- (c) Zone delegates do not need to be members of the Pony Club committee.
- (d) The Pony Club shall inform the Zone Secretary and the Zone Councillor, in a format required by the Zone, of the name and address of the appointed zone delegates as soon as possible after their appointment.
- (e) The zone delegates must act in accordance with PCAV Rules and Regulations and the Zone rules.

## **25. ELECTION OF OFFICERS and ORDINARY COMMITTEE MEMBERS**

- (a) Nominations of candidates for election as officers of the Pony Club or as ordinary members of the committee must be:
  - (i) made in writing, as per the format of Appendix 1, signed by two members being either associate members, supporting members or life members of the Pony Club and accompanied by the written consent of the candidate (which must be endorsed on the form of nomination); and
  - (ii) delivered to the Secretary of the Pony Club not less than 7 days before the date fixed for the holding of the annual general meeting.
- (b) A candidate may only be nominated for one office, or as an ordinary member of the committee, prior to the annual general meeting.
- (c) A person shall not hold more than one position on the committee of management in the Pony Club.
- (d) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are deemed elected and further nominations shall be received at the annual general meeting.
- (e) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are deemed elected.
- (f) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- (g) The ballot for the election of officers and ordinary members of the committee must be conducted at the annual general meeting in such manner as the Chairperson may direct.

## **26. VACANCY OF OFFICER OR COMMITTEE MEMBER**

- (a) The office of an officer in the Pony Club or of an ordinary member of the committee becomes vacant if the officer or member:
  - (i) ceases to be a member of the Pony Club
  - (ii) becomes an insolvent under administration within the meaning of the Corporations Law
  - (iii) resigns from office by notice in writing given to the Secretary.

## **27. MEETINGS OF THE COMMITTEE**

- (a) The committee must meet at least 3 times in each year at such place and such times as the committee may determine.
- (b) Special meetings of the committee may be convened by the President or by any 4 members of the committee.

## **28. NOTICE OF COMMITTEE MEETINGS**

- (a) Written notice by pre-paid mail or electronic transmission of each committee meeting must be given to each member of the committee at least 14 business days before the date of the meeting.
- (b) Written notice by pre-paid mail or electronic transmission must be given to members of the committee of any special meeting specifying the general nature of the business to be conducted and no other business shall be conducted at such a meeting.

## **29. QUORUM FOR COMMITTEE MEETINGS**

- (a) Five committee members personally present and entitled to vote constitute a quorum for the conduct of the business of a committee meeting.

- (b) No business shall be transacted unless a quorum is present.
- (c) If within half an hour of the time appointed for the meeting a quorum is not present:
  - (i) in the case of a special meeting, the meeting lapses
  - (ii) in any other case, the meeting shall stand adjourned to the same place and at the same time and day in the following week.
- (d) the committee may act notwithstanding any vacancy on the committee.

### **30. PRESIDING AT COMMITTEE MEETINGS**

At meetings of the committee, the presiding person shall be in accordance with rule 14.

### **31. VOTING AT COMMITTEE MEETINGS**

- (a) Questions arising at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee, shall be determined on a show of hands or, if a member requests, by a poll taken in such manner as the person presiding at the meeting may determine.
- (b) Each member present at a meeting of the committee, or at a meeting of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

### **32. REMOVAL OF A MEMBER OF THE COMMITTEE**

- (a) The Pony Club in a general meeting may, by resolution, remove any member of the committee before the expiration of the member's term of office and appoint another member in his place to hold office until the expiration of the term of the first-mentioned member.
- (b) If any member of the committee fails to attend three consecutive meetings of the committee without having previously obtained leave of absence, the committee may declare his office vacant and reappoint another person in accordance with rules 32(c), 32(d) and 26.
- (c) A member who is the subject of a proposed resolution referred to in rule 32(a) may make representations in writing to the Secretary or President of the Pony Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Pony Club.
- (d) The Secretary or the President may give a copy of the representations to each member of the Pony Club or, if they are not so given, the member may require that they be read out at the meeting.

### **33. MINUTES OF MEETINGS**

The Secretary of the Pony Club must keep minutes of the resolutions and proceedings of each general meeting and each committee meeting, together with a record of names of persons present at those meetings.

### **34. NOTICES**

- (a) Except for the requirement in Rule 12 any notice that is required to be given to a member by or on behalf of the Pony Club, under these rules may be given by:
  - (i) delivering the notice to the member personally
  - (ii) sending it by prepaid post addressed to the member at that member's address shown in the register of members
  - (iii) electronic transmission, if the member has agreed that the notice may be given to him in this manner.

### **35. CUSTODY OF RECORDS AND INSPECTION OF BOOKS AND RECORDS**

- (a) Except as otherwise provided in these Rules, the Secretary must keep in his custody or under his control all books, documents and securities of the Pony Club.
- (b) All accounts, books, securities and any other relevant documents of the Pony Club must be available for inspection free of charge by any member upon request.
- (c) A member may make a copy of any accounts, books, securities and any other relevant documents of the Pony Club.

### **36. FUNDS**

- (a) The Treasurer of the Pony Club must:
  - (i) collect and receive all moneys due to the Pony Club and make all payments authorized by the Pony Club; and
  - (ii) keep correct accounts and books showing the financial affairs of the Pony Club with full details of all receipts and expenditures connected with the activities of the Pony Club.
- (b) The accounts and books referred to in rule 36(a) shall be available for inspection by members.
- (c) The funds of the Pony Club shall be derived from annual subscriptions, donations and such other sources as the committee determines.

### **37. CHEQUES**

All cheques, drafts bills of exchange, promissory notes and other negotiable instruments must be signed by two committee members as authorised by the committee. However, three signatures may be established for convenience with any two to sign.

### **38. AUDITOR**

- (a) An Auditor, who must not be a member of the Pony Club, must be appointed by the committee at the end of each financial year.
- (b) The Auditor shall audit the accounts of the Pony Club, and shall certify the balance sheet and statement of accounts laid before the annual general meeting each year.

### **39. POWER TO BORROW MONEY**

The Pony Club may issue debenture stock and bonds of the Pony Club, at any time, in any form or manner, and shall have the power to restrict the transfer assignment or charges thereof of any of them and for any amount and may raise or borrow for the purpose of the Pony Club, or on debenture stock, or bonds, or otherwise as it may think fit.

### **40. SEAL**

- (a) The Common Seal of the Pony Club shall be kept in the custody of the Secretary.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the committee or of one member of the committee and of the public officer of the Pony Club.

### **41. LEGAL LIABILITY**

The committee shall maintain a third party insurance policy to cover the legal liability of the Pony Club, as set down from time to time by the PCAV. No liability shall be admitted by the committee, or any person acting on behalf of the committee thereof, in



respect of any accident or injury, happening to any member of the Pony Club, or person, or any property, caused or happening in connection with any activity of the committee.

#### **42. PONY CLUB AFFILIATION**

The Pony Club must be affiliated with the PCAV and as such agrees to abide by and act in accordance with the Rules and By-Laws of the PCAV.

#### **43. WINDING UP OR CANCELLATION**

- (a) The Pony Club may be wound up, by means of a special resolution passed at a general meeting.
- (b) The intention must be clearly set out in the notice convening such a meeting.
- (c) Upon such a resolution being passed, all the property and assets of the Pony Club after payment of all properly incurred debts and liabilities of the Pony Club shall be disposed of, to any association having similar purpose to that of the Pony Club with such association to be selected at the last meeting of the Pony Club, or if this is not done to the Pony Club Association of Victoria.

#### **44. ALTERATION OF RULES AND STATEMENT OF PURPOSES**

These Rules and the Statement of Purposes of the Pony Club must not be altered except by means of a resolution of which all members have received notice in accordance with these rules and of which at least 75% of the members present and voting at the general meeting at which the resolution is considered vote in favour.

**APPENDIX 1**

**Mooroolbark and District Pony Club Inc.**

Registered Association: A0005996E

**Committee Member Candidate  
Nomination Form**

In accordance with the  
Mooroolbark and District Pony Club Rules of Incorporation.

This form must be used for Committee Member Candidate Nominations for the Annual General Meeting.

Nominations must be received by the club Secretary **no latter than 7 days prior** to the annual general Meeting.

We hereby nominate \_\_\_\_\_ for

the position of \_\_\_\_\_

Nominated by: \_\_\_\_\_ Signed \_\_\_\_\_

Seconded by: \_\_\_\_\_ Signed \_\_\_\_\_

**Consent of Candidate**

I hereby advise the Secretary of my consent to this nomination.

Candidates Name: \_\_\_\_\_ Signed \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**APPENDIX 2**

**Mooroolbark and District Pony Club Inc.**

Registered Association: A0005996E

**APPOINTMENT OF PROXY**

In accordance with the  
Mooroolbark and District Pony Club Rules of Incorporation.

I, .....  
of.....  
hereby  
appoint.....  
of.....  
being a Member of the Pony Club as my proxy to vote for me on my behalf at the  
general meeting of the Pony Club (annual general meeting or special general  
meeting, as the case may be) to be held on the .....day  
of.....the year ..... and at any adjournment of  
that meeting.

(1) My proxy is authorised to vote in favour of/against (delete as appropriate)  
the resolution (insert details).

And/Or (delete as appropriate)

(2) My proxy is authorised to vote for all resolutions as my proxy may decide  
at the meeting.

Signed.....

The.....day of.....the year .....