

**Constitution
of**

TROTTERS ASSOCIATION OF NEW SOUTH WALES Inc.

October 2016

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TROTTERS ASSOCIATION OF NEW SOUTH WALES INCORPORATED

CONSTITUTION

1. Name

The name of the Association shall be the Trotters Association of New South Wales Incorporated (hereinafter referred to as 'the Association').

2. Objects

The objects of the Association are:

- (a) To establish an Association in which men and women can join together as members in actively participating in, or supporting, the sport of harness racing in NSW.
- (b) To promote the breeding and racing of standardbred trotters in New South Wales.
- (c) To represent trotting owners, trainers, drivers and other harness racing participants and pursue goals for the betterment of trotting racing in NSW.
- (d) To accept any gift, legacy, grant or advance for any purpose conducive to the advancement and development of the trotter in NSW.
- (e) To liaise and work in conjunction with kindred associations and/or other organisations associated with harness and square trotting racing whether within or outside NSW.
- (f) To support and subscribe to any public body, institution, society, association or club which may be for the benefit of the harness and the trotting gait racing industry.
- (g) To promote and advance harness and the trotting gait racing generally.
- (h) To do all things incidental or conducive to the attainment of the above objects and the orderly administration and advancement of the Association and the promotion and advancement of square trotting racing.

3. Definitions and Interpretation

3.1 Definitions

In this Constitution:

Act means the *Associations Incorporation Act 2009*.

Association means the Trotters Association of New South Wales Inc, being an association registered under the *Associations Incorporation Act 2009*.

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

Committee means the committee of management of the Association.

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

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.

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)*.

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.

3.2 Interpretation

In this Constitution:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

- (c) 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.
- (d) 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.
- (e) Words importing the singular include the plural and vice versa.
- (f) Words importing any gender include the other genders;
- (g) Headings are for convenience only and shall not be used for interpretation.

4. Membership

4.1 Membership Generally

- 4.1.1 A person is eligible to be a member of the Association if the person:
- (a) is a natural person; and
 - (b) is at least eighteen years of age and
 - (c) the person has applied and been approved for membership of the Association in accordance with Clause 4.3.
- 4.1.2 A person is ineligible to be a member of the Association if the person:
- (a) is currently, or during the previous 10 years has been, 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) is an undischarged bankrupt or is taking advantage of the laws in force for the time being related to bankruptcy.
- 4.1.3 Notwithstanding paragraph 4.1.2, a person shall be eligible to be considered by the Committee for membership if the disqualification referred to has terminated or been avoided.

4.2 Classes of Membership

There shall be two classes of membership, namely:

- (a) "Ordinary Members" who will be entitled to all privileges of the Association and shall have the right to vote at all general meetings of the Association and in any election held to determine the composition of an in-coming Committee and on any other question on which an expression of opinion by members generally is sought by way of vote
- (b) "Honorary Life Members" being those persons on whom the distinction of honorary life membership is conferred by an Annual General Meeting of the Association. Honorary Life Members shall have the same rights and privileges as Ordinary Members.

4.3 Application and Admission to Membership

- 4.3.1 Any person 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 his/her name, address, contact details, occupation and any other details required by the Committee.
- 4.3.2 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.
- 4.3.3 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.

- 4.3.4 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.
- 4.3.5 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).
- 4.3.6 Should the decision be in favor 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.
- 4.3.7 In the case of any rejected application for membership, any fee paid in respect thereof will be refunded in full.

4.4 Renewal of Membership

- 4.4.1 Members are required to re-apply annually for membership of the Association in accordance with the procedures set down by the Association from time to time.
- 4.4.2 Members are required to renew their membership on the relevant form and pay the designated fee as determined by the Committee from time to time.
- 4.4.3 Upon re-application a Member must provide details of any change in their personal details, and any other information reasonably required by the Association.
- 4.4.4 As soon as practicable after the Committee makes a determination, the Secretary must:-
- a) In the case or renewal of membership notify the member, 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 nominee'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.

4.5 Cessation or Resignation of Membership

- 4.5.1 A person ceases to be a member of the Association if the person:
- (a) dies; or
 - (b) resigns their membership; or
 - (c) is expelled from the Association; or
 - (d) fails to pay their annual subscription; or
 - (e) is warned off or disqualified under the Rules of Harness Racing or the *Harness Racing Act 2009*; or
 - (f) 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
 - (g) is an undischarged bankrupt or is taking advantage of the laws in force for the time being related to bankruptcy.
- 4.5.2 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.

- 4.5.3 Any member considered by the Committee to have 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 may be expelled from the membership or have his or her membership of the Association suspended for such period as the Committee shall think fit PROVIDED HOWEVER that no decision to expel or suspend as aforesaid shall be made by the Committee unless the member first shall have been given fourteen days notice, forwarded by ordinary prepaid post to the address of the member appearing in the Association's records, of the matters alleged against such member shall be entitled to be present and be heard thereon; nor shall any decision be made until the Committee either has heard such member if appearing or there shall have been a failure of the member to appear at the appointed meeting.
- 4.5.4 If a member ceases to hold membership, the Honorary Secretary must make an appropriate entry in the Register of Members recording the date on which the member ceased to be a member.
- 4.5.5 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.

4.6 Membership Fee

- 4.6.1 The Membership Fee for Ordinary Members shall be such sum as determined by the Committee or the Association at an Annual General Meeting or Special General Meeting.
- 4.6.2 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.
- 4.6.3 An Ordinary Member must pay their annual subscription on or before the 1st day of October in each year. If the Membership Fee remains outstanding as at 1 October of that year the member shall cease to be a member and his/her name shall be removed from the list of members.
- 4.6.4 Life Members shall not be required to pay an annual subscription.
- 4.6.5 No member shall be eligible to exercise the rights and privileges of membership while his/her Membership Fee for the current year remains outstanding.
- 4.6.6 Any person who becomes an Ordinary Member of the Association during the year shall nevertheless pay the full year's subscription.

4.7 Honorary Life Members

- 4.7.1 Any Ordinary Member who has rendered distinguished services to the Association may be proposed to the Committee in writing as a candidate for honorary life membership by two Ordinary Members. The Committee at its discretion may put a resolution to the Annual General Meeting for the election of that member to Life Membership.

- 4.7.2 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 Club.
- 4.7.3 Any person on whom the office of Life Member is conferred shall have all the rights of an ordinary member including the power to vote, but shall not be required to pay membership fees.

4.8 Resolution of Internal Disputes

- 4.8.1 A dispute between a member and another member (in their capacity as members) of the Club, or a dispute between a member or members and the Club, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983.
- 4.8.2 If a dispute is not resolved by mediation within three months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- 4.8.3 The Commercial Arbitration Act 1984 applies to any such dispute referred to arbitration.

4.9 Disciplining of Members

- 4.9.1 A complaint may be made to the Committee by any member that another member of the Association:
- (a) has refused or neglected to comply with a provision or provisions of this Constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the Association.
- 4.9.2 The Committee may itself resolve to initiate a complaint on the grounds specified in sub-clause (1).
- 4.9.3 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.
- 4.9.4 If the Committee decides to deal with the complaint, the Committee must cause notice of the complaint to be served by Registered Post on the member concerned. 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.
- 4.9.5 Any member appearing before the Committee pursuant to sub-clause (4) shall be entitled to bring witnesses to give evidence on his or her behalf.
- 4.9.6 If, after considering the complaint and any submissions made in connection with the complaint, the 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, by resolution, reprimand the member, expel

the member from the Association or suspend the member from membership of the Association.

4.9.7 If the Committee resolves to reprimand, expel or suspend a member, the Secretary must, within seven days after the making of that resolution, cause written notice to be served by Registered Post on the member of the Committee's resolution, of the reasons given by the Committee for its resolution and of the member's right of appeal under clause 4.10 and the member's right to seek a stay of proceedings under clause 4.10.1.

4.9.8 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 under clause 4.10.1, until a date to be determined by the Committee when determining that stay application;

whichever is the later.

4.10 Right of Appeal of Disciplined Member

4.10.1 Any member appealing against a resolution of the Committee made under clause 4.9 may apply for a stay of proceedings until the general meeting at which the appeal shall be heard. Such application must be given in writing by the member, together with the notice of appeal, and must state the grounds upon which the stay application is based. The application shall be heard at the next meeting of the Committee and the applicant shall be given the opportunity to appear at such meeting to put forward his or her case. Should the applicant fail to appear at the meeting of the Committee, the Committee may hear the application in the applicant's absence. The Committee may in its discretion deny the application or grant the application on such terms and conditions as it thinks fit.

4.10.2 A member may appeal against a resolution of the Committee under clause 4.9.6 to reprimand, expel or suspend the member, to:

- (a) the next general meeting of the Association; or
- (b) an Special General Meeting of the Association specially convened for that purpose.

4.10.3 The member must lodge his or her notice of appeal with the Secretary within twenty one days after notice of the resolution is served on that member. The notice of appeal must state whether the member requires the appeal to be disposed of either at the next general meeting or at a Special General Meeting specially convened for that purpose.

4.10.4 The notice of appeal may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.

4.10.5 No application for an appeal to a specially convened Special General Meeting shall be entertained unless the notice of appeal calling for that specially convened meeting has been signed by the appellant and counter-signed by one other Ordinary Member of the Association. If the application has not been signed and counter-signed as provided for in this sub-clause, the appeal is to be heard at the Association's next occurring general meeting.

4.10.6 On receipt of an application for an appeal which satisfies the requirements of sub-clause (5), the Secretary must notify the Committee which is to convene a Special

General Meeting to be held within twenty eight days after the date on which the Secretary received the notice.

4.10.7 At a general meeting or Special General Meeting dealing with an appeal under this clause:

- (a) No business other than the question of appeal is to be transacted; and
- (b) the Committee and the appellant must be given the opportunity to state their respective cases orally or in writing, or both;
- (c) the appellant shall be entitled to bring witnesses to give evidence on his or her behalf; and
- (c) the members present are to vote by secret ballot on the question of whether:
 - (i) the resolution of the Committee should be confirmed; or
 - (ii) an alternative disciplinary measure provided for by clause 4.9.6 should be imposed; or
 - (iii) the appeal should be upheld.

4.10.8 The appeal is to be determined by a simple majority of votes cast by members of the Association present and entitled to vote at the general meeting or specially convened Special General Meeting.

4.11 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.

4.12 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.

4.13 Privileges of Membership

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

- (1) The right to attend and vote at the Annual General Meeting and all Special and General Meetings.
- (2) Eligibility for election to the Committee of the Association.

4.14 Minimum Number of Members

The association must have a minimum of at least fifty (50) active ordinary Members.

4.15 Register of Members

4.15.1 The Public Officer of the Association must establish and maintain a register of members of the Association (whether in written or electronic form) specifying the name and postal or residential address of each person who is a member of the Association together with the date on which the person became a member.

- 4.15.2 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.
- 4.16.3 The register of members must be open for inspection, free of charge, by any member of the Association at any reasonable hour.
- 4.16.4 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.
- 4.16.5 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.
- 4.16.6 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.
- 4.16.7 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.

5. The Committee

5.1 Powers of the Committee

Subject to the Act, the Regulation, this constitution and any resolution passed by the Association, the Committee shall:

- (a) Control and manage the affairs of the Association; and
- (b) 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
- (c) Have the power to perform all acts and do all things that appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association; and
- (d) Conduct the affairs of the Association according to recognised standards of effective management; and.
- (e) Control all matters affecting the membership of the Association; and
- (f) Without in any way restricting the generality of this provision shall have full powers to originate, discuss and decide all questions brought before it on business of the Association including the management of the income and property of the Association, renting and quitting office, employment and removal of secretaries or other employees on such terms and conditions as it considers fit, and
- (g) Provide for the needs of Country members by sanctioning the formation of District branches upon such conditions and regulations as the Committee may from time to time determine, and
- (h) Decide and prescribe what Annual Honorarium be payable to the Honorary Secretary at the last meeting of the Committee preceding the Annual General Meeting, and
- (i) Appoint a sub-committee for any purpose, and
- (j) 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
- (k) Effect and maintain insurances for the Association.

5.2 Composition of the Committee

5.2.1 The Committee is to consist of:

- (a) the Office Bearers of the Association;
- (b) at least five (5) ordinary Committee Members

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

5.2.2 The total number of Committee Members is nine (9).

5.2.3 The Office Bearers of the Association are as follows:

- (a) President,
- (b) Deputy President
- (c) Treasurer,
- (d) Secretary;

- 5.2.4 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.
- 5.2.5 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.
- 5.2.6 Other than the Secretary, no person shall be entitled to receive remuneration for their services as a Committee person. The remuneration, if any, of the Secretary must be approved at each Annual General Meeting by a simple majority of members present and entitled to vote at the meeting.
- 5.2.7 There is no maximum number of consecutive terms for which a Committee Member may hold office.
- 5.2.8 At least three (3) members of the committee must reside in Australia.
- 5.2.9 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.

5.3 Election to the Committee

- 5.3.1 Every member of the Committee shall retire from office at every Annual General Meeting but any such member shall be eligible for re-election without nomination upon notice to the Secretary before the meeting of his or her intention to seek re-election.
- 5.3.2 Any member shall be eligible for election as a member of the Committee if, after his/her written consent has first been obtained, he/she shall be nominated in writing by two members of the Association not less than 21 days prior to the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- 5.3.3 If at any General Meeting the number of candidates nominated does not meet or exceed the number required to fill the vacancies on the Committee any vacancy thereby occurring shall be considered a casual vacancy. Casual vacancies shall be filled by persons elected by ballot from nominations taken at the Annual General Meeting.
- 5.3.4 If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies;
- 5.3.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held;
- 5.3.6 The ballot for election of office bearers and ordinary committee members of the committee is to be conducted at the Annual General Meeting or any subsequent meeting in any usual and proper manner that the committee directs;
- 5.3.7 A person nominated as a candidate for election as an office bearer or as an ordinary committee member of the Association must be a member of the Association.

5.4 Election of Office Bearers

- 5.4.1 The President, Deputy President, Secretary and Treasurer 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. If two or more candidates for the positions of President, Deputy President, Secretary or Treasurer 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.

5.4.2 The ballots and drawing of lots for the election of the President, Deputy President and Treasurer shall be conducted under the supervision of the Secretary.

5.4.3 The result of the ballots for President, Deputy President, Treasurer and Secretary shall be notified to the members.

5.5 Officer Vacancies

5.5.1 If there is a vacancy in the office of the President, the position shall be filled by the Deputy President until the next Annual General Meeting. Such period in office as President shall be reckoned as part of the term as Deputy President. In any case the Deputy President shall be eligible to nominate for the position of President at such Annual General Meeting.

5.5.2 If there is a vacancy in the office of Deputy President, Secretary or Treasurer 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.

5.6 Secretary

5.6.1 The Committee may appoint a Secretary on such terms and conditions as the Committee from may determine.

5.6.2 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.

5.6.3 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 Board. The Members' Notice Board 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.

5.6.4 All records kept by the Secretary can be in either written or electronic form.

5.6.5 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.

5.6.6 The signature of the Chairperson may be transmitted by electronic means for the purposes of sub clause 5.6.4 (b).

5.6.7 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.

5.7 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.

5.8 Public Officer

For the purposes of the Act, the Secretary shall also be the Public Officer of the Association.

5.9 Committee Casual Vacancies

- 5.9.1 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.
- 5.9.2 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.
- 5.9.4 Subject to this Constitution, an Ordinary Member appointed under this clause is eligible for election as a Committee Member.
- 5.9.5 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.

5.10 Removal of Committee Person

- 5.10.1 Subject to sub clause 5.10.2, 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.
- 5.10.2 If a Committee Member to whom a proposed resolution referred to in sub clause 5.10.1 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.
- 5.10.3 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.
- 5.10.4 Any person affected by sub Clause 5.10.3 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.

6. Meetings - The Committee

6.1 Committee Meetings - General

- 6.1.1 The Committee shall meet as often (not being less than once every second month), and at such place and time, as the Committee may determine. The Minutes of the proceedings at each meeting shall be confirmed at the next Meeting.
- 6.1.2 Additional meetings of the Committee may be convened by the President.
- 6.1.3 Unless otherwise determined by the President, oral or written notice of a meeting of the Committee must be given by the Secretary to each Committee member at least five days before the time appointed for the holding of the meeting.
- 6.1.4 Notice of a meeting given under sub-clause (3) 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.
- 6.1.5 At a meeting of the Committee:
- (a) the President or, in the President's absence, the Deputy President is to preside, or
 - (b) if the President and the Deputy 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.
- 6.1.6 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.
- 6.1.7 The Committee shall at all times operate in accordance with the Harness Racing Act, the Rules made under that Act the Rules of Harness Racing and the *Associations Incorporation Act 2009*.
- 6.1.8 The Committee shall be indemnified from the funds of the Club against the cost of any legal proceedings which may be instituted against them in consequence of the performance, in good faith, of their duties.

6.2 Committee Meetings - Quorum

- 6.2.1 The quorum necessary for all Meetings of the Committee shall be five (5), one being the President or Deputy President.
- 6.2.2 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.
- 6.2.3 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.

6.3 Committee Meetings - Voting & Decisions

- 6.3.1 Other than the President, each Committee Member present at a meeting of the Committee is entitled to one vote.
- 6.3.2 The Chairperson presiding at any meeting of the Committee shall have both a deliberative and a casting vote.

- 6.3.3 Questions arising at any meeting of the 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.
- 6.3.4 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 member of the committee.

6.4 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.

6.5 Use of Technology at Committee Meetings

- (a) 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;
- (b) 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.

6.6 Delegation by Committee to Sub-Committee

- 6.6.1 The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of the member or members of the association that the committee thinks fit) the exercise of any functions of the committee that are specified in the instrument, other than:
- (a) This power of delegation;
- (b) A function which is a duty imposed on the committee by the Act or by any other law.
- 6.6.2 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.
- 6.6.3 A delegation under this clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances, that may be specified in the instrument or delegation.
- 6.6.4 Despite any delegation under this clause, the committee may continue to exercise any function delegated;
- 6.6.5 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;
- 6.6.6 The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause;
- 6.6.7 A sub-committee may meet and adjourn as it thinks proper.

6.7 Sub-Committee Meetings – Voting & Decisions

- 6.7.1 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.

- 6.7.2 Other than the Chairperson, each Member present at a meeting of the Sub-Committee is entitled to one vote.
- 6.7.3 The Chairperson presiding at any meeting of the Committee shall have both a deliberative and a casting vote.
- 6.7.4 Questions arising at any meeting of the 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.
- 6.7.5 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

7. General Meetings

7.1 Annual General Meeting – Timing

7.1.1 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.

7.1.2 Subject to the Act and to clause 7.1.1, the Annual General Meeting of the Association is to be convened between the months of September and November and at such place and time as the Committee thinks fit.

7.2 Annual General Meeting – Business

7.2.1 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) confirmation of the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;
- (b) receipt from the Committee of reports on the activities of the Association during the last preceding financial year;
- (c) receipt and consideration of any financial statement or report required to be submitted to members under the Act;
- (d) the election of the Committee of the Association; and
- (e) election of an auditor, if required under the Act; and
- (e) any other business that may be brought before the Annual General Meeting under this Constitution.

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

7.2.3 A copy of the Association’s Annual Report and financial statements shall be furnished to each Member of the Association twenty-one days before the Annual Meeting.

7.2.4 At each Meeting the Minutes referred to in paragraph 7.2.1 (a) shall be submitted for confirmation before any other business proceeds.

7.3 Special General Meeting – General

7.3.1 A Special General Meeting can be convened only by authority of the Committee or in pursuance of a requisition to the Secretary signed by twenty (20) Ordinary Members.

Such meetings shall not transact any other business except that for which the Meeting has been convened.

7.3.2 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 Ordinary 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 ordinary Members making the requisition.

7.3.3 If the Committee fails to convene a Special General Meeting to be held within one month after that date on which a requisition of Ordinary Members for the meeting is lodged with the Secretary, any one or more of the Ordinary Members who made

the requisition may convene a Special General Meeting to be held not later than three months after that date.

7.3.4 A Special General Meeting convened by an Ordinary Member or Ordinary Members as referred to in clause 7.3.1 must be convened as nearly as is practicable in the same manner as a general meeting.

7.3.5 For the purposes of sub-clause (2):

- (a) A requisition may be in electronic form; and
- (b) A signature may be transmitted, and a requisition may be lodged, by electronic means.

7.4 General Meetings – Quorum

7.4.1 The quorum necessary for all Meetings of the Members including the Annual General Meeting shall be twenty (20) Ordinary Members personally present.

7.4.2 No business is to be transacted by the General Meeting unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present,

- (i) If convened on the requisition of members – is to be dissolved; and
- (j) In any other case the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.

7.4.3 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.

7.5 General Meetings – Voting & Decisions

7.5.1 Every question submitted to a meeting of members shall be decided by a show of hands.

7.5.2 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.

7.5.3 A ballot shall be taken at any meeting of members if called for by the Chairperson or five or more Ordinary Members.

7.5.4 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.

7.5.5 If the question is to be determined by a ballot, the ballot is to be conducted in accordance with the directions of the Chairperson.

7.6 General Meetings - Special Resolutions – Voting & Decisions

7.6.1 A special resolution may only be passed by the Association in accordance with section 39 of the Act.

7.7 General Meetings - Amendments to Constitution

7.7.1 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:

- (a) may only be made pursuant to a special resolution passed by the Association; and

(b) is to be made by the Honorary Secretary or such other person authorised by the Committee.

7.7.2 Written notice setting out the proposed new rule, rescission, deletion or other amendment must be lodged with the Secretary at least 35 days prior to the holding of the meeting of which the Secretary shall give details in the notice calling the meeting.

7.8 General Meetings – Notice

7.8.1 Except 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 twenty one 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.

7.8.2 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 twenty one 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 sub-clause (1), the intention to propose the resolution as a Special Resolution.

7.8.3 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 7.2.

7.8.4 Any member desiring to bring any business before a general meeting must give written notice thereof to the Secretary at least thirty-five days before the general meeting at which he or she wishes the matter to be considered. The Secretary shall immediately advise each member of receipt of such a notice and will include that business in the next notice calling a general meeting given after receipt of the notice from the member. No business of which notice has not been given shall be entertained at any general meeting.

7.9 General Meetings – Presiding Member

At a general meeting of the Association:

- (a) the President or, in the President's absence, the Deputy President is to preside as Chairperson of the meeting, or
- (b) if the President and the Deputy President are absent or unwilling to act as Chairperson, the Ordinary Members present shall elect a Chairperson from their number by a show of hands to preside as Chairperson at the meeting

7.10 General Meetings – Adjournment

7.10.1 The Chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at that 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.

7.10.2 If a general meeting is adjourned for ten 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.

7.10.3 Except as provided in sub-clauses (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.

7.11 General Meetings – Scrutineers

At every Meeting at which a Ballot shall take place Scrutineers shall be chosen from amongst the Ordinary 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.

7.12 General Meetings – Returning Officer

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

7.13 General Meetings – Proxy Votes not Permitted

Proxy voting must not be undertaken at or in respect of a general meeting.

7.14 General Meetings – Postal or electronic Ballots

The Association may not conduct a postal or electronic ballot to determine any resolution.

7.15 General Meetings – Use of Technology

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.

7.16 General Meetings – Minutes

The minutes of the proceedings of a General Meeting and all Committee Meetings shall be recorded in books kept for that purpose and when signed shall be considered sufficient evidence of the facts therein.

8. Miscellaneous

8.1 Insurance

The Association may effect and maintain insurance.

8.2 Funds - Source

8.2.1 The funds of the Association are to be derived from annual subscription fees, donations and such other sources as the Committee determines.

8.2.2 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 deposit-taking institution account.

8.2.3 The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

8.3 Funds - Management

8.3.1 Subject to any resolution passed by the association in a general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in a manner that the committee determines.

8.3.2 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.

8.4 Custody of Books etc

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.

8.5 Inspection of Books etc

8.5.1 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.

8.5.2 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.

8.6 Service of Notices

8.6.1 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.

- 8.6.2 A notice which is to be served on a member pursuant to clause 4.9.4 or clause 4.9.7 must be served by Registered Post.
- 8.6.3 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.

8.7 Financial Year

- 8.7.1 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.
- 8.7.2 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.
- 8.7.3 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 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.
- 8.7.4 The Annual Report and a copy of the Financial Statements with any reports from the Auditors shall be available at the Annual General Meeting.
- 8.7.5 The books of account shall be kept with the Public Officer.

8.8 Audit of Accounts

If required under the Act, the financial transactions of the Association shall be audited by a properly qualified auditor or auditors.

8.9 Honorary Auditor

- 8.9.1 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 at an Annual 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.
- 8.9.2 The auditor may be removed by the Association at an Annual General Meeting.

8.10 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

8.11 Winding up of the Association

- 8.11.1 The Association may be wound up voluntarily if the Association so resolves by special resolution.
- 8.11.2 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.
- 8.11.2 If upon winding up or dissolution of the Association any surplus property remains after the satisfaction of all of the Club'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.

8.12 Report to Harness Racing New South Wales

- 8.12.1 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 preceeding financial year.

8.13 Change of Name, Objects and constitution

An application 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.

9. Appendix 1 - Application for Membership of Association

Application for Membership or Renewal of Membership of the Trotters Association of New South Wales Inc

I,

[Full name of applicant]

Of.....

.....State.....Post Code:.....

[Address]

.....

[Occupation]

Contact details:

Home Phone:

Work Phone:

Mobile:

Email 1.....

Email 2.....

Involvement in Industry

Owner

Trainer

Driver

Breeder

Stablehand

Supporter

Other

Hereby apply to become a member of the abovenamed incorporated association.

In the event of my admission as a member, I agree to be bound by the constitution of the association for the time being in force.

Membership Fee \$10.00