

# Sunshine Coast

Riding for the Disabled (RDA) Inc.

## Constitution



5 August 2020

# Sunshine Coast Riding for the Disabled (RDA) Inc.

## 1. Interpretation

### This is the Constitution of the Sunshine Coast Riding for the Disabled (RDA) Inc.

(1) In these rules the following expressions have the meaning set out below:

(a) **'Act'** means the Incorporated Associations Act 1981 Queensland or any legislation regulating the activities of the Association.

(b) **Present:**

(i) at a management committee meeting, has the meaning set out in rule 22(6);  
or

(ii) at a general meeting, see rule 33(2);

(c) **Riding** includes both horse riding and the use of horse or pony drawn vehicles, and a reference to horses and ponies in this Constitution shall include any other suitable animal;

(d) **Disability** means a measurable long term / permanent functional limitation or loss affecting an individual resulting from an impairment (intellectual, physical, developmental or psychological).

(e) **Impairment** means anatomical loss or loss of bodily or mental function

(2) A reference to any gender includes all other genders.

(3) A word or expression that is not defined in these rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

## 2. Naming

The name of the incorporated association shall be *Sunshine Coast Riding for the Disabled*

(RDA) Inc. hereinafter referred to as the "Association".

### **3. Objects**

The objects for which the Association is established are: -

- (1) To promote the well-being of people who suffer with a long term intellectual, physical, developmental or psychological disability or impairment by means of therapeutic equine activities and educational and training programs:
- (2) To promote the activities of the Association and to engage, support and collaborate with bodies with similar or consistent objects throughout Australia
- (3) To raise funds for the advancement of the Association by all available and legal means and to seek to influence governments and government instrumentalities to support and finance the activities of the Association:
- (4) To establish liaison with government and all other bodies having an interest in the treatment and well-being of disabled persons; and
- (5) To do such things as are incidental or conducive to the attainment of the above objects or any of them.

### **4. Powers**

The Association has the powers and capacity set out in the Act.

### **5. Membership and Classes of Member**

- (1) All members agree to abide by this Constitution and the rules made pursuant to it.
- (2) The Membership of the Association shall consist of the following classes of members:-

#### **(a) Ordinary Members**

Subject to this Constitution, any person who is not less than 18 years of age, interested in riding for the disabled and furthering the objects of the Association shall be eligible to become an ordinary member of the Association upon payment of the annual subscription for the current financial year. Each ordinary member is entitled to vote.

However, if a member is prohibited from voting in a federal parliamentary election by virtue of incapacity, their membership vote may be exercised by one legal guardian.

**(b) Junior Members**

Subject to this Constitution, any person under the age of 18 years, interested in riding for the disabled and furthering the objects of the Association shall be eligible to become an ordinary member of the Association upon payment of the annual subscription for the current financial year. Junior members are not eligible to vote in their own right but their vote may be exercised by one parent or legal guardian

**(c) Honorary Life Members**

Any person deemed by the management committee to have given exceptional service to the Association, or whose experience would be of value to the Association in pursuance of its objects, may be elected by a resolution of the Management Committee as an Honorary Life Member. Any person who was a life member under any prior rules of the Association shall retain those benefits subject to these rules. Honorary Life members have the same voting rights as Ordinary Members.

(3) The number of members in all classes is unlimited.

## **6. New Membership**

(1) An application for membership must be:

- (a) in writing;
- (b) signed by the applicant or the applicant's parent or legal guardian;
- (c) in the form determined by the management committee; and
- (d) be accompanied by such certificates or documents relevant to the activities of the Association as the management committee may determine.

## **7. Membership Fees**

(1) The membership fee for each class of membership

- (a) is the amount decided by the members from time to time at a general meeting; and
- (b) is payable when, and in the way, the management committee decides.

## **8. Admission and Rejection of New Members**

(1) The management committee must consider each membership application at the next committee meeting held after it receives:

- (a) the application for membership; and
- (b) the appropriate membership fee for the application
- (c) such documentation as it considers necessary for approval of membership

(2) The management committee must ensure that, as soon as possible after the person applies to become a member of the association, and before the management committee considers the persons application, the person is advised:

- (a) whether or not the association has public liability insurance; and
- (b) if the association has public liability insurance the amount of the insurance.

(3) Each person who completes the requirements set out in rule 8(1) shall be treated as a provisional member until the next management committee meeting. Any provisional member shall be entitled to exercise all the rights and be subject to all the rules of membership except where the Secretary determines that restrictions will apply pending receipt of any relevant documentation or the committee meeting.

(4) The management committee must decide at the meeting whether to accept or reject the application of any applicant including a provisional member.

(5) If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.

(6) The secretary must, as soon as practicable after each management committee, advise any applicant or provisional members in writing of the decision of the management committee

regarding their application.

## **9. When Membership Ends**

(1) A member may resign from the Association by giving a written notice of resignation to the secretary.

(2) The resignation takes effect at:

(a) the time the notice is received by the secretary; or

(b) if a later time is stated in the notice: the later time.

(3) The management committee may terminate a members' membership if the member:

(a) is convicted of an indictable offence; or

(b) does not comply with any of the provisions of these rules; or

(c) has membership fees in arrears for at least 2 months; or

(d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Association.

(4) Except where rule 9 (3) (c) applies, before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.

(5) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

## **10. Appeal Against Rejection or Termination of Membership**

(1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.

(2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.

(3) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.

## **11. General Meeting to Decide Appeal**

(1) The general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.

(2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.

(3) Also, the management committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.

(4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.

(5) If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable refund the membership fee paid by the person.

## **12. Register of Members**

(1) The management committee must keep a register of members of the Association.

(2) The register must include the following particulars for each member:

(a) the full name of the member;

(b) the postal or residential address of the member and an electronic mail address nominated by the member;

(c) the date of admission as a member;

(d) the date of death or time of resignation of the member; or non-renewal of membership

(e) details about the termination or reinstatement of membership;

(f) any other particulars the management committee or the members at a general meeting decide.

(3) The register must be open for inspection by members of the Association at all reasonable times.

(4) A member must contact the secretary to arrange an inspection of the register.

(5) However, the management committee may, on the application of a member of the association, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm or if disclosure is contrary to any privacy law obligation.

### **13. Prohibition on Use of Information on Register of Members**

(1) A member of the Association must not:

(a) use information obtained from the register of members of the Association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or

(b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the Association for the purpose of advertising for political, religious, charitable or commercial purposes.

(c) disclose or use information in any way that is in breach of any privacy law.

(2) Sub rule (a), (b) does not apply if the use or disclosure of the information is approved by the Association and consent has been given by the member.

### **14. Appointment or Election of Secretary**



(1) The secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is:

(a) a member of the Association elected by the association as secretary; or

(b) any of the following persons appointed by the management committee as secretary—

(i) a member of the Association's management committee;

(ii) another member of the Association; or

(iii) another person having relevant skills appointed by the management committee to fill a casual vacancy.

(3) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the Association within 1 month after the vacancy happens.

(4) If the management committee appoints a person mentioned in sub rule (1)(b)(ii) as secretary, other than to fill a casual vacancy on the management committee, the person does not become a member of the management committee.

(5) However, if the management committee appoints a person mentioned in sub rule (1)(b)(ii) as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee.

(6) If the management committee appoints a person mentioned in sub rule (1)(b)(iii) as secretary, the person does not become a member of the management committee.

## **15. Removal of Secretary**

(1) The management committee of the Association may at any time remove a person appointed by the committee as the secretary.

(2) If the management committee removes a secretary who is a person mentioned in rule 14(1)(b)(i), the person remains a member of the management committee.

(3) If the management committee removes a secretary who is a person mentioned in rule 14(1)(b)(ii) and who has been appointed to a casual vacancy on the management committee under rule 14(5), the person remains a member of the management committee.

## **16. Functions of Secretary**

The secretary's functions include, but are not limited to:

(1) calling meetings of the Association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the Association; and

(2) keeping minutes of each meeting; and

(3) keeping copies of all correspondence and other documents relating to the Association; and

(4) maintaining the register of members of the Association.

## **17. Membership of Management Committee**

(1) The management committee must consist of a minimum of four, one of whom holds the office of president and another who holds the office of treasurer.

(2) All members of the management committee will be elected to a specific position or as members without specific responsibilities as decided upon by the management committee. Both the number and nature of the positions may vary from time to time and will be decided (and notice given) prior to the relevant election. The maximum number of members of the management committee shall be nine.

(3) All members of the management committee must be members of the Association.

(4) At each annual general meeting of the Association, the members of the management committee must retire from office, but shall be eligible upon nomination for re-election for three consecutive years in the same position and thereafter may only nominate for re-election in a different position.

(5) A member of the Association may be appointed to a casual vacancy on the management committee under rule 20

(6) An employee of the Association can be a member of the management committee.

## **18. Electing the Management Committee**

(1) The secretary shall forward an official nomination form by electronic mail or where electronic mail is not available by post to each financial member at least one calendar month before the date of the General Meeting.

(2) A member of the management committee may only be elected as follows:

(a) any 2 members of the association may nominate another member (the **candidate**) to serve as a member of the management committee;

(b) the nomination must be:

(i) submitted on the official nomination form in writing.

(ii) signed by the candidate and the members who nominated him or her; and

(iii) given to the secretary at least 14 days before the general meeting at which the election is to be held;

(c) The management committee may request that the nomination be accompanied by a short statement (not exceeding 300 words) in support of the nominee's candidacy.

(d) each member of the Association present and eligible to vote at the general meeting may vote for 1 candidate for each vacant position on the management committee.

(e) Subject to rule 36, a member may vote by proxy.

(f) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.

(g) regardless of the number of valid nominations received for the management committee, whether less than or equal to or greater than the number of vacancies to be

filled, no nominee will be elected or deemed to be elected unless voted for by a majority of members present in person or by proxy.

(3) A person may be a candidate only if the person:

(a) is an adult; and

(b) is not ineligible to be elected as a member under section 61A of the Act; and

(c) is not excluded from membership of the management committee by section 100 of the Australian Charities and Not for Profit Commission Act, 2012

(d) is an ordinary member of the Association who is eligible to vote in their own right

(4) A list of the candidates' names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the Association for at least 7 days immediately preceding the annual general meeting. Any statement in support of his/her candidacy provided to the secretary by any nominee shall also be made available at this time.

(6) Procedure and Voting shall be as conducted in accordance with Rule 33 Procedure at a General Meeting and Rule 34 Voting at a General Meeting. If necessary the management committee may prepare a ballot paper in which case the names of the nominees must be listed in reverse alphabetical order.

(7) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised:

(a) whether or not the association has public liability insurance; and

(b) if the association has public liability insurance the amount of the insurance.

## **19. Resignation, Removal or Vacation of Office of Management Committee member**

(1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.

(2) The resignation takes effect at:

(a) the time the notice is received by the secretary; or

(b) if a later time is stated in the notice: the later time.

(3) A member may be removed from office at a general meeting of the Association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.

(4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.

(5) A member has no right of appeal against the member's removal from office under this rule.

(6) A member immediately vacates the office of management committee member in the circumstances set out in section 64(2) of the Act.

## **20. Vacancies on Management Committee**

(1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the Association to fill the vacancy until the next annual general meeting.

(2) If a casual vacancy happens in the office of president and / or treasurer, the members of the management committee must ensure a president and / or treasurer is appointed or elected for the Association within 1 month after the vacancy happens.

(3) The continuing members of the management committee may act despite a casual vacancy on the management committee.

(4) However, if the number of committee members is less than the number fixed under rule 23

(1) as a quorum of the management committee, the continuing members may act only to:

(a) increase the number of management committee members to the number required for a quorum; or

(b) call a general meeting of the Association.

## **21. Functions of Management Committee**

(1) Subject to these rules or a resolution of the members of the Association carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the Association.

(2) The management committee has authority to interpret the meaning of these rules and any matter relating to the Association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act and the Act prevails if these rules are inconsistent with the Act.

(3) Subject to the Act and these rules, the management committee may exercise all the powers of the Association.

## **22. Meetings of Management Committee**

(1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.

(2) The management committee must decide how often to meet but must meet at least once every 2 months to exercise its functions.

(3) The management committee must decide how a meeting is to be called.

(4) Notice of a meeting is to be given in the way decided by the management committee.

(5) The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

(6) A committee member who participates in the meeting as mentioned in sub rule (5) is taken to be present at the meeting.

(7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.

(8) A member of the management committee must absent themselves from the discussion and

not vote on a question about a contract or proposed contract with the Association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.

(9) A member of the management committee must absent themselves from the discussion and not vote on selection matter, disciplinary matter; or other financial matter if the member has an interest and, if the member does vote, the members vote must not be counted.

(10) The president is to preside as chairperson at a management committee meeting.

(11) The president may nominate another member of the committee to chair the meeting with the consent of the rest of the committee.

(12) If there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

### **23. Quorum for, and Adjournment of, Management Committee Meeting**

(1) The quorum for the meeting of the management committee shall be four.

(2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.

(3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee—

(a) the meeting is to be adjourned for at least 1 day; and

(b) the members of the management committee who are present are to decide the day, time and place of the adjourned meeting

(4) If, at an adjourned meeting mentioned in sub rule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

### **24. Special Meeting of Management Committee**

(1) If the secretary receives a written request signed by at least 33% of the members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.

(2) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

(3) A request for a special meeting must state:

(a) why the special meeting is called; and

(b) the business to be conducted at the meeting.

(4) A notice of a special meeting must state:

(a) the day, time and place of the meeting; and

(b) the business to be conducted at the meeting.

(5) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

## **25. Minutes of Management Committee Meetings**

(1) The secretary must ensure full and accurate minutes of all discussions, resolutions and other proceedings of each management committee meeting are entered in a minute book.

(2) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

## **26. Appointment of Subcommittees**

(1) The management committee may appoint a subcommittee consisting of members of the association considered appropriate by the committee to help with the conduct of the associations operations.



- (2) Any subcommittee shall act only within the powers delegated to it by the management committee.
- (3) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- (4) A subcommittee may elect a chairperson of its meetings.
- (5) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (6) A subcommittee may meet and adjourn as it considers appropriate.
- (7) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

## **27. Acts not Affected by Defects or Disqualifications**

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Sub rule (1) applies even if the act was performed when:
  - (a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
  - (b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

## **28. Resolutions of management committee without meeting**

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in sub-rule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

## **29. Annual General Meetings**

- (1) Each annual general meeting must be held:
  - (a) at least once each year; and
  - (b) within 3 months after the end date of the Association's reportable financial year.

## **30. Business to be Conducted at Annual General Meeting**

The following business must be conducted at each annual general meeting of the Association

- (1) receiving the Association's financial statement, and audit report, for the last reportable financial year;
- (2) presenting the financial statement and audit report to the meeting for adoption;
- (3) electing members of the management committee;
- (4) appointing an auditor or an accountant for the present financial year;

## **31. Notice of General Meeting**

- (1) The secretary may call a general meeting of the Association.
- (2) The secretary must give at least one calendar months' notice of the meeting to each member of the Association.
- (3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting.
- (4) The management committee may decide the way in which the notice must be given which may include electronic mail.
- (5) Notice of the following meetings must be given in writing which shall include electronic mail:
  - (a) a meeting called to hear and decide the appeal of a person against the management committee's decision—

- (i) to reject the person's application for membership of the Association; or
- (ii) to terminate the person's membership of the Association where required under these rules;

(b) a meeting called to hear and decide a proposed special resolution of the Association.

(6) A notice of a general meeting must state the business to be conducted at the meeting.

### **32. Quorum for, and Adjournment of, General Meeting**

(1) The quorum for a general meeting is the lesser of 15 members or 50% of all members.

(2) However, if all members of the Association are members of the management committee, the quorum is the total number of members less 1.

(3) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.

(4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee, or the Association, the meeting lapses.

(5) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the Association:

(a) the meeting is to be adjourned for at least 7 days; and

(b) the management committee is to decide the day, time and place of the adjourned meeting.

(6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.

(7) If a meeting is adjourned under sub rule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.

(8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.

(9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

### **33. Procedure at General Meeting**

(1) A member may take part and vote in a general meeting by being present in person or by using any technology made available by the secretary that reasonably allows them to hear and take part in discussions as they happen or by proxy.

(2) A member who participates in a meeting as mentioned in sub rule (1) is taken to be present at the meeting.

(3) At each general meeting:

(a) the president is to preside as chairperson; and

(b) if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, then the members present must elect 1 of their number to be chairperson of the meeting; and

(c) the chairperson must conduct the meeting in a proper and orderly way.

### **34. Voting at General Meeting**

(1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present in person or by proxy.

(2) Each member present in person or by proxy and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.

(3) A member is not entitled to vote at a general meeting or appoint a proxy if the member's annual subscription is in arrears at the date of the meeting.

(4) Prior to the commencement of the meeting, the chairperson will determine the validity of all proxies held for the meeting.

(5) The method of voting is to be decided by the management committee.

(6) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.

(7) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.

(8) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

### **35. Special General Meeting**

(1) The secretary must call a special general meeting by giving each member of the association notice of the meeting within 14 days after:

(a) being directed to call the meeting by the management committee; or

(b) being given a written request signed by:

(i) at least 33% of the number of members of the management committee when the request is signed; or

(ii) at least the number of ordinary members of the association equal to double the number of members of the association on the management committee when the request is signed plus 1; or

(c) being given a written notice of an intention to appeal against the decision of the management committee:

(i) to reject an application for membership; or

(ii) to terminate a person's membership.

(2) A request mentioned in sub rule (1)(b) must state:

(a) why the special general meeting is being called; and

(b) the business to be conducted at the meeting.

(3) A special general meeting must be held within 3 months after the secretary:

(a) is directed to call the meeting by the management committee; or

(b) is given the written request mentioned in sub rule (1)(b); or

(c) is given the written notice of an intention to appeal mentioned in sub rule (1)(c).

(4) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

### 36. Proxies

(1) An instrument appointing a proxy must be in writing and be in the following or similar form—

Sunshine Coast Riding for the Disabled (RDA) . Inc

I, \_\_\_\_\_ of \_\_\_\_\_ being  
a member of the association, appoint

\_\_\_\_\_ of

as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to  
be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
and at any adjournment of the meeting.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20 .

Signature

(2) The instrument appointing a proxy must be signed by the appointor or the appointor's attorney properly authorised in writing;

(3) A proxy may be a member of the association or another person.

(4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.

(5) Each instrument appointing a proxy must be given to the Secretary 48 hours before the start

of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.

(6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.

(7) If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form—

*Sunshine Coast Riding for the Disabled (RDA) Inc*

I, \_\_\_\_\_ of \_\_\_\_\_, being  
a member of the association, appoint

\_\_\_\_\_ of \_\_\_\_\_  
as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of the meeting.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Signature

This form is to be used \*in favour of/\*against [*strike out whichever is not wanted*] the following resolutions—

[*List relevant resolutions*]

### **37. Minutes of General Meetings**

(1) The secretary must ensure full and accurate minutes of all questions, discussions, resolutions and other proceedings of each general meeting are entered in a minute book.

(2) To ensure the accuracy of the minutes:

(a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and

(b) the minutes of each annual general meeting must be signed by the chairperson of

the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.

(3) If asked by a member of the Association, the secretary must, within 28 days after the request is made:

(a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and

(b) give the member copies of the minutes of the meeting.

(4) The Association may require the member to pay the reasonable costs of providing copies of the minutes.

### **38. By-Laws**

(1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the Association.

(2) A by-law may be set aside by a vote of members at a general meeting of the Association.

### **39. Alteration of Rules**

(1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.

(2) Where the Act requires a change to these rules to be approved or recorded by a relevant body or person, the amendment will not operate until the Association is advised by that body or person that the change has been approved or recorded as required.

### **40. Common Seal**

(1) The management committee must ensure the Association has a common seal.

(2) The common seal must be:

(a) kept securely by the management committee; and

(b) used only under the authority of the management committee.



(3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by:

- (a) the secretary; or
- (b) another member of the management committee; or
- (c) someone authorised by the management committee.

## **41. Funds and Accounts**

(1) The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the management committee.

(2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.

(3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.

(4) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.

(5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following:

- (a) the president;
- (b) the secretary;
- (c) the treasurer;
- (d) any 1 of 3 other members of the Association who have been authorised by the management committee to sign cheques issued by the Association.

(6) However, 1 of the persons who signs the cheque must be the president, the secretary or the treasurer.

(7) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.

(8) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.

(9) All expenditure must be approved or ratified at a management committee meeting.

## **42. General Financial Matters**

(1) On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.

(2) The income and property of the Association must be used solely in promoting the Association's objects and exercising the Association's powers.

(3) All income and property of the Association must be used and applied solely in promotion of its objects. No portion of the income or property shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association. Nothing in this rule shall prevent the payment in good faith of interest to any member in respect of monies advanced by him or her to the Association or any payment to any employee or other person in return for any services actually rendered to the Association or the payment or repayment to any member of out of pocket expenses, money lent, reasonable & proper charges for goods hired by the Association or reasonable and proper rent for premises leased or licensed to the Association.

## **43. Documents**

(1) The management committee must ensure the safe custody of books, documents, instruments of title and securities of the Association.

(2) Documents and records of the Association must be retained for the duration required by the Act.

## **44. Financial year**

The end date of the Association's financial year is 31 December in each year.

## **45. Distribution of Surplus Assets to Another Entity**

(1) This rule applies if the Association:

- (a) is wound-up under part 10 of the Act; and
- (b) has surplus assets.

(2) The surplus assets must not be distributed among the members of the association.

(3) The surplus assets must be given to another incorporated association or organisation within Australia:

- (a) having objects similar to the Association's objects; and
- (b) the rules of which prohibit the distribution of the entity's income and assets to its members.