

WANNEROO HORSE AND PONY CLUB (INC)

CONSTITUTION AND RULES

1. Name

The name of the club is the "Wanneroo Horse and Pony Club Inc" (WHPC) hereinafter designated.

2. Definitions

Act means the *Associations Incorporation Act (WA) 2015*;

Association means the incorporated association (club) to which these Rules apply;

Committee means the management committee of the Club ;

Financial Report, of a tier 2 association or tier 3 association, has the meaning given in section 63 of the Act;

Financial Statements means the financial statements of the Club required under Part 5 Division 3 of the Act;

Office Holders means:

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

of the Club.

3. Objects

The objects for which the club is established shall be:-

- (a) To encourage young people to ride and to learn to enjoy all kinds of sport connected with horses and riding.
- (b) To provide instructions in riding and horse mastership and to instil in members the proper care for their animals and gear.
- (c) To promote the highest ideals of sportsmanship, citizenship and loyalty, thereby cultivating strength of character and self-discipline.
- (d) To hold horse and pony sports for young people.

4. Membership

(a) Eligibility

Any person who supports the objects or purposes of the Club is eligible to become a Member.

(b) Becoming a Member

Any Person desirous of becoming a member of the Club shall complete the required application form supplied by the Club. On completion they instantly become a provisional member of the Club. Within a three month probationary period the WHPC Committee has the right to reject their membership without stating a reason.

(c) Membership Categories

The club members shall comprise:

(i) Ordinary Riding Members

Associate Riding Members

Non-riding Members

Mounted Coach/Official/Instructor

Any other Membership Category as set out by the PCWA and/or WHPC.

(ii) Age limitations of Members in the above Membership Categories shall be set by PCWA and/or WHPC.

(iii) Honorary Life Membership shall be granted only to individuals who have given outstanding service to the Club. They shall enjoy all the rights and privileges of Ordinary Membership but will not be eligible to vote.

(d) Resignation

Any Member may at any time resign from the Club by submitting his/her resignation in writing to the Club and will receive no refunds.

(e) Expulsion of members:

(i) Any member of the club who shall fail in the observance of any rule or regulation of the Club; or whose conduct in any respect shall in the opinion of the Committee be injurious to the character or reputation of the Club; may be removed from membership of the Club by a resolution of the Committee to that effect passed by a majority of at least two thirds of such of the members of the committee as shall be present in person and vote at a special meeting of the Committee, of which not less than seven (7) days' prior notice specifying the intention to propose such resolution shall have been sent to all members of the Committee, and at which not less than the majority of the members of the Committee shall be present.

(ii) Any member who shall be expelled from the Club or who shall for any other reason whatsoever cease to be a member of the Club shall have no claim to or interest in the property or funds of the Club.

(f) Right of Appeal

Any person who feels they have been discriminated against by a decision of the Committee shall have the right of appeal. In the first instance the appeal shall be heard by the Committee of the Club and if not successful, then an appeal may be heard at a Special General Meeting of the Club. The request for a Special General Meeting must be signed by at least twenty percent (20%) of the voting members of the Club. Such meeting shall be called in accordance with Rule 10.

- (g) Membership Fees
 - (i) The Committee must determine the annual membership fee (if any) and any other fees to be paid for membership to the Club.
 - (ii) **THE FEES DETERMINED UNDER RULE 4(G)(I)** may vary as between different categories of membership.

5. REGISTER OF MEMBERS

5.1 Maintaining the Register

- (a) The Club shall keep and maintain a Register in accordance with the Act, containing;
 - (i) the name and residential, postal or email address of each Member; and
 - (ii) the categories of membership of each Member (if applicable).
- (b) Any changes to the information contained in the Register must be recorded by the Club within 28 days after the change occurs.

5.2 Inspection of Register

- (a) The Register must be made available for inspection by any Member upon written request to the Committee.
- (b) A Member may apply, in writing, to the Committee for a copy of the Register. The Committee may, in its sole discretion, require the Member to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of the Club.
- (c) The Committee may charge a reasonable fee for providing a copy of the Register to a Member.
- (d) A person must not use or disclose any information in the Register for any purpose other than a purpose that:
 - (i) is directly connected with the affairs of the Club; or
 - (ii) relates to the administration of the Act.

6. COMMITTEE

6.1 Powers of the Committee

- (a) The Committee shall have the power to manage the affairs of the Club.
- (b) Subject to the Act, these Rules, the by-laws (if any) and any resolution passed at a General Meeting, the Committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Club.
- (c) The Committee must take all reasonable steps to ensure that the Club complies with the Act, this Constitution and the by-laws (if any).

6.2 Composition of the Committee

- (a) The Committee shall consist of the Office Holders and at least one but not more than 5 General Committee Member.
- (b) The Committee may appoint the Club Chief Coach as:
 - (i) an Office Holder; or
 - (ii) a General Committee Member.
- (c) The Committee may appoint a riding member to the Committee as a Junior Committee representative (or similar).
- (d) The Club may combine the office of Secretary and Treasurer.

6.3 Responsibilities of Committee Members

- (a) A Committee Member must exercise his or her powers and discharge his or her duties with a degree of care and diligence that a reasonable person would exercise if that person:
 - (i) were an officer of the Club in the Club's circumstances; and
 - (ii) occupied the office held by, and had the same responsibilities within the Club as, the Committee Member.
- (b) A Committee Member must exercise his or her powers and discharge his or her duties:
 - (i) in good faith in the best interests of the Club; and
 - (ii) for a proper purpose.
- (c) A Committee Member must not improperly use his or her position to:
 - (i) gain an advantage for the officer or another person; or
 - (ii) cause detriment to the Club.
- (d) A person who obtains information because the person is, or has been, a Committee Member of the Club must not improperly use the information to:
 - (i) gain an advantage for the person or another person; or
 - (ii) cause detriment to the Club.

6.4 Duties of Office Holders

- (a) President

It is the duty of the President to:

- (i) consult with the Secretary regarding the business to be conducted at each Committee Meeting and any General Meeting; and
 - (ii) convene and preside at Committee Meetings and preside at General Meetings provided for in these Rules.
- (b) Deputy President

It is the duty of the Deputy President to:

- (i) generally support the President in performing his or her duties; and
- (ii) perform the duties of the President in his or her absence.

(c) Secretary

It is the duty of the Secretary to:

- (i) deal with the Club's correspondence;
- (ii) consult with the President regarding the business to be conducted at each Committee Meeting and General Meeting;
- (iii) prepare the notices and agendas required for Committee Meetings and General Meetings;
- (iv) unless another Member is authorised by the Committee to do so, maintain on behalf of the Club the Register, and record in the Register any changes in the membership, as required under section 53(1) of the Act;
- (v) maintain, on behalf of the Club, an up-to-date copy of these Rules, as required under section 35(1) of the Act;
- (vi) unless another Member is authorised by the Committee to do so, maintain, on behalf of the Club, a record of Committee Members and other persons authorised to act on behalf of the Club, as required under section 58(2) of the Act;
- (vii) ensure the safe custody of the Books, other than the financial records, financial statements and financial reports, as applicable to the Club;
- (viii) maintain full and accurate minutes of Committee Meetings and General Meetings; and
- (ix) carry out any other duty given to the Secretary under these Rules or by the Committee.

(d) Treasurer

It is the duty of the Treasurer to:

- (i) ensure that any amounts payable to the Club are collected and issuing receipts for those amounts in the Club's name;
- (ii) ensure that any amounts paid to the Club are credited to the appropriate account of the Club, as directed by the Committee;
- (iii) ensure that any payments to be made by the Club that have been authorised by the Committee or at a General Meeting are made on time;
- (iv) ensure that the Club complies with the relevant requirements of Part 5 of the Act;
- (v) ensure the safe custody of the Club's financial records, financial statements and financial reports, as applicable to the Club;
- (vi) coordinate the preparation of the Club's financial statements in accordance to the Club tier, before their submission to the Club's annual general meeting;
- (vii) provide any assistance required by an auditor or reviewer conducting an audit or review of the Club's financial statements or financial report under Part 5 Division 5 of the Act; and
- (viii) carry out any other duty given to the Treasurer under these Rules or by the Committee.

6.5 Conflict of Interest

- (a) A Committee Member shall declare his or her interest in any of the following matters:
- (i) contractual;
 - (ii) selection;
 - (iii) disciplinary; or
 - (iv) financial;
- in which a conflict of interest arises or may arise, and shall, unless otherwise determined by the Committee, absent himself or herself from discussions of such matter and shall not be entitled to vote in respect of such matter.
- (b) If the Committee Member votes on any matter in which he or she has a conflict of interest the vote shall not be counted.
- (c) In the event of any uncertainty as to whether it is necessary for a Committee Member to absent himself or herself from discussions and refrain from voting due to a conflict of interest, the issue should be immediately determined by vote of the Committee, or if this is not possible, the matter shall be adjourned or deferred.
- (d) The existence and nature of the interest must be declared by the Committee Member at the earlier of the first Committee Meeting or General Meeting:
- (i) at which the relevant matter is taken into consideration; or
 - (ii) following the acquisition of such interest in such matter.
- (e) All disclosed interests must also be disclosed to the Members at each annual general meeting of the Club in accordance with the Act.

6.6 Payments to Committee Members

Any payments to Committee Members out of the funds of the Club must either be authorised in accordance with Rule 21(b) or by resolution of the Members at a General Meeting (as applicable).

6.7 Transitional Arrangements

The Committee Members in office immediately prior to approval of this Constitution under the Act shall continue in those positions until the next annual general meeting of the Club following such adoption of this Constitution following which, the positions of Committee Members shall be filled, vacated and otherwise dealt with in accordance with this Constitution.

7. COMMITTEE PROCEEDINGS

7.1 Meetings of the Committee

- (a) Any Committee Member may call a Committee Meeting by giving reasonable notice to each Committee Member.
- (b) The Committee shall meet as often as is necessary to discharge its duties to the Club and in any event at least 5 times in each calendar year as determined by the Committee.
- (c) The Committee may adjourn and otherwise regulate its meetings as it thinks fit.

7.2 Meetings by Telecommunications

Without limiting the Committee's power to regulate its meetings as it thinks fit, the Committee may hold a valid meeting using any medium by which each of the Committee Members can simultaneously hear all the other participants (including telephone, video conferencing or any other means of instant communication), and in that case:

- (a) the participating Committee Members are taken to be present at the Committee Meeting for the purposes of 7.3;
- (b) the Committee Meeting is taken to be held at the location where the President of the meeting is; and
- (c) all proceedings of the Committee conducted in accordance with this Rule are valid and effective as if conducted at a Committee Meeting at which all the Committee Members were present in person.

7.3 Quorum

- (a) No business may be transacted at a Committee Meeting unless a quorum is present.
- (b) The quorum for a Committee Meeting shall be 50% of Committee Members.
- (c) If a quorum is not present within 30 minutes after the notified commencement time for the meeting, and at least three Committee Members are present at the meeting, those Committee Members present are taken to constitute the quorum.
- (d) In the event of a casual vacancy or vacancies in the office of a Committee Member or Committee Members, the remaining Committee Members may act but, if the number of remaining Committee Members is not sufficient to constitute a quorum at a meeting of the Committee, they may act only for the purpose of increasing the number of Committee Members to a number sufficient to constitute such a quorum.

7.4 Guests at Committee Meetings

- (a) The Committee may invite a Member or any other person who is not a Committee Member to attend a Committee Meeting.
- (b) A person invited to attend a Committee Meeting under Rule 7.4(a) has no right to:
 - (i) receive any agendas, notices or papers relating to the Committee Meeting;
 - (ii) to vote; and
 - (iii) to comment on any matters discussed at the Committee Meeting without the Committees' consent.

7.5 Decisions of Committee

- (a) Subject to this Constitution, a resolution of the Committee must be passed by a majority of the votes of Committee Members present and entitled to vote on the resolution.
- (b) In case of an equality of votes, the President has a casting vote in addition to his or her deliberative vote.

7.6 Resolutions not in Meeting

- (a) The Committee may pass a resolution without a Committee Meeting being held if all the Committee Members entitled to vote on the resolution:
 - (i) confirm by email, text message or any other method of communication approved by the Committee that they are in favour of the written resolution, in accordance with any policies adopted by the Committee for this purpose; or
 - (ii) sign a document (or separate identical copies of the document) containing a statement that they are in favour of the written resolution set out in the document.
- (b) The resolution is passed when the last Committee Member confirms their approval of the resolution and this confirmation is duly recorded against the written resolution.

7.7 Minutes of Committee Meetings

- (a) The Committee must ensure that minutes are taken and kept of each Committee Meeting.
- (b) The minutes of each Committee Meeting must record the following:
 - (i) the names of Committee Members present at the meeting;
 - (ii) the name of any person attending the meeting under Rule 7.4;
 - (iii) the business considered at the meeting; and
 - (iv) any motion on which a vote is taken at the meeting and the result of the vote.
- (c) The President must ensure that the minutes of a Committee Meeting over which she or he presides are reviewed as soon as practicable after that Committee Meeting and accepted by the Committee as a true record at the following Committee Meeting.
- (d) In the absence of evidence to the contrary, contents of the minutes that are recorded and accepted by the Committee as a true record in accordance with this Rule 7.7 are evidence of the matters shown in the minutes.

7.8 Acts Valid Despite Defective Appointment

Any act done at any Committee Meeting by any person acting as a Committee Member, regardless of whether it is later discovered that there was some defect in the appointment of such Committee Member or that the Committee Member was not eligible for election under Rule 9.1, is valid as if the Committee Member had been duly appointed and was qualified to be a Committee Member.

7.9 Delegations

- (a) The Committee may create or establish or appoint sub-committees, individual officers and consultants to carry out such duties and functions, and with such powers, as the Committee determines from time to time.
- (b) The Committee may delegate such duties and functions of the Committee other than:
 - (i) the power of delegation; and
 - (ii) a function which is a duly imposed on the Committee by the Act or any other law.
- (c) Any delegation by the Committee must be made in writing.

8. NOMINATION OF COMMITTEE MEMBERS

Nominations for the Management Committee shall be received verbally and/or in writing at or before the Annual General Meeting at which the election is to take place.

9. ELECTION OF COMMITTEE MEMBERS

9.1 Eligibility

- (a) Any person seeking election to the Committee and any Committee Member must be eligible under Section 39 and 40 of the Act.
- (b) No person shall hold a Committee position within the Club unless they are, or intend to become, a Member.
- (c) Other than a riding member who is appointed to the Committee in accordance with Rule 6.2(c), only Members over the age of 15 years are eligible to hold a position on the Committee.
- (d) Committee Members must be elected to the Committee at an annual general meeting of the Club or appointed under Rule 13.

9.2 Elections

All Office Bearers set out in Rule 6 shall retire annually but shall be eligible for re-election.

- a. Shall there be more nominations than there are vacancies, a secret ballot by the simple majority method shall be taken to decide who shall hold office.
- b. Should there be an equal number of nominations and vacancies, the Chairman shall declare all nominees elected.
- c. Should there be a lesser number of nominations than there are vacancies, the Committee shall have the power to fill the vacancy or vacancies.
- d. A member of the Management Committee may lose his/her seat on the Committee for the following; absence from three (3) or more meetings at the Committee's discretion or found not to be a financial member.

10. GENERAL MEETINGS

10.1 Annual General Meeting

- (a) The Club must hold an annual general meeting once in each calendar year and no later than six months after the end of the Financial Year, except where the Commissioner has allowed a longer period under the Act.
- (b) The Committee must determine the date, time and place of the annual general meeting each year.
- (c) The ordinary business of the annual general meeting shall be:
 - (i) to confirm the minutes of the previous annual general meeting and of any Special General Meeting held in the time since the last annual general meeting;
 - (ii) to receive and consider:
 - (A) if the Club is a tier 1 Association, the financial statements of the Club for the preceding Financial Year presented under Part 5 of the Act;
 - (B) if the Club is a tier 2 Association or a tier 3 Association, the financial report of the Club for the preceding Financial Year presented under Part 5 of the Act; and
 - (C) if required to be presented for consideration under Part 5 of the Act, a copy of the report of the review or auditor's report on the financial statements or financial report (as applicable);
 - (iii) to elect Committee Members in accordance with this Constitution;
 - (iv) if applicable, to appoint or remove a reviewer or auditor of the Club in accordance with the Act; and
 - (v) to transact any other business which under this Constitution or the Act may properly be brought before the annual general meeting.
- (d) No business other than that stated on the notice of an annual general meeting shall be transacted at that meeting.

10.2 Special General Meetings

- (a) The Committee may at any time convene a Special General Meeting.
- (b) Subject to Rule 10.2(c), the Committee must convene a Special General Meeting if a written request for a Special General Meeting is made by at least 19% of the Members who are entitled to vote at a General Meeting (**Special General Meeting Request**) is lodged with the Committee.
- (c) The Special General Meeting Request must be signed by the requisite number of the Members and state the business to be conducted at the Special General Meeting.
- (d) The Special General Meeting must be convened by the Committee within 28 days of receipt of a Special General Meeting Request in accordance with this Constitution.
- (e) If the Committee does not convene a Special General Meeting within that 28 day period, the Members making the request (or any of them) may convene the Special General Meeting.
- (f) A Special General Meeting convened by Members under Rule 10.2(e):
 - (i) must be held within three months after the date of the Special General Meeting Request; and
 - (ii) may only consider the business stated in the Special General Meeting Request.
- (g) The Club must reimburse any reasonable expenses incurred by the Members convening a Special General Meeting under Rule 10.2(e).

10.3 Notices of Motion

- (a) Members may submit notices of motion for inclusion as special business at any General Meeting, other than a Special General Meeting convened under Rule 10.2(e).
- (b) All notices of motion must be submitted in writing to the Club not less than 7 days prior to the date of the General Meeting.

10.4 Notice of General Meeting

- (a) The Secretary or, in the case of a Special General Meeting convened under Rule 10.2(e), the Members convening the meeting, must give to each Member:
 - (i) not less than 14 days' written notice of a General Meeting if a special resolution is to be proposed; and
 - (ii) not less than 14 days' written notice of a General Meeting in any other case.
- (b) The notice of General Meeting must:
 - (i) specify the date, time and place of the meeting;
 - (ii) indicate the general nature of each item of business to be considered at the meeting;
 - (iii) include any notice of motion received from Members to be considered at the meeting; and
 - (iv) if a Special Resolution is proposed:

- (A) set out the wording of the proposed resolution as required by the Act; and
 - (B) state that the resolution is intended to be proposed as a Special Resolution.
- (c) The non-receipt of a notice of General Meeting by, or the accidental omission to give notice to, any person entitled to receive the notice does not invalidate the proceedings or any resolution passed at the General Meeting.

10.5 President to Preside

- (a) The President or, in the President's absence, the Deputy President, must preside as President of each General Meeting.
- (b) If the President and Deputy President are absent or unwilling to act as a President of a General Meeting, the Committee Members who are present at the meeting must choose one of its members to act as President.

10.6 Attendance at General Meetings

The Committee may determine that a General Meeting may be held using any medium by which each of the Members present can simultaneously hear all other participants (including telephone, video conferencing and any other means of instant communication) and in that case:

- (a) the participating Members are taken to be present at that General Meeting for the purposes of Rule 10.7;
- (b) the General Meeting is taken to be held at the location where the President of the General Meeting is; and
- (c) all proceedings of the Club conducted in accordance with this Rule are valid and effective as if conducted at a General Meeting at which all of the Members were present in person.

10.7 Quorum

- (a) No business may be transacted at a General Meeting unless a quorum is present.
- (b) Subject to Rule 10.7(c), the quorum for a General Meeting shall be the presence of at least 50% of the total number of Members.
- (c) If a quorum is not present within 30 minutes after the notified commencement time of a General Meeting:
 - (i) in the case of a Special General Meeting, the meeting must be automatically dissolved; or
 - (ii) in the case of an Annual General Meeting:
 - (A) the meeting stands adjourned to a day, time and place as determined by the Committee or;
 - (B) if no quorum is present at the Adjourned Annual General Meeting within 30 minutes after the notified commencement time for the meeting, and at least 50% of the total number of Members are present at the meeting, those Members present are taken to constitute the quorum.

10.8 Adjournments

- (a) The President of a General Meeting at which a quorum is present may, with the consent of a majority of the Members present at the meeting, adjourn the meeting to such day, time and place as reasonably determined by the President.
- (b) Without limiting Rule 10.8(a), a General Meeting may be adjourned:
 - (i) if there is insufficient time to deal with the business at hand; or
 - (ii) to give Members more time to consider an item of business.
- (c) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished with the meeting was adjourned.
- (d) A resolution passed at a General Meeting resumed after an adjournment is passed on the day it was passed and not the date of the original General Meeting.
- (e) When a General Meeting is adjourned for 30 days or more, notice of the adjourned General Meeting must be given as in the case of the original meeting. In all other cases it is not necessary to give notice of the adjourned General Meeting.

11. VOTING AT GENERAL MEETINGS

11.4 Voting Rights

- (a) Each Voting Member has one vote on each resolution to be considered at a General Meeting.

11.5 General Resolutions

- (a) Except in the case of a Special Resolution, a motion is carried if a simple majority of the Members present and entitled to vote at a General Meeting vote in favour of the motion.
- (b) If votes are divided equally on any resolution (other than a Special Resolution), the President of the meeting (or any Committee Member acting in the position of President in accordance with Rule 10.5) has a casting vote.

11.6 Special Resolutions

- (a) Under the Act, a Special Resolution is required if the Club proposes to:
 - (i) alter the Constitution, including the name of the Club;
 - (ii) apply for registration or incorporation as a prescribed body corporate;
 - (iii) to approve the terms of an amalgamation with one or more other incorporated Clubs;
 - (iv) to be wound up voluntarily or by the Supreme Court; or
 - (v) cancel its incorporation.
- (b) A Special Resolution is carried if not less than 75% of the Members present and entitled to vote at a General Meeting vote in favour of the Special Resolution.

11.7 Voting Procedure

- (a) At any General Meeting, all resolutions shall be decided on a show of hands unless a poll is (before the vote is taken, before the voting results on a show of hands are declared or immediately after the declaration of the voting result of the show of hands) demanded by:
 - (i) the President; or
 - (ii) a simple majority of Members taken to be present at the General Meeting in accordance with this Constitution.
- (b) Unless a poll is demanded under Rule 11.7(a), the President may, on a show of hands, declare that a resolution has been carried or lost.
- (c) If the resolution is a Special Resolution, the declaration under Rule 11.7(b) must identify the resolution as a Special Resolution.
- (d) If a poll is demanded on any resolution in accordance with Rule 11.7(a):
 - (i) the poll must be taken in the manner determined by the President; and
 - (ii) the President must declare the determination of the resolution on the basis of the poll.
- (e) If a poll is demanded on a question of an adjournment, the poll must be taken immediately.
- (f) If a poll is demanded on any other resolution, the poll must be taken before the close of the meeting at a time determined by the President.
- (g) A declaration under Rule 11.7(b) or (d) must be entered in the minutes of the General Meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

11.8 Minutes of General Meetings

- (a) The Committee must cause minutes to be made of each General Meeting.
- (b) The minutes must record the proceedings and resolutions of the General Meeting.
- (c) The President must ensure that the minutes of a General Meeting over which she or he presides are reviewed as correct as soon as practicable after that General Meeting.
- (d) In the absence of evidence to the contrary, contents of the minutes that are recorded and reviewed in accordance with this Rule 11.8 are evidence of the matters shown in the minutes.

12. VOTING

At any General Meeting of the Club members of the age of 14 and over shall be eligible to vote. Each current financial member of the Club shall have one vote.

13. SPECIAL VACANCIES

In the event of any vacancy occurring in any office from any cause whatever between Annual General Meetings such vacancies shall be filled as the Committee may decide as soon as convenient after the vacancy occurs, and the person so appointed to such vacancy shall hold office only for the remainder of the term for which his/her predecessor was elected. This person shall not be entitled to vote.

14. ALTERATIONS OF THE RULES

(a) No alteration, addition or amendment to this Constitution shall be made unless and until carried by a 75% majority of the number of votes recorded at a General or Special General Meeting of the Club, at which at least sixty percent (60%) of the voting members shall be present.

(b) All members shall be notified in writing the precise wording of any proposed alteration, addition or amendment to this Constitution at least ten (10) days prior to the meeting at which it is to be considered.

15. EXECUTION OF DOCUMENTS

(a) The Club may execute a document without using a common seal if the document is signed by:

- (i) two Committee Members; or
- (ii) one Committee Member and a person authorised by the Committee.

16. FINANCIAL MATTERS

16.1 Financial Year

The financial year of the Club is the 12 month period starting on 1 November each calendar year (**Financial Year**).

16.2 Source of Funds

The income and property of the Club shall be derived from such sources as the Committee determines from time to time in accordance with this Constitution Control of Funds

(a) The funds of the Club must be kept in an account or accounts in the name of the Club in a financial institution determined by the Committee.

(b) The Committee is responsible for expenditure of the funds of the Club and may authorise any person to expend the funds of the Club within specified limits and any expenditure above those limits must be approved or ratified by the Committee.

(c) The funds of the Club are to be used to do:

- (i) anything which it considers will advance or achieve the objects of the Club; and
- (ii) all other things that are incidental to carrying out those objects.

- (d) All cheques, of the Club and all electronic payments by the Club must be signed, made or authorised (as applicable) by:
 - (i) two Committee Members; or
 - (ii) any person or persons authorised by the Committee.

16.3 Financial Records

- (a) The Club must keep financial records that:
 - (i) correctly record and explain its transactions, financial position and performance; and
 - (ii) enable true and fair Financial Statements to be prepared in accordance with Division 3 of Part 5 of the Act.
- (b) The Club must retain its financial records for at least seven years after the transactions covered by the records are completed.
- (c) The Club must allow the Committee Members and the auditor to inspect the financial records of the Club at all reasonable times.

16.4 Financial Reporting

- (a) For each financial year the Committee must cause the Club to comply with all financial reporting obligations imposed on it under the Act.
- (b) Without limiting Rule 16.4(a), the Committee must cause the Club to:
 - (i) if it is a tier 1 association, prepare annual Financial Statements, presented under Part 5 of the Act;
 - (ii) if it is a tier 2 association or tier 3 association, prepare an annual Financial Report, presented under Part 5 of the Act;
 - (iii) have its Financial Statements or Financial Report reviewed or audited (as applicable) if:
 - (A) it is required under the Act;
 - (B) it is directed by the Commissioner;
 - (C) the Members pass a resolution requiring it; or
 - (D) it is required as a condition of a funding arrangement, holding of a charitable collections license or otherwise at law; and
 - (iv) if required to be presented for consideration under Part 5 of the Act, present a copy of the report of the review or the auditor's report, as applicable, on the Financial Statements or Financial Report to the annual general meeting.

17. REMOVAL OR INJURY OF PROPERTY

No person shall take from the Club premises any of the property of the Club without the express approval of the Committee. Any loss or damage resulting from any breach of this rule shall be made good by the person concerned. The Management Committee shall assess the amount to be paid by the person and the assessment shall be final and conclusive.

18. LOSS OR DAMAGE TO PROPERTY

The Club shall not be responsible for the loss or damage to any article whatsoever brought into the club premises by any person.

19. PROPERTY

The Club may purchase take on lease or in exchange or on hire or otherwise acquire hold mortgage lease or dispose of any real or person property either solely or in partnership and shall enjoy all such rights, powers and privileges and do all such things as may be necessary or expedient for these purposes.

20. INTERPRETATION OF RULES

The interpretation of these rules or of any of the made there under shall be in the sole determination of the Management Committee whose decision shall be binding on all matters.

21. NON-PROFIT MAKING

- (a) The property and income of the Club must be applied solely towards the promotion of the objects or purposes of the Club and, subject to Rule 21(b), no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any Member, except in good faith in the promotion of those objects or purposes.
- (b) A payment may be made to a Member out of the funds of the Club if the payment is:
 - (i) authorised by resolution of the Committee; and
 - (ii) made in good faith to the Member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business;
 - (iii) in respect of interest, on money borrowed by the Club from the Member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia;
 - (iv) in respect of reasonable rent to the Member for premises leased by the Member to the Club; or
 - (v) the reimbursement of reasonable expenses properly incurred by the Member on behalf of the Club or in connection with the performance of the Member's duties, powers and functions.

22. AFFILIATION

The Club may cooperate with, become a member of, or affiliate to anybody or bodies having objects similar in whole or in part to its own objectives provided that a two thirds (2/3) majority of the Committee is in favour of such affiliation.

The Club shall have the power to appoint a delegate or delegates as its representative(s) to any other body or bodies. Such delegate(s) shall enjoy such powers and privileges as may be determined by the Committee from time to time, and shall hold office for such term or terms as shall be decided by the Committee.

23. DISSOLUTION

The Club may be dissolved by Special Resolution passed by a vote of at least seventy five percent (75%) of the members of the Club present and entitled to vote, recorded at a special meeting called for such purpose and there upon the assets of the Club shall be realised. If upon a dissolution or winding up of the Club there remains after the satisfaction of all debts and liabilities any property whatsoever the same shall be paid or distributed to some other club or institution which is incorporated under the Associations Incorporation Act 2015 (WA) having objects similarly wholly or in part to the objects of the Club or for charitable purposes.