



**NSW BRANCH  
CONSTITUTION  
AND BY-LAWS  
JUNE 2021**

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## PART 1 – PRELIMINARY

### 1. Interpretation

- 1.1. In this constitution and by-laws, unless a contrary intention appears:
  - 1.1.1. “the branch” means the NSW Branch of the Australian Carriage Driving Society Inc
  - 1.1.2. “financial year” means the year ending 30 April.
  - 1.1.3. “member” means a person admitted to membership according to Rule 4 and in respect of whom all monies payable on account of membership have been paid to the principal local club and includes a deemed member and an honorary life member.
  - 1.1.4. “local club” means an organisation recognised as such by the branch and in which:
    - 1.1.4.1. The objectives are those similar to the ACDS,
    - 1.1.4.2. The constitution and rules:
      - 1.1.4.2.1. Contain a provision that in an event of any inconsistency between the rules of the local club and the rules of the ACDS, the latter shall prevail and;
      - 1.1.4.2.2. provide for such other matters as the committee may from time to time require; and
    - 1.1.4.3. There are always at least 5 members or deemed members aged 18 years or over.
  - 1.1.5. “Conditional club” means a club that meets all of the requirements of rule 1.1.4. except 1.1.4.3.
  - 1.1.6. “ordinary committee member” means a member of the committee who is not an office-bearer of the ACDS as referred to in rule 13.2
  - 1.1.7. “principal local club” means the local club described as such and referred to in rule 3.2;
  - 1.1.8. “the same household” is as defined by the Australian Bureau of Statistics for the Australian Census
  - 1.1.9. “secretary” means the person holding office under the rules as secretary of the Branch or, where no such person holds the office, then the public officer of the Branch
  - 1.1.10. “special resolution” means a resolution to amend the objectives or constitution of the Branch.
  - 1.1.11. “the act” means the Associations Incorporation Act 2009
  - 1.1.12. “the regulations” means the *Associations Incorporation Regulation 2016*
- 1.2. In this constitution and by-laws;
  - 1.2.1. A reference to a function includes a reference to a power, authority, and duty, and
  - 1.2.2. a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority of the duty.
- 1.3. The provisions of the Interpretations 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 the same Act.
- 1.4. Where the word “Council” appears in these rules, it shall refer to the Federal Council of the ACDS
- 1.5. In the event of any inconsistency between these rules and the rules of the ACDS, the latter shall prevail.

## PART 2 – OBJECTIVES OF THE BRANCH

### 2. The Objectives of the NSW Branch of the ACDS are to:

- 2.1. encourage and promote the driving of horses and ponies.
- 2.2. educate persons interested in horse and pony driving.
- 2.3. promote and offer education in respect of the building and restoration of horse-drawn vehicles.
- 2.4. provide for the education and training of officials for the various activities of the ACDS.
- 2.5. promote and encourage competition, and non-competitive driving events and activities.
- 2.6. apply rules for the sport of combined driving.
- 2.7. encourage and assist the setting up and administration of local clubs, subject to bylaw 2.1.1.
- 2.8. co-operate with, assist, and affiliate with kindred organisations.

- 2.9. pay or apply (including by donation) the funds of the Branch for any purpose conducive to the attainment of any of the foregoing objectives.
- 2.10. seek grants and donations from Government and private bodies for the promotion of the objectives of the branch.
- 2.11. encourage and promote the proper care and welfare of driven horses and ponies.

### **PART 3 – MEMBERSHIP**

#### **3. Membership Qualifications**

- 3.1. A person is qualified to be a member if he/she:
  - 3.1.1. Has attained the age of 18 years.
  - 3.1.2. Is a member of a local club
  - 3.1.3. Has been nominated for membership in accordance with the constitution; and
  - 3.1.4. Has been approved for membership by the Branch committee.
- 3.2. Where a person is a member of more than one local club, then for rule 3.1.2, that person shall nominate the local club that he considers to be his principal local club and the annual subscription payable in respect of that person upon his admission to the ACDS shall be payable only through that principal local club.
- 3.3. Any other purpose under these and membership thereof shall not carry any additional rights within the ACDS in respect of voting, participation, representation, or otherwise.

#### **4. Application for Membership**

- 4.1. An application for membership of the ACDS:
  - 4.1.1. Shall be made by the applicant in writing in such form as the ACDS Council may from time to time approve.
  - 4.1.2. Shall be lodged with the secretary of a local club.
  - 4.1.3. Shall be accompanied by payment of the membership fee applicable to the local club and the annual membership subscription for the ACDS referred to in rule 10.
- 4.2. As soon as practicable after receiving an application for membership, the secretary of the local club shall refer the application to the committee of the local club which shall determine whether to approve or reject the application.
- 4.3. Where the committee of the local club determines to approve an application for membership
  - 4.3.1. The secretary of the local club shall as soon as practicable after that determination notify the Branch secretary.
  - 4.3.2. The applicant shall become a member of the ACDS with effect from the date of that determination.
  - 4.3.3. The secretary shall as soon as practicable after receiving notice from the secretary of the local club enter the applicant's name in the register of members whether in written or electronic form.
  - 4.3.4. The register of members must be kept in New South Wales:
    - 4.3.4.1. at the main premises of the association, or
    - 4.3.4.2. if the association has no premises, at the association's official address.
  - 4.3.5. The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour.
  - 4.3.6. 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.
  - 4.3.7. 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.
  - 4.3.8. A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
    - 4.3.8.1. 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
    - 4.3.8.2. any other purpose necessary to comply with a requirement of the Act or the Regulation.
  - 4.3.9. If the register of members is kept in electronic form:
    - 4.3.9.1. it must be convertible into hard copy, and

4.3.9.2. the requirements in subclauses (4.3.4) and (4.3.5) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

4.4. Upon admission to membership of the ACDS, a member shall be deemed to have agreed to be bound by and strictly adhere to the constitution and by-laws of the ACDS as amended from time to time.

## **5. Membership Categories**

5.1. Subject to and at the entire discretion of the Council in the categories described hereunder who are not members of the local club by resolution of the council be deemed to be a member of the ACDS for such period and subject to such terms and conditions as the Council may from time to time determine:

5.1.1. Family membership – available to persons being either:

5.1.1.1. The spouse, de facto spouse or one additional adult person aged 18 years or over living at the same household (family member), or

5.1.1.2. A child or grandchild of a member who has not attained the age of 18 years (family junior member)

5.1.2. Junior member – available to a person who has not attained to the age of 18 years and is not the child of a member.

5.1.3. Associate member – available to persons of any age who do not drive horses or act as Chief judge or Technical delegate at any ACDS competition or activity.

5.2. A deemed member shall be bound by and strictly adhere to the constitution and by-laws of the branch and the ACDS as amended from time to time.

5.3. A deemed member may attend general meetings of the Branch, but only those deemed members forming category 5.1.1.1. shall be entitled to vote or to be elected to executive positions within the branch.

5.4. Constituent Schools membership – applying to Government recognised teaching schools. Being “*A guardian (i.e., A person qualified for ordinary membership) and up to five persons who satisfy the rules as junior members, and whose names are supplied*”. The fee shall be as for family membership.

## **6. Honorary Life Membership**

6.1. The committee may recommend to the Council any member who has been a member for a substantial time and who has given distinguished service to the ACDS as an honorary life member of the ACDS. No subscription shall be payable to the ACDS in respect of an honorary life member of the ACDS.

## **7. Membership entitlements not transferable**

7.1. A right, privilege, or obligation which a person has because of being a member of the ACDS:

7.1.1. Is not capable of being transferred to another person; and

7.1.2. Terminates upon cessation of the person’s membership.

## **8. Membership entitlements not transferable**

8.1. A person ceases to be a member of the ACDS if the person;

8.1.1. Dies

8.1.2. Resigns from membership of the ACDS.

8.1.3. Is expelled from the ACDS.

8.1.4. Fails to renew membership of their principal local club (except where they have become a member of and nominated another principal local club as contemplated by rule 3.2; or

8.1.5. Fails to pay any monies due by members to the ACDS.

8.2. A person also ceases to be a member if the annual subscription in respect of their membership is not paid to their principal local club by 31 August in each calendar year.

8.3. The name of the person who has ceased to be a member under the foregoing shall be forthwith removed from the list of members by the secretary. The records of the person’s membership are to be retained.

## **9. Resignation of Membership**

- 9.1. A member is not entitled to resign from membership of the ACDS except under this rule.
- 9.2. A member who has paid all amounts payable by the member to the ACDS may resign from membership of the ACDS by first giving notice (being not less than one month or, if the Council has determined a shorter period, that shorter period) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

## **10. Fees, subscriptions, etc.**

- 10.1. The annual membership subscription, if any, shall be such amount as may be determined from time to time by resolution of the Branch at the Annual General Meeting and is payable by 31 August in each year.
- 10.2. The annual membership subscription may be different for particular categories, descriptions, or classes of membership as the Branch Annual General Meeting may decide.

## **11. Members Liabilities**

- 11.1. The liabilities of a member to contribute towards the payment of debts and liabilities of the Branch of the costs, charges, and expenses of the winding-up of the Branch is limited to the amount, if any, unpaid by the member in respect of membership of the branch as required by rule 10

## **12. Disciplining Members**

- 12.1. Where the Branch Executive committee is of the reasonable opinion that a Member of the Branch has:
  - 12.1.1. persistently refused or neglected to comply with a provision of the Constitution or By-Laws; or
  - 12.1.2. conducted themselves at any show or event in a violent aggressive, abusive, improper, or offensive manner; or
  - 12.1.3. engaged in conduct that may reasonably be regarded as unsportsmanlike; or
  - 12.1.4. disobeyed or ignored any reasonable request by any judge, steward, or official at any show or event; or
  - 12.1.5. disobeyed or ignored any reasonable request from the Executive or the Council of the ACDS; the Branch Executive; the ACDS or any Member or any judge, steward or official at any show or event; or
  - 12.1.6. published any unjust, intemperate, or unduly critical matter concerning the ACDS or any Member or any judge, steward or official at any show or event.
  - 12.1.7. offered any bribe or inducement to any judge, steward, or official at or in connection with any show or event.
  - 12.1.8. engaged in any dangerous driving or has in any manner ill-treated any horse.
  - 12.1.9. competed with a horse that is lame, exhausted or in distress or otherwise not reasonably fit for competition.
  - 12.1.10. been convicted of any offense relating to cruelty to any animal.
  - 12.1.11. persistently and willfully acted in a manner prejudicial to the interests of the ACDS.
    - 12.1.11.1. engaged in improper activity in connection with driving.
    - 12.1.11.2. engaged in conduct prejudicial to the interests of driving:
  - 12.1.12. failed to discharge a just debt to, or incurred in connection with any activity of or service provided, or arranged by, the ACDS
  - 12.1.13. been found guilty by a Jury of an offense at a show or event, as referred to in the ACDS By-Laws.
- 12.2. The Branch Executive Committee may by resolution refer the matter to ACDS Federal Council to be dealt with under the relevant provisions of the Australian Carriage Driving Society Rules and Regulations
  - 12.2.1. The Branch Executive Committee shall inform the Member concerned in writing of such referral.
  - 12.2.2. The Branch Executive Committee shall make all reasonable efforts to ensure that ACDS Federal Council arranges a disciplinary procedure that meets these requirements.
    - 12.2.2.1. the outcome must be determined by an unbiased decision-maker.
    - 12.2.2.2. the member must have the opportunity to be heard; and
    - 12.2.2.3. the disciplinary procedure must be completed as soon as reasonably practicable.

## **13. Right of Appeal of Disciplined Member**

- 13.1. The Right of Appeal for any Disciplined Member will be as provided for in the ACDS Rules & Regulations.

## **PART 4– THE BRANCH COMMITTEE**

### **14. Powers of the Committee**

- 14.1. The committee, subject to the Act, the Regulations, this constitution, and to any resolution passed by the Branch in the General meeting:
- 14.1.1. Shall control and manage the affairs of the Branch, and
  - 14.1.2. May exercise all such functions as may be exercised by the Branch other than those functions that are required by this constitution to be exercised by the ACDS in general meeting; and
  - 14.1.3. Has the power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the ACDS.
- 14.2. All decisions of the committee shall, subject to the constitution, be final and binding on all members.

### **15. Constitution and membership of the Committee**

- 15.1. The committee shall consist of;
- 15.1.1. The office-bearers of the Branch, and also
  - 15.1.2. Two ordinary committee members elected by and representing each club within the Branch.
- 15.2. The office-bearers of the Branch shall be:
- 15.2.1. The president
  - 15.2.2. Two vice presidents
  - 15.2.3. The treasurer
  - 15.2.4. The secretary
- 15.3. Each of whom shall be elected at the Annual General Meeting as hereafter provided
- 15.4. Each office bearer shall, subject to this constitution, hold office until all office bearers' positions are declared vacant at the Annual General Meeting following the date of the member's election, but is eligible for re-election, subject to rule 16. The new office bearers shall take up their positions immediately upon election.
- 15.5. In the event of a vacancy in the office bearers of the Branch, the committee shall appoint another member of the committee to fill the vacancy, and the member so appointed shall hold office, under this constitution, until all office bearers' positions are declared vacant at the Annual General Meeting next following the date of the appointment.
- 15.6. Vacancies on Committee
- 15.6.1. Local clubs are to notify the secretary of the names of the ordinary committee members elected to represent the club as soon as practicable after such election has taken place.
  - 15.6.2. Should a local club require a change of committee member/s representing that club, the secretary is to be advised in writing as soon as practicable, but no later than the commencement of the next meeting of the Branch.
  - 15.6.3. In the event of a vacancy in the ordinary committee member representing a club, the Club concerned shall under its procedures, elect or appoint another member to fill the vacancy and that member shall hold office, subject to the constitution, until the conclusion of the Annual General Meeting next following the date of the appointment
  - 15.6.4. In the event of the club failing within 60 days to elect or appoint another member of the local club to fill such vacancy, the Branch of the ACDS may do so by appointing a member of a local club within the Branch concerned to fill the vacancy until the conclusion of the Annual General Meeting next following the date of the appointment.
  - 15.6.5. If the number of members of a club has not reached 5 by the last day of October, the Branch may assign the club's status to that of a conditional club. A conditional club will not resume local club status until the number of ACDS members reaches 5.
  - 15.6.6. A conditional club is not entitled to vote at meetings of the committee.

### **16. Election of office bearers and discipline subcommittee members**

- 16.1. Nominations of candidates for election as office-bearers and/or discipline subcommittee members of the Branch:
- 16.1.1. Shall be made in writing, signed by two members of the ACDS and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and



- 16.1.2. Shall be delivered to the secretary of the branch no later than one calendar month before the date fixed for the Annual General Meeting at which the election is to take place.
- 16.1.3. Shall be circulated by the secretary to all local club secretaries and committee members no later than 21 days before the Annual General Meeting
- 16.2. If insufficient nominations are received to fill all vacancies in the office bearers and subcommittees, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting
- 16.3. If insufficient further nominations are received, any vacant positions remaining in the office bearers and subcommittees shall be deemed to be vacancies.
- 16.4. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
- 16.5. If the number of nominations received exceed the number of vacancies to be filled, a ballot shall be held.
- 16.6. The ballot for the election of office bearers and subcommittee members shall be conducted at the Annual General Meeting in such manner as the Branch may direct.
- 16.7. A person is not eligible to simultaneously hold more than one position on the committee.
- 16.8. A person may not hold office as president for more than three consecutive years and thereafter is ineligible for election as president for a year.
- 16.9. A person may not hold office as vice-president, treasurer, or secretary for more than five consecutive years and thereafter is ineligible for election as any such office bearer for one year.
- 16.10. The committee may co-opt any person, whether or not a member of the ACDS, to assist the committee with any matter and any person may attend meetings of the committee but may not vote.

**17. Election of Council representative**

- 17.1. The branch shall, before the ACDS Federal Annual General Meeting, elect from amongst the members of the local clubs, one person to represent the Branch on the Council.
- 17.2. The person elected by the Branch shall be
  - 17.2.1. The branch president, unless the president has indicated an inability to carry out the duties on Council, in which event;
  - 17.2.2. One of the Officers of the Branch is to be elected to the position.
- 17.3. If the Branch representative to Council is temporarily unable to attend to the business of Council, the representatives may delegate that business to another office-bearer.

**18. Secretary/Public Officer**

- 18.1. The secretary of the Branch shall, as soon as practicable after being appointed as secretary, notify the Branch of their address.
- 18.2. The secretary shall keep minutes (whether in written or electronic form) of:
  - 18.2.1. All elections and appointments of office-bearers
  - 18.2.2. The names of members of the committee present at a meeting or general meeting.
  - 18.2.3. All proceedings of Branch meetings and general meetings
- 18.3. Minutes of the proceedings at a meeting shall be signed by the person presiding at the meeting, or by the person presiding at the next succeeding meeting. The signature of the chairperson may be transmitted by electronic means.
- 18.4. The secretary shall be responsible for maintaining a register of members.
- 18.5. Public Officer
  - 18.5.1. If the secretary is eligible to be the public officer of the Branch under the Act, the secretary shall be the public officer of the Branch,
  - 18.5.2. If the secretary is not eligible to be the public officer of the Branch, the Branch shall appoint a person who has attained the age of 18 years and is a resident of New South Wales as the public officer of the Branch.

**19. Treasurer**

19.1. The treasurer of the Branch shall:

- 19.1.1. Collect and receive all money due to the branch and make all payments authorized by the Branch, and
- 19.1.2. Keep correct accounts and books showing the financial affairs of the Branch with full details of all receipts and expenditure connected with the activities of the Branch.

**20. Vacancies**

20.1. For this constitution, a vacancy in the office of a member of the committee occurs if the member:

- 20.1.1. Dies, or
- 20.1.2. Ceases to be a member of the ACDS; or
- 20.1.3. Resigns the office; or
- 20.1.4. Is removed from office under rule 21; or
- 20.1.5. Becomes insolvent under administration within the meaning of the Companies Code (NSW); or
- 20.1.6. Is absent without the consent of the Branch from two consecutive meetings of the Branch.

**21. Removal of Branch Members**

21.1. The Branch in general meeting may by resolution, subject to compliance with the rules of natural justice, remove any member of the committee from the office of the member of the committee before the expiration of the member's term of office.

**22. Branch Meetings and Quorum**

- 22.1. The branch shall meet at least two times in each calendar year at such place and time as the Branch may determine.
- 22.2. Additional meetings of the Branch may be convened by the secretary on the instruction of the president (or vice president if the president is overseas or has been granted a leave of absence) or by any four members of the committee.
- 22.3. Oral or written notice of a meeting of the Branch or committee shall be given by the secretary to each secretary of each local club and each member of the committee.
  - 22.3.1. In the case of a non-urgent meeting, at least 21 days,
  - 22.3.2. In the case of an urgent meeting, at least 7 days (or in each case such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- 22.4. Notice of a meeting under rule 22.3.2. shall specify the general nature of the business to be transacted at the meeting, and no other business than that business shall be transacted at that meeting, except business 90% of the committee members present at the meeting agree to treat as urgent business.
- 22.5. Any five members of the committee constitute a quorum for the transaction of the business of a meeting of the Branch or committee.
- 22.6. No business shall be transacted by the committee unless a quorum is present and if, within half an hour after the time appointed for the meeting, a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day in the following week
- 22.7. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.
- 22.8. At meetings of the Branch:
  - 22.8.1. The president or in the absence of the president, a vice president shall preside; or
  - 22.8.2. If the president and the vice presidents are absent one of the remaining members of the committee shall be chosen by the members present to preside
  - 22.8.3. The president may, with the consent of the meeting, invite another office bearer to take the chair for consideration of a specified item of business.

### **23. Delegation by Committee to a subcommittee**

- 23.1. The committee may, by resolution, delegate to one or more sub-committees (consisting of such member or members of the ACDS as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than:
- 23.1.1. this power of delegation, and
  - 23.1.2. a function, which is a function imposed on the committee by the Act, by any other law of the State, or by resolution of the Branch in general meeting.
  - 23.1.3. A function, the exercise of which has been delegated to a subcommittee under this rule may, whilst the delegation remains unrevoked, be exercised from time to time by the subcommittee per the delegation.
  - 23.1.4. A delegation under this rule may be made subject to such condition or limitations as to the exercise of any function, or as to time or circumstance, as may be specified in the instrument of delegation.
  - 23.1.5. Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegation.
  - 23.1.6. Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
  - 23.1.7. The committee may, by an instrument in writing, revoke wholly or in part any delegation under this rule
  - 23.1.8. A subcommittee may meet and adjourn as it thinks proper.
- 23.2. At the Annual General Meeting, the Branch is to elect five persons to each of four Discipline sub-committees, representing the disciplines of Combined Driving; Show Driving; Dressage; and Pleasure, Endurance and Historical
- 23.2.1. The members of each Discipline sub-committee are to elect a convenor of that sub-committee.
  - 23.2.2. The convenor of each Discipline sub-committee is to be the Branch representative on the relevant Federal Discipline committee
  - 23.2.3. The responsibilities of the Discipline sub-committee are as described from time to time in the Branch By-laws.
- 23.3. The Branch president shall be ex officio a member of all sub-committees, and, when attending meetings of the sub-committee, shall be entitled to preside over the meeting.
- 23.4. A quorum for any sub-committee meeting shall be the number of members of the sub-committee less one.

### **24. Executive sub-committee**

- 24.1. There shall be a sub-committee of the committee comprising the office bearers of the Branch and known as the executive sub-committee.
- 24.2. The executive sub-committee shall deal with routine business between meetings of the committee and shall report all decisions to the next Branch meeting.
- 24.3. Any three members of the executive shall constitute a quorum at a meeting of the executive sub-committee whether attending or using telephonic or facsimile communication to the president or the secretary. Decisions shall be valid as if a meeting had taken place in person.

### **25. Voting and decisions**

- 25.1. Questions arising at a meeting of the Branch or of any sub-committee appointed by the committee shall be determined by a majority of votes of members of the committee or members of the sub-committee present and entitled to vote at the meeting.
- 25.2. At a meeting of the Branch:
- 25.2.1. Each office bearer shall be entitled to one vote.
  - 25.2.2. The two delegate committee members representing each local club shall be entitled to one vote each.
- 25.3. Each member present at a meeting of a sub-committee appointed by the committee (including the executive sub-committee) is entitled to one vote.
- 25.4. In the event of an equality of votes on any question at a meeting of the Branch or of any sub-committee (including the executive sub-committee) the person presiding may exercise a second casting vote
- 25.5. Subject to rule 23.1.6. the committee may act notwithstanding any vacancy on the committee.

25.6. Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee is valid and effectual notwithstanding any defect that may afterward be discovered in the appointment or qualification of any member of the committee or Sub-committee.

**26. Use of technology at committee meetings**

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

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

**PART 5 – GENERAL MEETINGS**

**27. Annual General Meetings**

27.1. The Annual General Meeting of the Branch shall, subject to the Act, be convened where possible before the AGM of the ACDS (usually held in June or July) and at such place as the committee thinks fit.

The association must hold its annual general meetings:

27.1.1. within 6 months after the close of the association's financial year, or

27.1.2. within any later time that may be allowed or prescribed under section 37 (2) (b) of the Act

27.2. In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:

27.2.1. To confirm the minutes of the preceding Annual General Meeting, and of any general meeting held since that meeting.

27.2.2. To receive and consider the statement of accounts and the reports that are required to be submitted to members under subsections of the Act, and

27.2.3. To receive from the committee reports on the activities of the Branch during the last preceding financial year.

27.2.4. To elect the office bearers.

27.2.5. To elect five members to each of the discipline sub-committees of Combined Driving, Show Driving; Dressage; and Pleasure, Endurance and Historical

27.2.6. To set the annual membership subscription as required by rule 10.

27.3. An Annual General Meeting shall be specified as such in the notice convening it per rule 29.

27.4. An Annual General Meeting shall be conducted under the provisions of Rule 28.

**28. Calling of General Meetings**

28.1. The committee may, whenever it thinks fit, convene a general meeting of the Branch.

28.2. The committee shall, on the requisition in writing of not less than twenty members, convene a general meeting of the Branch

28.2.1. a requisition may be in electronic form, and

28.2.2. a signature may be transmitted, and a requisition may be lodged, by electronic means.

28.3. A requisition of members for a general meeting:

28.3.1. Shall state the purpose of the meeting.

28.3.2. Shall be signed by the members making the requisition.

28.3.3. Shall be lodged with the secretary, and

28.3.4. May consist of several documents in a similar form, each signed by one or more of the members making the requisition.

28.4. If the committee fails to convene a general meeting within 60 days after the date on which a requisition of members of the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a general meeting to be held not more than three months after that date.

28.5. A general meeting convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expenses is entitled to be reimbursed by the Branch for any reasonable expense so incurred.

**29. Notice of General Meetings**

- 29.1. The secretary shall, at least 30 days before the date fixed for the holding of a general meeting, cause to be sent by pre-paid post to each local club secretary and Branch member at the addresses appearing in the register of members, a notice specifying the place, date and time and the nature of the business proposed to be transacted at the meeting.
- 29.2. If the business proposed to be dealt with at a general meeting requires a special resolution of the Branch, the secretary shall cause the notice sent to each secretary and delegate as supplied in rule 29.1. to specify, in addition to the manner required under that rule, the intention to propose the resolution as a special resolution.
- 29.3. No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted according to rule 28.2.
- 29.4. A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after the receipt of the notice from the member.

**30. General Meetings– procedure and quorum**

- 30.1. No item of business shall be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- 30.2. 10 members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of business of a general meeting.
- 30.3. If within half an hour after the appointed time for the commencement of the general meeting, a quorum is not present, the meeting, if convened on the requisition of members, shall be dissolved and any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 30.4. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 5) shall constitute a quorum.

**31. Presiding member**

- 31.1. The president, or in the absence of the president, the vice president, shall preside at each general meeting of the Branch.
- 31.2. If the president and the vice president are absent from a general meeting or are unwilling to act, the delegates of the Branch present shall elect one of their number to preside at the meeting.

**32. Adjournment**

- 32.1. The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of the delegates present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 32.2. If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date, and time of the meeting and the nature of the business to be transacted at the meeting.
- 32.3. Except as provided in rule 32.1. and 32.2., a notice of an adjournment of a general meeting or the business to be transacted at an adjourned meeting is not required to be given.

**33. Making of decisions**

- 33.1. A question arising at a general meeting of the Branch shall be determined by a show of hands unless before on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot, or if the meeting is one to which rule 26 applies, any appropriate corresponding method that the committee may determine.
- 33.2. A declaration by the person presiding 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 Branch is evidence of the fact without proof of the number or proportion of votes recorded in favor of or against that resolution.
- 33.3. Where a poll is demanded at a general meeting, the poll shall be taken:

- 33.3.1. Immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment, or
- 33.3.2. In any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

#### **34. Special resolution**

- 34.1. A special resolution is required to amend the objectives or Constitution of the Branch.
- 34.2. A special resolution shall require to be passed by at least three-quarters of those members present, in person or by proxy, at the meeting.

#### **35. Voting**

- 35.1. Subject to rule 35.3. upon any question arising at a general meeting, of the Branch, a member has one vote only.
- 35.2. All votes shall be given personally or by proxy (facsimiles not accepted) but no member may hold more than five proxies
- 35.3. In the case of an equality of votes on a question at a general meeting, the person presiding is entitling to exercise a second or casting vote.
- 35.4. A member or proxy is not entitled to vote at a general meeting of the ACDS unless all money due and payable by the member or proxy to the ACDS on any account whatsoever has been paid.
- 35.5. Postal or electronic ballots
- 35.5.1. The Branch may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal.
- 35.5.2. A postal or electronic ballot is to be conducted following Schedule 3 to the Regulation.

#### **36. Use of technology at general meetings**

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

### **PART 6 – MISCELLANEOUS**

#### **37. Funds - source**

- 37.1. The funds of the Branch shall be derived from the entrance and annual subscriptions of members, donations, and, subject to any resolution passed by the Branch in general meeting and subject to the Act, such other sources as the Branch determines.
- 37.2. All money received by the Branch shall be deposited as soon as practicable and without deduction to the credit of the Branch bank account.
- 37.3. The Branch shall, as soon as practicable after receiving any money, issue an appropriate receipt.

#### **38. Funds management**

- 38.1. Subject to any resolution passed by the Branch in a general meeting, the funds of the Branch shall be used in pursuance of the objectives of the Branch in such a manner as the committee determines.
- 38.2. All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by any two office bearers of the Branch, being office bearers authorised to do so by a resolution of the Branch.
- 38.3. The Branch shall, as soon as practicable after receiving money, issue an appropriate receipt.

#### **39. By-Laws**

- 39.1. The By-laws of the Branch at the date of adoption of these rules shall be those set out in Schedule 1.
- 39.2. The power to make, amend and repeal By-laws is vested in the committee.

39.3. Any By-law of the Branch, whether contained in Schedule 1 or made by the committee, may be amended or repealed at an Annual General Meeting of the Branch by a simple majority of those present and voting.

39.4. Any proposal to make, amend or repeal By-laws must be advised by Notice of Motion to the secretary at least one calendar month before the meeting at which the proposed amendment to the By-laws is to be determined. The secretary shall cause such Notice of Motion to be conveyed to all local club secretaries and Branch committee members no later than 21 days before such a meeting.

**40. Audit**

40.1. The Branch shall be responsible for ensuring that the books and financial records of the Branch are audited during May or June each year and otherwise in accordance with the Act.

40.2. Subject to the Act, the auditor to be appointed by the Branch shall be such a duly qualified person as the Branch may from time to time provide but they shall not be a member of a local club.

40.3. The Auditor's report shall be presented to the Annual General Meeting of the Branch.

**41. Alteration of objectives and constitution**

41.1. Neither the objectives of the Branch nor these rules shall be altered except under a special resolution.

**42. Seal**

42.1. The common seal of the Branch shall be kept in the custody of the Public Officer.

42.2. The common seal shall not be affixed to any instrument except by the authority of the Branch and affixing of the common seal shall be attested to by the signatures either of two members of the committee or one member of the committee and the secretary.

**43. Indemnity**

43.1. Every member of the committee of the Branch, every member of the ACDS, and every employee and agent of the Branch shall be indemnified by the ACDS against, and it shall be the duty of the Branch out of the funds of the Branch to pay, costs, losses, and expenses which any such person may incur or in respect of which they may become liable because of any contract entered into or any act or thing done (whether negligently or otherwise) by him/her as such member, employee or agent or in any way in the performance of their duties including traveling expenses, unless such damages, cost, losses, and expenses shall have been by such person through his own dishonestly, willful act, or default.

43.2. No member of the committee of the Branch, member of the ACDS, or any other employee or agent of the ACDS shall be liable for the acts, receipts, neglects, or defaults of their or any other person or for neglect on their duties or in relation thereto unless the same shall happen in the performance of their duties or in relation thereto unless the same shall happen through his dishonesty, willful act or default.

43.3. Subject to Rule 42, the Branch shall have no liability to any member for any loss or damage suffered by that member as a result of any act, error, or omission of the Branch howsoever caused (whether negligently or otherwise) or as a result of any act, error or omission of any other member of the Branch or any third party.

**44. Custody of books**

44.1. Subject to the Act, The Regulations, and this Constitution, the secretary shall keep in their custody or under their control all records, books, and other documents relating to the Branch.

**45. Inspection of books**

45.1. The records, books, and other documents of the Branch shall be available for inspection at such place as the committee may from time to time reasonably determine, free of charge, by a member of the Branch at any reasonable hour.

45.2. Despite clause 44.1, the committee may refuse to permit a member of the branch to inspect or obtain a copy of records of the branch that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the branch.

#### **46. Service of Notice**

46.1. For this constitution, a notice may be served by or on behalf of the Branch upon any member either personally or by sending it by post to the members address shown in the register of members or 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:

46.1.1. In the case of a notice given or served personally, on the date on which it is received by the addressee and

46.1.2. Where a document is sent to a person by properly addressing, prepaying, and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

46.1.3. 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.

#### **47. Winding-up**

47.1. The Branch may only be disbanded at a Special or Annual General Meeting by notice of motion given to members at least 30 days before the meeting. Any motion to amend the Constitution must be passed by three-quarters of those present and entitled to vote.

47.2. If the Branch is to be disbanded the funds and property remaining after satisfaction of all its liabilities are to be distributed to Branch affiliated clubs who are themselves exempt from tax, or to any equine charity to which donations are an allowable deduction under Section 23 of the Income Tax Assessment Act.

### **SCHEDULE 1 – BY-LAWS**

#### **1. Branch area**

1.1. The State of New South Wales and the Australian Capital Territory, as referred to in ACDS By-laws.

#### **2. Local Clubs**

2.1. The committee shall consider the application for recognition of Local Club status from any group of financial members to form a Local Club, provided that:

2.1.1. The proposed geographic location does not conflict with that of an existing Local Club, and

2.1.2. The application meets the requirements of rule 1.1.4.; and

2.1.3. The number of members migrating from an existing Local Club to the proposed club does not cause the membership of the existing club to fall below five.

2.2. Members are required to pay to their Local Club amounts payable according to this constitution and the rules of the Local Club (including the amount referred to in rule 4.1.3.) no later than 31 August in each year.

2.3. The Local Club must remit the amount payable according to rule 4.1.3. to the Branch treasurer by 30 September next, together with a full list of members of Local Club.

2.4. The Branch treasurer must remit to the ACDS by 30 September next the amount in respect of each member under rule 4.1.3. and such remittance must be accompanied by a list of all clubs within the Branch at that time.

2.5. In respect of members joining Local Clubs and the ACDS after 31 August, the forgoing procedure must be adopted *mutatis mutandis*.

2.6. If, after the second quarter of the ACDS financial year, the number of financial members of a Local Club advised to the Branch treasurer does not meet the requirements of rule 1.4.2.3., that Local Club shall be deemed a Conditional Club.

2.7. In the third quarter of the ACDS financial year, the secretary shall advise all clubs deemed as Conditional Clubs :

2.7.1. Of their change in status; and

2.7.2. Of the provisions of rules 15.6.5. and 15.6.6; and

2.7.3. That Local Club status will be resumed immediately the number of financial members advised to the Branch treasurer reaches five or more, and



2.7.4. Should the number of members not reach five before the last Branch meeting of the financial year, the Branch may consider withdrawing recognition of the Local Club.

2.8. A Local Club must issue a receipt for all membership subscriptions (for the Local Club and the ACDS) for verification purposes.

### **3. Offences at a Show or Event**

3.1. It shall be the responsibility of persons conducting any show or event to establish a jury comprising suitably experienced members of a Local Club whose function it will be to hear and determine any allegation that any person at the show or event has engaged in any of the following conducts described in ACDS rules and regulations item 12 "Disciplining of Members":

3.1.1. Behaved at a show or event in a violent, aggressive, abusive, improper, or offensive manner, or

3.1.2. Disobeyed or ignores any reasonable request by any judge, steward or official at or in connection with any show or event, or

3.1.3. Engaged in any dangerous driving or has in any manner ill-treated a horse; or

3.1.4. Competed with a horse that is lame, exhausted or in distress or otherwise not reasonably fit for competition.

3.2. If the jury, having heard evidence from appropriate witness (if any) and the person concerned, forms the opinion that the person concerned has engaged in conduct referred to in by-law 3.1, the jury may:

3.2.1. Reprimand the person concerned; or

3.2.2. Suspend or disqualify the person concerned and/or the horse involved from all or any part of the show or event, or

3.2.3. Take no action.

3.3. It shall be the responsibility of the jury and of the president of the Local Club concerned to cause full particulars of the matter to be forwarded to the secretary of the Branch within 28 days of the conclusion of the show or event in question and the Branch may request Federal Council to deal with the matter as contemplated by ACDS rule 12. Notwithstanding the decision of or any action that may have been taken by the jury.

3.4. Any further appeal shall be forwarded by the applicant to the Federal Council within 28 days of the Branch decision.

### **4. Combined Driving**

4.1. All combined driving events shall be conducted under the combined driving rules.

### **5. Branch Driving Event**

5.1. The branch shall instigate a Branch driving event to be held in the year following each Annual General Meeting and to be conducted by a Club of the Branch.

5.2. Proposals for the hosting for the next ensuing Branch event are to be forwarded by Clubs to the secretary of the Branch at least one month before the Annual General Meeting of the Branch for consideration by the Branch committee.

5.3. In the event of no suitable proposal for such an event being received as required in by-law 5.2, the Branch shall select such a venue and invite such persons as it considers appropriate to conduct the next ensuing Branch driving event but so far as possible the venue shall be in a different area each year

5.4. No Branch driving event may be conducted other than following such requirements as the Branch may from time to time impose and, in particular, all officials at, and the budget for any such event must be under approval from the Branch committee. Full particulars of a Branch driving event, including details of the officials, proposed to be involved in the event and the budget for the event must be provided to the secretary of the Branch at least one month before the date the event is due to commence.

5.5. Proposals for the venue for the State Driving Championships are to be submitted to the Secretary as early as possible. In the event of no suitable club being selected to organise the event proposals by individual members will be considered.

5.6. Where individual members are authorised by the Branch to conduct an event, a suitably named sub-committee comprising those members is to be formed.

### **6. Judges and Officials**

6.1. The Branch shall from time-to-time review recommendations from the discipline sub-committee and appoint a suitably qualified person to panels of instructor examiner to teach, examine, and recommend to the Federal Council for inclusion on the following national panels:

6.1.1. Show judges (light or heavy)

- 6.1.2. Dressage judges (novice or open)
  - 6.1.3. Presentation judges
  - 6.1.4. Technical delegates (novice and open)
  - 6.1.5. Course designers
  - 6.1.6. Cones course judges
  - 6.1.7. Veterinary stewards
  - 6.1.8. CDE Scorers
- 6.2. Persons on the national panels described are required to be and remain fully experienced and up to date on relevant matters, and for the purpose are required to attend a refresher course at least once every three years.
  - 6.3. The Branch shall annually review the discipline sub-committee recommendations for the branch panels referred to above and on such review may recommend to add or remove from a panel such persons as the Branch considers appropriate to Federal Council. Any person on a panel who has not attended a refresher course as required by law 6(2) may be removed from the panel by the Branch committee.
  - 6.4. Each discipline sub-committee is to arrange at least one school in each calendar year for the training of potential panel members and to provide a refresher course for the existing panel members.

## **7. Responsibilities of Sub-committees**

- 7.1. Activities conducted by a sub-committee must be self-funding unless otherwise authorised by the Branch committee.
- 7.2. All income and expenditure of sub-committee activities must be processed through the Branch accounting system. A Profit and Loss report must be submitted to the Branch for audit purposes on completion of the activity.
- 7.3. Copies of all sub-committee correspondence and minutes of meetings are to be forwarded to the Secretary for historic recording keeping.
- 7.4. All additions to, and deletions from, specialist panels maintained by discipline sub-committees are to be submitted as recommended to a Branch meeting or the Executive sub-committee for ratification.

## **8. Specialist activity groups**

- 8.1. The committee may from time to time authorise the setting up of a sub-committee to represent and deal with a matter on a particular specialist activity within the Branch.
- 8.2. No decision of a specialist activity sub-committee shall have any force or effect until it has been approved by the Branch committee

## **9. Risk Management**

- 9.1. The Club/event secretary is responsible to complete a risk assessment prior to any Club event. A suitable format is available on the ACDS NSW Branch website.
- 9.2. *Incident Reporting.* It shall be the responsibility of the Club/event secretary or their nominee to record all:
  - 9.2.1. Accidents involving physical injury to a driver, groom, passenger, official, spectator or horse,
  - 9.2.2. Serious incidents and near misses where there are no physical injuries
  - 9.2.3. Incidents which may have the potential for psychological trauma, and
  - 9.2.4. Incidents involving property damage
- 9.3. The Club conducting the activity must review all incident reports as soon as practicable after the incident, and take action to rectify the cause where possible
- 9.4. An incident report form is available on the ACDS NSW Branch website. This form is to be completed then forwarded to the State Branch and the Federal Secretary immediately. A copy is to be held by the Secretary of the Club organising the event.
  - 9.4.1. Incident reports and reviews are to be retained by the Club for a minimum of seven years.
- 9.5. A summary of all incident reports and actions taken is to be forwarded to the Branch Secretary every three months.
- 9.6. The Branch Secretary is to retain the summaries and any reviews for a minimum of seven years.
- 9.7. The ACDS Federal Secretary must be advised of an:

9.7.1. Incident – within 24 hours

9.7.2. Near Miss – within 48 hours

**10. Use of digital media**

10.1. email can be used for the notification of the Branch Annual General Meeting and the business proposed at said meeting .

10.2. emailed nominations may be accepted for any position on the NSW Branch.

10.3. Completed emailed proxy forms will be permitted for voting at the Annual General Meeting of the NSW Branch .

## RULES AMENDMENT RECORD

Version Number	Rules Amended	Branch Meeting	Date Published
ACDS/NSWCONSTv6	Total review	May 2002	
By-law 9		23 August 2003	
By-law 10		July 2016	
ACDS/NSWCONSTv7	Total review	June 2021	July 2021
By-law 2.7.4		June 2021	July 2021
By-law 3.1		June 2021	July 2021
By-law 9		June 2021	July 2021