

# CANBERRA GREYHOUND RACING CLUB INCORPORATED

As adopted September 2009

## Constitution and Rules

### 1. Name

The Club shall be called CANBERRA GREYHOUND RACING CLUB INCORPORATED.

### 2. Objects

The objects for which the Club is established are:

- (a) to carry on the sport of Greyhound Racing in all its branches, to provide, prepare and maintain lands, grounds and facilities for Greyhound Racing purposes, and for that purpose to construct maintain, improve and enlarge grandstands, booths, kennels, refreshment rooms and other buildings, to conduct, hold and promote race meetings, and to give and contribute towards prizes, cups, stakes and other rewards: and
- (b) to do whatever is expedient or necessary to encourage and foster Greyhound Racing and for that purpose to put down, control and guard against any abuse of Greyhound Racing or anything connected therewith, or any unfair unbecoming or dishonest practices, actions or conduct arising out of or connected with the conduct, arrangement or carrying out of Greyhound Racing.
- (c) to establish, maintain and conduct a social club (with or without a licence to supply spirituous and fermented liquors) for the accommodation of the members of the Club and their guests and generally to afford them all the usual privileges, advantages, conveniences and accommodation of a club.

### 3. Powers

For the attainment of its purposes the objects of the Club shall include powers –

- (a) To hear, take evidence, deal with, examine and decide upon appeals against the decisions of officials or the committees of Clubs or others:
- (b) upon representations or other communications from members to take whatever steps are necessary in connection therewith and to communicate them to any official committees:
- (c) to appoint or delegate any person or persons to represent the Club at any inquiry, appeal or meeting convened to consider any matter incidental or conducive to the

- attainment of the objectives of the Club:
- (d) to suspend permanently or temporarily anyone whether an owner or not who it may be considered has practised or counselled or connived at any unfair or unbecoming conduct arising out of or connected with Greyhound Racing or otherwise:
  - (e) as the Controlling Authority to draw up, alter and promulgate rules, regulations and by-laws for or in connection with the carrying on of Greyhound Racing in the Australian Capital Territory
  - (f) to draw up, alter and promulgate club rules, regulations and by-laws for or in connection with the carrying on the business of the Canberra Greyhound Racing Club
  - (g) to consider and deal with infringements, and impose fines, penalties or suspensions:
  - (h) to act in concert with representative clubs, associations or bodies with reference to interstate, intrastate, or other matters of common interest, or to act independently in any such matter:
  - (i) to acquire, purchase, take on lease, or in exchange, hire or otherwise any real and personal property and any rights which otherwise the Club may deem necessary or convenient for the purpose of carrying out the objects of the Club or any of them and in particular any land, building, easement or other interest in real estate, or in any plant, machinery or stock-in-trade:
  - (j) to use the whole or any part of the Club's property for the carrying on of Greyhound Racing and to let or hire out any premises or building for the purpose of the purveying of refreshments by the Club or any person authorised by the Club:
  - (k) to borrow or raise money, to receive money on loan or deposit, or otherwise, with power to give mortgages over any property of the Club or any part thereof, and to give and issue bonds, debentures, debenture stock or other obligations or securities, charged or not charged, for any money received and for interest thereon, or for any other purpose and to purchase, redeem or pay off any such securities:
  - (l) to raise money by making charges for admission to all or part of the Club's property or by subscriptions, or otherwise:
  - (m) to sell, let, dispose of or grant rights over all or any property of the Club:
  - (n) to let or sell, by public auction or private sale or tender, the right to use, construct or maintain refreshment booths or rooms, the right to sell race books or programmes, the right to advertise, and any other rights or privileges in connection with the

Club's property or with Greyhound Racing:

- (o) to enter into any arrangement with a Government or other authority, person or corporation, for any right, privilege or concession, and to carry out any such arrangement:
- (p) to draw and negotiate bills of exchange, promissory notes and other negotiable instruments:
- (q) to invest the moneys of the Club not immediately required in such manner as the Club may from time to time determine:
- (r) to allow the Club's property or any part thereof to be used for charitable purposes and to apply such portion of the Club's funds to such charitable purposes as the Board of Management may decide:
- (s) to allow betting in any form approved by an Act of Parliament or Government Regulation to be conducted in connection with the Club's meetings upon such terms as the Club may lawfully permit:
- (t) to do all such other things as are incidental or conducive to the attainment of the above objects or any of them, and
- (u) to conduct any other kind of sport, amusement, recreation or game than can conveniently be conducted in conjunction with or ancillary to Greyhound Racing.

4. Restriction on Distribution

The profits (if any) and other income of the Club shall be applied solely to the promotion of the objects of the Club and no takings, receipts, profits, gains or other income of the Club howsoever derived shall be distributed amongst its members or any of them, and no payment of any dividend shall be made to members of the Club.

5. Further to clause 4 herein the Club shall not make to any officer, member or employee of the Club any payment by way of commission, profit or allowance from or upon the receipt from the supply of liquor on the premises of the Club.

6. Membership

- (a) The Club shall consist of ordinary members, associate members, life and/or foundation members. The membership of the Club will be limited to the number determined from time to time by the Board of Management.
- (b) The original ordinary members of the Club are the five persons whose names are recorded as original ordinary members in the Minutes of the formation meeting of the Club held in 1968.

- (c) Apart from the five original ordinary members all candidates for membership shall be proposed by at least one member and seconded by another, in writing, on the form from time to time provided by the Board of Management, signed by the proposers and candidate and lodged with the Secretary/Manager.
- (d) Every nomination shall give the full name, residence, age and occupation of the candidate and any further information which the Board may from time to time require.
- (e) Every proposal for membership shall be submitted to the Board at the meeting next following the date of its receipt by the Secretary/Manager and the Board shall proceed to the election or rejection of the candidate and determine the nature and privileges of the membership
- (f) A candidate shall be elected by a majority of the members of the Board present, and voting shall be by secret ballot if so desired by any member of the Board.
- (g) Every proposal for membership and the record of election to membership shall be retained by the Secretary/Manager on behalf of the Club for a period of not less than two (2) years.
- (h) In the event that the membership of the Club has been reduced below fifty (50) members for a period in excess of three (3) calendar months, the Club shall be deemed to have passed and confirmed a resolution for dissolution.

7. Nomination Fees and Annual Subscriptions

The nomination fee and annual subscription for ordinary members and associate members shall be as determined by the Board of Management from time to time.

8. Admission Fees

Members may on paying their annual subscription also pay their admission fees to the track in advance. This amount will be determined from time to time by the Board of Management.

9. Payment of Subscriptions

- (a) All annual subscriptions shall be payable in advance on the first day of October in each year.
- (b) No member whose subscription is in arrears can vote at any meeting, and a list of all such members shall be posted in the Club's premises on the first day of November annually.
- (c) Any member whose subscription is unpaid on the 30<sup>th</sup> day of November shall cease to be a member.

10. List of Members

The Secretary/Manager shall keep a register of members of the Club in which shall be stated the full names and addresses of the members, and the Secretary/Manager shall from time to time as the occasion requires strike off the register of members the name of any person who has ceased to be a member of the Club. Every member shall from time to time communicate with the Secretary/Manager any variation to his address or that of his agent. The address communicated to the Secretary/Manager shall be inserted in the register of members, and all notices sent by post to that address shall be deemed to have been duly delivered on the fourth day following the date of posting.

11. Absent Members

A member who is absent for any period exceeding eight months, after giving the Secretary/Manager previous notice of the intention to be absent, may, at the discretion of the Board of Management be permitted to pay a reduced subscription.

12. Life Members

- (a) Upon the recommendation of the Board of Management any member of the Club who shall in the opinion of the Board have rendered valuable service to the Club, may be elected at a general meeting as a life member of the Club.
- (b) Election to life membership shall not be awarded to more than one person in any one year, and each election must be made by a two-thirds majority of members present and voting at any general meeting.
- (c) Life members shall, subject to these rules, be entitled to all privileges of foundation/perpetual members of the Club.

13. Associate Members

The Board of Management may grant associate memberships. Associate members shall have the same privileges as an ordinary member except they shall not have voting rights.

14. Foundation Members

- (a) Foundation members are those members who contributed financially to development of the Canberra Greyhound Racing Club Incorporated in the following manner:-
  - \$250.00 which entitles the member to full membership of the Club and free entry to the track with a guest for a period of two years.
  - \$500.00 which entitles the member to full membership of the Club and free entry

to the track with a guest for a period of five years

- \$1000.00 which entitles the member to full membership of the Club and free entry to the track for life.

Those members who contribute to a \$1,000.00 membership shall be referred to as perpetual members.

- (b) Foundation members shall be entitled to benefits that the Board of Management may from time to time determine, but those benefits shall at no time be associated with the greyhound racing activities of the Club.
- (c) No person will be eligible for foundation membership after 30th November, 1978.

15. Resignation of Members

- (a) Any member may at any time by giving written notice to the Secretary/Manager resign their membership of the Club but shall continue liable for any annual membership due and unpaid at the date of the resignation.
- (b) The liability of a member to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount if any for the annual membership due and unpaid at the date of winding up.

16. Members Bound by Club Rules

Every member shall be bound by and submit to the rules, regulations and by-laws of the Club.

17. Conduct of Board Members

The Board shall create a code of conduct as a model for governance and behaviour. The ordinary members of the club in an extraordinary general meeting may by resolution and subject to the Associations Incorporation Act, remove any board member from the office of board member before the end of the member's term of office.

18. Discipline/Expulsion of Members

The Board of Management shall have power to suspend or expel any member:-

- (a) who shall fail to the observance or commit any breach of any by-law, racing rule or any other order or direction of the Board of Management or any general meeting or of the steward at a race meeting: or
- (b) who shall be convicted of any offence punishable summarily or of any crime or misdemeanour: or
- (c) who shall in the sole and absolute judgment and discretion of the Board of

Management have been guilty of any act, practice, conduct, matter or thing calculated to bring discredit on the Club or its members or on the sport of greyhound racing or to impair or affect the enjoyment of the Club by the other members.

19. Mode of Procedure for Expulsion

- (a) The Board of Management may suspend or expel any such member on proof to their satisfaction of the events of any of them above-mentioned.
- (b) In the event of the Board of Management acting under the preceding clause the following shall be the mode of procedure:
  - (i) A charge shall be laid against the member complained of. Charges by or on behalf of the Board of Management shall be laid by the Secretary/Manager.
  - (ii) The Board of Management shall then cause a notice to be sent by mail to the member complained against to attend before the Board of Management to answer the charge and also to the accuser (if any) and the Secretary/Manager must, on application by either party, send a notice to any other member to appear and give evidence, provided that such application be made three clear days before the date of the hearing of such charge. Seven days notice must be given of such hearing. Should either of the two parties fail to attend, the Board of Management may take evidence and decide the case as if all parties had been present.
  - (iii) If after hearing the evidence the Board of Management shall be of the opinion that the charge is sustained, they shall inflict such penalty as they think fit, either by expulsion forthwith or by suspension from the privileges of membership for a certain time not exceeding three months, and shall thereupon cause notice of such penalty to be sent by mail to the member charged. In case of expulsion, the name of the said member shall be erased from the list of members and shall cease to enjoy the privileges of a member.
  - (iv) Any notice required to be sent pursuant to this clause shall be sent by mail to the last known address of the person to whom such notice is required to be sent.
  - (v) Should a member wish to appeal against the penalty imposed upon him/her pursuant to this clause, the member must notify the Secretary/Manager in

writing of the intention to appeal within fourteen (14) days of the date of the decision of the Board of Management.

- (vi) Any appeal lodged pursuant to clause 19(b)(v) shall be heard by three independent persons appointed by the Board of Management for the purpose of hearing the appeal sitting in the capacity of an appeals tribunal and the decision of such tribunal shall be final.
- (vii) Notwithstanding any expulsion pursuant to this clause, the member expelled shall be liable for all moneys due by him at the date of such expulsion.

20. Board of Management

- (a) There shall be a Board of Management which shall consist of the Chairman, two Vice Chairmen and six other members.
- (b) Six members of the Board shall form a quorum.
- (c) The Chairman shall be proposed, seconded and elected by ballot at an annual general meeting and shall hold office until the next annual general meeting when the member shall retire but shall be eligible for re-election from year to year unless the member expresses a desire to the contrary.
- (d) The two Vice Chairmen shall be elected by the Board of Management.
- (e) To be eligible for nomination to the Board of Management a person must have been a member of the Club for a minimum period of two years immediately prior to the annual general meeting at which he is seeking election.
- (f) Any person who is a payroll employee of the Club shall not be eligible for election to the Board of Management of the Club.

21. Nominations for Election and Elections

- (a) All members of the Board of Management shall be elected by ballot at the annual general meeting in each year, and they shall hold office until the close of the annual general meeting at which their successors are appointed. There shall be no use of proxy voting at general meetings.
- (b) In the case of a casual vacancy in the office of Chairman, one of the Vice Chairmen to be chosen by the Board of Management shall become Chairman until the close of the next annual meeting.
- (c) All candidates for the Board of Management shall be independently nominated and seconded before the annual general meeting to be included in the election each year. They are to confirm their agreement to the nomination either orally to the Secretary/Manager at the annual general meeting or in writing beforehand. As each

- valid nomination is received the name of the candidate is to be displayed on the Club noticeboard.
- (d) A candidate for election as member of the Board of Management must be a financial member of the Club and shall lodge with the Secretary/Manager a nomination, in writing, signed by two financial members and counter-signed by the candidate.
  - (e) All nominations must be lodged with the Secretary/Manager by no later than the advertised starting time of the Annual General Meeting each year and no nomination shall be accepted by the Secretary/Manager after that time.
  - (f) The Secretary/Manager shall reject the nomination of any candidate who is not a member or whose subscription is arrears at the hour when the nominations close.
  - (g) If the nominations are in excess of the vacancies, voting papers shall at once be prepared by a returning officer who shall be appointed by the Board of Management, but who shall not be a member of the Board of Management or an officer of the Club, and such voting papers shall be distributed to those financial members present at the annual general meeting. Members will then enter on the ballot paper the names of the eight members they desire to be elected to the Board of Management from the list of candidates displayed in the meeting room.
  - (h) The returning officer shall then examine the ballot papers and shall reject ballot papers whereon there are marks, erasures or omissions, which in his opinion tend to destroy the secrecy of the ballot. Those candidates who have received the greatest number of admitted votes shall be deemed elected, but in the case of a tie, the returning officer shall decide the issue by lot in the presence of the candidates who have so tied. The returning officer shall sign a memo to the result of the ballot and hand the same to the Chairman of the annual general meeting and the Chairman shall announce the result to the members after:
    - (i) The Board of Management will appoint a scrutineer to assist the returning officer but each candidate may by writing delivered to the returning officer appoint a scrutineer who may be present at the counting of the votes.
    - (j) The returning officer shall hold all ballot papers, and other papers relating to the election for fourteen days after which they shall be destroyed.
    - (k) The successful candidates shall take office as at the close of the meeting at which they are elected, however, the new Chairman should take the Chair on the

declaration of the poll.

- (l) Board members are to comply with all legislated requirements including police background checks and liquor license statements.
- (m) If there are no nominations in excess of the vacancies the members nominated shall be declared elected by the Chairman at the annual general meeting and this fact shall be entered in the minute book. If the candidates nominated, or elected, are less than the vacancies the vacancies shall be filled by the Board of Management.
- (n) No nomination, election, ballot or declaration shall be challenged or questioned by any candidate or member, but the result as entered in the minute book shall be binding and conclusive on all candidates and members.
- (o) Any matter relating to the nomination, election, ballot or declaration, not specifically provided for in the foregoing by-laws, shall be decided by the returning officer, whose decisions shall be final.
- (p) A member of the Board may resign from office by giving written notice to the Secretary/Manager.

22. Loss of Office by Continued Absence

Any member of the Board of Management who shall be absent for three consecutive board meetings without leave of absence shall automatically cease to be a member of the Board of Management.

23. Casual Vacancies

Any casual vacancy of the Board of Management shall be filled by the Board and any member so chosen shall retire at the following annual general meeting, but shall be eligible as a candidate for election on the Board of Management at such annual general meeting.

24. Meetings of Board of Management

The Secretary/Manager shall call a meeting of the Board of Management at least once in each calendar month or whenever requested by the Chairman or by five members of the Board of Management in writing.

25. Powers of Board of Management

The management of the affairs of the Club shall be vested in the Board of Management and the Board of Management shall have the control of the finances of the Club, with power to engage, control and dismiss the Club's servants and stewards, and all such administrative powers as may be necessary for properly carrying out the objects of the Club in accordance with these rules or the rules of racing and any relevant Government Act or Regulation. In

the event that the Board of Management sets up a working group/s, such working group/s shall be responsible to and report to the Board of Management.

26. Duties of Secretary/Manager

The Secretary/Manager shall be responsible for the general business of the Club including:

- (a) conduct the correspondence of the Club
- (b) maintain safe custody of all records and documents of the Club
- (c) keep full and correct minutes of all proceedings and records of all events of the Club
- (d) keep the accounts of the Club - ensure the annual statements of accounts and balance sheet are prepared and audited as at 30 September each year
- (e) supervision and co-ordination of workers and casual staff in the absence of the Chairman but at all times will be subject to the direction of the Board of Management through the Chairman. At no time shall any individual member of the Board except the Chairman direct the Secretary/Manager.

27. Financial Year

The financial year for the Club shall commence on 1 October and end on 30 September in the following year.

28. Funds

Funds for the Club may be derived from any or all of the sources outlined in these rules and are not to be spent for purposes other than as outlined in these rules. The Secretary/Manager is to ensure that procedures directed by the Board of Management for receipt and payment of moneys are strictly observed.

29. Signatories

Any negotiable instrument, bill of exchange, promissory note or cheque for payment of goods or services rendered to or on behalf of the Club shall be signed by two or either the Chairman, or specifically nominated Board member and the Secretary/Manager or office person.

30. Auditors

- (a) The books and accounts of the Club shall be audited by a practising public accountant who shall be appointed at each annual general meeting.
- (b) A vacancy existing in the office of Auditor during the year shall be filled by the Board of Management.

31. Common Seal

There shall be a Common Seal engraved with the name of the Club and it shall be kept in

the care and custody of the Secretary/Manager at the Club premises. The seal shall not be used or affixed to any Deed or other document except pursuant to and by virtue of a resolution of the Board of Management and in the presence of the Public Officer and the Secretary/Manager both of whom shall subscribe their names as witnesses.

32. Custody and Inspection of Books and Documents

In accordance with these rules, the rules of racing, and any relevant Government Act or Regulation, the Secretary/Manager shall keep custody and control of all records, books and other documents relating to the Club. The records, books and other documents of the Club shall be open to inspection by a member at the Club premises at any reasonable hour.

33. Annual General Meeting

- (1) The annual general meeting of the Club shall be held in each year in the month of November or December at such place and time as the Board of Management shall determine.
- (2) At the annual general meeting the Secretary/Manager shall
  - (a) seek finalisation of nomination of candidates for the Board
  - (b) conduct a roll call of members present, and
  - (c) record apologies from non-attendees.
- (3) The remaining order of business shall be
  - (a) Confirmation of minutes from previous annual general meeting and of any general meeting held since that meeting
  - (b) Receive reports from the Board on activities of the Club during the last financial year
  - (c) Receive and consider the statement of accounts
  - (d) Election of members of the Board and other offices
  - (e) Other business

34. Extraordinary General Meeting

The Board of Management may call an extraordinary general meeting when any question of urgent importance shall arise, and shall be bound to do so on receiving a requisition signed by twenty members and addressed to and served on the Secretary/Manager of the club. The meeting call is to be made within one month of the Board's decision or receipt of the requisition from members. The business to be conducted at the extraordinary meeting shall be posted on the Club noticeboard and website. No other items of business are to be conducted at the meeting

35. Quorum

The quorum for all annual general meetings and extraordinary general meetings shall be

twenty financial members and if within half an hour from the time appointed for such meetings a quorum is not present the meeting shall stand adjourned to a time and date within twenty eight days of such meeting the time and date to be determined by the Board of Management and fourteen (14) clear days notice of the time and date of such adjourned meeting shall be given by circular addressed to each member.

36. Notice of Meeting

At least twenty eight (28) clear days notice of any general meeting except for an adjourned meeting, specifying the business to be transacted and the day, place and hour of meeting, shall be given by the Secretary/Manager by circular addressed to each member and notification of a general meeting by advertisement in a local newspaper.

37. Alteration of Rules

- (a) The constitution or rules of the Club shall not be amended unless the Club has given notice of the proposed amendment to members at least twenty eight (28) days before the date of the meeting at which such amendment is to be considered.
- (b) No rule of the Club shall be repealed or altered and no new rule shall be made, save by a seventy five percent of the votes cast at a general meeting called for that purpose.
- (c) Twenty eight (28) days notice of the intention to propose any new rule or alteration shall be given to the Secretary/Manager who shall give notice to a local newspaper, at least twenty eight (28) days before the general meeting
- (d) Within twenty eight (28) days after any meeting at which it is proposed that the constitution or rules of the Club shall be amended the Club shall notify the members whether the proposed amendment was approved or rejected.

38. By-Laws

- (a) The Board of Management shall have power to make by-laws for regulating the conduct and affairs of the Club.
- (b) The by-laws shall not be inconsistent with these rules.
- (c) The by-laws shall be posted in some conspicuous part of the premises and shall be binding on all members.

39. Complaints

- (a) All complaints shall be made in writing to the Secretary/Manager who if unable to deal with them shall submit them to the Board of Management whose decision shall be final.

(b) In no instance shall a servant of the Club be reprimanded directly by a member.

40. Association Property

No member shall take away or permit to be taken away from the Club premises under any pretence whatsoever or shall injure or destroy any newspaper, pamphlet, book or other article or chattel the property of the Club.

41. Notices

(a) The normal method of official notice by the Secretary Manager shall be by mail or if available by facsimile. Notices sent by mail shall be regarded as received on the fourth working day after posting.

(b) No paper, notice or placard written or printed shall be put on the Club premises without the sanction of the Secretary/Manager or the Chairman.

42. Rules of Racing

(a) The Canberra Greyhound Racing Club shall exercise control of Greyhound Racing in the Australian Capital Territory.

(b) The Board of Management shall have power to make or adopt rules to govern the conduct of greyhound racing and betting conducted at race meetings.

(c) The Rules shall not be inconsistent with this constitution.

(d) The Rules of Racing will be available at the club premises at all times.

43. Registrations – Owners, Trainers, Handlers and Greyhounds

Until such time as the A.C.T. residents are notified in writing of any change by the Club they will continue to register with NSW greyhound racing authorities.

44. Registrations – Bookmakers and Bookmaker Clerks

Bookmakers and bookmakers' clerks proposing to field at meetings conducted by the Club must be registered with the ACT Gaming and Racing Commission before they will be permitted to field.

45. Club Stewards and Duties

(a) The Club shall from time to time appoint suitable persons to act as stewards at its greyhound meetings.

(b) A steward shall have no interest whatever directly or indirectly in the ownership or control, training or running of any racing greyhound.

(c) The head steward will be solely responsible to the Board of Management (through the Chairman or person authorised by the Board of Management) for the conduct of

- greyhound race meetings held by the Club.
- (d) The stewards shall at all times be responsible to the Board of Management but at no time will the Board of Management or any individual Board member interfere with the head steward's conduct of meetings or any decisions made by him during the course of a greyhound race meeting.

46. Cessation of Property Rights

Any person ceasing to be a member of the Club shall forfeit all such rights to or claim upon the Club or its property or funds as they would have by reason of membership.

47. Dissolution of Club

- (a) The members of the Club may at a special general meeting duly convened for that purpose resolve upon the dissolution of the Club by a resolution passed by at least two-thirds of the votes of the members present at such meeting and subsequently confirmed by a similar majority at a second meeting held not less than fourteen days nor more than twenty eight days after the first meeting.
- (b) If such resolution shall be duly passed and confirmed the members present at the second meeting shall appoint two or more members of the Club to be trustees for the purpose of winding up the business of the Club, and
- (c) Thereafter the Club shall be deemed to exist only for the purpose of winding up the business of the Club and distributing the assets as hereinafter provided.
- (d) Upon the dissolution the real and personal property of the Club shall be held by the trustees so appointed and shall be applied by them firstly in payment of the costs and expenses of dissolution secondly in payment of all just debts and liabilities of the Club, and the balance (if any) shall be placed in trust for the purpose of fostering greyhound racing to the intent that the real and personal property of the Club so given or transferred will be applied by the trustees for the benefit of some other Club or Association having similar objects to the Canberra Greyhound Racing Club Incorporated.