



**RIDING FOR THE DISABLED ASSOCIATION
OF TASMANIA INC.**

ABN 43 028 124 325

By-Law No. 1

Centre Membership

<u>Revision No.</u>	<u>Revision Date</u>	<u>Purpose</u>	<u>Status</u>
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The Riding for the Disabled Association (Association or RDAT) is a not-for-profit organisation incorporated in the state of Tasmania. RDAT is the peak body for the administration of the Sport of riding for persons with disabilities in Tasmania and is a member of the Riding for the Disabled Association of Australia (RDAA).

The purposes and objects of the Association are stipulated in the Constitution and are administered by a Board, consisting of Directors and a State Executive Officer (SEO or Executive Officer).

This By-Law is deemed to be consistent with the Association's Constitution (as amended from time to time). Interpretations of By-Laws are solely the responsibility of the Directors and when in force, they are binding on all Members and applications for membership and have the same effect as a provision in the Constitution.

RDAT's Board is committed to promoting best practice in the governance and management of the Association.

1 PURPOSE

Pursuant to clauses 6.2, 6.5(f), 6.9, 7.1 and 24 of RDAT's Constitution, this By-Law relates to membership applications from organisations wanting to become a Member of RDAT as a Centre.

This document sets out the criteria applicants are required to meet, the review and evaluation process and the effect of membership.

2 PRE-REQUISITE

As a requirement prior to applying for membership, it is incumbent on each organisation to check and confirm they have read and understood the "Guide to Setting Up an RDA Centre", produced by RDAA, RDAT's constitution and By-Laws, and all current RDA Policies and Procedures.

The guide provides organisations with an insight into the considerations and requirements in establishing and maintaining a riding centre for disabled persons. A copy of the guide and policies and procedures can be obtained from RDAT's Executive Officer.

Based on the abovementioned guide, RDAT has prepared a checklist for completion by each prospective organisation that is applying for membership with RDAT, to be submitted with their membership application.

3 APPLICATION FOR MEMBERSHIP

3.1 Submissions for Membership

Each application for membership must be received using RDAT's "Centre Membership Application" form (Application Form). This form is also used for updating an existing Member's information.

- (a) The following documents are required to be submitted to the Secretary of RDAT for preliminary review, which may include, but not limited to, a copy of the applicant's:
 - (i) duly completed membership application form, which includes confirmation to abide by RDAT's and RDAA's Constitution and By-Laws;
 - (ii) duly completed checklist for the Guide to Setting Up an RDA Centre;
 - (iii) certificate of incorporation, or if it is undergoing the process, a copy of the application for incorporation;
 - (iv) rules of association ratified by the Department of Justice Tasmania, or if incorporation is not complete, a copy of the rules of association submitted with the application for incorporation;
 - (v) minutes of the meeting in which the applicant's members made the decision to submit a membership application to RDAT;

- (vi) list of committee members with their roles;
 - (vii) list of names of the proposed coach(es) and / or trainee coach(es);
 - (viii) list of names of the proposed Delegates;
 - (ix) copy of certificate of title for the land(s) upon which riding activities will be conducted;
 - (x) copy of lease agreement if the land(s) upon which riding activities will be conducted is not owned by the applicant;
 - (xi) copy of Local Council permit / land use planning and approval 'certificate', or equivalent, approving riding activities on the property;
 - (xii) business plan; and
 - (xiii) payment of the application fee, as decided by the Board in accordance with clause 9.1 of RDAT's constitution.
- (b) Additional supporting documents that may be required by the Board, could include:
- (i) letters from local organisations confirming the need for the riding centre in the region;
 - (ii) letters / agreements confirming sponsorship of the applicant (if any exist); and
 - (iii) confirmation that committee members, coaches and proposed Delegates are not restricted from holding those positions in accordance with the Corporations Act 2001 (Cth).

3.2 Incomplete Applications

- (a) Submissions for membership that are received not using the Application Form, shall not be presented to the Board. In such cases, the Secretary shall communicate with applicants and provide them with the Application Form for completion and submission.
- (c) Where applications are received using the Application Form, but are incomplete, or require clarification, or further information as set out in item 3.1, the Secretary shall communicate with the applicants requesting the information or clarification. After all information has been completed and received by the Secretary, the application with all documents shall be forwarded to the Board for their consideration at the next Board Meeting.

4 BOARD EVALUATION

- (b) Every application received by RDAT for membership as a Centre shall be treated by the Board on its merits and without discrimination of any form.
- (d) Every application shall be considered with regards to:
 - (i) a demonstrated need, having regards to any existing Centre within relatively close proximity;
 - (ii) the level of commitment to meet the requirements of RDAT and RDAA;
 - (iii) the level of ability to meet the requirements of RDAT and RDAA.
- (e) The Board shall consider each application at the Board Meeting immediately following receipt of applications that have been forwarded to them.
- (f) The Board shall review and consider all the documents pertaining to each application and make known to the Secretary any matter that may require further details or information, in advance of the Board Meeting at which the application is planned to be considered. Additional information shall be obtained by the Secretary as per item 3.2 herein.
- (g) Each Director on the Board shall cast a vote in favour of or against each application during the Board Meeting, whether in person or by electronic confirmation in their absence at the meeting.
- (h) A majority decision of the Directors is required to decide the outcome, however in the event of a tied vote, the decision shall be deemed to be in the negative, which shall be recorded in the minutes of the meeting.

- (i) The Directors are not required to provide reasons for or against any application.
- (j) The Secretary shall notify applicants of the Board's decision within fourteen (14) days after the Board Meeting in which applications are decided.

5 EFFECT OF MEMBERSHIP

Once approved by the Board, membership as a Centre with RDAT is accompanied with rights and responsibilities, which amongst others, includes:

- (a) Accepting they are entering into an agreement with RDAT and are bound to comply with RDAT's Constitution, By-Laws, Policies and Procedures, which are for the common purposes of mutual and collective benefit of its and all activities related to riding for the disabled;
- (k) Signing of the RDAT Agreement with Associate Members;
- (l) The right to appoint two (2) delegates as their representatives relating to the Association's general business (Centre Delegate) and its coaching matters (Program Delivery Delegate), who are required to attend their respective Committee Meetings and cast votes at those meetings;
- (m) The Centre Delegate also has the right to:
 - (i) receive notices of General Meetings and proposed Special Resolutions;
 - (ii) submit items of business for consideration at a General Meeting;
 - (iii) attend, be heard and vote at General Meetings;
 - (iv) to inspect the records of the Association as provided under clause 25.
- (n) Every registered member of a Centre shall be covered by the group insurance policies taken out by Riding for the Disabled Association of Australia, but only after the details of each Centre's member is provided to RDAT;
- (o) For insurance purposes, each Centre is required to provide RDAT with updates on their membership when new members are registered and when membership lapses (for whatever reason).

6 TERMINATION OF MEMBERSHIP

6.1 Cessation

Pursuant to clause 7 of the Association's Constitution, a Centre ceases to be a Member of the Association on:

- (a) resignation;
- (b) the termination of their Membership;
- (c) being dissolved or otherwise ceasing to exist; or
- (d) no longer meeting the requirements for Membership.

6.2 Resignation

For the purposes of item 6.1(a) herein, a Centre that:

- (a) has paid all monies due and payable to the Association; and
- (b) has provided the Association with a copy of the special resolution passed by the Centre's members resolving that the Centre resigns from the Association; and
- (c) has no other liability (contingent or otherwise) to the Association;

may resign from the Association by giving three (3) months' notice in writing to the Association. Where a Centre seeks to resign as a Member of the Association the written notice must be accompanied by a copy of the special resolution passed at the Centre's members' meeting.

6.3 Failure to Pay Fees

Subject to clause 9.20 of the Association's Constitution, but notwithstanding any other clause of this Constitution, the right of a Member to attend and vote at a General Meeting, shall be suspended while the payment of any subscription or other amount is in arrears.

Where a Member is in arrears for any amount:

- (a) the Board may enter an arrangement with the Member for the payment of the amount; and
- (b) any arrangement may be disclosed to other Centres, but does not require their approval.

If a Member fails to pay the relevant fees under clause 9 of the Association's Constitution within three (3) months of being required to, the Association will issue a notice in writing, signed by the public officer, stating that the Member's name may be removed from the register of members if the Member has not, within 14 days after receiving the notice, paid all relevant fees due and payable by the Member.

If the Member has not, within 14 days after receiving the notice, paid all relevant fees due, the public officer may remove the name of the Member from the register of members maintained under clause 6.2 of the Association's Constitution.

Upon the issue of a notice under this rule, the relevant Member ceases to be entitled to any of the rights or privileges of membership. However, the rights or privileges of membership may be reinstated on payment of all arrears if the Directors think fit to do so.

If a Member has not paid all arrears of fees or, if paid, the Member's rights and privileges are not reinstated, the Member remains liable for all the obligations and liabilities of membership until their name has been removed from the register of members maintained under clause 6.2 of the Association's Constitution.

6.4 Forfeiture of Rights

A Centre that ceases to be a Member shall forfeit all right in and claim upon the Association or the Directors for damages or otherwise or claims upon its property including the Intellectual Property. Any Association documents, records or other property in the possession, custody or control of that Centre shall be returned to the Association immediately.

6.5 Membership may be Reinstated

Membership which has lapsed, been withdrawn or terminated pursuant to the Association's Constitution and / or this By-Law, may be reinstated at the discretion of the Board, on application in accordance with the Association's Constitution and otherwise on such conditions as it sees fit.

6.6 Cessation of Membership

Where a Centre ceases to be a Member in accordance with the Association's Constitution, this By-Law or the Act, each Individual Member and each Life Member of the Centre continue to be a Member of RDAT and RDAA to the extent (if any) and for such time (if any) as is determined in the sole discretion of RDAT's Board.

6.7 Removal from Membership

The Directors may at their discretion convene a meeting of Voting Members to consider the removal of a Member Centre of the Association if the Member Centre is no longer considered suitable for membership of the Association by a majority of the Directors, and to remove the name of the Member Centre from the Register.

- (a) The Directors will be required to provide at least one (1) month's written notice to any Voting Member of any intention to remove the Member Centre as a Member of the Association and the reasons for the removal to enable the Member Centre to provide any written representations to the Association.
- (b) Where any written representations are made by the Member Centre and the Member Centre requests that the written representations be notified to Members of the Association, the Association must do both of the following:
 - (i) state on the Association's website that notice of the intention to remove the Member Centre as a Member of the Association has been given, and that a written representation has been made by the Member Centre; and
 - (ii) send a copy of the representation to each Voting Member to whom the notice of the meeting has been or is sent.
- (c) The requirements as per item 6.7(b) herein do not apply to the Association if the written representations are received too late for the Association to satisfy those requirements in rule 6.7(b).
- (d) If a copy of the written representations is not so sent because they were received too late or because of the Association's default, the Member Centre may, without affecting any right to be heard orally, require that the written representations be read out at the general meeting (if those written representations are received before the general meeting).
- (e) If the Directors are satisfied on reasonable grounds that any written representations under rule 6.7(b) contain defamatory matter, then:
 - (i) copies of the written representations need not be sent out in accordance with rule 6.7(b); and
 - (ii) the written representations need not be read out at the general meeting in accordance with rule 6.7(d),

to the extent of any defamatory matter.