



Rules of the

Tasmanian Racing Club Inc.

Club Rules revised and adopted 22 October 2007

Office: Elwick Racecourse, Glenorchy

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THE TASMANIAN RACING CLUB INC.**

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# Rules of The Tasmanian Racing Club

## Name of Club

1. The name of the association shall be TASMANIAN RACING CLUB INC. (in these rules called "the club")

## Interpretation

2. (1) In these rules, unless the contrary intention appears -  
 "Chief Executive Officer (CEO)" means the secretary for the purposes of the Rules of Racing;  
 "Committee" means the Committee of management of the Club;  
 "committee member" means a member of the Committee to whom sub-rule (1) of rule 26 relates;  
 "general meeting" means a general meeting of members convened in accordance with rule 14;  
 "jurisdiction of the Club" means that part of the State of Tasmania as lies on the southern side of an imaginary line drawn east and west through the most northerly point of the township of Antill Ponds.  
 "the Act" means the Associations Incorporation Act, 1964  
 (2) In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.  
 (3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1931 and the Act as in force on the date on which these rules are adopted by the Club.

## Club's Office

3. The office of the Club shall be at Elwick Racecourse Glenorchy in Tasmania or such other places as the Committee may, from time to time, determine

## Objects and purposes of the Club

4. (1) The objects of the Club shall be :-  
 (a) to promote, carry on and control and encourage horse racing in the jurisdiction of the Club;  
 (b) to conduct horse racing in accordance with the Australian Rules of Racing  
 (c) to act as a Metropolitan Club in accordance with the Australian Rules of Racing and to join in association with any other Club or organisation of clubs in Australia for the purposes of enforcing those rules;  
 (d) to promote and encourage the breeding of thoroughbred horses in Tasmania  
 (e) To carry on horse racing and conduct race meetings at such place or places as the Committee may from time to time determine;  
 (f) to represent the Club, its members and persons concerned in horse racing in dealings with Governments and Government Authorities having jurisdiction over racing and gaming.

(2) In addition to the basic objects of the Club, as stated in sub-rule (1) of this rule, the objects and purposes of the Club shall be deemed to include: -

- (a) the efficient and effective management of the catering business based at Elwick, to ensure that the operation of the business enhances the Club's viability;
- (b) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Club;
- (c) the buying, selling, and supplying of, and dealing in, goods of all kinds;
- (d) the purchase sale and leasing of land;
- (e) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Club;
- (f) the taking of such steps from time to time as the Committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Club, whether by way of donations, subscriptions, grants or otherwise;
- (g) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the Committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Club;
- (h) the borrowing and raising of money in such manner and on such terms as the Committee may think fit or as may be approved or directed by resolution passed at a general meeting.
- (i) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions subject to Taxation legislation.
- (j) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trust, schemes and conveniences calculated to benefit servants or past servants of the Club and their dependants, and the granting of pensions, allowances, or other benefits to servants or past servants of the Club and their dependants, and the making of payments towards insurance in relation to any of those purposes;
- (k) the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Club;
- (l) the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities, and engagements of any association with which the Club may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Club;
- (m) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Club or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

## **Membership of The Club**

- 5.** (1) The members of the Club shall be all persons who have been duly admitted and remain members, life members, members for life, honorary members or associate members under these rules or the rules heretofore in force or who shall hereafter be elected pursuant to the rules for the time being in force.
- (2) Candidates for admission as members of the Club shall be proposed by one member and seconded by another member and shall be elected by the Committee by ballot. The proposal form shall be obtained from the CEO and shall be signed by the candidate and the proposer and seconded by the candidate and the candidate's full name, occupation and address shall be stated therein.

(3) No ballot shall be held unless at least two days written notice thereof shall have been previously sent to each member of the Committee containing the names of the candidates and of their respective proposers and seconders

(4) As soon as is practicable after the receipt of a nomination, the CEO shall refer the nomination to the Committee.

(5) Upon a nomination being approved by the Committee, the CEO shall, with as little delay as possible, notify the candidate, in writing, that the candidate has been approved for membership of the Club and, upon receipt the sum payable by or on behalf of the candidate as the first year's subscription, and the prescribed entrance fee, if any, shall enter the candidate's name in a register of members to be kept by the CEO, whereupon the candidate becomes a member of the Club.

(6) No person under the age of 18 years nor any Licensed person who is subject to disqualification shall be eligible to be a member.

(7) Any person who has rendered valuable services to the Club or Racing may be admitted as a life member of the Club.

(8)

(a) Any person who has been a member of the Club for a total of forty (40) years whether continuous or otherwise may be admitted as a member for life of the Club.

(b) A member for life shall have all the rights and privileges of a member, but shall not be required to pay membership subscriptions.

(9) The committee may in its absolute discretion admit any person upon payment of such entrance fee (if any) and annual subscription as the Committee thinks fit as an associate member of the Club.

(10) Notwithstanding Rule 5 (6), a professional trainer, jockey, registered stable hand, bookmaker's clerk or a person employed by a bookmaker or engaged, concerned or interested directly or indirectly in the business of a bookmaker, who is not under the age of eighteen (18) years and is not subject to disqualification under the Rules of Racing shall be eligible to be admitted as an Associate Member.

(11) The Governor of Tasmania and his/her Vice Regal Staff for the time being shall be entitled to be honorary members of the Club..

(12) No honorary member or associate member shall be eligible to stand for any office in the Club nor to vote at any general meeting or special meeting of the Club or on a ballot for election of the Committee or be entitled to any benefit from reciprocal rights with any other racing clubs which members may enjoy.

(13) No member (except a life member or member for life) shall be competent to vote on any occasion whatever or enjoy any of the privileges of a member unless he/she has paid his/her subscription for the current year.

(14) Every member shall enjoy:

(a) The privilege of admission free of payment to the Course, Grandstands and enclosures at all Race Meeting held by the Club, and upon all occasions for which Elwick may be let for thoroughbred horse racing purposes;

(b) Free admission to the members' carpark for his/her private motor car at all race meeting and club functions except as otherwise determined by the Committee.

(c) The right to attend all General and Special Meetings of the Club, provided his/her annual subscription has been paid and he/she is not on the forfeit list;

(d) Such visitors badges as the Committee may from time to time determine.

(15) No member shall by reason of his/her being such have any transmissible or assignable interest by operation of law or otherwise in and of the property of the Club

(16) A right, privilege, or obligation of a person by virtue of his/her membership of the Club -

- (a) Is not capable of being transferred or transmitted to another person;
- (b) Terminates upon the cessation of his/her membership, whether by death, resignation, or otherwise.

(17) In the event of the Club being wound up -

- (a) Every member of the Club: and
- (b) Every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a member of the Club

Is liable to contribute to the assets of the Club for payment of the debts or liabilities of the Club and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding \$1.00 as may be required, but a former member is not liable so to contribute in respect of any debt or liability of the Club contracted after he/she ceased to be a member.

## **Determination Of Membership**

6. (1) A member of the Club may, at any time, resign from the Club by delivering or sending by post to the public officer a written notice of resignation.
- (2) Upon receipt of a notice under sub-rule (1) of this rule, the public officer shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceased to be a member of the Club.
- (3) Any member who is expelled from any other racing club or become bankrupt or insolvent or who shall make any general assignment for the benefit of his creditors or general composition with his creditors or shall be convicted of any indictable offence, or, being a Licensed person, becomes the subject of a disqualification, shall ipso facto cease to be a member of the Club, provided that any member so disqualified may be re-admitted by the Committee at its discretion. For the purposes of this Rule and of Rule 5 (6), "Licensed Person" means any person holding any licence issued by any club or authority having power to issue such licences in Australia in connection with any code of racing or in connection with gaming and also includes an owner.
- (4) If any member omits to pay his/her annual subscription on or before the First day of August in each year he/she shall not be entitled to any of the privileges of membership and if his/her subscription be not paid before the First day of November following, he/she shall cease to be a member and his/her name shall be erased from the register of members, provided that if he/she assign to the Committee reasons for the omission his/her name may on payment of the amount due be entered in the register.

## **Income and Property of Club**

7. (1) The income and property of the Club, however derived, shall be applied solely towards the promotion of the objects and purposes of the Club and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Club.
- (2) The Club shall not -
- (a) Appoint a person who is a member of the Committee to any office in the gift of the Club to the holder of which there is payable any remuneration by way of salary, fees, or allowances; or
  - (b) Pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).
- (3) Nothing in the foregoing provisions of this rule prevents the payment (In good faith to a servant or member of the club (including a member of the Committee) of -
- (a) Remuneration in return for services actually rendered to the Club by the servant or member or for goods supplied to the Club by the servant or member in the ordinary course of business;
  - (b) Interest on monies lent to the Club by the servant or member at a rate not exceeding the rate being charged by its bank to the Club on an overdraft or which would be charged by the bank to the Club if it had an overdraft; or

- (c) A reasonable and proper sum by way of rent for premises let to the Club by the servant or member.

**Accounts of  
Receipts  
Expenditure  
Etc,**

8. (1) True and fair accounts shall be kept -
- (a) Of all sums of money received and expended by the Club and the matter in respect of which the receipt or expenditure takes place; and
- (b) Of the property, assets, and liabilities of the Club and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Club for the time being, those accounts shall be open to the inspection of the members of the Club.
- (2) The CEO of the Club shall faithfully keep all records, accounting books, and records of receipts and expenditure connected with the operations and business of the Club in such form and manner as the Committee may direct.
- (3) The accounts, books, and records referred to in sub-rules (1) and (2) of this rule shall be kept at the Club's office or at such other place as the Committee may decide.

**Banking and  
finance**

9. (1) The CEO of the Club shall, on behalf of the Club, receive all moneys paid to the Club and forthwith after the receipt thereof issue official receipts for any payments in cash.
- (2) The committee shall cause to be opened with such bank as the Committee selects a banking account or accounts in the name of the Club into which all moneys received shall be paid by the CEO as soon as possible after receipt thereof.
- (3) The Committee may receive from the Club's bank or bankers for the time being the cheques drawn by the Club on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, action, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Club,
- (4) The Committee must institute policies and procedures to delegate to management the use and control of the Club funds and banking arrangement.
- (5) All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by such persons as the Committee from time to time authorises.
- (6) The Committee may from time to time resolve the circumstances in which cheques may be drawn on the Club's bank account without its authorization and the amount of such cheques.

**Auditor**

10. (1) At each annual general meeting of the Club, the members present shall appoint a person as the auditor of the Club.
- (2) A person so appointed shall hold office until the annual general meeting next after that at which he/she is appointed, and is eligible for re-appointment.
- (3) If an appointment is not made at an annual general meeting the Committee shall appoint an auditor of the Club for the then current financial year of the Club.
- (4) Except as provided in sub-rule (3) of this rule, the auditor may only be removed from office by special resolution.
- (5) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Club, the Committee may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

**Audit of  
accounts**

11. (1) Once at least in each financial year of the Club the accounts of the Club shall be examined by the auditor.
- (2) The auditor shall report as to the truth and fairness of the Club to the members at the annual general meeting.
- (3) In his/her report, the auditor shall state -
- (a) whether he/she has obtained the information required by him/her;
- (b) whether, in his/her opinion, the accounts are properly drawn up so as to exhibit a true

and fair view of the financial position of the Club according to the information at his/her disposal and the explanations given to him/her and as shown by the books of the Club: and

- (c) whether the rules relating to the administration of the funds of the Club have been observed.
- (4) The public officer of the Club shall cause to be delivered to the auditor a list of all the accounts, books, and records of the Club.
- (5) The auditor -
  - (a) has a right of access to the accounts, books, records, vouchers, and documents of the Club;
  - (b) may require from the servants of the Club such information and explanations as may be necessary for the performance of his/her duties as an auditor;
  - (c) may employ persons to assist him/her in investigating the accounts of the Club; and
  - (d) may, in relation to the accounts of the Club, examine any member of the Committee or any servant of the Club.

### **Annual general meeting**

- 12. (1) The Club shall, in each year, hold an Annual General Meeting.
- (2) The annual general meeting shall be held as soon as practicable after the end of the financial year and in any event not later than the 30th November.
- (3) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.
- (4) The annual general meeting shall be specified as such in the notice convening it.
- (5) The ordinary business of the annual general meeting shall be—
  - (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the Committee, auditor, and servants of the association reports upon the transactions of the Club during the last preceding financial year ended the 31st day of July;
  - (c) to declare the election of committee members;
- (6) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (7) All general meetings other than the annual general meeting shall be called special general meetings.

### **Special general meetings**

- 13. (1) The committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (2) The committee shall, on the requisition in writing of not less than ten members, convene a special general meeting of the Club.
- (3) A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the club, and may consist of several documents in the like form, each signed by one or more of the requisitionists.
- (4) If the Committee does not cause a special general meeting to be held within twenty-one days from the date on which a requisition therefor is deposited at the office of the Club, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.
- (5) A special general meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner by the Committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the persons incurring them.

### **Notices of general meetings**

- 14. Subject to clause 51 of these Rules all meetings shall be convened by notice in writing posted by ordinary mail not less than fourteen (14) days before the date of the meeting, specifying the place, the day and the hour of the meeting and stating shortly the nature of the business to be considered thereat.



**Business and  
Quorum at  
general  
meetings**

- 15.** (1) All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting, shall be deemed to be special business
- (2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (3) Ten (10) members personally present (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.
- (4) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; and in any other case, it shall stand adjourned to the same day in the next week, at the same time and (unless another place is specified by the chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

**Chairman to  
preside at  
general  
meetings**

- 16.** The Chairman, or in his/her absence or unwillingness to act, some other member of the Committee appointed by the members of the Committee present at the meeting or in their absence or unwillingness to act some member to be elected by the meeting shall preside as chairman at every general meeting of the Club.

**Interpretation  
of Rules**

- 17.** The interpretation of the Rules and Regulations at any meeting shall in the first place be left to the Chairman; but any member present may if he/she thinks fit require the Chairman to submit the question of interpretation to the meeting and if the decision of the meeting be adverse to the opinion of the Chairman he must submit to such decision.

**Adjournment  
of general  
meetings**

- 18.** (1) The Chairman of a general meeting at which a quorum is present may, with the consent of 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 set out in the notice of meeting and left unfinished or not dealt with at the meeting at which the adjournment took place.
- (2) Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.
- (3) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

**Determination  
of questions  
arising at  
general  
meetings**

- 19.** (1) A question arising at a general meeting of the Club shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the minute book of the Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.
- (2) All decisions arrived at and carried at any Annual or Special General meeting held in conformity with these Rules shall be binding and conclusive upon all members of the Club; and no notice of motion to reconsider any such decision shall be received by the Committee during the current year ending on the 31st day of July in each year after such decision has been so arrived at.

**Votes**

- 20. (1) Upon any question arising at a general meeting of the Club, a member has one vote only but no member shall be entitled to vote unless all moneys presently payable by him/her to the club whether for subscriptions or otherwise shall have been paid.  
(2) In the case of an equality of voting on a question the chairman of the meeting is entitled to exercise a second or casting vote.

**Taking of Poll**

- 21. If at a meeting a poll on any question is demanded it shall be taken at that meeting in such manner as the chairman may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

**When poll to be taken**

- 22. No poll shall be demanded on the question of the election of a Chairman or on the question of the adjournment of a meeting.

**Proxy Votes**

- 23. (1) Subject to sub-clause (2) of this Rule every Member for the time being absent from Tasmania who is qualified to vote at the meetings of the Club shall be entitled to appoint any other qualified member to vote and act for him/her by proxy at a given meeting or any adjournment thereof or at an indefinite number of meetings or for a definite period and every such appointment shall be in writing and shall be deposited with the CEO of the Club twenty-four hours before the commencement of the meeting at which the holder of such proxy shall vote before the person so appointed shall be entitled to act or vote and the member appointing such proxy shall for all purposes be considered as present by such proxy and all acts and votes of the proxy shall be as valid and effectual as if given and done by the member in person and every proxy shall continue in force until a notice in writing revoking the same shall have been given to the CEO of the Club or Chairman of any meeting or left at the office of the Club. And every such proxy shall be in the following form, that is to say :-

**Form of Proxy**

**" Tasmanian Racing Club Inc.**

I, the undersigned.....  
of.....being a  
member of the Tasmanian Racing Club Inc. do hereby  
appoint.....of.....  
.....to be my proxy in my name and on my  
behalf to vote and act for me in any business that may be lawfully  
brought forward at the Meeting of Members of the Club to be held  
on the .....day of..... or any  
adjournment thereof or at all meetings of the Members of the Club  
or at any adjournment thereof or at any meeting of the Members of  
the Club that may be held during the period.....ending  
.....(or amended as required in donformity with Rule  
23).

As witnessed my hand this .....day of  
.....

Signed by the said .....  
in the presence of :- "

- (2) Nothing contained in sub-clause (1) of this Rule shall entitle a member to vote by proxy on any resolution proposed as a special resolution.

**General Meeting may appoint sub-Committee**

- 24. A general meeting may appoint a sub-committee for the purpose of reporting back to the meeting. Unless otherwise determined by the general meeting a quorum for a meeting of such a sub-Committee shall be one more than half the number of members appointed to it (or in the event of a sub-Committee of uneven numbers the next highest numbers in excess of half its number) and its procedure shall be the same as that laid down for sub-Committee pursuant to Rule 38.

- Affairs of Club to be Managed by a Committee**
25. (1) The affairs of the Club shall be managed by a Committee of management constituted as provided in Rule 26.  
 (2) The Committee -  
 (a) shall control and manage the business and affairs of the Club  
 (b) May, subject to these rules, exercise all such powers and functions as may be exercised by the Club, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Club; and  
 (c) Subject to the Act and these rules, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club.
- Constitution of the Committee**
26. (1) The Committee shall consist of nine (9) members elected as hereinafter provided.  
 (2) Each committee member shall subject to these rules, hold office until the third annual general meeting after the date of his/her election, but is eligible for re-election.  
 (3) In the event of a casual vacancy occurring in the office of a committee member, the remaining members of the Committee may appoint a member of the Club to fill the vacancy, and the member so appointed shall hold office, subject to these rules for the remainder of the period for which his/her predecessor was appointed.
- Committee members to be members of at least 11 months standing**
27. No person shall be eligible to become a member of the Committee unless he shall have been a member of the Club for at least eleven months prior to the General Meeting at which the election is to take place, No paid official of any other Horse Racing Club or Greyhound Racing Club or Stipendiary Steward shall be eligible to be nominated as a candidate for or hold office as a committee member of the Club.
- Election of members of Committee**
28. (1) Nominations of candidates for election as committee members -  
 (a) shall be made in writing signed by two members of the club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination) ; and  
 (b) Shall be delivered to the public officer of the Club at least twenty-eight clear days before the date fixed for the holding of the annual general meeting.  
 (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and any remaining vacancies may be filled by the members of the Committee then in office at any time after the annual general meeting.  
 (3) If the number of nominations received is equal to the number of vacancies to be filled, the candidates nominated shall be deemed to be elected.  
 (4) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.  
 (5) The ballot for the election of committee members shall be conducted in the manner set out in Rule 29  
 The provisions of this rule shall apply to all candidates for election as committee members including retiring committee members who are standing for re-election.
- Ballot for Committee**
29. A ballot of members shall be held and conducted as follows : -  
 The CEO shall forward to each member of the Club an envelope addressed to the CEO, Tasmanian Racing Club Inc., Hobart

endorsed "Voting Paper", enclosing a ballot paper containing the name or names of the Candidate or Candidates retiring and nominated respectively together with instructions as to the number to be elected for each Office, and the mode in which names are to be erased and also an unendorsed envelope.

(2) Any member wishing to vote shall erase the names of such Candidate or Candidates respectively as he/she may not approve of retaining no more and no less than the required number and shall place the ballot paper in the aforesaid unendorsed envelope. This envelope after being sealed up is to be placed in the aforesaid envelope endorsed "Voting Paper" the voter first signing his name inside the last mentioned envelope.

(3) The envelope marked "Voting Paper" must be returned by the member voting to the Secretary not later than the hour of four o'clock in the afternoon of the day fixed for the Annual Meeting or such other hour on that day as the Committee appoint. Any voting paper received subsequently to the such hour shall not be counted in the scrutiny.

(4) Any member who has lost or mislaid his/her voting papers may obtain another set of voting papers from the CEO provided he/she applies for the same in writing before the said hour of four o'clock or other appointed hour and states in such application that his/her voting papers have been lost and/or mislaid. In the event of there being two or more voting envelopes signed by the same member then all such votes shall be disallowed on the scrutiny.

(5) The scrutineers shall be chosen by the Committee from among the members of the Club. The scrutiny shall be conducted as soon after the closing of the ballot as is convenient. The CEO shall hand to the scrutineers the voting envelopes unopened and the scrutineers shall check each voting envelope with the Register of Members and after the scrutineers are satisfied that the member signing the envelope is entitled to vote then the voting papers shall be placed in a locked ballot box without being unfolded.

(6) The scrutineers shall certify to the Chairman the number of votes recorded for each candidate.

(7) The candidates receiving the greatest number of votes to be certified by the scrutineers shall be declared by the Chairman to be elected.

(8) If at any time before the certificate of the scrutineers is received by the Chairman the number of candidates be reduced by withdrawal or otherwise to the number required to fill the vacancies on the Committee the candidates remaining shall be declared elected by the Chairman.

(9) In the case of equality of votes the Chairman if not a candidate shall have a casting vote. If he/she be a candidate then he/she shall vacate the chair at a convenient time during the meeting and the meeting shall elect another Chairman in his/her place.

(10) The voting paper of a member who has not prior to the hour for the return of such voting paper under sub-clause (3) paid his/her annual subscription shall not be placed in the ballot box by the scrutineers.

### **Vacation of office**

- 30.** (1) For the purpose of these rules, the office of a committee member becomes vacant if the committee member -
- (a) dies;
  - (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankruptcy or compounds with his/her creditors or makes any assignment of his/her estate for their benefit;
  - (c) resigns his/her office by writing under his/her hand addressed to the Committee;

- (d) ceases to be a member of the Club; or
- (e) fails to pay all arrears of subscription due by him/her within fourteen days after he/she has received a notice in writing signed by the public officer stating that he/she has ceased to be a financial member of the Club.

(2) If any committee member is absent from three consecutive full meetings without giving reasons satisfactory to the Committee the Committee may declare his/her seat vacant.

**Powers and responsibilities of the Committee**

- 31.** (1) Without in anywise limiting or derogating from the general powers of the Committee to manage the affairs and the general business of the club (but subject nevertheless to any specific limitations of such of such powers in these rules contained) the Committee may: -
- (a) Expel any member who -
    - (i) Has been found guilty by the committee or Stewards of any thoroughbred racing club of a malpractice or who has been disqualified under the Australian Rules of Racing or any Local Rule of Racing.
    - (ii) Has been guilty of improper conduct at any race meeting
    - (iii) Is a defaulter in stakes or bets in reference to any race.
    - (iv) Declines or neglects to pay any fine imposed on him/her under the rules of racing.
    - (v) Is guilty of any act which in the opinion of the Committee renders it undesirable that he/she should continue as a member.

Provided always that no member shall be expelled by the Committee until after he/she shall have been given an opportunity to show cause to the Committee why he/she should not be expelled.

(b) Promote hold and regulate race meetings and prepare and issue the programme of all race meetings of the Club to be held during each succeeding year and prepare and publish the conditions under which such races are to be conducted in such manner and reserving such powers to carry the same as in their judgement they may deem expedient. All nominations for any race meeting of the Club shall be subject to the Rules of Racing for the time being in force and to the approval of the Committee who may decline to receive and at any time after having received reject any such nomination without giving a reason for so doing. The Committee may in case of urgent necessity put off any race or races or any race meeting of the Club from day to day or from week to week as they may deem expedient or may wholly abandon any meeting or any race or races at any meeting of the Club.

(c) Appoint and manage the Chief Executive Officer (CEO) and ensure that the CEO has appropriate delegation to appoint and manage the Club's staff in accordance with the relevant legislation, awards and agreements.

(d) Set the salary package of the CEO, and ensure the CEO has delegation to pay or allow such salaries allowances pensions and recompenses to any staff appointed by the Club for their services or employment.

(e) Enter into such contracts on behalf of the Club as they shall think advisable and at all times dispose of the funds of the Club as they may deem best for carrying out the objects of the Club, but the Committee shall not enter into contracts for the purpose of securing pecuniary profits to the members from the transactions of the Club.

(f) Refer questions of general importance to the members in general meeting assembled.

(g) Accept any composition or any security for any debt or any property claimed and to allow any time for payment of any debt and to compromise abandon submit to arbitration or otherwise settle any debt account claim or thing.

(h) Comply with the Club's Code of Conduct and Corporate Governance policies.

(i) From time to time to make alter amend and repeal such rules by-laws and policies as they may think fit for :-

- (i) The arrangement and management of the Course for the time being the property of the Club or used by the Club and the admission to and expulsion therefrom of members and the public respectively.
  - (ii) The regulation of persons occupying booths on such Course and any lands used in connection with such Course
  - (iii) The rates and charges of admission to the different parts of such Course.
  - (iv) The carrying on regulation and management of racing on such Course and generally for the carrying on regulation and management of racing within the jurisdiction of the Club.
  - (v) The affiliation or association of the Committee and the Club with Racing Clubs in different parts of the world and the adoption of the decisions in matters concerning the racing activities of such affiliated and associated Clubs.
  - (vi) Regulating their own proceedings
  - (vii) The management and control of Bookmakers
  - (viii) In respect of any matter act or thing which in the opinion of the Committee would be advantageous to or advisable for the Club to adopt in the furtherance of its objects or the discharge of the duties of the Committee under these Rules.
- (j) Recommend, whether alone or in conjunction with any other persons, corporations, associations or authorities such amendments to the Rules of Racing as the Committee shall think fit.

**Offences  
Committed on  
Racecourse:  
How dealt with**

**32.**

Any person committing on the Course, or on any land belonging to or under the control of the Club or in any of the buildings or erections thereon any of the following offences shall by order or resolution of the Committee passed at a meeting of either of such bodies whether formally called together or not be removed from the Course or otherwise punished or dealt with notwithstanding such person may be a member of the Club or may have purchased and is or may be in possession of a ticket or badge of admission:-

- (i) Assaulting any other person.
- (ii) Being in a state of intoxication.
- (iii) Riding or trespassing upon the Course proper during a race or trial, or when the horses are preparing to start.
- (iv) Using profane indecent or obscene language.
- (v) Using threatening abusive or insulting words to the members of the Committee or any them or to the Stewards or any of them or to any other person or person whomsoever.
- (vi) Behaving improperly.
- (vii) Being found upon the Course enclosures or building and not producing or surrendering (if required) to any gate keeper, security officer or other person having authority to demand same a ticket or badge duly authorising admission to such course enclosure or buildings unless the person so found shall forthwith satisfy the Committee or Stewards or one of them that the proper charge for admission has been paid by him/her and that his/her ticket or badge has been lost.
- (viii) Obtaining admission to any portion of the course or enclosures where disentitled to such admission under the Rules Regulations or By-laws of the Club or any of them or under the Rules of Racing for the time being in force or under or by virtue of any resolution or notice published.

- (ix) Being guilty of any dishonest corrupt or improper practice or any malpractice on the turf or in connection with any horse, jockey or trainer or with any totalisator or betting machine used or employed by the Club or by any person or authority authorised by the Club.
- (x) Contravening any one or more of the provisions of the Racing and Gaming legislation or any rules made thereunder PROVIDED THAT nothing in this Rule contained shall in any way prejudice affect or interfere with any legal or other redress which the Committee or appointed Stewards may otherwise have against any such person for committing any one or more of such offences.

### **Power of disqualification of Committee**

33. The Committee or appointed Race Day Stewards (or a majority of them present) shall have power under these Rules or under the Rules of Racing for the time being in force to disqualify for any term they may think proper any person proved to their satisfaction to have been guilty of improper behaviour to the Committee, Stewards or the Officers of the Club or any of them and no horse in which the person so disqualified is wholly or partly interested shall be allowed to start for any race to be run at any of the Race Meetings of the Club during such term of disqualification any previous nominations thereby becoming forfeited.

### **Meetings of The Committee**

34. (1) The Committee shall meet at least once in each month at such place and at such times as the Committee may determine.
- (2) The Committee shall at their first meeting after the annual general meeting appoint from their members: -
- (a) A Chairman
  - (b) A Vice Chairman
  - (c) An Honorary Treasurer, and
  - (d) Such other officers as they may deem necessary.
- (3) Each officer appointed by the Committee shall hold office until the annual general meeting next after the date of his/her appointment but is eligible for re-appointment.
- (4) Special meetings of the committee may be convened by the Chairman, or any three (3) of its members.
- (5) Notice shall be given to members of the Committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- (6) Any five (5) members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (7) No business shall be transacted unless a quorum is present and if within half an hour of the hour appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting, in which case it lapses.
- (8) At meetings of the Committee—
- (a) The Chairman, or in his/her absence the Vice-Chairman (if any) , or in the absence of both the Chairman and the Vice-Chairman;
  - (b) such one of the remaining members of the Committee as may be chosen by the members present, shall preside.
- (9) Questions arising at meetings of the Committee or of any sub-Committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

(10) Each member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(11) Written notice of each Committee meeting shall be served on each member of the Committee by delivering it at a reasonable time before the meeting by post or by electronic media.

**Disclosure of  
interest  
contracts**

35. (1) A member of the Committee who is interested in any contract or arrangement made or proposed to be made with the Club shall disclose his/her interest at the first meeting of the Committee at which the contract or arrangement is first taken into consideration, if his/her interest then exists, or, in any other case, at the first meeting of the Committee after the acquisition of his interest.
- (2) If a member of the committee becomes interested in a contract or arrangement after it is made or entered into he/she shall disclose his/her interest at the first meeting of the Committee after he/she becomes so interested.
- (3) No member of the Committee shall vote as a member of the committee in respect of any contract or arrangement in which he/she is interested and if he/she does so vote his/her vote shall not be counted.

**Committee -  
conflicts of  
interest**

36. A member of the Committee shall not appear as Counsel, Advocate or Representative for any person or persons appealing against a penalty or punishment imposed by Stewards.

**Code of  
conduct for  
Committee**

37. (1) The Committee must prepare and adopt a Code of Conduct governing the members of the Committee.
- (2) The Code of Conduct adopted by the Committee at the date of adoption of this rule shall govern the conduct of each member of the Committee and each member of any sub-committee established by the Committee (whether a member of the Committee or not).
- (3) The Committee shall review the Code of Conduct each year at the meeting of the Committee which approves the report required to be prepared for the Annual General Meeting of the Club under Rule (12) (5) (b) and, if required, amend the Code so as to comply with the best contemporary corporate governance practice.
- (4) Any amendment made under sub-rule (3) of this Rule shall be reported to the Annual General Meeting next held after it is adopted by the committee and shall take effect from the conclusion of that Annual General Meeting.

**Sub-  
Committees**

38. (1) The committee may at any time appoint a sub-Committee from the Committee as it may think fit and shall prescribe the powers and functions thereof.
- (2) The Committee may co-opt as members of a sub-Committee such persons as it thinks fit, whether or not those persons are members of the Club, but a person so co-opted is not entitled to vote.
- (3) Not less than one half of the appointed members of a sub-Committee from time to time shall constitute a quorum at a meeting of the sub-Committee.
- (4) The public officer of the club is responsible for calling meetings of a sub-Committee.
- (5) Written notice of each sub-Committee meeting shall be served on each member of the sub-Committee by post or electronic media.

**Indemnity to  
Committee**

39. The members of the Committee and permanent staff of the Club and their respective heirs, executors and administrators shall be indemnified and saved harmless out of the funds of the Club from and against all charges cost losses damages and expenses which they or any of them shall or may incur or sustain in or about the execution of their respective offices or in or about any contracts or agreements made by them for or on behalf of the Club or in furtherance of the



objects of the Club except such charges or expenses as shall be incurred or sustained by or through their own wilful default and none of them shall be answerable for the others of them nor for joining in any receipt for the sake of conformity only nor for any banker broker or other person with whom any moneys or effects belonging to the Club shall or may be lodged for safe custody sale investment or otherwise nor for the insufficiency of any security on which any moneys belonging to the Club may be placed out or invested nor for any other misfortune loss or damage which may happen in the execution of their respective offices or in any way in relation thereto except the same shall happen by or through their own wilful default respectively and no committee member or officer of the Club shall be liable to repay any money which he/she did not personally receive and misappropriate.

**Insurance**

40. The committee shall have the power to effect such policies of insurance on members as it deems prudent against death, injury or damage sustained while engaged in the business of the Club or in the course of travel to or from any meeting of the Club or a Committee of the Club or on business of the Club.

**Acts deemed valid notwithstanding**

41. All acts of the Committee or of any member thereof or of any officer of the club shall be deemed to be valid notwithstanding that it may afterwards be discovered that some defect existed in the appointment of the Committee or of any member thereof or the officer in question.

**Chief Executive Officer**

42. (1) The Committee shall appoint a CEO on such terms and conditions as the Committee may think fit.  
 (2) The CEO shall be the Public Officer of the Club for the purposes of these Rules, and Secretary for the purpose of the Rules of Racing.  
 (3) The CEO shall undertake such duties and perform such functions as the Committee may from time to time direct.

**Annual subscription**

43. (1) The annual subscriptions payable by the members shall be determined by the Committee prior to the first day of August in each year. If no determination is made by that date the subscription payable for the preceding financial year shall apply.  
 (2) The annual subscription of a member is due and payable on or before the first day of the financial year of the Club.

**Entrance fee**

44. (a) Entrance fees payable by candidates for membership shall be determined by the Committee prior to the first day of August in each year. If no determination is made by that date, the entrance fee payable for the preceding financial year shall apply  
 (b) The Committee may at any time resolve to reduce or waive payment of the whole or any part of the entrance fee payable by candidates for membership in such circumstance and for such purposes as the Committee shall think fit.

**Financial year**

45. The financial year of the Club is the period beginning on 1st day of August in each year and ending on the 31st day of July next following.

**Notices**

46. A notice may be served by or on behalf of the Club upon any member either personally or by sending it through the post in a prepaid letter addressed to the member at his/her usual or last known place of abode.

## Expulsion of members

47. (1) Subject to this rule, the Committee may expel a member from the Club or refuse to renew his/her membership if, in the opinion of the Committee the member has been guilty of conduct detrimental to the interests of the Club.
- (2) The expulsion of a member pursuant to sub-rule (1) of this rule does not take effect -
- (a) until the expiration of fourteen days after the service on the member of a notice under sub-rule (3) of this rule; or
  - (b) If the member exercises his/her right of appeal under this rule until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.
- (3) Where the Committee expels a member from the Club, the Secretary of the Club shall, without undue delay, cause to be served on the member a notice in writing -
- (a) stating that the Committee has expelled the member;
  - (b) Specifying the grounds for the expulsion; and
  - (c) Informing the member that if he/she so desires he/she may, within fourteen days after the service of the notice on him/her appeal against the expulsion as provided in this rule.
- (4) A member on whom a notice under sub-rule (3) of this rule is served may appeal against the expulsion to a special general meeting of the members of the Club by delivering or sending by post to the public officer of the Club, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purposes of hearing his/her appeal.
- (5) Upon receipt of a requisition under sub-rule (4) of this rule, the public officer shall forthwith notify the Committee of its receipt and the Committee shall thereupon cause a special general meeting of members to be held within twenty-one days after the date on which the requisition is received by the public officer.
- (6) At a special general meeting convened for the purpose of this rule -
- (a) no business other than the question of the expulsion shall be transacted;
  - (b) the Committee may place before the meeting details of the grounds of the expulsion and the Committee's reasons for the expulsion;
  - (c) the expelled member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- (7) If a special general meeting a majority of the members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his/her membership of the Club.
- (8) If at the special general meeting a majority of the members present vote in favour of the confirmation of the expulsion, the expulsion takes effect, and the expelled member ceases to be a member of the Club.

## Disputes

48. (1) Subject to this rule, a dispute between a member of the Club, in his/her capacity as a member, and the Club shall be determined by arbitration in accordance with the provisions of the Commercial Arbitration Act 1996.
- (2) Nothing in this rule affects the operation or effect of Rule 47.

## Seal of the Club.

49. (1) The seal of the Club shall be in form of a rubber stamp inscribed with the name of the Club encircling the word "Seal".
- (2) The seal of the Club shall not be affixed to any instrument except by the authority of the Committee, and the affixing thereof shall be attested by the signatures either of two members of the Committee or of one member of the Committee and of the CEO of the Club or such

other person as the Committee may appoint for that purpose, and that attestation is sufficient evidence for all purposes that the seal was affixed by the authority of the Committee.

(3) The seal shall remain in the custody of the CEO

**Rules binding  
on all  
members**

**50.** These Rules shall be printed and a copy delivered to any member upon application and shall be binding upon every member of the Club, but no member shall be absolved from the effect of these Rules on any allegation of not having received a copy of them.

**Alteration  
to rules**

**51.** (1) These Rules may be amended only by special resolution.  
(2) Notice of any general meeting at which it is proposed to consider any special resolution to amend these rules shall be given to the members not less than twenty one (21) days before the date on which the meeting is to be held.  
(3) The notice of meeting shall set forth the proposed special resolution and shall specify that the proposed resolution is a special resolution.  
(4) No proposed special resolution to amend these Rules shall be adopted as a special resolution unless not less than three quarters of the members present and voting shall vote in favour of the adoption of the special resolution.

**Club land**

**52.** (1) The Committee of the Club shall not enter into any contract or arrangement for the disposal of the freehold land of the Club or any part thereof except with the approval of an ordinary resolution of a general meeting of the Club.  
(2) In this clause the expression "disposal" includes the granting of a lease of any part of the freehold land of the Club for a period or successive periods totalling in excess of twenty one (21) years.

**Notices**

**53.** A notice may be given by the Club to any member either personally or by sending it by post to him/her at his last known address or to the address, if any, within the State supplied by him to the Club for the giving of notices to him/her. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice, and to have been effected in the case of a notice of a meeting on the day after the date of its posting and in any other case at the time at which the letter would be delivered in the ordinary course of post.

**Distribution  
Of Surplus  
Assets on  
Dissolution**

**54.** If upon the winding up or dissolution of the Club there remains, after the satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid to or distributed among the members of the Club but shall to the extent that Section 45 of the Racing and Gaming Act 1952 applies be dealt with in accordance with that provision and to the extent that that Section does not apply then subject to Section 33 of the Associations Incorporation Act 1964 be given or transferred to some other institution or institutions having objects similar to the objects of the Club and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Club, such institution or institutions to be determined by the Committee of the Club at or before the time of dissolution and in default thereof by a Judge of the Supreme Court of Tasmania and if and so far as effect cannot be given to the aforesaid provision, then to some charitable object.