
RACING, GAMING AND LIQUOR

RA301*

WESTERN AUSTRALIAN TROTTING ASSOCIATION
By-laws of the Western Australian Trotting Association
NOTICE OF AMENDMENT

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association held at Gloucester Park on the 12th day of June 1999 it was resolved by an absolute majority of the Committee of the Association that the By-laws of the Western Australian Trotting Association made under the Western Australian Trotting Association Act 1946 ("the Act") be amended as follows:

AMENDMENT OF THE BYLAWS
OF THE

WESTERN AUSTRALIAN TROTTING ASSOCIATION

1. Clause 4 is amended:
 - (a) by deleting "members" in the first line of the first paragraph and substituting:
"full members";
 - (b) by deleting "member" in the second line of the third paragraph and substituting:
"full member".
2. Clauses 13, 13A, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 are repealed.
3. A new clause 13 is added as follows:

"13. MEMBERSHIP

13.1 Membership Categories

The members of the Association are:

- (a) participating members;
- (b) non-participating members;
- (c) full members;
- (d) junior members;
- (e) corporate members;
- (f) life members;
- (h) honorary members;

13.2 Apply generally

Applications for membership shall be made on the form approved by the Controlling Body and shall be accompanied by payment of the relevant annual subscription.

13.3 Election procedure for non-participating, full and corporate members

- (1) A member wishing to propose a new member shall complete a nomination form in a form approved by the Controlling Body and lodge the form with the Secretary.
- (2) The nomination form shall be signed by the nominator, by another member as seconder, and by the candidate for new membership.
- (3) The Secretary shall submit the nomination form to the next meeting of the Committee.
- (4) The Committee shall determine all nominations for new membership under this clause.
- (5) This clause applies to the election of any:
 - (a) non-participating member;
 - (b) full member;
 - (c) corporate member.

13.4 Annual subscriptions

- (1) The Committee shall determine the annual subscriptions payable by members.
- (2) Unless the Committee determines otherwise, the annual subscriptions payable are:
 - (a) participating member \$50.00
 - (b) non participating member \$100.00
 - (c) full members \$210.00
 - (d) corporate members \$210.00
 - (e) junior members \$25.00
 - (f) life members Nil
 - (g) honorary members Nil
 - (h) in the case of a full member who usually resides more than 80 kilometres from the GPO Perth - an amount equal to 60% of the annual subscription for a full member.
- (3) If a member fails to pay the applicable annual subscription on or before 31 August in each year then the member shall forfeit all entitlements under these by-laws until the amount is paid in full.

13.5 Only participating members may apply and nominate under the Rules

- (1) This clause shall come into operation on 1 September 1999.
- (2) This clause shall apply notwithstanding any provision of the Rules to the contrary.
- (3) No person may:
 - (a) make application for:
 - (i) registration as a driver, trainer, owner, stable hand, bookmaker or bookmaker's clerk;
 - (ii) registration of a horse or foal (or for a certificate of service) or of any transfer, lease or cancellation of lease of a horse;
 - (iii) registration of a syndicate;
 - (iv) registration of a harness racing stud;
 - (v) registration of colours; or
 - (vi) full time employment with the Association, or any other licence or registration under the Rules;
 - (b) lodge a nomination of a horse for any race or trial; or
 - (c) lodge a stable return,
and, subject to subclause (6), the Controlling Body may not accept or deal with such an application, nomination or return, unless the person is a participating member and, unless all persons referred to in the application, nomination or, return are participating members.
- (4) Subclause (3) shall not apply to a person under 18 years of age.
- (5) Where:
 - (a) a horse registered elsewhere than in West Australia is brought to West Australia to race; and

- (b) the horse is nominated for a race which is approved by the Committee as a special feature event for the purpose of this subclause,
then subclause (3)(b) shall not apply to:
 - (c) the first such nomination after the horse is brought to West Australia; and
 - (d) any subsequent such nomination for a race held within 2 months after the race the subject of the first nomination.
- (6) A sub-committee of the Committee, comprising the President and the 2 Vice Presidents, may permit an application, nomination or return, to be accepted or dealt with, notwithstanding that the person making or lodging it, and the persons referred to in it, are not participating members, where the sub-committee considers that extenuating circumstances justify doing so.
- (7) In this clause, "Rules" means the Rules of Harness Racing 1993 or any other rules made under these by-laws.

13.6 Applicants for participating membership

- (1) Subject to subclause (2), any person aged 16 years or older who is a:
- (a) bookmaker;
 - (b) bookmaker's clerk;
 - (c) breeder;
 - (d) driver;
 - (e) employee (full-time) of the Association or of a Club;
 - (f) lessee;
 - (g) lessor;
 - (h) member of a syndicate;
 - (i) owner;
 - (j) racing manager;
 - (k) stable hand; or
 - (l) trainer,
- is eligible for membership as a participating member.
- (2) An eligible person referred to in subclause (1) shall not be entitled to apply for, or renew, membership unless the person has:
- (a) made an application; or
 - (b) lodged a nomination, return or record,
referred to in clause 13.5(2), within 3 years prior to the application for, or renewal of, membership.
- (3) Upon application and payment of the annual subscription, an eligible person becomes a participating member.

13.7 Entitlement of participating members

- (1) A participating member is entitled to:
- (a) attend and vote at general meetings;
 - (b) propose or second candidates for membership;
 - (c) propose or second candidates for election to the Committee;
 - (d) receive a copy of the annual report of the Association;
 - (e) a 12 months subscription to the Association's monthly magazine;
and
 - (f) free entry passes for the member and one guest to all race meetings of the Association and any Club approved for the purpose by the Committee.
- (2) Upon payment of the fee referred to in subclause (3), a participating member shall also be entitled to free entry to, and use of, the members' facilities at Gloucester Park.
- (3) The fee is the difference between the annual subscription for full membership and the annual subscription for participating membership.

13.8 Eligibility and election of non participating members

- (1) Any person aged 16 years or older, other than a person who is eligible to apply for membership as a participating member, is eligible to be elected as a non participating member.
- (2) Clause 13.3 applies to the election of a non participating member.

13.9 Entitlement of non participating members

A non participating member is entitled to:

- (a) attend and vote at general meetings;
- (b) propose or second candidates for membership;
- (c) propose or second candidates for election to the Committee;
- (d) receive a copy of the annual report of the Association; and
- (e) a 12 months subscription to the Association's monthly magazine.

13.10 Eligibility and election of full members

- (1) Any person who is over the age of 18 years is eligible to be elected as a full member.
- (2) Clause 1.3 applies to the election of a full member.

13.11 Entitlement of full member

- (1) A full member is entitled to:
 - (a) attend and vote at general meetings;
 - (b) propose or second candidates for membership;
 - (c) propose or second candidates for election to the Committee;
 - (d) receive a copy of the annual report of the Association;
 - (e) a 12 months subscription to the Association's monthly magazine;
 - (f) free entry to, and use of, the members' facilities at Gloucester Park during race meetings by the member, one lady and one other guest;
 - (g) stand for election to the Committee provided that he or she has been a full member for not less than 12 continuous months prior to the closing date for nominations for the election; and
 - (h) parking for one vehicle in the members' reserved parking area, subject to availability.
- (2) A full member, who is eligible for participating membership, shall also be entitled to free entry for the member and one guest to all race meetings of the Association and any Club approved for the purpose by the Committee.

13.12 Eligibility and election of corporate members

- (1) Any company or body corporate is eligible to be elected as a corporate member.
- (2) Clause 13.3 applies to the election of a corporate member.

13.13 Entitlement of corporate members

- (1) A corporate member is entitled to:
 - (a) receive a copy of the annual report of the Association;
 - (b) a 12 months subscription to the Association's monthly magazine; and
 - (c) the free entry to, and use of, by any one of its officers or employees, the members' facilities at Gloucester Park.
- (2) A corporate member is not entitled to:
 - (a) attend and vote at general meetings;
 - (b) propose or second candidates for membership; or
 - (c) propose or second candidates for election to the Committee;

13.14 Eligibility and election of junior members

- (1) A person who is:
 - (a) the child or grandchild of a full member; and
 - (b) aged 16 or 17 years of age,is eligible to be elected as a junior member.
- (2) Clause 13.3 applies to the election of a junior member.

13.15 Entitlement of junior members

- (1) A junior member is entitled to sit in the members' areas of Gloucester Park as if he were a full member.
- (2) A junior member has no entitlement other than that referred to in subclause (1).

13.16 Eligibility of life members

Any full member of the Association is eligible to be elected as a life member.

13.17 Election of life members

- (1) At any general meeting, the members entitled to vote may elect a person, who is considered to have rendered special services to the Association, to be a life member, provided that:
 - (a) not less than 14 days notice of the motion is given to the Secretary; and
 - (b) the resolution is passed by not less than 75% of the persons present at the meeting and entitled to vote.
- (2) Persons elected as life members prior to 1 September 1999 continue as life members after that date.

13.18 Entitlement of life members

A life member is entitled to the same privileges as a full member but is not required to pay an annual subscription.

13.19 Election of honorary members

The Committee may, at any time without notice, elect an honorary member and cancel the membership of an honorary member.

13.20 Entitlement of honorary member

- (1) An honorary member is entitled to free entry to, and use of, the members' facilities at Gloucester Park.
- (2) An honorary member is not entitled to:
 - (a) attend and vote at general meetings;
 - (b) propose or second candidates for membership;
 - (c) propose or second candidates for election to the Committee;
 - (d) receive a copy of the annual report of the Association; or
 - (e) a 12 months subscription to the Association's monthly magazine.

13.21 Cessation of membership

- (1) A member shall cease to be a member upon the member's:
 - (a) written resignation;
 - (b) death;
 - (c) disqualification under the Rules; or
 - (d) failure to pay the applicable annual subscription on or before 31 August.
- (2) If a former member who has ceased to be a member under paragraph (d) of subclause (1) makes payment of all arrears during the then current financial year, then the Committee may reinstate the person as a member.
- (3) If a member:
 - (a) becomes bankrupt or makes any assignment for the benefit of his creditors;
 - (b) fails to comply with any of the by-laws or Rules or any other order or direction of the Committee or of the members passed at a general meeting;
 - (c) is convicted of any offence punishable summarily or of any crime or misdemeanour; or
 - (d) in the opinion of the Committee, is guilty of any act, practice, conduct, matter or thing calculated to bring discredit on the Association or its members or on the sport of trotting, or to impair or affect the enjoyment of the Association by the other members,then that member shall be liable to be suspended or expelled from membership by resolution of the Committee.
- (4) Before the Committee suspends or expels any member, the Committee shall follow the following procedure:
 - (a) the Secretary, on behalf of the Committee, shall give to the member notice in writing of the matter of complaint;
 - (b) the Committee shall cause notice of the complaint to be sent to the member by registered letter and directing the member and the accuser, if any, to appear before the Committee at a hearing to give evidence;
 - (c) the Committee shall give the member at least 7 days notice in writing before the date of the hearing;
 - (d) the Committee shall give at least 3 days notice in writing of the hearing to any other member required by the Committee to appear before it and give evidence;

- (e) the Committee may take evidence and decide the case notwithstanding the failure by any party to attend.
- (5) Any person ceasing to be a member for any reason shall remain liable for the payment of all subscriptions and other money due and payable by the person.

13.22 Appeals from expulsion or suspension

- (1) Any member expelled or suspended under clause 13.22(2) who feels aggrieved by the expulsion or suspension by the Committee may appeal to a special meeting of the members.
- (2) An appeal under subclause (1) shall be lodged by written notice lodged with the Secretary within 14 days of the expulsion or suspension.
- (3) A notice of appeal shall set out the grounds of appeal and be accompanied by an appeal fee determined by the Controlling Body.
- (4) Until the hearing of any appeal the decision of the Committee shall have full effect but the expelled or suspended member shall have the right to attend the special meeting.
- (5) If the majority of the members present and entitled to vote at the special meeting resolve to uphold the appeal then the appeal fee shall be returned to the member and the member's rights and privileges shall be restored.

13.23 Absentee members

- (1) If a member:
 - (a) intends to leave the State for a period not less than 6 months; and
 - (b) the member has paid all subscriptions and other monies due by the member to the Association,then the member may, on application in writing to the Secretary, be placed on the list of absentee members.
- (2) During an absentee's period of absence, the member shall be liable for a subscription at the rate of half of the applicable annual subscription commencing as from 31 August next until the person's return.

13.24 No recourse to law and limitation of liability

- (1) A member agrees not to commence proceedings in a court of law against the Association or against any member of the Committee or any official arising out of the performance by that person of the person's duties or functions except for a claim for goods or services supplied in the ordinary course of business of that member.
- (2) The Association, the members of the Committee and the Association's employees, agents and members shall not be liable to any member or any person claiming by or through a member for any injury, death, loss or damage to person or property whether caused directly or indirectly by any act or omission of the Association, a member of the Committee, the Association's employees, agents or members arising out of the performance by that person of the person's duties or functions except for claims for goods or services supplied in the ordinary course of the business of a member".

4. Clause 36 is amended by deleting "fifteen per centum (15%)" and substituting:
"seven point five per centum (7.5%)".

Dated: 14 June 1999.

G. PAPADOPOULOS, President.
