



Western Australia

Kalgoorlie-Boulder Racing Club By-laws 2004

Compare between:

[14 Jun 2007, 00-b0-02] and [28 Jun 2007, 00-c0-06]

Kalgoorlie and Boulder Racing Clubs Act 1904

Kalgoorlie-Boulder Racing Club By-laws 2004

~~Made under sections 16 and 18 of the Act by the Kalgoorlie-Boulder Racing Club with approval of the Governor.~~

1. Citation

These by-laws may be cited as the *Kalgoorlie-Boulder Racing Club By-laws 2004*.

2. By-laws

The By-laws of the Kalgoorlie-Boulder Racing Club, set out in Schedule 1 are by-laws made under section 16 of the Act by the Kalgoorlie-Boulder Racing Club with approval of the Governor.

**Schedule 1 — By-laws of the Kalgoorlie-Boulder
Racing Club**

[cl. 2]

Part 1

CONSTITUTION

1. The name of the Club

The Club shall be called the Kalgoorlie-Boulder Racing Club.

2. The constitution of the Club

The Club shall consist of all persons who are members (but not including honorary members) of The Kalgoorlie Racing Club and The Boulder Racing Club on the 28th day of February 2001 and of all persons who are thereafter duly elected members of the Club and who continue to be members pursuant to these by-laws.

MEMBERS AND THEIR ADMISSION

3. Admission of members

Candidates for admission as members of the Club shall be proposed in writing by one member and seconded by another and shall be elected by the Committee by ballot. Unless at least one third of the members of the Committee present at the meeting at which the election takes place vote in favour of the candidate he shall be deemed not elected.

4. Annual subscription

A candidate shall become a member as soon as he has been elected and paid his subscription of \$245 for the current year.

5. Honorary Members

- (1) A person, who has rendered valuable services to the Club, may be admitted an honorary life member of the Club.
- (2) Honorary life members shall be entitled to the same rights and privileges and be subject to the like obligations as other members but shall not be liable to the payment of annual subscription.

6. Governor to be an honorary member

The Governor of Western Australia of the time being shall be an honorary member of the Club.

7. Visitors

Visitors and others at the Committees discretion may be admitted by the Committee as honorary members at any race meeting without payment of any subscription.

8. Voting Rights

A member other than an honorary member, cannot vote on any occasion whatever, or enjoy any of the privileges of members unless he has paid his subscription for the current year, and any purported vote by a member who has not paid is invalid.

9. Address of members

All members shall communicate their addresses from time to time to the Secretary of the Club, who shall register the same, and all letters delivered at or sent by post to such addresses shall be considered to have been delivered to the respective members personally.

10. Former members lose rights

All persons ceasing to be members of the Club, whether by retirement, expulsion, death, neglecting to pay the annual subscription, or otherwise, shall forfeit ipso facto all rights to or claim full or part refund of their annual subscription upon the Club or its property.

SUBSCRIPTION FEES

11. Candidates to be paid up

Every candidate shall, within one month after his or her election, pay his or her subscription for the current year; otherwise his election shall be void unless he shall justify the delay to the satisfaction of the Committee.

12. Fiscal year

The fiscal year of the Club shall commence on the first day of August in each year and annual subscriptions shall be payable in advance on or before that date.

13. Ceasing to be a member

If a member :—

- (a) resigns from the Club; or
- (b) neglects to pay his subscription before the 31st day of March next following the same becoming payable,

he shall cease to be a member of the Club and his name shall be erased from the list of members.

14. Makeup of Committee

- (1) The affairs and general business of the Club shall be managed by a Committee.
- (2) The Committee shall consist of twelve members of whom six to be determined by lot shall retire at the conclusion of the General Meeting to be held in the year thereafter and in the event of any dispute between two or more retiring members as to whom shall have been longest in office the same shall be determined by lot.

15. Eligibility for Committee membership

A person is not eligible to become a member of the Committee unless he/she has been a member of the Club for at least 2 years prior to the General Meeting at which the election is to take place, and a person is not eligible to become a member of the Committee, or to hold office as a Committeeman if he be a Steward or Committeeman of any Trotting Club, provided that nothing in these by-laws shall render ineligible from holding office as a Committeeman any member of the Committee who acts as a Steward at any race meeting held on any Racecourse of the Club by any other Racing Club.

16. Candidates names to be submitted

The names of all members proposed, or who have submitted themselves, for election to the Committee shall be in the hands of the

Secretary of the Club (hereinafter referred to as “the Secretary”) at least fourteen clear days before the General Meeting in each year, or the member cannot be included as a candidate for that election.

17. Method of voting

- (1) Every member voting shall vote for the full number of candidates to be elected, and any paper containing a greater or less number of names than there are vacancies to be filled shall be rejected as informal.
- (2) The ballot boxes shall be opened in the presence of scrutineers.

18. Where number do not require a vote

If the number of candidates nominated for election as members of the Committee is equal to or less than the number of vacancies the Chairman of the General Meeting shall declare all the candidates who have been nominated elected and the General Meeting may thereupon proceed to fill up the remaining vacancies (if any) by show of hands unless a poll is demanded under by-law 51.

19. Ballot

If the number of candidates nominated for election as members of committee is greater than the number of vacancies a ballot shall be taken.

20. Voting by absent members

- (1) A member unable to attend on the day of election to record his vote, may at any time after the names of the intending candidates have been duly advertised, obtain from the Secretary a ballot paper endorsed by the Secretary, and after duly notifying thereon the members for whom he proposes to vote, shall put such paper in an envelope endorsed “Ballot Paper”, addressed to the Secretary, and the Secretary shall retain such ballot paper and envelope until the day of election, when, in the presence of the scrutineers, it shall be opened and the ballot paper taken therefrom and deposited in the ballot box.
- (2) A member absent from Kalgoorlie or Boulder may record his vote by letter or telegram addressed to the Secretary.

- (3) An absent member shall vote for no more nor less than the number of candidates to be elected, and such letter or telegram shall be delivered to the scrutineers on or before the day of election.

21. Extraordinary vacancies

In the event of any vacancy or vacancies occurring in the Committee after the annual election, the Committee shall have the power of filling the same up until the next General Meeting, when a member or members, shall be elected to fill such vacancy or vacancies.

22. Vacancies requiring a Special General Meeting

- (1) If the Committee do not fill up such vacancy or vacancies within 60 days of the occurrence thereof, the Committee shall convene a Special General Meeting of the members of the Club to elect a member or members to fill such vacancy or vacancies, and by-laws 16, 17, 18, 19 and 20 shall apply to such election in the same manner as they apply to the election of members of the Committee at the General Meeting.
- (2) If the number of members nominated for election to fill any such vacancy or vacancies do not exceed the number of vacancies, the member or members who has or who have nominated shall, upon the closing of the nominations, be deemed to have been elected.
- (3) If the number of members nominated for election do not fill such vacancy or vacancies at a Special General Meeting convened for that purpose the Committee has the right to fill those vacancies within 60 days of the Special General Meeting.

23. Terms of Office

The member (or each member if more than one) so elected shall hold office until the expiration of the term for which the member in whose place he has been elected could have held it in accordance with the by-laws.

POWERS OF THE COMMITTEE

24. Committee may hire and fire

The Committee shall have the power of appointing from time to time, and at their pleasure dismissing all such officers and servants as they

may think necessary for the purposes of carrying out the objects of the Club, and without derogating from the general powers hereby given the Committee may from time to time appoint and at their pleasure dismiss any permanent or casual staff.

25. Committee may pay salaries, etc.

The Committee may pay or allow such salaries, allowances and recompenses to any officers or servants appointed by them or the Minister as per section 39 of the Act during their services or employments, as the Committee shall from time to time see fit.

26. Contracts

The Committee shall have power to enter into such contracts on behalf of the Club as they shall think advisable and shall at all times dispose of the funds of the Club as they deem best for carrying out the objects of the Club.

27. Expulsion of corrupt members

Any member who has been found guilty of a corrupt practice under the Rules of Racing by the Committee or Stewards, or by the Committee or Stewards of Racing and Wagering Western Australia, or by the Committee or Stewards of any Club whose decision has been adopted by Racing and Wagering Western Australia shall, ipso facto be expelled from the Club.

28. Expulsion of misbehaving members

The Committee may expel any member who —

- (a) has been found guilty by the Committee or Stewards of any Racing Club of a malpractice or who has been disqualified under the Rules of Racing by the Committee or Stewards of any Racing Club;
- (b) has been guilty of grossly improper conduct or riotous behavior at any Race Meeting;
- (c) is a defaulter in stakes or bets in reference to any race;
- (d) declines or neglects to pay any fine imposed on him by the Stewards or Committee; or

- (e) is guilty of any act, which in the opinion of the Committee renders it undesirable that he should continue to be a member.

29. Expulsion subject to natural justice rules

No member, except a member *ispo facto* expelled in accordance with by-law 27 shall be expelled by the Committee until after he has been given an opportunity to show cause to the Committee why he should not be expelled.

30. Planning the year's racing

Subject to the Rules of Racing under Racing and Wagering Western Australia, the Committee shall have power to fix the dates and prepare and issue the programmes of the Racing Meetings of the Club to be held during the year, and to prepare the conditions of, and advertise to be run in succeeding years, such races as they in their judgment deem expedient to make public during their term of office.

31. Races may be postponed

The Committee may, in case of urgent necessity, put off from time to time the races of any Race Meeting of the Club.

32. Sub-Committees

- (1) The Committee may delegate any of their powers to Sub-Committees consisting of such member or members of their body as they may think fit.
- (2) Any Sub-Committee so formed shall in the exercise of the powers so delegated conform to any resolutions that may be imposed on them by the Committee.
- (3) The proceedings of all Sub-Committees so appointed shall be regulated by the by-laws relating to the proceedings of the Committee.

PROCEEDINGS OF COMMITTEE

33. Committee meetings and quorum

The Committee shall meet as often as they deem necessary; five shall form a quorum and minutes of the proceedings shall be entered in a book and be read and confirmed at the next meeting.

34. Chairman and Vice-Chairman

- (1) The Committee shall at their first meeting after the General Meeting, elect a Chairman and Vice-Chairman, who shall hold office until the next General Meeting.
- (2) Any vacancy occurring in the interim shall be filled by the Committee.

35. Presiding at Committee meetings

- (1) The Chairman, or in his absence, the Vice-Chairman shall preside at all meetings of the Committee, and if neither are present some other member of the Committee to be elected by the meeting shall preside.
- (2) The Chairman when presiding at any meeting shall have a deliberative as well as a casting vote.

36. Absence of Committee Members

Any member of the Committee having been absent from four consecutive Committee Meetings, extending over three months, shall cease to be a member thereof unless he shall have obtained leave of absence from the Committee, but may be reinstated by a resolution carried by two-thirds of the members of the Committee.

37. Majority vote

A majority of the Committee at any meeting of the Committee shall have all the powers hereby given to the Committee.

THE SECRETARY

38. Duties of Secretary

- (1) It is the duty of the Secretary —
 - to keep full and accurate accounts of all sums of money received or expended on account of the Club;
 - to make full and accurate minutes in the books of the proceedings of all General, Special and Committee Meetings;
 - to give all notices of all General and Special Meetings, and also propositions to be brought before them;

- subject to the directions of the Committee to make all necessary disbursements from the funds of the Club by cheques drawn upon the relative account at the Club's Bankers which cheques shall be signed in such manner as the Committee shall from time to time determine and to obtain receipts or discharges for the same; and
 - to carry out the instructions of the committee and Stewards.
- (2) The Secretary shall give such security for the faithful discharge of his/her duties as the Committee shall deem fit.

THE AUDITOR

39. The Auditor

- (1) There shall be one internal auditor of the Club who shall retire annually at the General Meeting of the Club but shall be eligible for re-appointment.
- (2) It shall be his duty to audit the books of the Club, and the accounts prepared by the Secretary for submission at the General Meetings, and to certify to the correctness thereof.
- (3) The Minister for Planning from time to time may appoint or remove an auditor as per section 37 of the *Kalgoorlie and Boulder Racing Clubs Act 1904*.

GENERAL AND SPECIAL MEETINGS

40. General Meeting

- (1) There shall be a General Meeting of the Club on a date to be determined by the Committee, for the purpose of electing members of the Committee, discussing the general business of the Club, and receiving from the Committee an abstract of the state of the accounts and the receipts and with a report of the general concerns of the Club.
- (2) At any such meeting, the accounts shall exhibit a true statement of the total receipts and expenditure of the Club during the year immediately preceding the 1st of March with a statement of the balance of such account.

41. Members to receive reports, etc.

A printed copy of such report, balance sheet and statement of receipts and expenditure shall be posted or sent to each member of the Club seven days before the General Meeting.

42. Two weeks notice of motion required

A member cannot bring forward any proposition or motion at any General Meeting of the Club, unless he has given written notice thereof to the Secretary at least fourteen clear days prior to the General Meeting at which he may wish his proposition considered; and the Secretary shall embody such proposition in the notice convening the meeting.

43. Special Business

No business of a special description shall be transacted at any such meeting, unless special notice of such business has been given in the circular letter convening the meeting.

44. Special General Meeting

The Committee may, whenever they think fit, and shall, upon a requisition in writing under the hands of not fewer than twelve members convene a Special General Meeting.

45. Requisition for Special General Meeting

Any requisition so made by members shall clearly and fully express the objects of the meeting required to be called, and shall be left at the office of the Club.

46. Convening a Special General Meeting

Upon such requisition being so left, the Committee shall forthwith proceed to convene a Special General Meeting, to be held at such time and place as they shall think fit, not being less than fourteen nor more than twenty-eight days after the leaving of such requisition.

47. Business at a Special General Meeting

No business shall be entered upon by any Special General Meeting except such as shall be set forth in the notice convening the same.

48. Quorum for Meeting

- (1) At the General or any Special General Meeting, ten members must be present before proceeding to business.
- (2) If within half an hour from the time appointed for the meeting a quorum is not present the meeting (if convened upon the requisition of members) shall be dissolved.
- (3) In any other case it shall stand adjourned to such date (not being more than 14 days thereafter) and at such time and place as the Chairman (or in his absence the Vice-Chairman) shall as soon as possible thereafter determine and notice of the adjourned meeting shall be given by advertisement in a daily newspaper circulating in Kalgoorlie; and if at such adjourned meeting a quorum is not present, it shall be adjourned sine die.

49. Presiding at Meetings

The Chairman and in his absence the Vice-Chairman and in the absence of both the Chairman and the Vice-Chairman then some member of the Committee to be elected by the meeting shall preside at the General and at all Special General Meetings.

50. Majority vote

All propositions, questions and matters (except the election of Committeemen nominated as before mentioned) submitted in accordance with these by-laws to any meeting shall be decided by a majority of those present, to be determined in the first instance by a show of hands.

51. Poll may be required

Any 5 members may demand a poll, and if a poll is so demanded, the proposition, question or matter shall be finally decided by a division, to be held and conducted in such manner as shall be determined by the Chairman.

MISCELLANEOUS

52. Insulting Committee members or other officials

If any person shall be proved to the satisfaction of the Committee to have insulted, abused or imputed improper motives to any member of Committee, Steward Handicapper, or official of the Club, in connection with the performance of any matter or thing done by him, them or any of them in the exercise or performance of his/her or their duty, such person shall be punished by the Committee in such manner, either by being fined a sum not exceeding \$20 or warned off or otherwise as the nature of the case may require.

Part II

MANAGEMENT OF THE RACE COURSE

53. Persons who have been “warned off”

The following person shall not be admitted into any part of the racecourse —

- (a) any person under sentence of disqualification under the Rules of Racing and Wagering Western Australia;
- (b) any person who has been warned off any racecourse;
- (c) any person not admitted to any part of the racecourse in pursuance of these by-laws;
- (d) any person who is a defaulter in bets;
- (e) any person who has been at any time declared guilty of corrupt practice by the Committee or Stewards, or by any Stewards whose decision is final and not subject to appeal under the Rules of Racing, or by the Committee or Stewards of any Racing Club whose decision the Committee under the Rules of Racing has adopted;
- (f) any person who, having been a member, has been expelled from the Club.

54. Lost Property

Any officer or servant or employee of the Club and any other person, finding any lost property or document upon any land in the use or occupation of the Club, or upon any land belonging to the Club, or in

any building or premises erected on any such land shall immediately deliver the same to the office appointed by the Committee for the reception of lost property.

55. Offences

- (1) A person who, while on lands held by the Chairman —
- (a) assaults a person;
 - (b) appears to be intoxicated;
 - (c) rides, crosses or trespasses upon the Course, or any part of it, without authorisation during a Race Meeting, or when the horses are preparing or prepared to start, or are running for any race;
 - (d) uses profane, indecent, or obscene language;
 - (e) uses any threatening, abusive, or insulting words;
 - (f) behaves improperly, riotously, or in a disorderly manner or is involved in a fight;
 - (g) does not produce a valid admission ticket when required to do so, or does not surrender a ticket when requested to do so, by a person having authority from the Committee to make those demands;
 - (h) remains on the racecourse or part thereof, after having been warned off by or on behalf of the Committee or Stewards;
 - (i) sells or offers to sell tips or information in connection with races run or to be run on the Club's racecourse;
 - (j) throws, passes, or receives any money, purse, book, letter or other documents, or other article or thing, over, through, or under any, building or partition erected,

commits an offence

Penalty: \$20

- (2) A person committing any of the offences set out in this by-law may be removed from the race course, notwithstanding such person may be a member of the club, or may have purchased, and is or may be in possession of, a ticket of admission.

Part III

BOOKMAKERS AND BETTING

56. Bookmakers permit

The holder of the requisite bookmakers licence issued under the *Betting Control Act 1954* may apply to the Club for a permit to carry on the business of a bookmaker at any race meeting or race meetings conducted by the Club.

57. Charges to be levied

Admission to and operation of their business at the racecourse stand fees will be determined annually by the Committee.

58. Where a bookmaker can operate

A bookmaker shall carry on his business upon the place set aside by the Committee for that purpose and upon no other place.

59. Revocation of a bookmakers permit

The Committee may at any time revoke any permit without giving any reason thereof.

60. Bookmaking without a permit

A person shall not carry on the business of a bookmaker upon any racecourse belonging to the Club unless he is the holder of a permit as aforesaid and any person offending against this by-law may be removed from the racecourse by any official of the Club.

Confirmed on 25 April 2004 by a resolution supported
by more than two-thirds of the members of the club
present and entitled to vote at a general meeting of the
members of the club.

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Chairman

Notes

¹ This is a compilation of the *Kalgoorlie-Boulder Racing Club By-laws 2004*. The following table contains information about those by-laws ².

Compilation table

| Citation | Gazettal | Commencement |
|---|--------------------------|--|
| <i>Kalgoorlie-Boulder Racing Club By-laws 2004</i> | 9 Jul 2004 p. 2801-18 | 9 Jul 2004 (see Notice published in <i>Gazette</i> 9 Jul 2004 p. 2778) |
| <u>These by-laws were repealed by the Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007 (No. 8 of 2007) s. 18(c) as at 28 Jun 2007</u> | | |

² The *Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007* Pt. 4 reads as follows:

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Part 4 — Incorporation of Kalgoorlie Boulder Racing Club and repeal of *Kalgoorlie and Boulder Racing Clubs Act 1904* and the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*

Division 1 — Incorporation and repeal

14. Meaning of terms used in this Part

- (1) Terms used in this Part have the same meaning as in the *Kalgoorlie and Boulder Racing Clubs Act 1904*.
- (2) In this Part —
“incorporated Club” means the Club after it is incorporated as an association under the *Associations Incorporation Act 1987*.

15. Power to incorporate under the *Associations Incorporation Act 1987*

- (1) The Club may become incorporated as an association under the *Associations Incorporation Act 1987*.
- (2) If the Club becomes incorporated as an association, nothing in the *Kalgoorlie and Boulder Racing Clubs Act 1904* or the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953* prevents the real and personal property that is vested in and held by the chairman under those Acts from vesting in the incorporated Club under the *Associations Incorporation Act 1987* section 11.

16. Application for incorporation as an association

The *Associations Incorporation Act 1987* sections 5(2)(b)(iii), 6, 7 and 9(1)(d) do not apply to an application by the Club to become incorporated as an association under that Act.

17. Exemption from stamp duty

- (1) In this section —
“**property of the Club**” means the real and personal property held by any person for or on behalf of the Club.
- (2) Duty under the *Stamp Act 1921* is not payable on an instrument executed for the purpose of vesting or registering the property of the Club in the incorporated Club.

18. Repeals

On the Club becoming incorporated as an association under the *Associations Incorporation Act 1987* —

- (a) the *Kalgoorlie and Boulder Racing Clubs Act 1904*; and
- (b) the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*; and
- (c) the *Kalgoorlie-Boulder Racing Club By-laws 2004*; and
- (d) the *Kalgoorlie-Boulder Racing Club By-laws Notice 2004*,

are repealed.

Division 2 — Transitional and savings provisions

19. Interpretation Act 1984 not affected

The provisions of this Division do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeals effected by section 18.

20. Effect of incorporation on licence, permit or approval

A licence, permit or approval issued or given to the Club under a written law and in force immediately before the Club is incorporated under the *Associations Incorporation Act 1987* continues in force as if the licence, permit or approval, when issued or given, were issued or given to the incorporated Club.

21. Chairman’s liabilities incurred prior to incorporation to transfer to incorporated Club

- (1) A liability incurred by the chairman by or on behalf of the Club and existing immediately before the Club is incorporated under the *Associations Incorporation Act 1987* becomes a liability of and exercisable against the incorporated Club.

- (2) This section operates despite the *Associations Incorporation Act 1987* section 10(c).

22. Powers in relation to transitional provision

- (1) If there is no sufficient provision in this Part for dealing with a transitional matter, regulations under this section may prescribe all matters that are required or necessary or convenient to be prescribed for dealing with the matter.
- (2) Regulations made under subsection (1) may provide that specified provisions of this Part —
- (a) do not apply; or
 - (b) apply with specified modifications,
- to or in relation to any matter.
- (3) If regulations under subsection (1) provide that a specified state of affairs is taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the day this section comes into operation, the regulations have effect according to their terms.
- (4) In subsections (2) and (3) —
“specified” means specified or described in the regulations.
- (5) If regulations contain a provision referred to in subsection (3), the provision does not operate so as to —
- (a) affect in a manner prejudicial to any person (other than the State) the right of that person existing before the day of publication of those regulations; or
 - (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

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