

RIDING FOR THE DISABLED ASSOCIATION (NSW)



CONSTITUTION

ACN 001 823 267

ABN 50 001 823 267

**Adopted at an Annual General Meeting of the Association 5th May 2006
Amended at an Extraordinary General Meeting held on the 4th December 2008**

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CONSTITUTION

1.1 NAME

1.2 The name of the Company shall be Riding for the Disabled Association (N.S.W) hereinafter called the Association.

1.3 The registered office of the Association shall be at such address as the State Councils from time to time shall determine.

2.1 DEFINITIONS

2.2 “**Accredited Member Centre**” means any Centre approved by the Board of Directors and equipped for the conduct of the activities of the Association.

2.3 “**The Association**” means Riding for the Disabled Association (N.S.W), a registered company limited by guarantee according to Australian Corporation Law.

2.4 “**Associate Accredited Member Centre**” means a centre granted this classification of membership of the Association in accordance with the rules.

2.5 “**Associate Member Rider**” means a person granted this classification of membership of the Association in accordance with the rules.

2.4a “**AQTF**” Means Australian Quality Training Framework. *(Added 4-12-2008)*

2.5 “**Board of Directors**” means those persons elected or appointed to form a Board of Directors, according the Rules of the Association, or in the absence of any such Rule, means an Executive Committee appointed from among the members of the State Councils.

2.6 “**CASP**” means Coaching & Safety Panel. It consists of appropriately skilled Coaches appointed by Board of Directors as recommended by the CASP

2.7 “**Centre**” refers to Accredited Member Centre, Provisional Centre or Steering Committee.

2.8 “**Coach**” is a generic term and means a person who has achieved a qualification as set down by CASP.

2.9 “**Councillor**” means a person elected or appointed to State Council according to the Rules of the Association.

2.10 “**Council**” and “**State Council**” means all those persons elected or appointed to form a State Council as defined in the Rules of the Association.

2.11 “**Director**” means a person elected or appointed according to the Rules of the Association.

- 2.12 **“Executive Committee”** means those persons elected from among the members of a State Council to act in the capacity of a Board of Directors in cases where there is no Board of Directors.
- 2.13 **“Executive Officer”** means any person appointed by the Board of Directors to perform the day to day management of the Association.
- 2.14 **“General Meeting”** means Annual General Meeting or Extraordinary General Meeting.
- 2.15 **“Grievance Committee”** or **“Grievance Officer”** means that body or that person designated by the Board of Directors to receive complaints from Centres and members of Centres regarding conduct or activities deemed unfair or unreasonable.
- 2.16 **“Honorary Councillor”** means a person appointed or co-opted by a State Council to be part of that State Council for a determined period.
- 2.17 **“Honorary Life Member”** means a person nominated for such recognition and elected as stated in the Rules of the Association.
- 2.18 **“Member”** means a member as described in the Rules.
- 2.19 **“Provisional Centre”** means any Centre approved by the Board of Directors to commence activities but without accreditations as defined the Rules of the Association, or which, once accredited subsequently ceases to have the services of an accredited coach, or is temporarily unable to meet its commitment to pay fees levied by the Association.
- 2.20 **“Public Officer”** means a person of 18 years of age or over and, being a citizen of Australia, appointed to that role by the Board of Directors.
- 2.21 **“RDA”** means Riding for the Disabled Association.
- 2.22 **“Regional Representative”** means the person selected by the Board of Directors from those nominated by Accredited Member Centres within the relevant region to serve the Association as liaison between a State Council and Centres within a given geographic territory, whose duties and responsibilities are defined in the Rules of the Association.
- 2.23 **“Rider”** means a person who is participating in horse riding, carriage driving, vaulting, or other equestrian activities provided at an RDA Centre or elsewhere under the auspices of RDA.
- 2.24 **“Riding”** unless the contrary intention appears, means the care and maintenance of horses and their use in any capacity whatsoever including, without limiting the generality of the foregoing, leading and carriage driving, with or without the use of horse or pony-drawn vehicles.

- 2.24a **“Registered Training Organisation (RTO) scope of registration”** means the list of Competencies RDA NSW is qualified to issue *(Added 4-12-2008)*
- 2.25 **“Rules”** and **“Rules of the Association”** mean the set of Replaceable Rules as determined by Corporations Law and as adopted and amended from time to time by State Council.
- 2.26 **“Secretary”** means any person appointed by the Board of Directors to perform the duties of Company Secretary.
- 2.27 **“Special Resolution”** means a Resolution of which at least 21 days’ notice has been given and is passed at a duly constituted Annual or Extraordinary General Meeting of Accredited Member Centres of the Association.
- 2.28 **“State Assessor”** means a person authorised to assess coaches and to fulfil the duties as set down by CASP.
- 2.29 **“Steering Committee”** means any Steering Committee approved by the Board of Directors to commence activities without accreditation as defined in the Rules of the Association.
- 2.30 **“Volunteer”** means a person providing assistance at an RDA Centre.
- 2.31 **“Whip”** is a generic term and means a person who has achieved a qualification as set down by the Carriage Driving Committee.

3.0 OBJECTIVES

The objectives for which the Association is formed are:

- 3.1 To encourage, promote, support and assist Centres and Steering Committees to provide riding therapy, sport, recreation, training and safety programs for people with disabilities.
- 3.2 To seek to influence all facets of Government, as well as business and the community to support and finance the activities of the Association together with its Members and Steering Committees.
- 3.3 To foster and support the integration of people with disabilities into the activities and into the administration of Centres, Steering Committees and the Association in general.
- 3.4 To liaise with other organisations, including but not limited to International, National and State, having an interest in the treatment and well-being of people with disabilities.
- 3.5 To set standards in safety, training, horse management and riding activities.
- 3.6 To train coaches and volunteers.
- 3.7 To provide and maintain such facilities and equipment as may be required by and for the purposes of the Association.
- 3.8 To act as a co-ordinating body for Members and Steering Committees and the people who belong to Centres, and to provide a forum for the exchange of information and ideas for the betterment of the Association.
- 3.9 To abide by the Australian Quality training Framework (AQTF) Standards.
Refer Annexure A. *(Added 4-12-2008)*

4.0 POWERS

- 4.1 To raise funds to provide for the operation, administration and advancement of the work of the Association and to provide financial assistance to Accredited Member Centres, Provisional Centres and Steering Committees where possible and where provided for under the Rules of the Association.
- 4.2 To require Members and Steering Committees, and all people participating in activities at a Centre, to maintain safety requirements as notified from time to time by the Association.
- 4.3 To appoint sub-committees as deemed necessary and in accordance with the Rules of the Association.
- 4.4 To purchase, sell, mortgage, lease, exchange, construct, improve, maintain, hire or otherwise acquire or dispose of real or personal property or any rights or privileges for the purpose of the Association.
- 4.5 To conduct appeals for funds and to accept donations, bequests under testamentary disposition and to generally raise funds by public subscription and any other means as may be approved by the Board of Directors and in accordance with relevant legislation.
- 4.6 To invest in Trustee Securities or otherwise to deal with the funds of the Association not immediately required for the purposes of the Association in such manner authorised by law, and as may, from time to time, be determined by the Board of Directors in accordance with the Rules of the Association and with relevant legislation.
- 4.7 To hold and administer property on trust.
- 4.8 To borrow or raise money by way of a loan or overdraft or by the issue of debentures or in any way and upon such terms as may, from time to time, be determined by the Board of Directors, for the purposes of carrying on the work or activities of the Association.
- 4.9 To seek affiliation with other organisations with like or similar objectives, to appoint delegates and representatives to other associations, societies and bodies.
- 4.10 To co-opt persons as required to the State Councils, the Board of Directors or to any Sub-Committee formed from time to time.
- 4.11 To approve or terminate the membership of any Centre, individual or representative thereof as determined in the Rules of the Association.
- 4.12 To make by-laws or Rules for the conduct of the Association, and to perform all such acts and responsibilities for the attainment of the objectives of the Association.

- 4.13 To appoint such employees and staff as necessary from time to time on such terms and conditions as the Board of Directors shall determine.
- 4.14 To operate and carry on any business, e.g.: retailer, wholesaler, manufacturer, designer or otherwise, for the purposes of the Association.
- 4.15 To print or publish any newspapers, booklets or periodicals or distribute electronically any information that promotes the objects of the Association.
- 4.16 To determine, from time to time, the annual subscriptions, if any, for Accredited Member Centres, Provisional Centres and Steering Committees, or any other form of membership or affiliation approved by the State Councils.
- 4.17 To draw, accept and negotiate cheques, bills of exchange, promissory notes and other negotiable instruments including credit card and electronic funds transfer processes.
- 4.18 To organise and conduct such conferences, workshops, riding events, riding camps and such other activities as may be appropriate.
- 4.19 To arrange, assist or conduct research.
- 4.20 To arrange insurance cover, personal and property, or other forms of liability, as may be determined from time to time by the Board of Directors.
- 4.21 Provide quality accredited training under the association's Registered Training Organisation (RTO) scope of registration. *(Added 4-12-2008)*

5.0 MEMBERSHIP

The categories of, and qualification for membership of the Association in such categories, the duration of that membership, and the admission and termination processes shall be in accordance with the Rules of the Association.

6.0 MANAGEMENT

- 6.1 The affairs of the Association shall be managed by State Councils. Delegation within the role of a Board of Directors or in the absence of such a Board, to an Executive Committee of the State Council is permitted.
- 6.2 The State Councils shall comprise the Directors and such other persons as determined by the Rules of the Association.
- 6.3 The Board shall comprise of elected Directors, together with such other persons as determined by the Rules of the Association.
- 6.4 Both the State Councils and the Board of Directors shall have the power to co-opt other persons for specific purposes if deemed necessary by that State Council or the Board of Directors. Such persons so co-opted do not have a right to vote at any meeting of the body to which they have been co-opted.

7.0 ELECTIONS.

The requirements, notice and process for elections of Directors, Regional Representatives or other Councillors, and the duration of their term shall be as determined by the Rules of the Association.

8.0 FINANCES

- 8.1 The Board of Directors shall cause true accounts to be kept of monies received and expended.
- 8.2 The Association shall conduct its financial transactions through a bank or other financial organisation approved under relevant legislation.
- 8.3 Operation of accounts and other financial transactions shall be in accordance with the Rules of the Association.
- 8.4 Annual subscriptions and/or affiliation fees shall be determined by the State Councils and approved by the Accredited Member Centres at the Annual General Meeting. The structure and collection of such sums shall be in accordance with the Rules of the Association.
- 8.5 The State Councils shall have the power to impose on Members and Steering Committees such other fees or levies as may be required for the purposes of the Association in accordance with the Rules of the Association.
- 8.6 The financial year of the Association shall end of the 31st day of December.
- 8.7 An audited statement showing the financial position of the Association as at the end of the financial year shall be presented at the Annual General Meeting of the Association and a copy made available to all Members and Steering Committees.
- 8.8 The income and property of the Association shall be applied solely toward the promotion of the objective of the Association, and no portion of the income or property shall be paid, transferred or distributed, direct or indirectly to the councillors or other persons of the Association, provided that nothing shall prevent the payment in good faith to any Officer or employee of the Association or to any person in return for services actually rendered to the Association, or in reimbursement of approved out of pocket expenses.
- 8.9 The Association shall establish and maintain a gift fund to which gifts and Donations will be credited.

9.0 AUDITOR

- 9.1 At the Annual General Meeting of the Association a person who is a member of the Institute of Chartered Accountants in Australia, or a member of the Australian Society of Accountants or a member of another recognised professional accounting body shall be appointed Auditor, providing that the person so appointed shall not be a Director, a Councillor or an employee of the Association.
- 9.2 The auditor shall audit the accounts of the Association and shall certify the accuracy of the balance sheets and the statement of account.

10.0 COMMON SEAL

- 10.1 The Common Seal of the Association shall be kept in the custody of the Company Secretary of the Association and shall only be affixed to any deed or other instrument by resolution of the Board of Directors, and every writing to which the Seal shall be affixed shall be signed by at least one of the Directors and countersigned by the Company Secretary, or signed by not less than two Directors.
- 10.2 The Company Secretary shall maintain a register of every deed, instrument or writing to which the Seal is affixed.

11.0 MEETINGS

- 11.1 There shall be an Annual General Meeting of all Members and Steering Committees held within six months of the close of the financial year at a time and place determined by the State Councils.
- 11.2 Extraordinary General Meetings of all Members and Steering Committees may be called as detailed in the Rules of the Association.
- 11.3 Meetings of State Councils and of the Board of Directors shall be held in accordance with the Rules of the Association.
- 11.4 The calling of meetings referred to in clauses 11.1 to 11.3, the giving of notice, business at, conduct of, quorum requirements and voting arrangements at such meetings shall be in accordance with the Rules of the Association.

12.0 DUTIES

The duties of the Financial Officer, Secretary, Executive Officer or other employees or Councillors shall be as provided for in the Rules of the Association.

13.0 PATRON

- 13.1 The State Councils may, from time to time, subject to his or her acceptance, appoint a Patron of the Association. Such appointments shall be made for a term of 2 years and may be renewed.
- 13.2 The State Councils may, from time to time, subject to his or her acceptance, appoint a Vice-Patron of the Association. Such appointments shall be made for a term of 2 years and may be renewed.

14.0 HONORARY LIFE MEMBERSHIP.

- 14.1 Honorary Life Membership of the Association maybe conferred in accordance with the Rules of the Association.
- 14.2 Honorary Life Membership of a Centre within the Association may be conferred in accordance with the Rules of the Association.

15.0 VOTING

- 15.1 Voting at Annual General and other meetings of the Association, and at meetings of the State Councils and Board of Directors, shall be in accordance with the Rules of the Association.
- 15.2 Quorums for meetings of members and for meetings of State Council or the Board of Directors shall be as determined in the Rules of the Association.
- 15.3 The Board shall elect a chairperson from amongst their numbers according to the Rules of the Association.
- 15.4 Each Accredited Member Centre represented or present at a General Meeting of the Association shall be entitled to one vote, but in the event of an equality of votes on any question or Resolution, the person chairing the meeting will exercise a casting vote.
- 15.5 Each Councillor, except the chairperson present at a meeting of a State Council of the Association shall be entitled to one vote, but in the event of an equality of votes on any question or Resolution, the person chairing the meeting will exercise a casting vote.
- 15.6 Each Director, except the chairperson present at a meeting of the Board of Directors of the Association shall be entitled to one vote, but in the event of an equality of votes on any question or Resolution, the person chairing the meeting will exercise a casting vote.
- 15.7 Each member of a Sub-committee of the Association except the chairperson present at a meeting of that Sub-committee shall be entitled to one vote, but in the event of an equality of votes on any question or Resolution, the person chairing the meeting will exercise a casting vote.

16.0 CONSTITUTION AND RULES.

- 16.1 The affairs of the Association shall be conducted in accordance with this Constitution and in accordance with the set of Rules of the Association referred to herein.
- 16.2 The Constitution may only be amended by a resolution at a General Meeting carried by at least two thirds of the total number of Accredited Member Centres entitled to vote and present at the General Meeting, The resolution shall be deemed a Special Resolution for the purposes of notice required under Corporations Law.
- 16.3 The Rules may only be amended by a resolution of the State Councils carried by at least two thirds of the total number of Councillors entitled to vote and present at the meeting of the State Councils. Rules cannot be amended at a General Meeting.
- 16.4 Amendments to either the Constitution or the Rules must be notified to all Members and Steering Committees in writing not less than 21 days following the passing of the resolution.
- 16.5 Any amendments to the Rules notified under 16.4 shall not take effect until 30 days following the date the notification was despatched, during which 30 days members shall have the right to lodge objections.
- 16.6 Where an objection to any amendment is received by the Executive Officer within the required 30 days, and that objection is supported by the signatures of at least ten (10) percent of the members entitled to vote, that amendment shall be suspended and submitted to an Extraordinary General Meeting of members for consideration.
- 16.7 The Association shall advise the Commissioner of Taxation in writing of any Amendments, additions or deletions to the constitution within 30 days of those changes being made.

17.0 GENERAL.

- 17.1 The decision of the State Councils on the interpretation of any rule, by-law or regulation of the Association, or any matter relating to the Association on which this Constitution or the Rules are silent, shall be conclusive and binding on all members unless overruled by a resolution of an Annual General Meeting or an Extraordinary General Meeting called in accordance with the Rules of the Association.
- 17.2 Any dispute or disagreement which arises between any Centre, or any member of a Centre, or Steering Committee, or of the State Councils in matters relating to the Association or that State Council, may be referred by any party in the dispute to the Grievance Committee or Grievance Officer or to the State Council.
- 17.3 A notice posted to the last recorded address of the Secretary of any Centre, Steering Committee, or to Honorary Life Members, Directors or Councillors shall be deemed to have been served on such Member, Director or Councillor on the fourth business day following the day of posting. Service by electronic means is permitted.

18.0 WINDING UP

- 18.1 The affairs of the Association may be wound up by a recommendation of State Councils and incorporated in a Resolution passed at a meeting of the Association by not less than two thirds of the Accredited Member Centres entitled to vote and present at the meeting.
- 18.2 The State Councils shall have the power to appoint a liquidator.
- 18.3 If the Association is wound up in accordance with this constitution and the relevant legislation, and there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to any member of the Association, it shall be transferred to another fund, authority or institution which has similar object and to which income tax deductible gifts can be made, such institution or institutions to be determined by the Accredited Member Centres of the Association.
- 18.4 If the Association is wound up in accordance with this Constitution and the relevant legislation, and there remains after realisation of all assets and property, any unpaid debts, the liability of the members of the Association is limited to the sum of \$10.00 per member together with any unpaid fees or levies.

ANNEXURE A

(Added 4-12-2008)

AQTF STANDARDS

RDA (NSW)'s Policy Manual has been developed in accordance with The Australian Quality Training Framework Standards for Registered Training Organisations. This document has been created in the same format as the current standards.

Standard 1 The RTO provides quality training and assessment across all of its operations		
Essential elements		
No.	Description	Page No.
1.1	Training and assessment is continuously improved by collecting, analysing and acting on relevant data	
1.2	Strategies for training and assessment meet the requirements of the relevant Training package or accredited course and are developed in consultation with industry stakeholders.	
1.3	Staff, facilities, equipment and training and assessment materials used by the RTO are consistent with the requirements of the Training Package or accredited course and the RTO's training and assessment strategies.	
1.4	Training and assessment is delivered by trainers and assessors who: a) Have the training and assessment competencies determined by the National Quality Council or its successors. b) Have the relevant vocational competencies at least to the level being delivered and assessed, and c) Continue to develop their vocational and training and assessment competencies to support continuous improvements in the delivery of RTO services.	
1.5	Assessments including Recognition of Prior Learning: a) Meets the requirements of the relevant Training Packages or accredited course. b) Is conducted in accordance with the principles of assessment and the rules of evidence, and c) Meets workplace and, where relevant, regulatory requirements.	

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Standard 2 The RTO adheres to principles of access and equity and maximises outcomes for its clients		
Essential elements		
No	Description	Page No
2.1	Client services are continually improved by collecting, analysing and acting on relevant data.	
2.2	Clients are informed about the learning, assessment and support services to be provided and their rights and obligations prior to enrolment and/or entering into a contract with the RTO	
2.3	Employers and other parties who contribute to each Trainee's training and assessment are engaged in the development, delivery and monitoring of learning and assessment	
2.4	Learners receive training, assessment and support services that meet their individual needs	
2.5	Learners have timely access to current and accurate records of participation and progress	
2.6	Complaints and appeals are resolved efficiently and effectively	

Standard 3 Management systems are responsive to the needs of clients, staff and stakeholders, and the environment in which the RTO operates		
Essential elements		
No.	Description	Page No.
3.1	A systematic and continuous improvement approach to the management of operations is used.	
3.2	Training and/or assessment services provide on behalf of the RTO are monitored to ensure they comply with all aspects of the Essential Standards for Registration	
3.3	Records are managed to ensure their accuracy and integrity.	