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AUSTRALIAN FRIESIAN WARMBLOOD HORSE SOCIETY

COMPOSITION AND DUTIES OF COMMITTEE MEMBERS

The following extract from Division 2 of the Rules (Constitution) of the AFWHS Inc. sets out the minimum responsibilities of committee office holder roles.

Additional information not specifically provided for in the Rules of the AFWHS Inc. relative to the State Representative committee roles is also provided.

27. Committee members

- (1) The committee members consist of —
 - (a) the office holders of the Society;
 - (b) at least one ordinary committee member.
- (2) The committee must determine the maximum number of members who may be ordinary committee members.
 - (a) The committee will include not less than one representative from each State or Territory within Australia where such a representative has been nominated and elected.
- (3) The following are the office holders of the Society —
 - (a) the chairperson;
 - (b) the deputy chairperson;
 - (c) the secretary;
 - (d) the treasurer;
 - (e) the registrar.
- (4) A person may be a committee member if the person is —
 - (a) an individual who has reached 18 years of age; and
 - (b) an ordinary member.
- (5) A person must not hold 2 or more of the offices mentioned in subrule (3) at the same time.

Act Requirements – Persons who are not to be members of Committee

- *Under section 39 of the Act the following persons must not, without leave of the Commissioner, accept an appointment or act as a member of a management committee of an association:*
 - *a person who is, according to the Interpretation Act 1984 section 13D, a bankrupt or person whose affairs are under insolvency laws;*
 - *a person who has been convicted, within or outside the State, of-*

- *an indictable offence in relation to the promotion, formation or management of a body corporate; or*
- *an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or*
- *an offence under Part 4 Division 3 or section 127 of the Act*

Section 39 only applies to a person who has been convicted of the above offences only for a period of 5 years from the time of the person's conviction, or if the conviction results in a term of imprisonment, from the time of the person's release from custody.

Act Requirements - Duties of Committee Members and Officers

Division 3 of the Act provides a definition of "officer". The duties provisions will apply to committee members and to those persons who have the ability to influence the management committee but who do not hold a formal committee position

- *Under section 44 of the Act an officer of an association must exercise his or her powers and discharge his or her duties with a degree of care and diligence that a reasonable person would exercise if that person-*
 - (a) were an officer of the association in the association's circumstances; and*
 - (b) occupied the office held by, and had the same responsibilities within the association as, the officer.*
- *Under section 45 of the Act an officer of an association must exercise his or her powers and discharge his or her duties-*
 - (a) in good faith in the best interests of the Association; and*
 - (b) for a proper purpose.*
- *Under section 46 an officer of an association must not improperly use his or her position to-*
 - (a) gain an advantage for the officer or another person; or*
 - (b) cause detriment to the Association.*
- *Under section 47 a person who obtains information because the person is, or has been, an officer of an association must not improperly use the information to-*
 - (a) gain an advantage for the person or another person; or*
 - (b) cause detriment to the Association.*

28. Chairperson and Deputy Chairperson

- (1) It is the duty of the chairperson to consult with the secretary regarding the business to be conducted at each committee meeting and general meeting.
- (2) The chairperson has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.
- (3) In the event of the absence from a general meeting of –
 - (a) the chairperson, the deputy chairperson; or
 - (b) if both the chairperson and the deputy chairperson, a member elected by the other members present at the general meeting,
 must preside at the general meeting.
- (4) In the event of the absence from a committee meeting of –
 - (a) the chairperson, the deputy chairperson; or
 - (b) if both the chairperson and the deputy chairperson, a committee member elected by the other committee members present at the committee meeting,
 must preside at the committee meeting.

29. Secretary

The secretary has the following duties —

- (a) dealing with the Society's correspondence;
- (b) consulting with the chairperson regarding the business to be conducted at each committee meeting and general meeting;
- (c) preparing the notices required for meetings and for the business to be conducted at meetings;
- (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Society the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (e) maintaining on behalf of the Society an up-to-date copy of these rules, as required under section 35(1) of the Act;
- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Society a record of committee members and other persons authorised to act on behalf of the Society, as required under section 58(2) of the Act;
- (g) ensuring the safe custody of the books of the Society, other than the financial records, financial statements and financial reports, as applicable to the Society;
- (h) maintaining full and accurate minutes of committee meetings and general meetings;
- (i) carrying out any other duty given to the secretary under these rules or by the committee.

Guidance note – Record of Office Holders - detailed information about what must be included in the record of office holders is included under rule 68.

30. Treasurer

The treasurer has the following duties —

- (a) ensuring that any amounts payable to the Society are collected and issuing receipts for those amounts in the Society's name;
- (b) ensuring that any amounts paid to the Society are credited to the appropriate account of the Society, as directed by the committee;
- (c) ensuring that any payments to be made by the Society that have been authorised by the committee or at a general meeting are made on time;
- (d) ensuring that the Society complies with the relevant requirements of Part 5 of the Act;
- (e) ensuring the safe custody of the Society's financial records, financial statements and financial reports, as applicable to the Society;
- (f) if the Society is a tier 1 association, coordinating the preparation of the Society's financial statements before their submission to the Society's annual general meeting;
- (g) if the Association is a tier 2 association or tier 3 association, coordinating the preparation of the Association's financial report before its submission to the Association's annual general meeting;
- (h) providing any assistance required by an auditor or reviewer conducting an audit or review of the Society's financial statements or financial report under Part 5 Division 5 of the Act;
- (i) carrying out any other duty given to the treasurer under these rules or by the committee.

31. Registrar

The Registrar must –

- (a) receive all registration and transfer applications for Friesian Warmblood horses to be registered with the Society;
- (b) maintain and update the register of all horses registered with the Society;
- (c) ensure the accuracy and completeness of registration applications prior to processing the registration of the horse;

- (d) keep and maintain a Registrar book with registration numbers, details and photographs of registered horses;
- (e) keep and maintain an electronic database of all horse registrations, including transfers and updates of horses;
- (f) print and forward registration certificates to members; and,
- (g) update forms as required and agreed by the committee.

State Representatives

The State Representatives

- are required to attend at committee meetings – usually four per year
- are to be the first point of contact for the Society with their state members
- are responsible for keeping in regular contact with their state members
- will provide a report for the quarterly newsletter when possible
- will distribute newsletters to their state members via email
- will promote the breed by organising classes at shows or other events
- will promote the breed through any other means at their disposal
- should organise social get togethers with state members when interest is shown

7th Committee Member

The 7th committee member

- will generally assist the committee as required
- where there is no state representative available for a particular state or territory, may be care taker of that state or territory until such time as a suitable representative is found
- perform other duties as agreed upon

All committee members must have regular access to email.