



AUSTRALIAN ENDURANCE RIDERS ASSOCIATION INC.

Inc No Y1458516
ABN 14 684 748 206
ARBN 095 622 914

BYLAW – Disciplining of Division Associations

Consequences for Division Associations which do not comply with the Affiliation Agreement

1. Purpose

The purpose of this Bylaw is to identify the procedure and consequences that will apply if a Division Association fails to comply with any of the following 'required provisions':

- the constitutional requirement for an affiliation agreement,
- the application of the conditions of that affiliation
- it's legal obligations under State based legislation applicable to Incorporated Associations.

The Affiliation Agreement is attached to this Bylaw as Appendix A.

2. Potential Failure to comply with a required provision.

If the AERA Management Committee (AERA MC) becomes aware of a potential failure by a DA State Management Committee (DA SMC) to comply with any of the required provisions, then the AERA MC will commence the process of investigating whether such a failure has occurred.

At all times through the process of investigating the acts or omissions of a DA relating to a required provision, the DA SMC and DA members if relevant, will be afforded all procedural fairness to which they are entitled. The DA SMC will be provided with full and accurate details of the circumstances leading to the alleged failure to comply with a required provision.

Confidentiality will be maintained by the AERA MC and DA SMC members throughout the process, to protect the reputation of parties involved and the integrity of the process.

All evidence relied on, findings and decisions will be accurately and completely documented.

3. Failure to comply with a required provision

If, by resolution passed, the AERA MC determines that a DA has not fulfilled a required provision, it will take the following course of action:

3.1. Communicate in writing with the DA SMC providing full and accurate details of the reasons leading to this resolution. The DA SMC will be requested to address those details and respond to the AERA MC within a reasonable time. The timeframe for response will be determined by the AERA MC and communicated to the DA SMC in this correspondence

3.2. If 3.1 does not lead to a result which is satisfactory to either the AERA MC or the DA SMC, the AERA MC will hold a special MC meeting which will require attendance by executive members of the DA SMC. At this meeting, every effort will be made by both parties to resolve the matter. An external mediator can be used if requested by either party, with equal cost sharing.

3.3. If after 3.2, the matter remains unresolved, the AERA MC will determine a course of action which it believes will resolve the matter.

The MC will consider the following options:

- i. give the DA SMC more time to fulfil the requirements of the required provision
- ii. request a further meeting with representatives of the DA SMC
- iii. in cases of financial non-compliance and where there is a clear issue of the DA facing financial stress, reduce or waive fees which have not been paid
- iv. remove the DAs opportunity to host the Tom Quilty Gold Cup
- v. remove the DAs ability to hold affiliated endurance events
- vi. propose a constitutional change which will remove the DA from membership of the AERA and give an alternative association the opportunity to join
- vii. an alternative option that is deemed appropriate for the circumstances

The option for further action chosen by the AERA MC will be formally communicated with the DA SMC and a suitable time frame for implementation will be stated in this communication.

Prior to options iv, v, or vi being taken, the members of the affected DA must be given notice of the AERA MC's intentions and the opportunity to take action as provided in the DA's Constitution to bring the DA into compliance.