Gloucester Park

Entertainment with horsepower

WESTERN AUSTRALIAN TROTTING ASSOCIATION

BY-LAWS 2026

(LATEST VERSION ADOPTED 17th of August 2026)

(Came into operation 1st of February 1947 - G.G.31/1/47,p.200)

(Affected by Acts Nos. 50 of 1960, s.57 and 113 of 1965, s.8)

Contents

PART 1 - PRELIMINARY **5**
1.1 Title 5
1.2 Definitions 5
1.3 Interpretation 5
PART 2 - OBJECTS **6**
2.1 Objects 6
PART 3 - THE COMMITTEE **6**
Division 1 - Membership and election of the Committee 6
3.1 Composition of Committee 6
3.2 Election by annual ballot 6
3.3 Election procedures 6
3.4 Members to be elected annually 6
Division 2 - Functions and powers of the Committee 7
3.5 Functions of Committee 7
3.6 Powers of Committee 7
3.7 Sale of Gloucester Park 7
3.8 Election procedures to apply to referendums 8
Division 3 - Terms of office 8
3.9 Term of office 8
3.10 Election of President and Vice Presidents 8
3.11 Casual vacancy in the office of President 8
3.12 Casual vacancy in the office of Vice President 8
3.13 Retiring members 8
3.14 Resignation 9
Division 4 - Qualifications for holding office on the Committee 9
3.15 Eligibility for Committee 9
3.16 Disqualification because of employment or pending charges 10
3.17 Disqualification because of ceasing to be a Full Member 10
3.18 Disqualification for failure to attend meetings 10
3.19 Disqualification because of insolvency 10
3.20 Disqualification because of warning off 10
3.21 Disqualification because of disqualification 11
3.22 Disqualification because of entry on unpaid forfeit list 11
Division 5 - General 11
3.23 Voting by the Committee 11
3.24 Notice required for by-law amendments 12
3.25 Quorum 12
3.26 Notice of Committee meetings 12
3.27 Presiding person 12
3.28 Defects in appointment etc. 13
3.29 Minutes of Committee meetings 13
PART 4 - MEMBERSHIP **13**
4.1 Membership Categories 13
4.2 Application for membership 13
4.3 Election procedure for full, junior and Corporate Members 13
4.4 Annual subscriptions 14
4.5 Eligibility and election of Full Member 14
4.6 Entitlement of Full Member 14
4.7 Eligibility and election of Corporate Members 14
4.8 Entitlement of Corporate Members 14
4.9 Eligibility and election of Junior Members 15
4.10 Entitlement of Junior Members 15
4.11 Eligibility of Life Members 15
4.12 Election of Life Members 15
4.13 Entitlement of Life Members 15
4.14 Election of Honorary Members 15
4.15 Entitlement of Honorary Member 16
4.16 Cessation of membership 16

4.17 Appeals from expulsion or suspension 17
4.18 Absentee members 17
PART 5 – MEETINGS – ANNUAL GENERAL AND SPECIAL 17
5.1 Annual general meeting 17
5.2 Submission of motions by members to annual general meetings 17
5.3 Special meetings 18
5.4 Notice of special meeting 18
5.5 Special business 18
5.6 Place for meeting 18
5.7 Quorum 18
5.8 Procedure where quorum not present 18
5.9 Presiding person 18
5.10 Adjournment 19
5.11 Carrying of resolutions 19
5.12 Voting entitlement 19
5.13 Order of business 19
5.14 Minutes 19
5.15 Giving of notice 20
PART 6 - ADMINISTRATION 20
6.1 Common seal 20
6.2 Register of members 20
6.3 Signatures of members 20
PART 7 - FINANCIAL 20
7.1 Accounts 20
7.2 Subsidiaries 20
7.3 Financial year 21
7.4 Appointment of Auditor 21
7.5 Auditor's functions 21
PART 8 - MISCELLANEOUS 21
8.1 Admission charges 21
8.2 Dissolution of Association 22
8.3 Protection of Committee Members and Employees 22
8.4 Recovery of subscriptions 22
8.5 Income and property of the Association 22
SCHEDULE 1 23
PROCEDURE FOR ELECTIONS AND REFERENDUMS 23
Division 1 - Election procedures 23
1. Application and definitions 23
Stage 1 - Appointment of Electoral Commissioner and Returning Officer 23
2. Appointment of the Electoral Commissioner 23
3. Appointment of the Returning Officer 23
4. Information to be provided to the Returning Officer 24
Stage 2 - Preparing the electoral roll 24
5. New roll for each election 24
6. Close of enrolments 24
7. Preparation of electoral roll 24
8. Supply of roll to Returning Officer, members of Committee and candidates 24
Stage 3 - Nomination of candidates 25
9. Times for nomination 25
10. Notice inviting nominations 25
11. Form of nomination 25
Stage 4 - After nominations close 26
12. Candidates elected unopposed 26
13. Insufficient candidates 26
14. Death of a candidate 26
Stage 5 - Preparing for voting 27
15. Commencement and close of ballot 27
16. Postal Election package 27
17. Form of ballot paper 27
18. Form of counterfoil 28
19. Issue of postal ballot 28

19A. Issue of electronic ballot 29
20. Issue of duplicate postal ballot or return envelope 29
20A. Re-issue of Information for electronic ballot 29
Stage 6 - Voting 29
21. How to mark postal ballot 29
21A. How to mark electronic ballot 29
22. Ballot boxes for postal vote only 30
23. Receipt of postal ballot 30
Stage 7 - Counting the Votes 30
24. Procedure for checking counterfoils 30
25. Preparation of postal ballot for count 30
25A. Preparation for electronic ballot count 31
26. The count 31
27. Use of computers in the counting process 31
28. Recount 31
29. Informal postal ballot 32
Stage 8 - Declaring the result 32
30. Declaration of result 32
Division 2 -Validity of election 32
31. Preservation and custody of postal ballots and election material 32
31A. Preservation and custody of electronic ballots 33
Division 3 - Miscellaneous 33
34. Preliminary powers of Returning Officer 33
35. Fees and costs of the election 33
Division 4 - Referendums 33
36. Modifications to the election procedures 33
37. Modifications to election procedures for referendums to be conducted by an electronic voting system 34

WESTERN AUSTRALIAN TROTTING ASSOCIATION BY-LAWS 2026

PART 1 - PRELIMINARY

1.1 Title

These by-laws may be referred to as the Western Australian Trotting Association By-Laws 2026.

1.2 Definitions

In these by-laws, unless the contrary intention appears:

"Act" means the Western Australian Trotting Association Act 1946;

"Annual meeting" means the annual general meeting of the Association;

"Association" means the Western Australian Trotting Association;

"Auditor" means the auditor appointed by the members pursuant to these by-laws;

"Chief Executive Officer" means the person appointed by the Committee as Chief Executive Officer of the Association;

"Electronic ballot" means a ballot issued via an electronic voting system;

"Electronic voting system" means a voting platform or system determined by the Electoral Commissioner or Returning Officer (as the case may be) which facilitates eligible voters to remotely cast their vote in an election or a referendum using a device with an internet connection.

"General meeting" includes an annual and also a special meeting;

"Harness Racing" means pacing and trotting;

"Member" means a member of the Association;

"**Postal ballot**" means a ballot which is designed to be posted to an eligible voter;

"Rules" means the rules of harness racing made under the Racing and Wagering Western Australia Act 2003;

"RWWA" means the body corporate called Racing and Wagering Western Australia that is established under section 4 of the Racing and Wagering Western Australia Act 2003;

"**Serious offence"** means an offence which if proved could result in a term of imprisonment.

1.3 Interpretation

For the purpose of interpretation of these by-laws and the Rules, the Interpretation Act 1984 shall be taken to apply to these by-laws and to the Rules as if they were a written law.

PART 2 - OBJECTS

2.1 Objects

As the premier harness racing track in Western Australia, to be a leader in horse racing and event entertainment.

The Committee and Management will do this by:

(1) Providing a safe environment for members, fraternity, patrons, and staff of Gloucester Park.
(2) Providing high quality customer service for all members, fraternity, and patrons of the venue.
(3) Maintaining best practice of governance with the Committee and Management to follow not only the guidelines, but the spirit set out in the Governance Code of Conduct.
(4) Responsibly managing the Association's financial position and assets.
(5) Optimising the utilisation of the venue.
(6) As an official Eligible Body, to work with RWWA and other stakeholders for the betterment of harness racing in Western Australia.
(7) Contributing as a member of Harness Racing Australia for the betterment of harness racing on a national level.

PART 3 - THE COMMITTEE

Division 1 - Membership and election of the Committee

3.1 Composition of Committee

(1) The Committee shall consist of 8 members comprising:
    a. the President of the Association;
    b. the Vice Presidents of the Association,
    c. 6 other members of the Committee.

3.2 Election by annual ballot

An election for members of the Committee shall be conducted:

(1) annually by either postal ballot or electronic ballot or both postal and electronic ballot either wholly or partially; and
(2) in accordance with Schedule 1.

3.3 Election procedures

Schedule 1 sets out the procedures for elections.

3.4 Members to be elected annually

At each annual election, the three members of the Committee due to retire shall retire and two members shall be elected in accordance with these bylaws.

Division 2 - Functions and powers of the Committee

3.5 Functions of Committee

The affairs of the Association shall be managed exclusively by the Committee.

3.6 Powers of Committee

The Committee shall have power to:

(a) purchase, take on lease or otherwise acquire any real or personal property;
(b) determine the conditions on which and times when members may use the property of the Association, and the manner, times and conditions how, when and under which members may enjoy the privileges of the Association;
(c) determine what persons (if any) not being members shall be allowed to use the property of the Association, and during what time and subject to and under what conditions and when and at what times and places and under what conditions such persons may enjoy the privileges of the Association;
(d) appoint and remove the Chief Executive Officer and all such servants and assistants as may in the opinion of the Committee be necessary and pay such salary and wages to and define the duties of the Chief Executive Officer, servants or assistants as the Committee thinks fit;
(e) delegate, subject to such conditions as they think fit, any of their powers to sub-committees consisting of such members of the Committee as it thinks fit and make such regulations as to the proceedings of such sub-committees as may be thought desirable;
(f) pay to any servant or assistant of the Association any gratuity for faithful and diligent service as to them seems fit;
(g) sign and where necessary affix the common seal to and deliver transfers, assurances, leases, sub-leases, mortgages, and all other deeds and documents, agreements and writings in the name and on behalf of the Association;
(h) enter into guarantees, indemnities and similar undertakings;
(i) draw, make, accept, endorse and issue cheques, drafts, promissory notes, bills of exchange, negotiable securities or instruments of whatsoever kind or nature;
(j) take and defend all legal proceedings by or on behalf of the Association and appoint all necessary attorneys for any such purpose;
(k) borrow, raise and secure the payment of money and mortgage and charge the assets and undertakings of the Association;
(l) subject to clause 3.7, sell and dispose of any real or personal property of the Association; and
(m) make policies and a Code of Conduct with respect to the professional and personal behaviour expected of Committee Members and to consequences of breaching such policies and Code of Conduct and enforcement thereof.

3.7 Sale of Gloucester Park

(1) Notwithstanding the Committee's power to sell and dispose of any real or personal property of the Association, no part of the property known as "Gloucester Park" shall be sold or otherwise disposed of unless:
    (a) such sale or disposal shall have first been approved at a referendum conducted for the purpose by sixty six and two thirds per centum ($66^2/_3$ %) or more of the eligible voting members; and

(b) the number of members who voted in favour of the approval shall exceed fifty per centum (50%) of the eligible voting members.

(2) In this clause, "eligible voting member" means a Full Member or Life Member included in the electoral roll prepared for the referendum in accordance with the provisions of Schedule 1.

(3) The Committee shall arrange for the referendum referred to in subclause (1) to be conducted in accordance with Schedule 1.

3.8 Election procedures to apply to referendums

To the extent to which the provisions of Schedule 1 are capable of being applied with or without adaptation in respect of referendums to be conducted by the Association, those provisions apply with or without adaptation in respect of those referendums.

Division 3 - Terms of office

3.9 Term of office

(1) A member of the Committee shall hold office for 3 years until the close of the annual general meeting at which the member's successor is declared elected.

(2) A successful candidate elected to the Committee shall take office at the close of the meeting at which the candidate is declared elected.

3.10 Election of President and Vice Presidents

At its first meeting after the election of the Committee, the members of the Committee shall elect from among their number a President, and a Vice President, who shall hold office until the close of the next annual general meeting.

3.11 Casual vacancy in the office of President

In the case of a vacancy in the office of President, the Vice President shall become the President and the Committee shall elect one of its members to the office of Vice President who shall hold that office until the close of the next annual general meeting.

3.12 Casual vacancy in the office of Vice President

(1) In the case of a vacancy in the office of Vice President, the Committee shall elect one of its members to the office of Vice President who shall hold that office until the close of the next annual general meeting.

3.13 Retiring members

(1) Subject to subclauses (2) to (6), if a member of the Committee ceases to be such before the expiration of his or her term of office (in this clause "**the Retiring Member**") then, in the discretion of a majority of the remaining members of the Committee, the casual vacancy may:

(a) be filled by an appointee of a majority of remaining members of the Committee;

(b) be filled by a ballot at a by-election;

(c) not be filled until at the next ordinary election of the Committee; or

(d) not be filled at all.

(2) If the effect of the Retiring Member's ceasing to be a member of the Committee is that the number of members of Committee shall be less than 5 then the casual vacancy shall be filled by the conduct of a by-election.

(3)

(a) If the Committee determines that the casual vacancy shall be filled by the conduct of a by-election or if by reason of the provisions of subclause (2) the casual vacancy is required to be filled by the conduct of a by-election then the same shall be conducted by a ballot to which the provisions of Schedule 1 shall apply except that:

(i) the Committee shall fix the date upon which nominations shall close and the date upon which the ballot shall be declared respectively;

(ii) the Returning Officer shall make his report to the President of the Association who shall declare and record the result of the ballot; and

(iii) every person elected to a casual vacancy of the Committee shall hold office until the term of the office of the Retiring Member in whose place the person was elected would have expired had the Retiring Member continued to be a member of the Committee.

(4) If the Committee appoints a person to fill a casual vacancy the person appointed to fill the vacancy shall retire at the next ordinary election and the vacancy created shall be filled by the candidate for election to membership of the Committee who at that next ordinary election shall poll the next highest number of votes after the candidate for election to membership of the Committee who shall be elected last to membership of the Committee.

(5) If the Committee does not appoint a person to fill the vacancy, then the vacancy shall be filled at the next ordinary election for the Committee by the candidate for election to membership of the Committee who at that next ordinary election shall poll the next highest number of votes after the candidate for election as a member of the Committee who shall be elected last to the Committee.

(6) The member of the Committee elected pursuant to subclause (4) or (5) as the case may be, shall hold office so long as the Retiring Member in whose place he was elected would have held office had the Retiring Member continued to be a member of the Committee.

3.14 Resignation

(1) A member of the Committee may:

(a) resign from the office of member of the Committee;

(b) resign from the office of President or Vice President.

(2) Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the Chief Executive Officer.

(3) The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.

Division 4 - Qualifications for holding office on the Committee

3.15 Eligibility for Committee

A person is eligible to be elected as a member of the Committee if the person:

(1) is a Full Member who is at least 18 years of age; and

(2) has been a Full Member for not less than 12 continuous months immediately prior to the closing date for nomination for election.

3.16 Disqualification because of employment or pending charges

(1) A person is disqualified from membership of the Committee if the person becomes an employee of the Association.

(2) If a person who is employed by the Association is declared to be elected as a member of the Committee:

(a) then the person is ineligible to attend meetings of the Committee until the person has ceased employment with the Association; and

(b) if the person remains employed by the Association at the expiry of 2 months after the date on which the person is declared elected, then the person is disqualified from membership of the Committee.

3.16A If a Committee Member is charged with having committed a serious offence (Charged Member) then the Committee may by a majority vote suspend the Charged member on full pay, partial pay or without pay until the criminal charge has been finalised.

3.16B The Committee may at any time remove or vary the terms of the suspension.

3.16C If the Charged Member is found guilty of the offence concerned or another serious offence then the Charged Member will be disqualified from holding the position as a Committee Member and will be immediately expelled from the Committee.

3.17 Disqualification because of ceasing to be a Full Member

A person is disqualified from membership of the Committee if the person ceases to be a Full Member of the Association.

3.18 Disqualification for failure to attend meetings

(1) The Committee may, by resolution, grant leave of absence, to a member.

(2) The granting of the leave is to be recorded in the minutes of the meeting.

(3) A member who is absent, without first obtaining leave of the Committee, throughout 3 consecutive ordinary meetings of the Committee is disqualified from continuing his or her membership of the Committee.

(4) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Committee does not constitute absence from an ordinary meeting of the Committee if no meeting of the Committee at which a quorum is present is actually held on that day.

3.19 Disqualification because of insolvency

A person is disqualified for membership of the Committee if the person is an insolvent under administration within the meaning of the Corporation Law.

3.20 Disqualification because of warning off

A person is disqualified for membership of the Committee if the person is, or has been:

(a) warned off under the Rules;

(b) warned off by a recognised harness racing authority of a State or Territory of Australia or in any other country or part of a country, including by the officials, officers or stewards of the authority; or

(c) warned off by a controlling body for thoroughbred or greyhound racing in a State or Territory of Australia or in any other country or part of a country including by the officials, officers or stewards of the controlling body.

3.21 Disqualification because of disqualification

A person is disqualified for membership of the Committee if the person is or has been under disqualification for a period or periods which total 5 years or more where the disqualification is imposed:

(a) under the Rules;

(b) by a recognised harness racing authority of a State or Territory of Australia or in any other country or part of a country, including by the officials, officers or stewards of the authority; or

(c) by a controlling body for thoroughbred or greyhound racing in a State or Territory of Australia or in any other country or part of a country including by the officials, officers or stewards of the controlling body.

3.22 Disqualification because of entry on unpaid forfeit list

A person is disqualified for membership of the Committee if the person is entered in the unpaid forfeit list under the Rules.

Division 5 - General

3.23 Voting by the Committee

(1) Except where otherwise in these by-laws expressly provided, all questions at any meeting of the Committee shall be determined by a majority of the votes of the members present and voting.

(2) In the case of any equality of votes, the presiding person of the meeting shall have a second or casting vote.

3.23A Revocation motions

(1) In this clause:

(a) **"Relevant meeting"**, means:

(i) the ordinary meeting specified in the notice of the revocation motion; or

(ii) if that meeting is adjourned before the motion is announced by the person presiding, then at the resumption of the adjourned meeting; or

(iii) if that meeting is closed before the motion is announced by the person presiding, then at the next ordinary meeting; or

(iv) if the motion is deferred by the Committee to another meeting of the Committee, then at that other meeting,

as the case may be;

(b) **"Revocation motion"** means a motion to revoke or change a decision made at a meeting of the Committee.

(2) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

(3) A member wishing to move a revocation motion at a meeting of the Committee must give to the Chief Executive Officer notice of the revocation motion, which is to:

(a) be in writing;

(b) specify the decision proposed to be revoked or changed;

(c) include a reason or reasons for the revocation motion;

(d) be signed by 4 members of the Committee;

(e) specify the date of the ordinary meeting of the Committee, as the case may be, which next follows the expiry of 5 clear days after the notice is given to the Chief Executive Officer; and

(f) be given to the Chief Executive Officer not less than 5 clear days prior to the date of the ordinary meeting specified in the notice.

(4)

(a) If, at the relevant meeting, the member who gave the notice of the revocation motion, is present, then the person presiding is to call on that member to move the revocation motion.

(b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the person presiding, then any member of the Committee may move the revocation motion.

(5) Where notice of a revocation motion is given in accordance with the requirements of this clause, then the Chief Executive Officer must not implement or continue to implement, the decision the subject of the revocation motion until:

(a) no member of the Committee moves the revocation motion;

(b) the motion is moved but not seconded; or

(c) the motion is moved and seconded but is not carried, at the relevant meeting.

(6) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when:

(a) no member of the Committee moves the revocation motion;

(b) the motion is moved but not seconded; or

(c) the motion is moved and seconded but is not carried, at the relevant meeting.

3.24 Notice required for by-law amendments

The Committee shall not vote upon a resolution to amend or repeal a by-law or to make a new by-law unless notice of the resolution and the fact that the Committee intends to vote upon it shall have been posted on the notice board in the Association's office for a period of 28 days.

3.25 Quorum

The Committee shall not act when their number is below a majority.

3.26 Notice of Committee meetings

(1) Notice shall be given of every meeting of the Committee to every member of the Committee and shall be delivered to the member electronic via the email address which the member has registered with the Association.

(2) The inadvertent omission to send such notice or the non receipt of such notice by any member of the Committee shall not invalidate the proceedings of the meeting.

(3) Notice need not be given of any meeting which is fixed by any resolution of the Committee as a day whereon meetings are to be regularly held.

3.27 Presiding person

Every meeting of the Committee shall be presided over:

(a) by the President;

(b) by the Vice President, in the absence of the President;

(c) by a member of the Committee chosen by the Committee, in the absence of the President and the Vice President.

3.28 Defects in appointment etc.

The powers of the Committee shall not be affected by:

(a) any vacancy in the membership of the Committee;
(b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member of the Committee;
(c) a minor irregularity in the convening or conduct of a meeting of the Committee; or
(d) the presence or participation at a meeting of a person not entitled to be present or participate.

3.29 Minutes of Committee meetings

(1) The person presiding at a meeting of the Committee shall cause minutes to be kept of the meeting's proceedings.
(2) The minutes of a meeting of the Committee are to be submitted to the next meeting of the Committee for confirmation.
(3) The person presiding at the meeting at which the minutes are confirmed shall sign the minutes and certify the confirmation.

PART 4 - MEMBERSHIP

4.1 Membership Categories

The members of the Association are:

(a) Full Members;
(b) Junior Members;
(c) Corporate Members;
(d) Life Members;
(e) Honorary Members.

4.2 Application for membership

An application for membership shall be made on the form approved by the Chief Executive Officer and shall be accompanied by payment of the relevant annual subscription.

4.3 Election procedure for full, junior and Corporate Members

(1) This clause applies to the election of any:
    (a) Full Member;
    (b) Corporate Member;
    (c) Junior Member.
(2) A member wishing to propose a new member shall complete a nomination form in a form approved by the Chief Executive Officer and lodge the form with the Chief Executive Officer.
(3) The nomination form shall be signed by the nominator, the seconder and the candidate for new membership.
(4) The Chief Executive Officer shall submit the nomination form to the next meeting of the Committee.
(5) The Committee shall determine all nominations for new membership under this clause.
(6) Maximum number of Members. The combined total number of Full Members is **not to exceed 700**.

4.4 Annual subscriptions

(1) The Committee shall determine the annual subscriptions payable by members. For:
   (a) Full Member
   (b) Corporate Member
   (c) Junior Member
   (d) Life Member
   (e) Honorary Member
   (f) in the case of;
      (i) a Full Member who usually resides **more than 60 kilometres from the GPO Perth**; and
      (ii) a Full Member who is **determined by the Committee to be a Concessionary Full Member**,

      an amount equal to **50% of the annual subscription for a Full Member**, together with an additional amount payable in respect of any goods and services tax.

(2) If a member fails to pay the applicable annual subscription on or **before 31 August** in respect of which the annual subscription is due, then the member shall forfeit all entitlements under these by-laws.

4.5 Eligibility and election of Full Member

(1) Any person who is over the age of 18 years is eligible to be elected as a Full Member.
(2) Clause 4.3 applies to the election of a Full Member.

4.6 Entitlement of Full Member

(1) A Full Member is entitled to:
   (a) attend and vote at general meetings;
   (b) vote in elections for members of the Committee and in referendums;
   (c) propose or second candidates for membership;
   (d) propose or second candidates for election to the Committee;
   (e) receive a copy of the annual report of the Association;
   (f) receive a copy the Association's newsletters;
   (g) free entry to and use of the members' facilities at any metropolitan harness racing venue of the Association during race meetings by the member, and one (1) guest;
   (h) subject to clause 3.3, stand for election to the Committee; and
   (i) parking for one (1) vehicle in the members' reserved parking area, subject to availability.

4.7 Eligibility and election of Corporate Members

(1) Any company or body corporate is eligible to be elected as a Corporate Member.
(2) Clause 4.3 applies to the election of a Corporate Member.

4.8 Entitlement of Corporate Members

(1) A Corporate Member is entitled to:
   (a) receive a copy of the annual report of the Association;
   (b) receive a copy of the Association's newsletters; and

(c) free entry to and use of the members' facilities at any metropolitan harness racing venue of the Association during race meetings, for one (1) Corporate member representative, and one (1) guest.

(2) A Corporate Member is not entitled to:
   (a) attend and vote at general meetings;
   (b) vote in elections for members of the Committee or in referendums;
   (c) propose or second candidates for membership;
   (d) propose or second candidates for election to the Committee
   (e) parking

4.9 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 4.3 applies to the election of a Junior Member.

4.10 Entitlement of Junior Members

(1) A Junior Member is entitled to sit in the members' areas of any metropolitan harness racing venue of the Association as if he were a Full Member.

(2) A Junior Member has no entitlement other than that referred to in subclause (1).

4.11 Eligibility of Life Members

Any Full Member of the Association is eligible to be elected as a Life Member.

4.12 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 Chief Executive Officer; 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.

4.13 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.

4.14 Election of Honorary Members

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

4.15 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) vote in elections for the members of the Committee or in referendums;
   (c) propose or second candidates for membership;
   (d) propose or second candidates for election to the Committee;
   (e) receive a copy of the annual report of the Association;
   (f) receive a copy of the Association's newsletters; or
   (g) parking.

4.16 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.
   (a) If the Committee reinstates a person as a member pursuant to subclause (2) then, for the purpose of clause 3.15(b) the period during which the person ceased to be a member by virtue of clause 4.16(1)(d) shall not be taken into account in determining whether a person has been a Full Member for not less than 12 continuous months immediately prior to the closing date.
   (b) If a former member who has ceased to be a member under paragraph (d) of subclause (1) was a member of the Committee, then a decision by the Committee to reinstate the person as a member under subclause (2) is taken to be a decision to reinstate the person as a member of the Committee.

(3) If a member:
   (a) becomes bankrupt or makes any assignment for the benefit of his creditors;
   (b) fails to comply with any of these by-laws or the 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 conduct unbecoming of a member or any act, practice, conduct, matter or thing calculated to bring discredit on the Association or its members or on the sport of harness racing 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 Chief Executive Officer, 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.

4.17 Appeals from expulsion or suspension

(1) Any member expelled or suspended under clause 4.16(3) 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 Chief Executive Officer 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 Committee.
(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.

4.18 Absentee members

(1) If a member:
(a) intends to leave the State for a period not less than 6 months; and
(b) has paid all subscriptions and other monies due by the member to the Association,
then the member may, on application in writing to the Chief Executive Officer, 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.

PART 5 – MEETINGS – ANNUAL GENERAL AND SPECIAL

5.1 Annual general meeting

(1) The annual general meeting shall be held in October each year.
(2) The annual general meeting shall be held on a day and hour determined by the Committee from time to time and shall be convened by not less than 21 days' notice.
(3) Notice given under subclause (2) shall be accompanied by a copy of the annual report and the election package referred to in Item 16 of Schedule 1.

5.2 Submission of motions by members to annual general meetings

(1) Any member may give notice of any motion to the then next annual general meeting by giving to the Chief Executive Officer:
(a) written notice;
(b) a copy of the proposed motion,
on or before 1 September in any year.

(2) Upon receipt of the notice and motion, the Chief Executive Officer shall:
   (a) post the notice on the notice board in the Association's office; and
   (b) notify the same in the notices convening the annual meeting.

5.3 Special meetings

(1) At any time, the Committee may convene a special meeting of members.
(2) The Committee shall convene a special meeting on requisition made in writing by not less than 30 members.
(3) Every requisition shall express the object of the meeting proposed to be called.
(4) The special meeting shall be held in not less than 10 days nor more than 21 days from the time of receipt of the requisition.
(5) If the Committee declines or neglects to convene the meeting, then the requisitions or any of them may do so.

5.4 Notice of special meeting

The Chief Executive Officer shall cause **7 days' notice** of every special meeting, specifying the time and place of meeting and nature of the business to be given to the members.

5.5 Special business

All business shall be deemed special that is:
(a) transacted at a special meeting; and
(b) transacted at an annual general meeting, with the exception of the consideration of accounts, balance sheets and reports of the Committee and the election of Committee.

5.6 Place for meeting

Every annual general meeting and special meeting shall be held at a place determined by the Committee from time to time.

5.7 Quorum

At any annual general meeting or special meeting, **7.5% of all members** who are entitled to vote shall form a quorum.

5.8 Procedure where quorum not present

(1) If a quorum of members is not present within half-an-hour from the time appointed for an annual general meeting or special meeting, then the meeting shall stand adjourned to the same day in the following week at the same time and place.
(2) If at the adjourned meeting a quorum of members be not present, then the members present shall be a quorum and may transact the business for which the meeting was called.

5.9 Presiding person

(1) Every meeting of the Association shall be presided over:
   (a) by the President;
   (b) by the Vice President, in the absence of the President;
   (c) by a member of the Committee, in the absence of the President and the Vice President.

(2) If within 10 minutes of the time appointed for the meeting none of the persons referred to in subclause (1) are present, then the meeting may elect its own presiding person.

5.10 Adjournment

(1) With the consent of the meeting, the chairperson of any meeting may adjourn the same from time to time and from place to place.
(2) No business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

5.11 Carrying of resolutions

(1) At any annual general meeting or special meeting, a declaration by the chairman that a resolution has been carried, carried by a particular majority or lost, and an entry to that effect in the minute book of the Association shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
(2) Notwithstanding subclause (1), any member may demand a division on the resolution which shall be taken forthwith, and the decision shall be final.

5.12 Voting entitlement

Every member entitled to vote shall be entitled to one vote on a show of hands and at a division.

5.13 Order of business

The order of business at an annual general meeting shall be:
(a) confirmation of minutes of last annual general meeting and of any special meeting held since the preceding annual general meeting;
(b) receiving and discussing the annual accounts and reports of the Committee;
(c) the election of Committee;
(d) the determination of any matter appearing on the notice convening the meeting;
(e) special business, if any, brought forward after written notice as before mentioned;
(f) general business.

5.14 Minutes

(1) Minutes of the proceedings at every annual general meeting or special meeting shall be entered and kept digitally and the minutes shall be produced to and signed by the presiding person within 30 days of the holding of the general meeting.
(2) When signed by the presiding person or by the presiding person of the next following general meeting, the minutes shall be *prima facie* evidence of the proceedings and matters stated in the minutes.
(3) Minutes of the proceedings at every meeting shall be confirmed at the next annual general meeting and, unless such minutes shall have been previously circulated to members, shall be read at such annual general meeting prior to being confirmed.

5.15 Giving of notice

(1) Annual general meetings and special meetings shall be convened by notice given by email and published on the website and GPHR noticeboards.
(2) Every meeting shall be valid notwithstanding the inadvertent omission of non-receipt of any notice by any member.

PART 6 - ADMINISTRATION

6.1 Common seal

The common seal of the Association shall be affixed:
(a) to any deeds, instruments and documents required to be under seal by order of the Committee; and
(b) in the presence of 2 members of the Committee who shall countersign the deed, instrument or document.

6.2 Register of members

(1) The Chief Executive Officer shall cause to be kept a register of members in accordance with this clause.
(2) The register of members shall include:
    (a) the name, address and email of each member; and
    (b) each member's category of membership.
(3) For the purpose of these bylaws, the register is conclusive evidence as to the matters stated in it.

6.3 Signatures of members

(1) All members shall comply with a request by the Chief Executive Officer to affix the member's ordinary signature in a register for the purposes of identification.
(2) The register referred to in this clause may be used to identify signatures for the purpose of Schedule 1.

PART 7 - FINANCIAL

7.1 Accounts

The Association shall keep correct accounts and financial records showing the financial affairs of the Association and the particulars usually shown in accounts and financial records of a like nature.

7.2 Subsidiaries

In the event of a corporation being a subsidiary of the Association, separate accounts and financial records shall be kept for the Association and the corporation and no group accounts shall be prepared without a resolution of the Committee.

7.3 Financial year

The financial year of the Association shall run from **1 August to 31 July** in the following year and the accounts of the Association shall be closed on 31 July in each year and a balance sheet containing a summary of assets and liabilities of the Association on that date shall be made out.

7.4 Appointment of Auditor

(1) The Auditor, who shall be a registered company auditor, shall be appointed by the members at each succeeding alternate annual general meeting for a **term of 3 years** at such remuneration as shall be fixed by the Committee from time to time.

(2) Expressions of interest from registered company auditors will be sought by the Committee **3 calendar months prior to the relevant annual general meeting** by advertising in a daily newspaper circulating in Perth, Western Australia.

(3) Any outgoing or past Auditor is not precluded from submitting an expression of interest or from being appointed for a further term or terms of office.

(4) A copy of a statement containing the names of all eligible nominees and remunerations sought will be posted to each member 7 days prior to the relevant annual general meeting.

(5)

(a) The Committee may make a recommendation to members on the basis of expressions of interest and submissions received.

(b) The appointment of the Auditor shall be decided by the highest number of votes counted from a show of hands.

(c) In the event of a tie the presiding person shall decide the issue by a casting vote.

(6) In the event that the Auditor dies or is unwilling or unable to continue in that position before the expiration of his or its appointed term, then the vacancy shall be filled by a registered company auditor for the time being appointed by a majority of the members of the Committee at a meeting of the Committee.

(7) The Auditor (including any employees, partners or associates of the Auditor and any persons with an interest in the Auditor) shall not be eligible to serve as a member of the Committee.

7.5 Auditor's functions

(1) Before each annual general meeting in October, the accounts for the previous financial year, with all vouchers and receipts and also balance sheet, shall be examined by the Auditor, whose report on them shall be forwarded, annually, to every member.

(2) The Auditor shall have power to call for all books, accounts and other papers relating to the affairs of the Association.

PART 8 - MISCELLANEOUS

8.1 Admission charges

(1) Subject to subclause (2), admission and other charges shall be fixed by the Committee from time to time.

(2) All members of the Association shall, upon production of their tickets, be admitted free of charge to any part of the racecourse, lands and grounds, with exception of the parts set aside for the use of officials or employees of the Association or of RWWA, drivers or reins persons, and any other parts as the Committee shall from time to time determine.

8.2 Dissolution of Association

(1) A special meeting may, by the votes of at least two-thirds of all members of the Association who are entitled to vote for the time being, resolve to dissolve the Association.

(2) If the resolution is confirmed at a subsequent special meeting held within 2 calendar months, but no sooner than 1 calendar month, by another resolution passed by two-thirds of the members present and entitled to vote at such subsequent meeting, then the Association shall be dissolved, and the assets of the Association shall be dealt with as the Supreme Court may direct.

8.3 Protection of Committee Members and Employees

A member of the Committee or any employee of the Association is not personally liable for any act done or omitted to be done in good faith by the Association in the performance or purported performance of any function under these by-laws.

8.4 Recovery of subscriptions

(1) All:
   (a) subscriptions; and
   (b) other fees and money,
   which are due and payable by a member are recoverable by the Association as a debt in a court of competent jurisdiction.

(2) Any amount recoverable under subclause (1) is recoverable notwithstanding that the member has ceased to be a member whether at the commencement of the action or otherwise.

(3) In any action for recovery under this clause proof is not required of the making of the bylaws or the authority to sue and all such matters may be sufficiently proved by the oral evidence of the Chief Executive Officer.

8.5 Income and property of the Association

(1) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to the members.

(2) Nothing in this clause shall prevent the payment of remuneration in good faith to any officer, servant or member of the Association in consideration for services actually rendered to the Association.

(3) No remuneration or other benefit in money or money's worth shall be paid to or conferred on a member of the Committee except repayment of out of pocket expenses.

(4) Any payment or benefit referred to in subclause (3) shall be shown clearly in the annual profit and loss account and shall be approved by the Association at an annual general meeting or special meeting.

SCHEDULE 1

PROCEDURE FOR ELECTIONS AND REFERENDUMS

Division 1 - Election procedures

1. Application and definitions

(1) This Division applies to the following stages in the preparation for, and conduct of an election:

Stage 1 - Appointment of Electoral Commission and Returning Officer
Stage 2 - Preparing the electoral roll
Stage 3 - Nomination of candidates
Stage 4 - After nominations close
Stage 5 - Preparing for voting
Stage 6 - Voting
Stage 7 -Counting the Votes
Stage 8 - Declaring the result

(2) In this Schedule, unless the contrary intention appears:

"Electoral Commissioner" means the Electoral Commissioner of the Western Australian Electoral Commission appointed under the *Electoral Act 1907*;

"**Returning Officer**" means the person appointed by the Electoral Commissioner or the Committee to act as returning officer in respect of an election or referendum conducted under this Schedule.

"ballot paper" includes a ballot paper issued via an electronic voting system.

Stage 1 - Appointment of Electoral Commissioner and Returning Officer

2. Appointment of the Electoral Commissioner

(1) The Committee may, having first obtained the written agreement of the Electoral Commissioner, appoint the Electoral Commissioner to be responsible for the conduct of an election.
(2) An appointment under subclause (1) shall be made no later than one month before the commencement of the period for lodging nominations by candidates for the election or such shorter period as the Electoral Commissioner may approve.

3. Appointment of the Returning Officer

(1) If the Electoral Commissioner is appointed under clause 2(1) of this Schedule, then the Electoral Commissioner shall appoint a person to be the Returning Officer of the Association for the election.
(2) If the Association decides not to request the Electoral Commissioner to conduct the election, then the Association shall appoint a Returning Officer.
(3) The appointment of the Returning Officer shall be effective from the date of the appointment until the declaration of the result of the election for which the Returning Officer was appointed.
(4) A person must not be appointed as the Returning Officer if the person is a candidate or a person eligible to vote in the election.

(5) Other officers may be appointed by the Returning Officer to assist in the conduct of the election.

4. Information to be provided to the Returning Officer

The Association shall provide the following information to the Returning Officer conducting elections:

(a) number of positions requiring election;
(b) terms of office;
(c) number of eligible voters; and
(d) name, title and contact details of the Association's officer with whom the Returning Officer is to liaise during the election.

Stage 2 - Preparing the electoral roll

5. New roll for each election

An electoral roll is to be prepared by the Chief Executive Officer for each election of members to the Committee.

6. Close of enrolments

(1) In order to be included in the electoral roll for an election, a person must:
   (a) be a Full Member; and
   (b) have paid all subscriptions and other money due to the Association; or
   (c) be a Life Member,
   as at 4.00 pm on 31 August "**Close of Enrolments**".

(2) No later than the 21st day before the election day, the Chief Executive Officer is to give to the Full Members of the Association notice of the time and date of the Close of Voting.

7. Preparation of electoral roll

As soon as practicable after the Close of Enrolments, the Chief Executive Officer is to prepare the electoral roll for the election.

8. Supply of roll to Returning Officer, members of Committee and candidates

(1) The Chief Executive Officer is to ensure that the Returning Officer has as many copies of the electoral roll as the Returning Officer may require for the purposes of the election.
(2) No electoral rolls will be given to Committee Members or candidates. Candidates will be allowed to submit a one-page letter (print can be on both sides) to the membership as part of the Annual Report package that is sent to members and must be submitted to the CHIEF EXECUTIVE OFFICER four (4) weeks prior to the Annual General Meeting. The message must not contain defamatory content or misinformation.

Stage 3 - Nomination of candidates

9. Times for nomination

(1) The Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election to the Committee having regard to:
   (a) the date of expiration of the term of office of the holder of the office;
   (b) the time required to lodge nominations;
   (c) the time required to complete the election; and
   (d) the provisions of these bylaws relating to the times and dates of the commencement and close of the period for lodging nominations in respect of the election.

(2) The Returning Officer shall determine the place for lodging nominations of candidates for election.

10. Notice inviting nominations

(1) The Returning Officer shall cause to be published no later than 1 September, on the noticeboards, website and via email calling for nomination of candidates for election to the Committee which shall set out:
   (a) the intention to hold an election;
   (b) the name of the Association;
   (c) the title of the office;
   (d) the number of members to be elected;
   (e) the form in which nominations are to be made and where those forms can be obtained;
   (f) the place for lodging nominations;
   (g) the times and dates of the commencement and close of the period for lodging nominations, which shall be a period of not less than 7 days;
   (h) eligibility criteria for eligible voters, nominees and nominators; and
   (i) the time and date of the ballot, if required,

   and inviting nominations of persons eligible for election for the office under these bylaws to stand as candidates for election to the Committee.

11. Form of nomination

(1) A person is eligible for election to the Committee if:
   (a) the candidate is eligible to be elected as a member of the Committee under clause 3.15 of these bylaws; and
   (b) 2 members of the Association who are entitled to do so under the bylaws have nominated them for election by delivering notice in writing of that nomination which is signed by the nominators; and
   (c) the candidate signifies, by notice signed by them, their willingness to accept the office if elected (see Form 1).

(2) A person nominated as a candidate may, by notice signed by them and witnessed by a member of the Association who is entitled to vote and addressed to and lodged with the Returning Officer before the time and date fixed for the expiry of the period for lodging nominations, withdraw their consent to the nomination and that person shall thereupon be deemed not to have been nominated.

(3) The nomination form shall include the candidate's name to be used on the ballot paper.

(4) A person who is eligible for election or re-election may vote for themself.
(5) The Returning Officer may reject a nomination that does not conform with this Schedule.
(6) Before rejecting a nomination under subclause (5), the Returning Officer shall notify the person nominated and give the person the opportunity to remedy the defect within a specified period other than a defect relating to eligibility.

Stage 4 - After nominations close

12. Candidates elected unopposed

Where on the expiry of the period for lodging nominations the number of eligible candidates does not exceed the number of offices to be elected, the Returning Officer shall declare in accordance with this Schedule that those candidates are elected unopposed.

13. Insufficient candidates

Where on the expiry of the period for lodging the nominations of a candidate for election to committee no nomination has been received, the Returning Officer shall as soon as practicable after the expiry of that period so advise the Association.

14. Death of a candidate

(1) Where the death of a candidate occurs in an election with a single vacancy:
  (a) where a nominee dies before the declaration of nominations, their name shall not be declared as a candidate and the election shall proceed as normal;
  (b) where the death occurs after the declaration of nominations but before postal votes are dispatched, no voting shall take place for the relevant position for which the deceased was a declared candidate;
  (c) where the death occurs after the dispatch of postal votes but before the close of polling, all further voting is to be suspended in respect to only the position contested by the deceased. No count of any votes already received shall take place and the votes themselves shall be placed in a sealed parcel if the ballot paper is solely devoted to that particular position.
(2) Where the death of a candidate occurs in an election with multiple vacancies:
  (a) where a nominee dies before the declaration of nominations, they shall not be declared as a candidate and elections shall proceed as normal; and
  (b) where a candidate dies between the declaration of nominations and the close of the poll, the following action shall apply:
    (i) if the public list has not been printed, the name shall be excluded from that list;
    (ii) if the ballot papers have not been printed, the name shall be excluded from the ballot paper and no redraw shall be necessary; and
    (iii) if the ballot papers have been printed, a notice shall be displayed on the ballot paper to alert voters in the polling place and the candidate shall be excluded from the count.

Stage 5 - Preparing for voting

15. Commencement and close of ballot

(1) Where the number of candidates exceeds the number of offices to be elected, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:
   (a) the date of expiration of the term of office of the holder of the office;
   (b) the time required to send and return ballot papers by post;
   (c) the time required to complete the election; and
   (d) the provisions of this Schedule relating to the times and dates of the commencement and close of the ballot in respect of the election.

(2) Elections shall be conducted in secret by a postal ballot and/or electronic ballot.

16. Postal Election package

(1) An election package posted to eligible voters shall contain:
   (a) a ballot paper on security paper authorised by the Returning Officer or a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
   (b) an envelope marked "ballot paper", which may have a counterfoil attached or, where the back of that envelope is not so used, a separate counterfoil is numbered to coincide with an identifying number shown against the name of that person on the Returning Officer's electoral roll;
   (c) any instructions;
   (d) a reply-paid envelope addressed to the Returning Officer at the private box referred to in clause 23 of this Schedule; and
   (e) candidates' letters as outlined in Schedule 1 – 8.2.

(2) Any or all of the items referred to in subclause (1) may be printed as one stationery item.

16A. Electronic Election Package

(1) If voting is to be conducted in whole or part by an electronic voting system then the election package given to eligible voters may be given in any manner approved by the Returning Officer, including by electronic means.

(2) If the election package is made available to eligible voters by electronic means:
   (a) the electronic ballot will be provided by electronic means and must be appropriately secure;
   (b) the election package must contain instructions that allow the eligible voter to access the electronic voting system and the electronic ballot.

17. Form of ballot paper

(1) The ballot paper for an election for an office shall be in a form that is determined by the Returning Officer.

(2) The order of names of candidates for election for an office that appear on the ballot paper for that election, shall have been drawn by lot by the Returning Officer, as soon as practicable following the Close of the Nominations.

17A. Form of postal ballot

(1) The Returning Officer shall include on the postal ballot information and instructions to the voter with respect to the following matters:

(a) the number of positions to which the election relates;
(b) the names of the candidates as determined in accordance with clause 17(2);
(c) the time and date of the close of the ballot;
(d) instructions on how to mark the postal ballot in order to record a formal vote;
(e) instructions not to put on the postal ballot any mark or writing by which the voter can be identified, as this will cause the vote to be rejected; and
(f) instructions:
(i) to place the postal ballot, when completed, in the envelope marked "ballot paper" and then to seal that envelope;
(ii) to complete the details on the counterfoil; and
(iii) to place the postal ballot envelope (and the counterfoil if a separate one is used) in the envelope addressed to the Returning Officer, and then to seal the envelope addressed to the Returning Officer and post it to reach the Returning Officer before the time of the close of the ballot.

(2) The Returning Officer shall obtain from the printer of the postal ballots a certificate stating the number of postal ballots printed in respect of the election.

17B. Form of electronic ballot

(1) The Returning Officer shall include on the electronic ballot information and instructions to the voter with respect to the following matters:
(a) the number of positions to which the election relates;
(b) the names of the candidates as determined in accordance with clause 17(2);
(c) the time and date of the close of the ballot;
(d) instructions on how to mark the ballot in order to record a formal vote;

18. Form of counterfoil

(1) The counterfoil is only applicable to a postal ballot and is not required for an electronic ballot.
(2) The counterfoil shall contain:
(a) the full name of the voter;
(b) the address of the voter; and
(c) an identifying number shown against the name of that person on the Returning Officer's electoral roll.
(2) The counterfoil shall make provisions for the voter to declare, by placing their signature in the space provided, that they be the elector named on the counterfoil.

19. Issue of postal ballot

(1) As soon as practicable after the date determined under clause 15 for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by posting by pre-paid post, to each person whose name is on the electoral roll for the election, at the address shown on the electoral roll, a ballot paper and the other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the voter.
(2) The envelope referred to in subclause (1) shall bear an instruction that, if it is not delivered to the addressee:
(a) in the case of an election conducted by the person referred to in subclause (1) of clause 23, it should be returned to the private box referred to in that subclause; and

(b) in the case of an election conducted by the person referred to in subclause (2) of clause 23, it should be returned to the private box referred to in that subclause.

19A. Issue of electronic ballot

The Returning Officer may issue an electronic ballot and any other ballot material by electronic means (including but not limited to by an email address of the eligible voter notified to the Association) or by any other method determined by the Returning Officer.

20. Issue of duplicate postal ballot or return envelope

(1) Where, on an application made before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the electoral roll has not been received or has been lost, destroyed or spoilt, the Returning Officer shall issue to that person a duplicate ballot paper or return envelope, as the case may be.

(2) An application under subclause (1) by a person for a duplicate ballot paper or return envelope for an election shall:
   (a) be made orally or in writing;
   (b) set out the grounds on which the application is made;
   (c) declare that the person has not voted in the election; and
   (d) if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

20A. Re-issue of Information for electronic ballot

(1) The Returning Officer may re-issue the information regarding access to the electronic voting system if the Returning Officer is satisfied:
   (a) the person did not receive the information about how to access the electronic voting system; or
   (b) the information regarding the electronic voting system has been lost or destroyed; or
   (c) the person was unable to access the electronic voting system.

Stage 6 - Voting

21. How to mark postal ballot

(1) If only one position is to be filled at the election, an elector is to mark the ballot paper by placing a tick in the box opposite the name of the candidate whom the elector wishes to elect.

(2) If 2 or more positions are to be filled at the election, an elector is to mark the ballot paper by placing a tick in the box opposite the name of each candidate whom the elector wishes to elect but is not to place ticks in more boxes than the number of offices to be filled.

(3) Voting by proxy shall not be permitted.

21A. How to mark electronic ballot

The Returning Officer will provide instructions to a voter on how to mark the electronic ballot within the electronic voting system in order to record a vote.

22. Ballot boxes for postal vote only

(1) The Returning Officer is to provide such ballot boxes as are necessary for the election at the places at which ballot boxes are required under this Schedule.
(2) Before a ballot box is used to take ballot papers or envelopes, the Returning Officer or assistant is to satisfy them that it is empty and then secure it with a security device in a way that ensures that nothing can be removed from it without breaking the security device.
(3) Ballot boxes that are to be used on election day are to be displayed and secured under subclause (2) in the presence of any electoral officers and scrutineers then present.

23. Receipt of postal ballot

(1) Where an election is conducted by a Returning Officer appointed by the Electoral Commissioner, the Returning Officer shall use, for the purpose of receiving postal ballots :
   (a) the Western Australian Electoral Commission post office box; or
   (b) a private box at a post office, being a private box used exclusively for that purpose.

(2) Where an election is conducted by a Returning Officer appointed by the Association, the Returning Officer shall use, for the purpose of receiving postal ballots , a private box at a post office, being a private box used exclusively for that purpose.

Stage 7 - Counting the Votes

24. Procedure for checking counterfoils

(1) Counterfoils are to be checked as follows:
   (a) the Returning Officer is to open each postage pre-paid envelope and remove the papers contained in it;
   (b) the Returning Officer is to check that the counterfoil is completed in accordance with this Schedule;
   (c) if satisfied, the Returning Officer is to mark the roll either manually or electronically; and
   (d) if not satisfied, the Returning Officer is to make a record on the ballot paper envelope of its rejection without opening it or allowing it to be opened.
(2) The Returning Officer shall compare signatures on counterfoils to those appearing in the register referred to in clause 8.3 of the bylaws and, if not similar, reject these.
(3) The Returning Officer shall place all envelopes in a sealed ballot box until the count or prepare the ballot papers for the count in accordance with clause 25.

25. Preparation of postal ballot for count

(1) Postal ballots that have been:
   (a) received by the Returning Officer before the close of poll;
   (b) checked in accordance with clause 24(1); and
   (c) accepted by the Returning Officer,
   shall be prepared for counting by the Returning Officer.
(2) To prepare postal ballots under subclause (1), the Returning Officer may, before the close of the poll:
   (a) detach each counterfoil if it is attached to the envelope, and put aside;
   (b) remove the postal ballot envelopes from the ballot box in which they were placed;

(c) open each postal ballot envelope; and
(d) without:
(i) examining the postal ballot personally; or
(ii) allowing the examination of the postal ballot by any scrutineers present, remove the postal ballot from the envelope and place the postal ballot into a sealed ballot box, which must remain sealed until the close of the poll.

(3) The Returning Officer may conduct any or all of the processes referred to in clauses 24 and 25(2) after the close of the poll.

(4) The Returning Officer is to keep:
(a) the voters' counterfoils;
(b) the ballot paper envelopes rejected under clause 24; and
(c) empty ballot paper envelopes, in safe custody until the count is complete.

25A. Preparation for electronic ballot count

(1) The Returning Officer may check the electronic voting system from time to time to obtain information so as to:
(a) keep a record of who has voted electronically; and
(b) mark off a voter who has electronically voted to ensure if they also cast a postal vote at a later date that the postal vote is not counted.

26. The count

(1) The votes shall be counted using the "First Past the Post" method.
(2) The candidates are elected in order according to highest number of votes received.
(3) In the case of a tie, the Returning Officer shall decide the issue by a casting vote.
(4) If the terms of office differ in length, the candidate or candidates with the larger number of votes are elected for the longer term.
(5) As soon as practicable after the time of the close of the ballot, and in the presence of the scrutineers, if any, the Returning Officer shall take the ballot box or boxes to the place of count and proceed to make the count.
(6) Where any voting paper is rejected, the Returning Officer shall mark the voting paper "rejected" with the reasons for rejection and set it aside for safe keeping.
(7) The Returning Officer may, from time to time, adjourn the count to a day and hour to be fixed by the Returning Officer and notify the Association, candidates and scrutineers.

27. Use of computers in the counting process

The Returning Officer may use automated means to carry out the checking and counting procedures for any ballot where the Returning Officer considers this method would be a cost-efficient and appropriate method.

28. Recount

(1) At any time before the declaration of the poll, the Returning Officer may, if they thinks fit, at the request of any scrutineer or of their own motion, recount the ballot papers.
(2) The Returning Officer in conducting the recount shall have the same powers as if the recount was the count and may reverse any decision in relation to the scrutiny as to the allowance, admission or disallowance or rejection of any ballot paper.

29. Informal postal ballot

(1) The Returning Officer shall reject as informal a postal ballot that is not printed on security paper or does not bear the initials of the Returning Officer or the facsimile of those initials.

(2) The Returning Officer shall also reject as informal any postal ballot that:
   (a) has upon it a mark or writing by which the voter can be identified; or
   (b) is not marked substantially in accordance with the instructions on the ballot paper.

(3) Where, during the scrutiny, the Returning Officer is informed by a scrutineer that the scrutineer objects to a postal ballot being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse his decision on the postal ballot.

(4) The Returning Officer is to be the sole and final judge of whether a postal ballot is formal or informal.

Stage 8 - Declaring the result

30. Declaration of result

(1) The Returning Officer shall declare the result of the ballot to the Chief Executive Officer, and the presiding person shall announce the result to the members present at the annual general meeting or in a public announcement.

(2) Where it is not practicable for the Returning Officer to declare the result of an election under subclause (1), the Returning Officer shall declare the result of the election by giving notice of the result in writing to the presiding person of the Committee who shall declare the results of the election at the annual general meeting.

(3) The Returning Officer shall, in the manner and at the time of declaring the result of an election under subclause (1) or (2), as the case may be, declare in respect of the election:
   (a) the number of postal ballots printed, as certified by the printer;
   (b) the number of postal ballot papers, other than duplicate postal ballots , issued;
   (c) the number of duplicate postal ballots issued;
   (d) the number of unused postal ballots;
   (e) the number of postal ballots rejected from scrutiny;
   (f) the number of postal ballots admitted as formal;
   (g) the number of postal ballots rejected as informal;
   (h) the number of electronic ballots issued via an electronic voting system;
   (i) the number votes recorded by the electronic voting system; and
   (h) the number of votes admitted as recorded in favour of each candidate.

Division 2 -Validity of election

31. Preservation and custody of postal ballots and election material

(1) On the completion of the counting of votes, the Returning Officer, in consultation with the Chief Executive Officer, shall make provision for the preservation and custody of:
   (a) all nomination papers;
   (b) all postal ballots admitted as formal;
   (c) all postal ballots rejected as informal;
   (d) all counterfoils relating to the postal ballots, whether formal or informal;

(e) all envelopes received after the close of the ballot;
(f) the marked electoral roll against which the counterfoils were checked; and
(g) all unused ballot papers, counterfoils and other documents prepared in connection with the election,

which shall be respectively placed in separate containers, each endorsed with the name of the Association and the office to which the election relates.

(2) The documents referred to in subclause (1) shall be sealed, signed and dated by the Returning Officer and retained for a period of not less than one month after the date of the election.

31A. Preservation and custody of electronic ballots

(1) On the completion of the counting of votes, the Returning Officer, in consultation with the Chief Executive Officer, shall make provision for the preservation and custody of the electronic voting system with the number of ballots admitted as formal and the number of electronic ballots rejected as informal.

Division 3 - Miscellaneous

34. Preliminary powers of Returning Officer

The Returning Officer may take such action and give such directions as are considered necessary in order to:
(a) ensure the secrecy of the ballot;
(b) ensure that no irregularities occur in or in connection with the election; and
(c) remedy any inconsistency or inadequacy that arises in the application of this Schedule to the conduct of an election.

35. Fees and costs of the election

(1) Where the Returning Officer has been appointed by the Electoral Commissioner to conduct an election, the Returning Officer and any other officers assisting the Returning Officer are entitled to such remuneration as is determined by the Electoral Commissioner.
(2) All costs, charges and expenses incurred by the Returning Officer under subclause (1) in connection with the election are to be paid by the Association.
(3) Where the Returning Officer is appointed by the Association to conduct an election, the Association will be responsible for all costs, charges and expenses incurred in connection with that election.

Division 4 - Referendums

36. Modifications to the election procedures

The provisions of this Schedule shall apply to a referendum conducted by the Association with the following modifications:

(a) **Information to be provided to the Returning Officer**
In lieu of the requirement under clause 4 of this Schedule, the Association shall provide the following information to the Returning Officer:
(i) the questions to voters structured so as to give the voter the choice to vote “Yes” or “No” to the question;
(ii) a balanced case “for” and “against” the question;

(iii) any contents to be included in the election package other than those referred to in clause 16A of this Schedule; and
(iv) whether the result is binding and, if so, the result required;

(b) **Close of enrolments**
For the purpose of applying clause 6 of this Schedule, in the case of a referendum the "**Close of Enrolments**" is to be 5.00pm on the 10th day before the day appointed for the referendum;

(c) In lieu of the requirement under clause 15(1) of this Schedule, the Returning Officer shall, in consultation with the Chief Executive Officer, determine the date of commencement of issuing the ballot papers for the referendum and the time and date of the close of the ballot.

37. Modifications to election procedures for referendums to be conducted by an electronic voting system

The provisions of this Schedule shall apply to a referendum conducted by the Association by an electronic voting system (whether wholly by an electronic voting system or in part with a postal ballot) with the following modifications:

(a) General obligations of the Returning Officer
If a referendum is to be conducted in whole or in part by an electronic voting system, the Returning Officer must ensure that the electronic voting system:
(i) allows eligible voters to access the electronic voting system for the period from the commencement and close of the ballot as required by this Schedule;
(ii) allows an eligible voter to indicate their vote in the electronic ballot generated by the electronic voting system;
(iii) gives an eligible voter an opportunity to correct any mistakes before submitting their vote;
(iv) allows a voter to make an informal vote;
(v) does not allow a person to find out how a particular voter cast their vote;
(vi) does not allow a voter to vote more than once for any referendum; and
(vii) only allows a voter to vote in a referendum for which they are eligible to vote.

(b) Commencement and close of ballot
(i) For the purposes of applying clause 15(1)(b) of this Schedule, the Returning Officer must have regard to the time required to receive and complete a ballot paper in the electronic voting system. For the purposes of applying clause 15(2) of this Schedule, a referendum must be conducted in secret and may be conducted by postal ballot, by an electronic voting system or a combination of both.

(c) Election package
If a referendum is to be conducted in whole or part by an electronic voting system, then clauses 16 and 16A are to be applied in relation to the election package.

(d) Form of ballot paper
If a referendum is conducted by a combination of postal ballot and electronic voting system, then clauses 17 and clause 17A are to be applied in relation to the form of the ballot paper.

(e) Form of counterfoil
If a referendum is conducted by a combination of postal ballot and electronic voting system, then clause 18 only applies in relation to the postal voting and does not apply to the electronic voting system.

(f) Issue of ballot papers

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clauses 19 and 19A applies in relation to the issue of the ballot papers.

(g) Issue of ballot paper or return envelope

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clause 20 applies in relation to the re-issue of a postal ballot or return envelope and clause 20A applies in relation to re-issue of information for an electronic ballot.

(h) How to mark ballot paper

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clauses 21 and 21A applies in relation to how to mark the ballot paper.

(i) Ballot boxes

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clauses 22 and 23 only applies to postal ballots.

(j) Procedure for checking counterfoils

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clause 24 only applies to postal ballots.

(k) Informal Ballot Papers

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clause 29 only applies to postal ballots.

(l) Declaration of results

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clause 30 applies for both postal voting and electronic voting.

(m) Preservation and custody of referendum material

If a referendum is conducted by a combination of postal ballot and electronic voting system, then clause 31 applies to both postal voting and electronic voting.