

5th March 2017

2017-Resolution-R23

Honorary Secretary
Singapore Polo Club
80 Mount Pleasant Road

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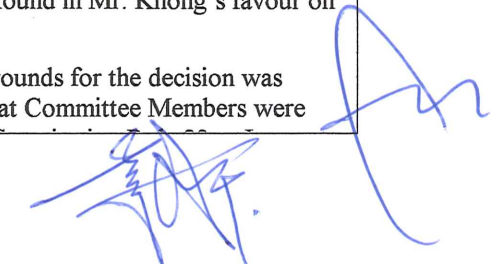
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RESOLUTION FOR ALTERATION TO RULE 23 - ANNUAL GENERAL MEETING 2017.

In accordance with Rule 36e, 37b and 40a. I submit the following resolution, that the Constitution Rule 23 be amended, considered and voted upon at the forthcoming Annual General meeting.

I attach the current Rule ~~13~~ and the proposed alterations and additions to Rule ~~13~~ together with the remarks/reasons for the changes.

	Existing Rule	Proposed Amendment to Rule	Comments
1	<p>Rule 23 – Suspension, Expulsion, Cessation and Closure of Membership</p> <p>a. If any Member shall, in the opinion of the Committee act in any way prejudicial to the interests of the Club or its Members, or shall break any Rule or Bye-Law of the Club, the Committee shall consider the conduct of such Member at a Meeting of the Committee. If at such a Meeting it is considered that there is sufficient evidence to justify calling on the Member to answer any charge made against him, a notice in writing shall be given to the Member calling on him to attend a Meeting not less than seven clear days after the date of the notice for the purpose of answering the charges. At such a Meeting the Member concerned shall be informed of the charges made against him and shall have the right to be heard in his own defense. If, after hearing the Member, a majority of Members of the Committee present at the meeting shall vote for the expulsion of the said Member, he shall thereupon cease to be a Member of the Club.</p> <p>b. The Committee may at the conclusion of such hearings suspend the Member or impose any other lesser penalty. Notice thereof shall thereafter be sent to the Member by the Secretary. If the Member refuses to attend the Meeting in answer to the notice calling upon him to do so the Committee may nevertheless proceed in his absence. No appeal shall lie from the decision of</p>	<p>Rule 23 – Suspension, Expulsion, Cessation and Closure of Membership</p> <p>a. If any member, acting in whatever capacity whatsoever, shall, in the opinion of the Committee act in any way prejudicial to the interests of the Club or its Members, or shall break any Rule or Bye-Law of the Club, the Committee shall consider the conduct of such member at a meeting of the Committee. If at such a Committee Meeting it is considered that there is sufficient evidence to justify calling on the member to answer any charge made against him, a notice in writing shall be issued given to the member informing him of the charges made against him and calling on him to attend a Committee Meeting not less than seven clear days after the date of the said notice for the purpose of answering the charges. If the member refuses to attend the Meeting in answer to the notice calling upon him to do so the Committee may nevertheless proceed in his absence. At such a Committee Meeting the member concerned shall be informed of the charges made against him and shall have the right to be heard in his own defense. After having heard the member's defence and in the absence of the said member, the Committee will consider the charges and defence. If, after hearing the member, a simple majority of the Committee Members of the Committee present at the meeting said Committee Meeting shall vote for the expulsion of the said member, he shall thereupon cease to be a member of the Club.</p> <p>b. The Committee may at the conclusion of such hearings suspend the member or impose any other lesser penalty or dismiss the charges altogether.</p>	<p>Rational for the change:</p> <p>For all the time I have been a member of the Club it has always been understood that no member is exempt from the Constitution (the Rules) of the Club. The Constitution applies to any / all members.</p> <p>Regardless of whether any member is acting in a capacity as Committee Member, Convener, Chairman or member of a Sub-Committee, Working Group or in any other capacity the Constitution applied to him / her equally as it does to any other member.</p> <p>The opening phrase <i>“If <u>any</u> Member shall, in the opinion of the Committee act in <u>any way</u> prejudicial to the interests of the Club or its Members, or shall break any Rule or Bye-Law of the Club <u>the Committee shall consider such conduct...</u>”</i> Is without qualification and has always been understood to be sufficiently all embracing as to include any member, all members, acting in whatever capacity.</p> <p>In the case brought to the Court by Mr. Lawrence Khong the Court found in Mr. Khong's favour on the basis of bias.</p> <p>However in the grounds for the decision was included advise that Committee Members were</p>



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<p>the Committee to any other Meeting or to any Court of Law.</p> <p>c. A person expelled or suspended under Rules 23 or 28 or for any valid reason under this Constitution or whose membership is otherwise terminated under any other provision of this Constitution shall not thereafter be eligible as a candidate for membership of the Club. Nor shall he be allowed to enter the Club's premises or use the Club's facilities, whether as a guest or otherwise, without the prior written consent of the Committee. Notification of the decision reached shall be given to the Member concerned by the Secretary, within a period of seven days of the meeting at which it was made.</p> <p>d. Any Member who (1) has resigned; (2) has been adjudicated bankrupt as from the date of such adjudication; (3) becomes an enemy alien; (4) has been expelled; (5) has been convicted of serious criminal offence; (6) leaves the country to escape criminal proceedings, ceases to be a Member.</p> <p>e. A Member on ceasing to be a Member shall forfeit all rights to the Club, its property and its assets.</p> <p>f. The Committee may close the membership of the Club whenever the Committee shall deem it to be necessary. If at any time it appears to the Committee that any sporting or social facility of the Club is over-congested, the Committee may in its discretion restrict the privileges of any newly elected Member in respect of one or more of such facilities.</p>	<p>Notification of the Committee decision reached shall be given to the member concerned, by the Hon. Secretary, within a period of seven working days of the Committee meeting at which it was made. Notice thereof shall thereafter, be sent to the member by the Secretary. No appeal shall lie from the decision of the Committee to any other meeting or to any Court of Law.</p> <p>c. A person member expelled or suspended or loses his membership under Rules 23 a) or 28 or for any valid reason under this Constitution or whose membership is otherwise terminated under any other provision of this Constitution shall not thereafter be eligible as a candidate for membership of the Club. Nor shall he be allowed to enter the Club's premises or use the Club's facilities, whether as a Guest or otherwise, without the prior written consent of the Committee. Notification of the decision reached shall be given to the Member concerned by the Secretary, within a period of seven days of the meeting at which it was made.</p> <p>d. Any member who (1) has resigned; (2) has been adjudicated bankrupt as from the date of such adjudication; (3) becomes an enemy alien; (4) has been expelled; (5) has been convicted of serious criminal offence; (6) leaves the country to escape criminal proceedings, ceases to be a member.</p> <p>e. A member on ceasing to be a member shall forfeit all rights to the Club, its property, its assets and debts.</p> <p>f. The Committee may close the membership of the Club whenever the Committee shall deem it to be necessary. If at any time it appears to the Committee that any sporting or social facility of the Club is over-congested, the Committee may in its discretion restrict the privileges of any newly elected member in respect of one or more of such facilities.</p>	<p>exempt from the Constitution Rule 23. It was not clear whether this decision applied to sitting Committee Members or all Committee Members whether currently sitting or not or when the alleged prejudicial act took place or when the discipline was being considered.</p> <p>There are some current Members who insist that the Court decision is that Committee Members are exempt from Rule 23 and immune from discipline for any acts / conduct etc carried-out by them in their capacity as Committee Members, and that there is no provision anywhere in the Constitution for a Committee to censure any Committee Member (regardless of what he is alleged to have done).</p> <p>I find this view repugnant. Members in a position of Office are the ones who can bring the most disrepute to a club if their conduct is reckless. The Rule 23 should apply all the more to Committee Members and any member in any position where he may commit the Club.</p> <p>The Club's lawyer offered to the 2013/14 Committee to appeal the court decision pro-bono However the 2014/15 Committee did not proceed despite the lawyer offering his service pro-bono.</p> <p>Rather than contest the Court decision, I propose we amend our Constitution Rule 23 a) by including "<i>acting in whatever capacity whatsoever</i>" after the opening phrase "<i>If any member...</i>", so that that court finding cannot be used as a precedent in any future time as the Constitution Rule 23 as proposed to be amended will not be the same as it was when the court finding was made.</p> <p>The proposed changes are to strengthen the provision to include all and any member in whatever capacity to be subject to discipline hearing.</p> <p>If the Rule 23 does not apply to Committee</p>
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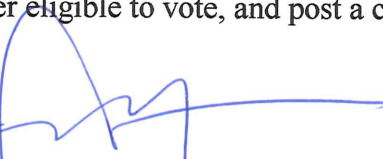
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<p>Members (current or past?) then the Club would become unmanageable and any recourse regards Committee Members' improper conduct would have to be via the courts.</p> <p>It is preferred that the Club manage itself and the Constitution must have this provision.</p> <p>For the safeguard of our Club I appeal to you to vote in favour of the proposed amendments to Rule 23.</p> <p>The further proposed changes are to correct anomalies e.g. currently under R23c) a member, <i>"whose membership is otherwise terminated under any other provision of this Constitution shall not thereafter be eligible as a candidate for membership of the Club."</i></p> <p>This includes members who have resigned or sold their membership and who may want to join again are prevented from so doing. However this Rule has been contravened on occasions where a person joins the Club as a Regular Individual Member then realizes he does not have the privilege of playing polo or owning or keeping a horse at the Club, therefore decides to sell his Regular Individual Membership and buy a Charter Membership. Having sold his Regular Individual Membership his <i>membership is otherwise terminated</i> and he is thereafter not <i>eligible as a candidate for membership of the Club</i>. However the Club has permitted this, in contravention of the Constitution.</p>


I request you to send, as soon as possible, by electronic means and at the latest include this notice in the Notice of the Annual General Meeting to each member eligible to vote, and post a copy on the Club Notice Board all in accordance with Rules 37 b and 40a.

Thank you.

Proposer:


 Member No.
 21348

Seconder:


 Member No.
 Lee Kim Pheng
 20093

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