

13. (Deleted)

14. NOTICE

14.1 The notice of a meeting stating or including:

- a) the place, date and time of the meeting, or
- b) form of nomination, or
- c) business to be conducted

shall be deemed to have been given to each member if it is published in or enclosed with the Club newsletter or journal or such other publication as the Club may circulate to its members, provided that such publication is circulated in its usual manner in the specified time.

14.2 The notice convening the Annual General Meeting shall

- a) be given to each member not less than thirty days before the date of the meeting.
- b) specify that the meeting is an Annual General Meeting
- c) where applicable, include or have attached the form of nomination
- d) be published in
 - i. the club newsletter or journal, and
 - ii. the club notice board, and

notwithstanding that the accidental omission to give notice under this rule shall not invalidate an Annual General Meeting.

14.3 The notice convening a Special General Meeting shall

- a) be given to each member not less than twenty one days before the date of the meeting, and
- b) specify the business which is to be conducted at the Special General Meeting

15. QUORUM

15.1 No item of business may be conducted unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.

15.2 Ten members personally present (being members entitled under these Rules to vote) constitute a quorum.

15.3 If, within half an hour after the appointed time for the commencement of a meeting, a quorum is not present the meeting shall stand adjourned to the same day in the next week at the same time.

15.4 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting,

- a) in the case of an Annual General Meeting, the members personally present (being not less than three) shall be a quorum
- b) in any other case - the meeting shall lapse.

16. CHAIRPERSON.

At each meeting

- a) The President, or in the President's absence, the Vice-President, shall preside as Chairperson, or
- b) If the President and the Vice-President are absent from the meeting, or are unable to preside, the members present must select one of their number to preside as Chairperson.

17. ADJOURNMENT.

17.1 The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time and/or place.

17.2 No business may be conducted at a reconvened meeting other than unfinished business from the adjourned meeting.

17.3 If a meeting is adjourned, notice of the reconvened meeting must be placed on the club notice board.

18. VOTING.

18.1 Upon any question arising at a meeting, a member has one vote only.

18.2 All votes must be given personally.

18.3 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.

18.4 Voting shall be by:

- a) a show of hands, or
- b) an actual division, if demanded by two or more members, or
- c) a poll, if demanded by three or more members, and
 - i) the poll must be taken at that meeting in such manner as the Chairperson may direct.
 - ii) the result of the poll shall determine that question.

unless the resolution relates to the filling of a vacancy on the Committee or the expulsion of a member in which case a ballot shall be taken as per the relevant Rule.

18.5 A poll that is demanded -

- a) on the election of a Chairperson or on a question of an adjournment must be taken immediately
- b) on any other question, must be taken at such time before the close of the meeting as the Chairperson may direct.

18.6 To be eligible to vote, a member must have been a financial member for not less than three months immediately prior to the meeting.

19. DETERMINATION OF RESOLUTION.

If a question arising at a meeting is determined on a show of hands and the Chairperson declares that the resolution has been carried or lost, then an entry to that effect in the minute book of the club is evidence of the determination.

D. COMMITTEE OF MANAGEMENT

20. COMMITTEE OF MANAGEMENT.

20.1 The affairs of the club shall be managed by the Committee of Management.

20.2 The Committee of Management -

- a) shall control and manage the business and affairs of the Club; and
- b) may, subject to these Rules, the Act and the Regulations, as well as the Rules and Regulations of the VCA, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by the Rules to be exercised by Meetings of Members of the Club; and
- c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club.

20.3 The Committee of Management shall consist of -

- a) the Officer Bearers, and
- b) the ordinary Committee members

each of whom shall be elected subject to these Rules and hold office until the conclusion of the next Annual General Meeting of the Club.

21. OFFICE BEARERS.

21.1 The officers representing the Club as Office Bearers shall be -

- a) a President;
- b) a Vice-President;
- c) a Treasurer
- d) a Secretary; (who shall also be the Public Officer.)

21.2 The Office Bearers of the club must be members of the Victorian Canine Association, Inc.

21.3 A member may not hold the same Office Bearer position for more than four consecutive years.

21.4 Married couples, partners, persons in defacto relationships or any two immediate members of a family may not concurrently hold Office Bearer positions.

22. ORDINARY MEMBERS OF THE COMMITTEE.

The ordinary committee shall consist of:

- a) Assistant Treasurer
- b) Assistant Secretary
- c) Seven ordinary members

23. ELECTION OF COMMITTEE OF MANAGEMENT.

23.1 To be eligible for nomination to the Committee, a member must have been a financial member for at least three months prior to the meeting, and if nominating for an Office bearer position, must also be a member of the VCA.

23.2 Nominations of candidates for election to the Committee must be -

- a) made in writing, signed by two members of the Club and accompanied by the written consent of the candidate; and
- b) delivered to the Secretary of the Club not less than 14 days before the date fixed for the holding of the Annual General Meeting.
- c) Posted on the club notice board when received by the Secretary

23.3 A candidate may only be elected to one position on the Committee of Management.

- 23.4 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations for the vacant positions shall be received at the Annual General Meeting.
- 23.5 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 23.6 If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held during the Annual General Meeting.
- 23.7 Where no nominations are received for a position at the close of nominations for annual elections and no nominations are received when called for at the Annual General Meeting, the Committee may, subject to clause 23.1, appoint a member, including any member previously ineligible under clause 21.3, to fill the vacant position.

24. VACANCIES.

- 24.1 The office of a Committee member becomes vacant if they:
- a) resign from office by notice in writing given to the Secretary, or
 - b) cease to be a member of the Club, or
 - c) are absent from three consecutive Committee meetings without giving just cause
 - d) are disqualified or suspended by the VCA whilst the Club remains an affiliate of the VCA, or
 - e) become an insolvent under administration within the meaning of the Corporation Law.
- 24.2 In the event of a casual vacancy the Secretary shall call for nominations which shall close three weeks after a notice has been placed on the club noticeboard. The committee, at the meeting after the close of nominations, shall elect a person to fill the vacancy from the nominations so received. If no nominations are received, the committee may, subject to clause 23.1, appoint a member, including any member previously ineligible under clause 21.3, to fill the vacancy"

25. VOTING AT COMMITTEE MEETINGS.

- 25.1 Questions arising at a meeting of the Committee, or any Subcommittee, shall be determined on a show of hands or, if two or more members request, by a poll taken in such manner as the meeting may determine.
- 25.2 Each member present at a meeting of the Committee, or any subcommittee (including the person presiding at the meeting), is entitled to one vote.
- 25.3 In the event of an equality of votes on any question, the person presiding may exercise a casting vote.
- 25.4 A member of the Committee shall not vote in respect of any business with the Club in which they have a pecuniary interest.

26. MEETINGS OF THE COMMITTEE.

- 26.1 The Committee must meet every alternate month in each year in the clubrooms and at such times as the committee may determine.
- 26.2 Special meetings of the Committee may be convened by the President or by any 4 members of the Committee.
- 26.3 The minutes of such meetings as recorded in the minute book and signed by the Chairman of a confirmatory meeting at that confirmatory meeting shall be accepted as sufficient evidence of the proceedings of such meeting.
- 26.4 Any defects subsequently discovered in the appointment of a member of the Committee or subcommittee thereof shall not in itself invalidate any actions of such Committee or subcommittee.
- 26.5 The general members have the right to vote in favour or against any Committee decision.
- 26.6 Club members may attend Committee meetings as observers.
- 26.7 Observers at a Committee meeting shall not:
- a) address the meeting, unless invited by the Committee,
 - b) enter into debate or disrupt the meeting in any way,
- and any observer failing to comply must leave the meeting when instructed by the Chairman.
- 26.8 The Committee may resolve that an item should be discussed "in committee", whereupon
- a) all observers must remove themselves from the meeting until that item of business has been dealt with,
 - b) Committee members must not divulge such discussion to other persons.
- 26.9 A member of the Committee shall not remain in a meeting during discussion of any business with the Club in which they have a pecuniary interest unless invited by the Committee to address the meeting.
- 26.10 Discipline Coordinators, or their nominated representative, are entitled to address the Committee meeting and participate in debate on any issue concerning their discipline.

27. QUORUM FOR COMMITTEE MEETING

- 27.1 The quorum for a Committee meeting shall be not less than one half of the Committee members plus one.
- 27.2 No business may be conducted unless a quorum is present.
- 27.3 If within half an hour after the time appointed for a Committee meeting a quorum is not present -
- a) in the case of a special meeting - the meeting lapses
 - b) in any other case - the meeting shall stand adjourned to the same place and the same time and day in the following week.
- 27.4 The Committee may act notwithstanding any vacancy on the committee.

28. NOTICE OF COMMITTEE MEETINGS.

- 28.1 Notice of each Committee meeting must be given to each member of the Committee at least two business days prior to the date of the meeting.
- 28.2 Twenty four hours notice must be given to all members of the Committee of any Special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

29. PRESIDING AT COMMITTEE MEETINGS.

At meetings of the Committee

- a) the President or, in the President's absence, the Vice-President presides, or
- b) if the President and the Vice-President are absent, or unable to preside, the members present must choose one of their number to preside.

30. REMOVAL OF COMMITTEE MEMBER

- 30.1 The Club in Special General Meeting may, by resolution, remove any member of the Committee before the expiration of the member's term of office and appoint another member in their place.
- 30.2 A member who is the subject of a proposed resolution referred to in rule 30.1
- a) must be given notice at least fourteen days prior to the meeting
 - b) may make representations in writing to the Secretary or President of the Club at least seven days before the meeting, and,
 - c) may request that the representations be provided to the members of the Club.
- 30.3 The Secretary or the President may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting.

E - GENERAL

31. MINUTES

The Secretary shall keep and maintain minutes of all proceedings of meetings of the Committee and Meetings of Members of the Club, together with a record of the names of persons present at such meetings.

32. FUNDS

- 32.1 The Treasurer of the Club shall -
- a) bank the moneys received by the Club and make payments authorised by the Club
 - b) keep accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure.
- 32.2 The Committee shall cause a banking account to be opened with a recognised bank, building society or credit union and this account shall be in the name of the Ballaarat Dog Obedience Club, Inc.
- 32.3 All cheques and other negotiable instruments must be signed by two registered signatories.
- 32.4 The registered signatories for all accounts shall be the President, Vice President, Secretary and Treasurer. *In the event of a vacancy in one of these positions, the Committee may nominate a Committee member as a registered signatory for the duration of the vacancy*
- 32.5 The funds of the Club will be derived from membership dues, training fees, the proceeds of exhibitions, sponsorship and such other sources as the Committee determines from time to time.

33. AUDITOR.

33.1 The Auditor shall be a qualified accountant.

33.2 A casual vacancy occurring in the position of Auditor shall be filled by a person appointed by the Committee.

33.3 A person shall not be appointed or act as Auditor of the Club if they are a member of the Committee or an employee of the Club.

34. COMMON SEAL OF THE CLUB.

34.1 The common seal of the Club must be kept in the custody of the Secretary.

34.2 The common seal must not be affixed to any instrument except by authority of the Committee and the affixing of the common seal must be attested to by two of the registered signatories.

35. NOTICE TO MEMBERS.

Except for the requirement in rule 14, any notice that is required to be given to a member on behalf of the Club under these Rules may be given by -

- a) delivering the notice to the member personally; or
- b) sending it by prepaid post, addressed to the member at the member's address shown in the register of members; or
- c) facsimile or other electronic transmission, if the member has advised that notice may be given to them in this manner,

36. WINDING UP.

In the event of the winding up or the cancellation of the incorporation of the Club,

- a) the assets of the Club must be disposed of in accordance with the provision of the Act and,
- b) at a meeting specially convened for this purpose the members may direct by resolution, passed by a majority of financial members personally present, that surplus funds be donated to an approved charity or canine organisation.

37. CUSTODY AND INSPECTION OF BOOKS AND RECORDS.

37.1 Except as otherwise provided in these Rules, all books, documents and securities of the Club must keep in the custody or under the control of the Secretary.

37.2 Upon application to the Committee, accounts, books, securities and any other relevant documents of the Club may be made available for inspection free of charge to any member.

37.3 The Committee may resolve that specific documents not be made available because they are commercially confidential or infringe on the privacy of a member.

38. PROPERTY.

38.1 The property, assets and income of the Club shall be applied towards the promotion of the Statement of Purposes of the Club.

38.2 No portion of the property, assets or income of the Club shall be paid or transferred either directly or indirectly to any member, provided that nothing shall prevent the payment in good faith to a member for

- a) remuneration for any contracted service actually rendered,
- b) reimbursement for authorised expenses incurred, or
- c) interest on money borrowed from any member of the Club.

39. MAKING AND CHANGING BYLAWS

Subject to the Act, the VCA Rules and Regulations and the Rules of the Club, members in a Special Meeting by resolution passed by a majority of not less than seventy five per centum of the members present, eligible to vote and voting in person may make or amend Bylaws as they deem fit in respect of any matter the members consider essential to the conduct of the Club's administration.

F - BYLAWS

40. BY-LAW 1 - SUBSCRIPTIONS AND FEES

40.1 MEMBERSHIP DUES

- (a) Members dues are
 - i) an annual subscription, and if applicable
 - ii) any service charge which may be imposed upon Club members by the VCA
 - iii) a joining fee for new members
- (b) The annual subscription and joining fee shall be determined at the Annual General Meeting or Special General Meeting at which due notice has been given.
- (c) The annual subscription
 - i) Subject to clause iii), shall expire on June 30th of each year.

- ii) For new members, shall be calculated on a pro rata basis for each quarter of the year, except that
- iii) For new members joining in the April – June quarter the subscription shall be calculated pro rata for 15 months and will expire on June 30th of the following year
- (d) Concessions or discounts shall be determined by the committee for
 - i) Annual Subscription for
 - Pensioners
 - Full time students over 18 years of age
 - Only one concession may be claimed for each membership category
 - ii) Joining Fee for
 - new members with a dog obtained from an Animal Rescue organisation, subject to any conditions the committee may decide.
 - Specific club promotions, limited to 6 months after committee approval.
- (e) An Instructor who has satisfied conditions defined by the Committee in the Operating Manual shall pay no annual subscription."

40.2 (DELETED)

41. BYLAW 2 – SPECIAL MEMBERSHIP

Individuals may be admitted to the special membership category as the following members:

41.1 LIFE MEMBER

- (a) Qualification
 - (i) must be a financial member at the time of nomination, and
 - (ii) have been a financial member of the club for fifteen consecutive years, and
 - (iii) have made outstanding contributions to the club, and
 - (iv) have received an Outstanding Service Award from the Club
- (b) Election

By resolution passed by a majority vote of the entire Committee, present or not
- (c) Membership Duration

For the life of the member
- (d) Rights & Restrictions
 - (i) The Life Member shall be subject to the rights, privileges and disciplines of a financial member, but shall pay no annual subscriptions or training fees for the duration of their life.
 - (ii) No more than two persons may be appointed Life Members of the Club in any one financial year
 - (iii) Life memberships can only be granted to individuals.

42. BYLAW 3 - OPERATING MANUAL

42.1 Subject to the Act, the VCA Rules and Regulations, the Rules of the Club and Local Government Bylaws, the Committee shall create, maintain and approve an operating manual containing procedures or documents for:

- a) Control of Operating Manual Documents
- b) Standing Orders for Meetings
- c) Aggressive behaviour of Dogs at Club training sessions
- d) Aggressive behaviour of dogs at VCA endorsed Exhibitions conducted by the Club
- e) Cruelty to a Dog
- f) Guidelines for Ground and Clubroom Use
- g) Alteration to Training Time/Day
- h) Introduction of New Training Disciplines
- i) Task Descriptions
- j) Training Manuals

and any other matter the Committee considers essential to the conduct of the Club's administration.

42.2 Before approval by the Committee:

- a) The procedure or document shall be displayed in the clubrooms for at least one month,
- b) At least seven days notice shall be given in the club newsletter of intention to approve a procedure or document.
- c) The Committee shall consider any submissions from members.
- d) The committee shall forward an intention to approve a procedure or document to all discipline coordinators, to be discussed at discipline meetings.

43. BYLAW 4 - TRAINING

43.1 TRAINING DISCIPLINES

Training sessions shall be conducted in those disciplines approved by the committee.

43.2 COORDINATORS

- (a) Each training discipline shall be supervised by a Coordinator and an Assistant Coordinator, who shall be elected:
 - (i) at an instructors meeting held no later than one month after each Annual General Meeting of the Club, or one month after a casual vacancy has arisen
 - (ii) by the qualified instructors of that discipline
 - (iii) by a secret ballot using the "first past the post" method of election conducted by an independent returning officer appointed by the President.
- (b) The election of each discipline Coordinator shall be submitted to the Committee for approval.
- (c) The meeting to elect the coordinator shall be chaired by the President, or if unavailable, a member of the Committee nominated by the President.

- (d) The Committee shall appoint a Caretaker Coordinator for a newly introduced training discipline.

43.3 APPOINTMENT OF INSTRUCTORS

The Coordinator shall approve the appointment of Instructors after they have satisfactorily completed an Instructor's Training Programme.

43.4 TRAINING SESSIONS

Training sessions shall be conducted at such time and place as the Committee may decide.

43.5 INSTRUCTOR MEETINGS

- (a) There shall be a meeting of instructors for each discipline at least six times per year
- (b) The quorum for an instructors' meeting shall be seven, or one half of the qualified instructors for that discipline, whichever is the lesser
- (c) At least seven days notice shall be given of an instructors meeting
- (d) The Coordinator, (or if absent, the Assistant Coordinator) shall convene and chair meetings of Instructors
- (e) The Assistant Coordinator (or if unavailable, a person nominated by the Chair) shall take minutes of instructor meetings and forward a copy of such minutes to the Secretary of the Club.

43.6 TRAINING MANUAL

- a) Each discipline shall have a training manual for instructors.
- b) Changes to the training manual must be approved by a meeting of instructors before submission to the Committee.
- c) The Discipline Coordinator shall ensure that Instructors have a current copy of the training manual.

44. BYLAW 5 – PROBLEM DOGS

44.1 Where there is a problem with a dog biting or exhibiting undue aggression while at training, the Coordinator must refer the situation to the Training Support Panel.

44.2 The Training Support Panel shall follow the documented procedures in dealing with the problem and may direct the member to take specific corrective or preventive actions.

44.3 The member shall cooperate with and abide by the requirements of the Training Support Panel.

44.4 After an unprovoked attack resulting in injury to another person or dog, the offending dog must be muzzled at all times while in attendance at any Club function. The Training Support Panel may withdraw this requirement after corrective action has been taken and it has been proven that muzzling is unnecessary.

44.5 The Committee, upon recommendation by the Training Support Panel, may resolve to suspend the dog from training, and/or the member from membership of the Club.

44.6 The Training Support Panel, consisting of four experienced instructors, or other appropriately qualified persons, shall be appointed by the Committee no later than the second Committee meeting after the Annual General Meeting.

44.7 Where a dog exhibits aggressive behaviour at a VCA endorsed Exhibition conducted by the Club, the relevant VCA regulations shall be followed.

45. BYLAW 6 – CRUELTY TO A DOG

A member shall not deliberately perform a cruel act upon a dog.

46. BYLAW 7 - CODE OF CONDUCT

46.1. Committee members shall not make improper use of information acquired by virtue of their position as a Committee member.

46.2 Committee members and Instructors shall not take improper advantage of their position to solicit or gain, directly or indirectly, a personal advantage or advantage for any associated person or entity.

46.3 Members of the Club shall not corrupt or procure another member to misinterpret or misapply the Rules of the Club or the Rules and Regulations of the VCA.

47. BY-LAW 8 - PATRON OF THE CLUB

47.1. The Committee may appoint (or reappoint) a person to act as patron of the club for a specified term not exceeding five years.

47.2. The Patron may be a publicly recognised figure in their field of expertise or a person who has given special support to the Club. Membership of the Club is neither a prerequisite nor condition for appointment.

47.3. The Patron may represent the Club on ceremonial or special occasions.

As per letter from the Department of Justice (Consumer Affairs Victoria), 22/9/2014 and in accordance with Section 48 (3) of the Act, the below mentioned model rule numbers are deemed to be included in the rules of the association.

MODEL RULE 75(3) - CUSTODY OF INSPECTION OF BOOKS AND RECORDS

The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

MODEL RULE 75 - CUSTODY OF INSPECTION OF BOOKS AND RECORDS

(1) Members may on request inspect free of charge

- (a) the register of members;
- (b) the minutes of general meetings;
- (c) subject to sub rule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

(2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

(4) Subject to sub rule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following-

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Association.

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