

BELCONNEN DOG OBEDIENCE CLUB INCORPORATED CONSTITUTION

NAME

1. The Name of the Association shall be 'BELCONNEN DOG OBEDIENCE CLUB INCORPORATED' hereinafter referred to as the Club.

INTERPRETATION

2. In these rules, unless a contrary intention appears –
“financial year” means the year ending on 30 June
“member” means a member, however described, of the association
“ordinary Committee member” means a member of the Committee who is not an office bearer of the association
“Secretary” means the person holding office under these rules as Secretary of the Association or, where no such person holds that office, the Public Officer of the association
“the Act” means the Association Incorporation Act 1991
“the Regulations” means the Associations Incorporation Regulations
“the Club” or “the Association” means the Belconnen Dog Obedience Club Incorporation
3. In these rules –
 - (a) a reference to a function includes a reference to a power, authority and duty; and
 - (b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.
4. The provision of the Interpretation Act 1967 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

AFFILIATION

5. The Club is affiliated with the appropriate Controlling Authority in the Australian Capital Territory (Canberra Kennel Association).

OBJECTS

6. (a) The objects of the Club are –
 - (i) To promote community awareness of responsible dog ownership;
 - (ii) To foster interest in the training of companion dogs and to make the handling of trained dogs popular;
 - (iii) To promote and undertake activities in connection with dog trials and training.
- (b) In addition to the basic objects of the Club the objects and purposes of the Club shall be deemed to include:
 - (i) The purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Club;
 - (ii) The construction, maintenance, and alteration of building or works necessary or convenient for any of the objects or purposes of the Club;

- (iii) The taking of such steps from time to time as the Committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Club, whether by way of donations, subscriptions, or otherwise;
- (iv) The printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the Committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Club;
- (v) The borrowing and raising of money in such manner and on such terms as the Committee may think fit or as may be approved or directed by resolution passed at a general meeting; and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Club by giving mortgages, charges or securities upon or overall or any of the real or personal property of the Club;
- (vi) Subject to the provisions of the Trustee Ordinance 1957, the investment of any moneys of the Club not immediately required for any of its objects or purposes in such manner as the Committee may from time to time determine;
- (vii) The making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which paragraph (a) of subsection (1) of section 78 of the Income Tax Assessment Act 1936 of the Commonwealth relates;
- (viii) The establishment and support of aiding in the establishment or support, of any other association formed for any of the basic objects of the Club;
- (ix) The doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Club or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

CONSTITUTION

7. (a) The Club shall be conducted in accordance with this Constitution.
- (b) This Constitution may be added to, repealed or amended by resolution of any annual or general meeting, provided that due notice has been given, and that the resolution is carried by a majority of at least three quarters of the members present voting thereon and in the case of any resolution adding to, repealing or amending provisions relating to objects or Committee powers, by a majority of at least 90% of the members present voting thereon.
 - (i) An amendment of the objects and purposes of the Club shall not be effective until approved by the Canberra Kennel Association Inc. and the Registrar of Associations in the A.C.T.
 - (ii) An alteration of the objects, purposes or rules is of no effect until a copy of the alteration is lodged with the Canberra Kennel Association Inc. and the Registrar of Associations in the A.C.T.

INCOME AND PROPERTY

8. The income and property of the Club shall be applied solely to the promotion of its objects and no part thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of pecuniary profit to the members provided that remuneration may be paid in good faith to officers and servants of the Club and other persons in return for services actually rendered to the Club.

MEMBERSHIP

9. The Club shall consist of ordinary members, honorary members and honorary life members.
- (a) Ordinary Members
 - (i) All persons who are prepared to acknowledge this Constitution as binding upon them shall be eligible for ordinary membership upon application on the prescribed form.
 - (ii) Admission of ordinary members shall be by election of the committee. Following membership application being made on the prescribed form and all monies due being paid by the applicant, the Secretary shall forward a list of applications to the Committee for election. Following such election only those applicants who have not been accepted will be notified in writing by the Secretary and monies refunded. These members so elected shall become ordinary members and shall be entitled to all the benefits and privileges of Club Membership and shall be bound by this Constitution a copy of which shall be made available to him on demand.
 - (iii) Failure to pay the prescribed entrance and subscription fees within 14 days of the notice referred to in paragraph (ii) above shall result in cancellation of the committee's membership approval.
 - (b) Honorary Life Members

Honorary Life Member shall mean a person, whether a member or not, who upon the recommendation of the committee, or upon a written nomination signed by not less than five members, is elected by a resolution passed in Annual General Meeting by a majority or not less than two-thirds of the members voting thereat and who in the opinion of such meeting has rendered outstanding services to the Belconnen Dog Obedience Club Inc. or for other good and sufficient reason. Such nomination is to be received by the Committee at least one calendar month prior to the Annual General Meeting, and is to be supported by a qualification/justification for the nomination. An Honorary Life Member shall not be required to pay any subscription, but shall be entitled to all the benefits and privileges of ordinary membership. Such appointments shall not exceed two per year.
 - (c) Honorary Members

Honorary Membership may be conferred on such persons and for such periods as the Committee may determine. Honorary members shall not be required to pay any subscription, but they shall not be eligible for election to office on the Committee nor to vote as members.
 - (d) Membership Entitlements not transferable –

A right, privilege or obligation which a person has by reason of being member of the Club:

 - (i) is not capable of being transferred or transmitted to another person; and,
 - (ii) terminates upon cessation of the person's membership.
 - (e) Ceasing to be a Member –
 - (i) Membership ceases with the death, resignation or expulsion of a member;
 - (ii) Any member wishing to resign shall give notice in writing addressed to the Secretary of his intention to do so;
 - (iii) Any member who fails to pay or renew his subscription within 30 days of the due date shall be deemed unfinancial and his membership shall thereupon lapse;

- (iv) The Club shall compile and keep a register of members and addresses. Any member who changes his address shall as soon as possible thereafter notify the Secretary in writing. Subject only to this Constitution no person shall be entitled to exercise the rights and privileges of a member unless his name appears on the register of members as a member for the time being of the Club;
 - (v) Where a person ceases to be a member, the Secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.
- (f) Disciplining of members –
- (i) Where the Committee is of the opinion that a member –
 - (i) has persistently refused or neglected to comply with a provision of this constitution; or
 - (ii) has persistently and wilfully acted in a manner prejudicial to the interests of the Club;
 the Committee may, by resolution –
 - (iii) expel the member from the Club; or
 - (iv) suspend the member from such rights and privileges of membership of the Club as the Committee may determine for a specified period.
 - (ii) A resolution of the Committee under subrule (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under subrule (3), confirms the resolution in accordance with this rule.
 - (iii) Where the Committee passes a resolution under subrule (1), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member –
 - (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member, that the member may do either or both of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.
 - (iv) Subject to section 50 of the Act, at a meeting of the Committee mentioned in subrule (2), the Committee shall –
 - (a) give to the member mentioned in subrule (1) an opportunity to make oral representation;
 - (b) give due consideration to any written representations submitted to the Committee by that member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution of the Committee made under subrule (1).

- (v) Where the Committee confirms a resolution under subrule (4), the Secretary shall, within 7 days after that confirmation, by notice in writing inform the member of that confirmation and of the member's right of appeal under rule (g).
- (vi) A resolution confirmed by the Committee under subrule (4) does not take effect –
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
 - (b) where within that period the member exercises the right of appeal, unless and until the Club confirms the resolution in accordance with subrule g(4).
- (g) Right of Appeal of Disciplined Member
 - (i) A member may appeal to the Club in general meeting against a resolution of the Committee which is confirmed under subrule f(4), within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
 - (ii) Upon receipt of a notice under subrule (l), the Secretary shall notify the Committee which shall convene a general meeting of the association to be held within 21 days after the date on which the Secretary received the notice, or as soon as possible after that date.
 - (iii) Subject to section 50 of the Act, at a general meeting of the Club convened under subrule (2):-
 - (i) no business other than the question of the appeal shall be transacted
 - (ii) the Committee and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (iii) the members present shall vote by secret ballot on the question of whether the resolution made under subrule f(4) shall be confirmed or revoked.
 - (iv) If the meeting passes a special resolution in favour of the confirmation of the resolution made under subrule f(4), that resolution is confirmed

COMMITTEE

10. (a) The Committee of the Club shall consist of at least eight, but no more than fifteen members – a President, a Vice-President, Secretary, Treasurer, Assistant Secretary / Treasurer, and at least five, but no more than ten, ordinary members.
- (b) Every candidate for office shall be proposed and seconded by two Club members on the prescribed form which shall be signed by the candidate and handed to the Secretary at least seven days before the Annual General Meeting. A member may be nominated for more than one office on the Committee at the same election. A member of the Committee shall be eligible for re-election. If insufficient written nominations are received by the due date to fill all positions, those people so nominated shall be deemed elected and oral nominations, seconded orally by another member and consented to by the candidate, may be made at the Annual General Meeting.
- (c) Committee members shall be elected at the Annual General Meeting and shall hold office until the next succeeding Annual General Meeting.

- (d) Vacancies on the Committee may be filled temporarily by the Committee until the next annual general meeting and such temporary Committee members shall exercise all the rights and privileges of elected members.
- (e) The duties of the Committee members are –
 - (i) The President shall chair all Committee and general meetings. He shall when necessary speak on behalf of the Club and represent it in relations with other persons or organisations and before an Court or Government department, and shall present a report to the Annual General Meeting;
 - (ii) The Vice-President shall, in the absence of the President, act in his stead and shall, for this purpose, have all the rights, powers and duties and perform all the functions of the President;
 - (iii) If the President and the Vice-President are absent, one of the remaining members of the Committee may be chosen by the members present to preside;
 - (iv) The Secretary shall keep and attend to all correspondence and records on behalf of the Club;
 - (v) The Treasurer shall be responsible for all monies and shall keep the financial records and books of the Club. He shall present a report to the Annual General Meeting together with an audited balance sheet and statement of income and expenditure;
 - (vi) The Assistant Secretary/Treasurer shall assist the Secretary and Treasurer in the conduct of their duties and in particular shall keep minutes of all meetings;
 - (vii) Members of the Committee shall perform such other duties as the Committee from time to time determines;
 - (viii) The President, the Vice-President, the Treasurer, and the Secretary are the office bearers of the Club and constitute an executive committee, which may issue instructions to the Public Officer in matters of urgency connected with the management of the affairs of the Club during the intervals between meetings of the committee, and where any such instructions are issued shall report thereon to the next meeting of the Committee for ratification;
 - (ix) A person is not eligible to hold simultaneously more than one position on the executive committee.
- (f) There shall be a Committee meeting at least once in each two months. Minutes shall be taken of all the proceedings of the Committee and shall be open to the inspection of any member upon application to the Secretary.
- (g) Where the Committee consists of up to eleven Committee members, a quorum at a Committee meeting shall be five Committee members, and where the Committee consists of eleven or more Committee members, a quorum at a Committee meeting shall be seven Committee members.
- (h)
 - (i) Voting at Committee meetings shall be by a show of hands. If the need arises a secret ballot may be held. A simple majority of Committee members present shall be sufficient for any resolution, unless otherwise provided for by this Constitution;
 - (ii) Each member present at a meeting of the Committee or of any subCommittee appointed by the Committee (including the person presiding at the meeting) is entitled to 1 (one) vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote;

- (iii) Subject to subrule 7(g), the Committee may act notwithstanding any vacancy on the committee;
 - (iv) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-Committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.
- (i) The office of a Committee member shall become vacant –
 - (ii) if by notice in writing he resigns his office or refuses to act as a member of the committee;
 - (iii) if he fails to pay any annual subscription or other debt due to the Club within the prescribed period;
 - (iv) if for any reason he ceases to be a member of the Club;
 - (v) if a resolution declaring office to be vacant is passed by three-quarters of the members present at duly convened general meeting;
 - (vi) if he becomes bankrupt or applies to take or takes advantage of any law relating bankrupt or insolvent debtors or compounds with his creditors.
 - (j) Any member of the Committee absent for three consecutive meetings without leave of absence from the Committee shall thereupon vacate his place on the committee.
 - (k) (i) Subject only to the provisions of this clause the Committee shall have power to suspend any member of the Committee for any period and to abrogate during such period any of his rights or privileges as a Committee member, if in their opinion any such suspension is in the interests of the Club;
 - (ii) Each member expressly waives any compensation or other claim against the Club or Committee or any member arising out of the exercise of any powers conferred by this clause / constitution.

POWERS OF THE COMMITTEE

11. The business of the Club shall be managed by the Committee which shall have power, subject to any direction by a general meeting, to –
- (a) Generally manage the affairs of the Club so as to carry out its objects.
 - (b) Pay the charges and expenses incidental to the conduct and management of the Club.
 - (c) Set up sub-committees to deal with such matters as may be referred to them by the committee. All such sub-committees shall be chaired by a member of the Club appointed for that purpose by the Committee. This chairman shall report all relevant matters from the sub-Committee back to the Committee.
 - (d) Interpret any question arising out of this Constitution.
 - (e) Prescribe fees and subscriptions payable by Club members.
 - (f) Bind the Club through signature of legal instruments, all such instruments to be signed by the President, and either the Secretary or Treasurer.
 - (g) Approve applications for membership.
 - (h) Make, amend, or repeal by-laws and regulations (not inconsistent with this Constitution) for the proper conduct of the Club's activities and the internal management of the Club.

- (i) Shall appoint a member of the Committee to be the Public Officer and who shall be a resident of the Australian Capital Territory. The Public Officer shall act until he resigns or his successor is appointed by the Committee.

GENERAL MEETINGS

- 12. (a) The general meeting of the Club shall be the controlling body of the Club.
- (b) The decisions of any general meeting of the Club shall be final and shall remain in force unless and until duly varied, amended or annulled at a subsequent general meeting.
- (c) (i) Subject to subrule (iii), upon any question arising at a general meeting of the association a member has one vote only.
- (ii) All votes shall be given in person at general meeting and or the annual general meeting of the association.
- (iii) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- (d) A requisition of members for a general meeting –
 - (i) shall state the purpose or purposes of the meeting;
 - (ii) shall be signed by at least 10 (ten) financial members making the requisition;
 - (iii) shall be lodged in writing with the Secretary; and
 - (iv) may consist of several documents in a similar form, each signed by 1 (one) or more of the members making the requisition.
- (e) If the Committee fails to convene a general meeting within 1 (one) month after the date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a general meeting to be held not later than three (3) months after that date –
 - (i) subject to subrule (iii), upon any question arising at a general meeting of the association a member has one vote only;
 - (ii) all votes shall be given in person at general meeting of the association;
 - (iii) in the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.
- (f) A general meeting convened by a member or members referred to in subrule (d) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee, any member who thereby incurs expense is entitled to be reimbursed by the Club for any reasonable expense so incurred.
- (g) Any member wishing to move a resolution at any general meeting shall give notice thereof in writing to the Secretary not less than 14 days before the date of such meeting, provided that motions proposed within a shorter time than required by this rule, may be resolved if the general meeting so decides.
- (h) The quorum at any general meeting shall be ten financial members. In the absence of a quorum the Chairman shall convene another general meeting, such meeting to take place within two weeks. At such a meeting resolutions may be passed notwithstanding the absence of the prescribed quorum.

- (i) Only present financial members shall be entitled to vote at any general meeting. Resolutions at all general meetings shall be by simple majority except in the case of a motion for an amendment to the Constitution and the confirmation of a conditional suspension or the dismissal of members of the committee, which shall be by show of hands, except in the case of election of Committee members, when voting shall be by secret ballot.
- (j) There shall be an annual general meeting of the Club to be held within 60 days from the 1st July each year upon a date and time to be fixed by the committee. The annual general meeting shall inter alia:
 - (i) receive from the President a Committee report, balance sheet and statement of accounts for the preceding financial year;
 - (ii) elect the incoming Committee for the ensuing year;
 - (iii) decide on any resolution which may be duly submitted to the meeting.

FINANCE

- 13. (a) The financial year shall commence each year on the first day of July.
- (b) All ordinary members of the Club shall pay such joining, subscription and training fees as determined by the Committee from time to time. Fees, other than the joining fee, shall be due and payable on the first day of July unless otherwise determined by the Committee.
- (c) The Club shall have such bank accounts as the Committee may determine. Cheques drawn on these accounts shall be signed by any two of the President, Secretary and Treasurer.

MEMBERS' LIABILITIES

- 14. The liability of a member to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 13(b).

AUDITOR

- 15. (a) The accounts of the Club shall be audited annually by a qualified accountant appointed by the Committee. The auditor shall not be a member of the Club. The audit shall be carried out no earlier than one month before presentation of accounts to the annual general meeting.
- (b) The auditor shall be appointed by the Committee at its first meeting and shall hold office until the next succeeding annual general meeting and is eligible for re-appointment, subject to sub-clause 15(a).
- (c) In his report, and in certifying to the accounts, the auditor shall state:
 - (i) whether he has obtained the information required by him;
 - (ii) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Club according to the information at his disposal and the explanations given to him and as shown by the books of the Club;
 - (iii) whether the rules relating to the administration of the funds of the Club have been observed.
- (d) The appointment of the auditor may be revoked by a vote carried by two-thirds of the Committee members present at a special Committee meeting, duly called for that purpose.

NOTICE

16. A notice may be served by or on behalf of the Club upon any member either personally or by sending it through the post in a pre-paid letter addressed to the member at usual or last known place of abode.

SEAL OF CLUB

17. (a) The Seal of the Club shall be in the form of a rubber stamp, inscribed with the name of the Club encircling the word "Seal".
- (b) The Seal of the Club shall not be affixed to any instrument except by the authority of the executive and the affixing thereof shall be attested by the signatures either of two members of the executive or of one member of the Committee and of the Public Officer of the Club or such other person as the Committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.
- (c) The Seal shall remain in the custody of the Secretary.

CUSTODY OF BOOKS

18. Subject to the Act, the Regulations and these rules, the Secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the association.

INSPECTION OF BOOKS

19. The records, books and other documents of the association shall be open to inspection at a place in the Territory, free of charge, by a member of the Association at any reasonable hour.

DISSOLUTION OF THE CLUB

20. The Club may dissolve at a general meeting called for that purpose by a resolution passed by a majority of three quarters of the members present and voting thereon. The Committee shall thereupon, or at such further date as shall be specified in such resolution, proceed to realise the property of the Club as far as is necessary to discharge all liabilities. The remaining property of the Club, either in kind or converted into money, as the Committee thinks fit, shall be given to and vested in such organisations, institutions, Clubs or associations in Australia which have as or include in their objectives the promotion of similar aims and objects as the Club. Upon the completion of the distribution of the property as provided by this rule the Club shall be dissolved.

DESCRIPTION

21. In any provision of this Constitution, unless the contrary intention appears, words importing the masculine gender shall include females; words in the singular shall include the plural, and words in the plural shall include the singular.

Created September 1992
Amended August 2015