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# CONSTITUTION

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The Canine Association of Western Australia (Inc.)

Adopted – 28 August 2019

Last Amended – 28 August 2019

# CONSTITUTION

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## GENERAL

### 1. NAME

There is hereby constituted an Association which shall be known as The Canine Association of Western Australia (Inc.).

### 2. OBJECTS

2.1 The Objects of the Association shall be:

- 2.1.1 to promote and encourage the breeding of pedigreed dogs;
- 2.1.2 to foster, promote and protect the interests of Members of the Association relative to dogs;
- 2.1.3 to promote, foster and encourage the welfare and care of dogs;
- 2.1.4 to collect, verify and publish information relative to dogs and their breeding and competitions involving dogs and their owners/handlers;
- 2.1.5 to encourage the affiliation of kindred bodies with the Association;
- 2.1.6 to keep a Register of dogs, their breeding, ownership and other breeding details;
- 2.1.7 to make contributions if thought fit, towards Sanctioned Events in the form of cash, trophies or medals and to contribute towards judges' expenses;
- 2.1.8 to issue official certificates;
- 2.1.9 to make regulations to govern Sanctioned Events not inconsistent with the recommendations of the ANKC;
- 2.1.10 to keep a panel of judges and make conditions for the placing of names on such panel;
- 2.1.11 to allot and approve dates for the holding of Sanctioned Events;
- 2.1.12 to grant championship status to shows by issuing challenge and championship certificates;
- 2.1.13 to issue certificates pertaining to Trials and Tests;
- 2.1.14 to enter into reciprocal arrangements with bodies affiliated with the ANKC; and
- 2.1.15 to provide and/or construct facilities and amenities for use by members and others and to acquire by purchase, lease, exchange or otherwise and to sell buildings and hereditaments of any tenure or description and any estate or interest therein;

### 3. NOT FOR PROFIT

The property and income of the Association shall be applied solely towards the promotion of the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to Members of the Association, except in good faith in the promotion of those objects or purposes.

### 4. INTERPRETATION

4.1 Should any question arise as to the interpretation of the Constitution and the Regulations, such question shall be decided by the Governing Council whose decision shall be final and binding. Likewise, should any matter arise which is not covered by the Constitution and the Regulations, it shall be dealt with in a similar manner.

4.2 Words importing the male gender shall, where the context reasonably permits, include the female (but a female dog may be referred to as a bitch) and the singular number shall include the plural number.

## 5. DEFINITIONS

Unless the context otherwise requires, the terms specified here-under shall have the meaning defined:

<b>Act</b>	the Association Incorporations Act 2015
<b>Affiliate</b>	a club, society, association or other body affiliated with the Association
<b>Administrative Officer</b>	the Secretary, Registrar or Chief Executive Officer of the Association
<b>ANKC</b>	the Australian National Kennel Council Limited
<b>Annual General Meeting</b>	the meeting convened under Section 22
<b>Association</b>	the Canine Association of Western Australia (Inc.)
<b>Constitution</b>	this document embodying the mode in which the Association is organised and the fundamental principles of how the Association is governed
<b>Committee</b>	any Committee, Tribunal, Board and/or Working Party established by the Governing Council to fulfil specific tasks, including governance functions as prescribed in Section 19.1.4
<b>Committee Meeting</b>	a meeting referred to in Section 24
<b>Committee Member</b>	a member of any Committee, Tribunal, Board and/or Working Party established by the Governing Council to fulfil specific tasks, including governance functions
<b>Contempt of Governing Council</b>	is the offence of being disobedient to or disrespectful towards the Governing Council or its appointed Officers in the form of behaviour that opposes or defies the authority, justice and dignity of the Governing Council.
<b>Councillors</b>	a member of the Governing Council as prescribed in 15.3.3
<b>Executive</b>	the duly elected President and Vice President of the Association and/or other members/s appointed by the Governing Council
<b>Extraordinary General Meeting</b>	a Meeting of the Members convened by the Administrative Officer called only in the event of Section 18.8

<b>General Meeting</b>	a meeting to which all Members are invited convened under Section 22
<b>Governing Council</b>	means the Governing Council of the Association as defined in Section 15.3
<b>Member</b>	a life member or financial ordinary, associate, concessional, junior or handler financial member of the Association
<b>Notice of Meetings</b>	a written notice circulated in accordance with Section 25
<b>Notice of Motion</b>	a written notice circulated to the Members prior to a General Meeting or Special General Meeting or Extraordinary General Meeting included in the Notice of Meeting and providing sufficient particulars of a proposed motion to be carried in accordance with the Constitution
<b>Registers</b>	the Registers kept by the Association for the purpose of registering Dogs and Members in accordance with the Constitution and such Regulations made by the Governing Council from time to time.
<b>Registered Owner</b>	in relation to a dog, means the person registered with the Association as the owner of such dog.
<b>Registered Dog</b>	a dog or bitch accepted for registration in the ANKC Ltd Register.
<b>Regulations</b>	the resolutions by means of which Governing Council fulfils its duties as laid down in the Constitution embodied by separate documents which are advised to the Members and by which the Members are bound.
<b>Sanctioned Event</b>	a Championship Show, Open Show, Parade, Competition, Trial and Test, any training or seminar (or the like) held with the sanction of this Association and under the Constitution and Regulations laid down by it.
<b>Special General Meeting</b>	a general meeting other than the annual general meeting and limited to the agenda items as notified
<b>Special Resolution</b>	a resolution passed by the Members at a General Meeting by at least 75% of eligible voting Members in accordance with section 51 of the Act
<b>Subscription</b>	the membership fees payable by a Member to the Association as decided from time to time by the Governing Council,

	payment of which (if not in arrears), makes the person a financial member of the Association
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## MEMBERSHIP

### 6. COMPLIANCE BY MEMBERS

- 6.1 All Members and Affiliates are bound by the terms of this Constitution and any Regulations and resolutions of the Association made by the Governing Council pursuant to this Constitution.
- 6.2 In addition, all Members and Affiliates are bound by the terms of the Constitution, Rules and Regulations of ANKC Ltd.
- 6.3 The Members and Affiliates of the Association are taken to have automatically and immediately accepted any validly made alteration, amendment or adjustment to this Constitution, any Regulation of the Association, as well as the Constitution, Rules and Regulations of ANKC Ltd, and Affiliates must take immediate steps to amend their constitution, rules and regulations to reflect such changes (if required).

### 7. CONSTITUTION OF MEMBERSHIP

- 7.1 The Association shall consist of:
  - 7.1.1 Ordinary Members;
  - 7.1.2 Honorary Life Members;
  - 7.1.3 Junior Members;
  - 7.1.4 Affiliated Member Bodies;
  - 7.1.5 Associate Members;
  - 7.1.6 Concessional Members; and
  - 7.1.7 Handler Members;
  - 7.1.8 Other categories as approved by the Governing Council from time to time
- 7.2 A Patron may be nominated on the recommendation of Governing Council and subject to ratification by a General Meeting.

### 8. ELIGIBILITY FOR MEMBERSHIP

- 8.1 To be eligible for consideration for any class of membership, a person must not –
  - 8.1.1 be under suspension or investigation in another state or territory or body recognised by the ANKC, or
  - 8.1.2 been convicted of a charge of cruelty or mistreatment of animals
- 8.2 Ordinary Members (Single, Double, Kennel, Firm or Company) shall be open to any person over the age of eighteen (18) years provided that:
  - 8.2.1 he is the registered owner or part-owner of a live dog registered, on the Main or Limited Register, with any member body of the ANKC, and/or
  - 8.2.2 he has been an ordinary Member of the Association for a period of not less than one year and who no longer owns a live dog registered with any member body of the ANKC; and/or
  - 8.2.3 he is considered by the Governing Council to have special qualifications and/or knowledge of canine affairs and/or to have qualifications helpful to the Association.
- 8.3 Honorary Life Membership may be conferred on any Members who have given meritorious service to the Association.



- 8.4 Junior Membership is open to any person under the age of eighteen (18) years provided that he is the registered co-owner of a live dog registered with any member body of the ANKC.
- 8.5 Associate Membership shall be open to any person.
- 8.6 Concessional Membership shall apply only to those persons who:
  - 8.6.1 do not have a currently registered prefix
  - 8.6.2 have not registered a litter with this Association for a period of one (1) year
  - 8.6.3 comply with the requirements of Ordinary Membership; and
  - 8.6.4 come within any of the following categories of which only one may be applied for:
    - 8.6.4.1 Country - which shall be open to persons residing more than a hundred (100) km from the Perth General Post Office;
    - 8.6.4.2 Pensioner - which shall be open to any person holding an approved Pension Concession Card.
- 8.7 Handler membership is open to any person who does not own a registered dog and is not a member of any state member body of the ANKC.

## 9. APPLYING FOR MEMBERSHIP

- 9.1 All applications for Membership must be in writing in accordance with the Association's Regulations governing applications for Membership.

## 10. ADMISSION OR REJECTION OF MEMBERSHIP

- 10.1 All applications for Membership shall be posted on the Association notice board and web site for a period of not less than seven (7) days.
- 10.2 Objections to an application including reasons, therefore, must be lodged with the Administrative Officer within fourteen (14) days of the application having been placed on the notice board and web site.
- 10.3 The Governing Council shall consider any application (and any objections to that application) for any class of Membership not less than fourteen (14) days and not more than sixty (60) days after the receipt of the application, provided the Prescribed Fee has been paid by the applicant.
- 10.4 Any applicant who receives a majority of the votes of the Governing Council Members present at the meeting at which an application is being considered shall be accepted as a Member to the class of Membership applied for, and the applicant's Membership commences on the date of lodgement.
- 10.5 Pursuant to section 36(1)(b) of the Act, the Association will provide the new Member with a copy of this Constitution electronically or direct the member to where an electronic version of this Constitution and any Regulations can be viewed.
- 10.6 Upon acceptance or rejection of any application for any class of Membership the Administrative Officer shall, within seven (7) days, give the applicant notice in writing of such acceptance or rejection.
- 10.7 The applicant shall be given the opportunity to present his case before rejection of the application.

## 11. RESIGNATION OR TERMINATION OF MEMBERSHIP

- 11.1 A Member may resign from the Association at any time by giving notice in writing to the Administrative Officer.
- 11.1.1 Such resignation shall take effect at the time such notice is received by the Administrative Officer unless a later date is specified in the notice, when it shall take effect on that later date.
- 11.1.2 No such resignation shall relieve any member from payment of any monies due by him to the Association at the date of his resignation.
- 11.1.3 The amount due may be recovered by the Association in a court of competent jurisdiction as a debt due to the Association.
- 11.2 If a Member:
- 11.2.1 is convicted of an indictable offence;
- 11.2.2 fails to comply with any of the provisions of these rules;
- 11.2.3 has membership fees in arrears for a period of three months or more;
- 11.2.4 conducts himself in a manner considered to be injurious or prejudicial to the character or interests of the Association;
- 11.2.5 is found guilty of cruelty, mistreatment or neglect of any animals.
- his Membership may be terminated.
- 11.3 The Governing Council shall provide the Member a full and fair opportunity to present his case in the event their Membership is terminated under Section 11.2, excluding clause 11.2.3.
- 11.4 Should the Governing Council resolve to terminate the Membership under Section 11.2, excluding clause 11.2.3, it shall instruct the Administrative Officer to advise the Member in writing accordingly.

## 12. APPEAL AGAINST TERMINATION OF MEMBERSHIP

- 12.1 A person whose Membership has been terminated under Section 11.2, excluding clause 11.2.3, may, within seven (7) days of receiving written notification, lodge with the Administrative Officer written notice of their intention to appeal against the decision.
- 12.2 Upon receipt of a notification of intention to appeal against the termination of Membership, the Administrative Officer shall convene, within five months and not less than two months of the date of receipt by him of such notice, a Special General Meeting of Members to determine the appeal.
- 12.3 At any such Special General Meeting, the applicant shall be given the opportunity to fully present their case and the Governing Council who terminated the membership shall likewise have the opportunity of presenting their case.
- 12.4 The appeal shall be determined by the vote of the appropriate class of Members i.e. ordinary, life members and pensioner members, present at such meeting.
- 12.4.1 A simple majority will carry or defeat any Motion;
- 12.4.2 The Chairperson will not exercise a vote;
- 12.4.3 All voting to be by secret ballot; and
- 12.4.4 Equality of voting means that the status quo remains, i.e. the appeal is lost.

### 13. PRIVILEGES OF MEMBERSHIP

Subject to the restrictions and limitations prescribed by the Regulations, the privileges of Membership shall be:

#### 13.1 For Ordinary Members:

- 13.1.1 The right to attend and to vote at any General Meeting of the Association.
- 13.1.2 The right to register dogs in the ANKC business system
- 13.1.3 The right to handle any eligible registered dog at any Sanctioned Event.
- 13.1.4 Any other privileges the Governing Council may from time to time determine.

#### 13.2 For Honorary Life Members:

- 13.2.1 The right to membership of the Association without payment of the annual subscription.
- 13.2.2 All other privileges enjoyed by Ordinary Members.

#### 13.3 For Junior Members

- 13.3.1 The right to attend General Meetings as observers only.
- 13.3.2 The right to register dogs in the ANKC Ltd business system in co-ownership with an ordinary member.
- 13.3.3 The right to handle any eligible registered dog at any Sanctioned Event.
- 13.3.4 Any other privileges the Governing Council may from time to time determine.

#### 13.4 For Associate Members:

- 13.4.1 The right to attend General Meetings as observers only.
- 13.4.2 The right to handle any eligible registered dog at any Sanctioned Event.
- 13.4.3 Any other privileges the Governing Council may from time to time determine.

#### 13.5 For Affiliated Bodies:

- 13.5.1 The right to apply to Governing Council for permission to conduct Sanctioned Events.
- 13.5.2 The right to nominate delegates to the appropriate Representative Conference.
- 13.5.3 Any other privileges the Governing Council may from time to time determine.

#### 13.6 For Handler Members:

- 13.6.1 The right to attend General Meetings as observers only.
- 13.6.2 The right to handle any eligible registered dog at any Sanctioned Event.
- 13.6.3 Any other privileges the Governing Council may from time to time determine.

### 14. MEMBERSHIP FEES

- 14.1 All Memberships, except Honorary Life Membership, attract fees as determined by the Governing Council on an annual basis and are due annually within thirty days of the first day of the financial year.

## ADMINISTRATION – GENERAL

### 15. GOVERNING COUNCIL

- 15.1 The Governing Council shall be the supreme controlling body answerable only to the Members in a General Meeting.
- 15.2 Eligibility
  - 15.2.1 Only Ordinary Members and Life Members are eligible to nominate or be nominated for the Executive positions of President and Vice President and / or Council Member.
  - 15.2.2 To be eligible to nominate for an Executive position, the member must have been a financial member of an ANKC member body for two years.
- 15.3 The Governing Council shall comprise eleven (11) persons, plus up to 3 deputies:
  - 15.3.1 One (1) person who shall be elected President by a ballot of the Members of the Association.
  - 15.3.2 One (1) person who shall be elected Vice President by a ballot of the Members of the Association.
  - 15.3.3 Nine (9) persons to be elected Councillors by a ballot of the Members of the Association.
  - 15.3.4 Up to three (3) deputy councillors elected by a ballot of the Members of the Association.
- 15.4 The President and Vice President shall hold office for two (2) years and shall be eligible for re-election with elections for each position being held in alternate years.
- 15.5 The normal term of office of those Councillors elected by Members of the Association shall be three (3) years with three (3) members retiring each year and eligible for re-election.
- 15.6 The first three (3) unsuccessful candidates in each annual election shall be deemed the deputy councillors (in order of preference according to the result of the election) for each and any of the elected Councillors until the next annual election by Members of the Association and shall be eligible for re-election.
- 15.7 Role of Deputy Councillors
  - 15.7.1 To attend Governing Council meetings as observers
  - 15.7.2 If any Councillor is not in attendance at anytime from the start of or during a Governing Council meeting, deputy councillors will assume the positions of the absent Councillor(s).
- 15.8 The method of voting to be used for the election of President, Vice President, Councillors shall be the first-past-the-post system. A ballot paper recording the votes for every vacancy to be filled or any lesser number of vacancies shall constitute a formal vote.
- 15.9 The terms of office of the President, Vice President, Councillor or deputy councillor position may only be terminated early at a Special General Meeting called for that purpose and financial Members present voting in favour by a majority of 75%, excepting under 18.1.5

## 16. ADMINISTRATIVE OFFICER

- 16.1 The Governing Council shall, from time to time, appoint a person/s as Administrative Officer and may delegate to such person/s such of its powers and duties as the Governing Council shall think fit.
- 16.2 The Administrative Officer shall: -
  - 16.2.1 Keep or cause to be kept all the books of account of the Association and attend meetings wherever possible and keep or cause to be kept a true record of all the proceedings thereof and shall generally perform or cause to be performed all such duties as are required by the Governing Council;
  - 16.2.2 Receive all monies on behalf of the Association and issue or cause to be issued receipts for same and deposit or cause to be deposited in a Bank decided on by the Governing Council, all monies received on behalf of the Association; and
  - 16.2.3 Be responsible for maintaining the Registers of Members, dogs and such other Registers as are required by the Governing Council in such manner as from time to time approved or prescribed by Governing Council.
- 16.3 The Administrative Officer shall be directly responsible to the President for the general administration of the Association.
- 16.4 Governing Council shall be responsible for the terms of employment, the acceptance of resignations from, or the termination of, the Administrative Officer's employment and all such negotiations as are necessary to achieve the desired outcome.
- 16.5 Other Staff -the Governing Council shall from time to time appoint such other staff as are necessary. The other staff shall be responsible to the Administrative Officer.

## 17. ELECTING THE EXECUTIVE AND THE COUNCILLORS

- 17.1 Any Member eligible under Section 15.2 may nominate or be nominated for the positions of President, Vice President and Councillor to be voted upon at the next Annual General Meeting (provided the positions are scheduled for election).
- 17.2 Members may vote for the same candidate as President or Vice President and also as a Councillor. If the candidate is elected as President or Vice President, their votes for Councillor shall be discarded.
- 17.3 Where the candidate fails to be elected as President or Vice President, their votes for Councillor shall be counted.
- 17.4 When a sitting Councillor is elected to the position of President or Vice President, the vacancy created from the sitting Councillor's position shall be filled for the remainder of the term by the next highest polling candidate.
- 17.5 Nomination Forms shall be available for twenty (20) working days prior to the closure of nominations. Nominations shall close at 4.30pm on the first Friday of June each year.
- 17.6 Ballot shall close at 4.30pm, five (5) working days prior to the date of the Annual General Meeting.
- 17.7 The Returning Officer shall be the Administrative Officer or their deputy.
- 17.8 Counting of the ballot papers shall take place on the Friday immediately preceding the date of the Annual General Meeting at the office of the Association.
- 17.9 Members may be present when the ballot papers are counted.
- 17.10 The principle of one man one vote shall apply.
- 17.11 Only those persons who were financial members during the financial year just concluded shall be eligible to vote in the elections and at the Annual General Meeting held at the conclusion of the said financial year.

- 17.12 If all positions for the Governing Council are not filled from the ballot, nominations shall be called from the floor at the Annual General Meeting of the Association and a secret ballot held. Any person so nominated must be willing to accept the nomination, either at the meeting or in writing prior to the Annual General Meeting.
- 17.13 Unless otherwise advised, the preceding clauses will be in force for the election of the Councillors.
- 17.14 The term of office of the elected Executive and Councillors will commence at midnight on the date of the Annual General Meeting and cease at the conclusion of the next relevant Annual General Meeting.
- 17.15 The Association retains the right to utilise and implement other means for conducting elections which will be governed by Regulations made by the Governing Council.

## 18. CASUAL VACANCIES

- 18.1 A casual vacancy of the Governing Council will occur if an Executive or Councillor:
  - 18.1.1 Dies or otherwise ceases to be a Member;
  - 18.1.2 Resigns from the Governing Council or is removed from office pursuant to this Constitution;
  - 18.1.3 Becomes ineligible to continue as an Executive and / or Councillor under section 39 of the Act;
  - 18.1.4 Becomes permanently unable to act as an Executive and / or Councillor because of a mental or physical disability; or
  - 18.1.5 Fails to attend three (3) consecutive regular Governing Council Meetings without reasonable cause.
- 18.2 A vacancy for President shall be automatically filled by the Vice President, who shall hold office until the next election.
- 18.3 A vacancy for Vice President shall be filled from within the Governing Council by the majority vote of the Governing Council Members, by nomination and secret ballot and shall hold office until the next election.
- 18.4 A successful nominee shall hold office as President / Vice President until the next Annual General Meeting and then return to their previously occupied position as a Councillor. The Councillor shall be eligible for election as President / Vice President for either one (1) or two (2) year terms depending on when the election for each position are scheduled to take place, pursuant to Section 15.4 of this Constitution.
- 18.5 When a casual vacancy occurs as a Councillor, the vacancy shall be offered to the Deputy Councillor who has polled the next highest number of votes from the previous election. The new Councillor shall hold office until the next election.
- 18.6 Should all three Deputy Councillors fill a casual vacancy during the year, the next highest polling candidate from the previous election shall be co-opted as a Deputy Councillor.
- 18.7 Any consequential vacancy on the Governing Council shall be filled by a Member co-opted by the Governing Council until the next election.
- 18.8 If all the Governing Council Members resign, or otherwise cease to be Governing Council Members, the Administrative Officer will convene an Extraordinary General Meeting of the Members and the provisions of Section 22 governing Special General Meetings shall apply, and such new Governing Council Members shall hold office until the next election.

## 19. POWERS OF THE GOVERNING COUNCIL

- 19.1 The Governing Council shall have the power to:
- 19.1.1 Administer and manage the entire affairs of the Association, including its finances;
  - 19.1.2 Borrow money on such terms and conditions as they think fit and may issue debenture notes or mortgage or charge all or any part of the assets or under-taking of the Association including subscriptions and other fees payable by Members;
  - 19.1.3 Make, alter and repeal Regulations not inconsistent with the Constitution in connection with the general management of the affairs and finances of the Association, disciplinary action, disputes and mediation, and any other matters at the discretion of the Governing Council, all for the purposes of furthering or giving effect to the objects of the Association;
  - 19.1.4 Establish Committees for such purposes and in such manner as it thinks fit. The Governing Council shall simultaneously provide guidelines which will define and limit the authority and scope of each Committee. Each Committee shall be presided over by either a Governing Council member or a person appointed by the Governing Council, both of whom are removable by the Governing Council. He shall be responsible for the conduct of the Committee's business as directed by the Governing Council. The Governing Council may refer any matter it thinks fit to any Committee;
  - 19.1.5 Act as the final Court of Appeal for all questions or disputes of any kind whatsoever other than those matters dealt with by the Protests and Disputes Tribunal, the Judges Board and the Appeals Board.
  - 19.1.6 Compel any Member or Affiliate to:
    - i. attend or appear before any Committee and/or Working Party;
    - ii. comply with any request or order made by the Administrative Officer
  - 19.1.7 Failure of a Member or Affiliate to attend or appear or comply will be considered a contempt of the Governing Council;
  - 19.1.8 Sell land or any interest therein but only by resolution at a General Meeting provided notice of motion shall be given by the Member proposing to move the same to the Administrative Officer in writing, at least 90 days prior to the meeting and notice thereof shall have been included in the notice convening the meeting at which the motion was to be dealt with;
  - 19.1.9 Make regulations concerning Affiliates and/or Members and/or Dogs as are consistent with ultimate acceptance of country of origin of the breed or of development breed standards;
  - 19.1.10 Admit as an affiliate of the Association any kindred body, established for the purpose of conducting any Sanctioned Events or for the purpose of educating persons to act as judges of dogs or for the purpose of promoting interest in any particular breed or breeds of dogs; and
  - 19.1.11 Do all such other lawful acts as are incidental to or conducive to the attainment of the above objects or any of them.
- 19.2 Before the Association enters into any contract for the sale of any part of their land, the said contract shall have been subjected to examination by an independent lawyer, not associated with the Association, to ensure that the Association's best interests are fully protected. The said contract shall then be referred back to the relevant Committee and

the Governing Council before it is signed.

- 19.3 Except by resolution of the Governing Council, no person other than the President or in his absence the Vice-President shall appear to represent the Association in any way whatsoever.
- 19.4 All acts done by the Governing Council or any Committee duly authorised on its behalf, shall, notwithstanding that it afterwards be discovered that some person or persons were ineligible to act on such Governing Council or Committee, be as valid as if such person or persons were eligible to act on such Governing Council or Committee.

## 20. AMENDMENT OF REGULATIONS

- 20.1 Any Regulation of the Association may only be amended by a Notice of Motion tabled at a previous Governing Council meeting and appearing on the notice paper convening the Governing Council meeting at which the motion will be dealt with.
- 20.2 Changes to Regulations will come into effect on the date the motion is passed by the Governing Council or any alternative date as determined by the Governing Council.

## 21. RESCINDING RESOLUTIONS

- 21.1 No motion the effect of which would be to rescind any resolution previously determined by the Governing Council during the preceding three months shall be accepted.
- 21.2 After three months has elapsed, notice of intention shall be given to the Administrative Officer in writing at least fourteen (14) days prior to the holding of the meeting at which it is proposed to move such motion.
- 21.3 For the purposes of this Section, in the case of an equality of voting the motion shall be deemed to be lost. All notices of motion must appear on the notice paper convening the meeting at which such motions are to be dealt with.



## MEETINGS

### 22. GENERAL MEETINGS

- 22.1 All Members of the Association are entitled to receive notice of and to attend any General Meetings of the Association.
- 22.2 An Annual General Meeting of Members shall be held once during every year within four (4) calendar months of the end of the financial year and at such meeting fifty (50) eligible voting Members present shall form a quorum.
- 22.3 A Mid-Year General Meeting may be held halfway through the financial year if the President considers there is sufficient business to warrant calling such a meeting and at such meeting fifty (50) eligible voting Members present shall form a quorum.
- 22.4 A Special General Meeting shall be convened:
- 22.4.1 on the instruction of the President; or
- 22.4.2 on the written request of not less than one hundred (100) financial Members of the Association,
- and at such meeting fifty (50) eligible voting Members present shall form a quorum.
- The Special General Meeting shall be called as soon as possible, but no later than four (4) calendar months after receipt of the request by the Administrative Officer. Due notice of motion shall be provided and published in meeting notices or by being inserted as a flyer in the Canine News.
- 22.5 An Extraordinary General Meeting shall be convened by the Administrative Officer in the event of Section 18.7 and the provisions of Section 22.4 shall apply.
- 22.6 If within 30 minutes after the time specified for the holding of the meeting a quorum is not present;
- 22.6.1 the meeting lapses; or
- 22.6.2 the meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 22.7 Eligible voting Members in General Meeting may make alter or repeal Constitution section, Regulations, By Laws or the Governing Council Rulings not inconsistent with the Constitution in connection with the management of the affairs and finances of the Association and for the purposes of furthering or giving effect to the objects of the Association provided that due notice of motion has been provided and published in meeting notices.
- 22.8 Once such motion has been voted on by eligible voting Members, whether it be in favour or against, thus showing the Members' intent, then any such Constitution section, Regulations, By Laws or Governing Council Ruling shall bind the Governing Council for the purpose of its management of the affairs and finances of the Association.
- 22.9 Any resolution carried at a General Meeting as a result of a properly circularised Notice of Motion shall be binding on the Governing Council.

### 23. GOVERNING COUNCIL MEETINGS

- 23.1 Governing Council Meetings shall be held at least once during every month, unless in the opinion of the President there be insufficient business to warrant the calling of such meetings.
- 23.2 At meetings of the Governing Council, six Governing Council Members present shall

- form a quorum.
- 23.3 If within 30 minutes after the time specified for the holding of the meeting a quorum is not present;
- 23.3.1 the meeting lapses or
- 23.3.2 the meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 23.4 A Special Meeting of the Governing Council shall be convened at the discretion of the President or on the written request of a majority of Governing Council Members, provided that at least three (3) days' notice in writing of such meeting shall be posted to all Governing Council Members.
- 23.5 The President, or in his absence the Vice President, shall preside at all Governing Council Meetings and in their absence those present shall elect a Chairman from among their number.
- 23.6 The Chairman will, at all Governing Council Meetings, have the right to a deliberative vote as well as a casting vote. The Chairman may exercise his casting vote without necessarily having exercised his deliberative vote.
- 23.7 Any elected Executive or Councillor who is absent from three (3) consecutive regular Governing Council Meetings without reasonable cause will, by resolution of the Governing Council, have forfeited their position.
- 23.8 Governing Council meetings are open to Members of the Association to attend as observers only. The Chairman has the right to decide when items require a closed discussion. Any closed discussion will be conducted in confidence by the Governing Council Members only.
- 23.9 Unless a unanimous vote is recorded, the names of those who voted against the motion and those who abstain from voting will be noted.
- 23.10 If an Executive, Councillor, Deputy Councillor or Member is in breach of this Constitution or any Regulations of the Association, and is subsequently suspended from the Association, that person will not be eligible to attend Governing Council meetings and should there be a resulting vacancy on the Governing Council, it is to be filled in accordance with this Constitution either until the next election or the suspension expires, whichever is the first to occur.
- 23.11 The Administrative Officer, or in the Administrative Officer's absence, another Council Member appointed by the Chairman, will be responsible for the making and keeping of records of the proceedings at Governing Council Meetings.

## 24 COMMITTEE MEETINGS

- 24.1 Committees shall meet as and when required to fulfil the tasks assigned to them by the Governing Council.
- 24.2 The quorums for all Council Committees shall be:
- 24.2.1 When the Committee consists of three or less the quorum shall be all the Committee Members.
- 24.2.2 When the Committee consists of four or more, the quorum shall be the first whole number of Committee Members in excess of 50% of the total number of Committee Members but not less than three (3).
- 24.3 Minutes shall be kept of all Committee meetings.
- 24.4 Committees shall report their recommendations and findings to the Governing Council at the first opportunity after their meeting.

## 25 CONVENING MEETINGS AND NOTICE REQUIREMENTS

- 25.1 The Administrative Officer may convene General Meetings of Members by notifying members of the meeting pursuant to this Constitution and specifying the date, time and place of the meeting.
- 25.2 Failure of a Member to receive a Notice of a General Meeting will not invalidate any proceedings of the General Meeting.
- 25.3 The President will decide the date, time and place of any Special General Meetings of the Members and will or will cause the Administrative Officer to provide the Members with Notice of the Special General Meeting pursuant to this Constitution.
- 25.4 On the Notice convening any Special General Meeting, the business to be discussed at the meeting is to be specified and no business other than that which appears on the Notice shall be dealt with at the Special General Meeting.
- 25.5 The Administrative Officer will convene Governing Council Meetings by notifying all Council Members of the date, time and place of the meeting pursuant to this Constitution.
- 25.6 The Administrative Officer and / or the President will convene any Special Council Meeting by notifying all Councillors of the date, time and place of the Special Council Meeting. The business to be discussed at the Special Council Meeting must be specified and no business other than that which appears on the Notice shall be dealt with at that meeting.
- 25.7 The notice required for each meeting is as follows:
  - 25.7.1 General and Special General - at least ten (10) working days before the date fixed for such meeting (regardless of a Special Resolution being proposed or not).
  - 25.7.2 Governing Council - at least five (5) working days before the date fixed for such meeting.
  - 25.7.3 Special Council - at least three (3) working days before the date fixed for such meeting.

## 26 REPRESENTATIVE CONFERENCES

- 26.1 Combined Dog Clubs Conferences:
  - 26.1.1 A Combined Dog Clubs Conference for Affiliated Clubs conducting Sanctioned Conformation events shall be held at six (6) monthly intervals provided that in the opinion of the President, there is sufficient business to warrant it.
  - 26.1.2 The President may direct that further conferences be called at any other times should he consider them necessary.
  - 26.1.3 The purpose of such conferences shall be to discuss any business upon which the Governing Council may desire advice or guidance or which any affiliate may bring forward.
  - 26.1.4 At all such Conferences the President, or a deputy appointed by him, shall preside.
- 26.2 Performance Clubs Conferences:
  - 26.2.1 Conferences similar to the Combined Dog Clubs Conference shall be held separately for the benefit of Performance Clubs.
  - 26.2.2 The foregoing in relation to the Combined Dog Clubs Conference shall apply equally to the Performance Conferences except that they shall be held whenever, in the opinion of the President, there is sufficient business to

warrant it.

26.3 The quorum for all Representative Conferences shall be 50% of the applicable affiliated clubs, but no Conference shall be held with less than three clubs represented.

26.3.1 If within 30 minutes after the time specified for the holding of the Conference a quorum is not present;

26.3.1.1 the conference lapses or

26.3.1.2 the conference stands adjourned to the same time on the same day in the following week and to the same venue.

## DISCIPLINARY ACTION, DISPUTES AND MEDIATION

### 27 GOVERNANCE REGULATIONS

- 27.1 Pursuant to Section 19.1.3 of this Constitution, the Governing Council has the power to make and enforce Regulations in relation to disciplinary action, disputes and mediation, which binds the Members as if the Regulations were a part of this Constitution.
- 27.2 The making of Regulations in relation to disciplinary action, disputes and mediation which may differ from any procedure set out in this Constitution are not taken to alter, amend or repeal any part of this Constitution.

### 28 GOVERNANCE STRUCTURE FOR COMPLAINTS and BREACHES

- 28.1 There is a tiered governance structure to provide all Members with the right to lodge complaints relevant to breaches of the Constitution and the Regulations of the Association and the Regulations and Rules of the ANKC Ltd.
- 28.2 Committee of Enquiry
  - 28.2.1 To be convened to hear any reported aggressive dog incidents of during a sanctioned event/training/seminars.
  - 28.2.2 The committee shall consist of the Chief Steward or event co-ordinator, who shall be the chairperson, and two other members.
- 28.3 Investigations Committee
  - 28.3.1 The Governing Council shall annually appoint a Chairperson of the Investigation Committee with the Chairperson of the Investigation Committee responsible for selecting the committee.
  - 28.3.2 To investigate written complaints, disputes or reports received from CAWA affiliates, members or other persons or organisations including other member bodies of the ANKC alleging misconduct or breaches of CAWA Constitution, Regulations, Codes of Ethics or misconduct or breaches of similar rules, regulations or codes of another member body of the ANKC by a CAWA member or member of an ANKC member body where the alleged misconduct or breach occurred in this State, referred to it by any two of the President, Vice President and the Administrative Officer
- 28.4 Protests and Disputes Tribunal
  - 28.4.1 The Governing Council shall annually appoint the Tribunal which shall comprise a Chairperson and up to nine (9) members. No member shall be a member of the Appeals Board or a member of the Investigations committee.
  - 28.4.2 Hear and determine any breaches of the ANKC Ltd rules and regulations, the Association's constitution and regulations, all protests, complaints and disputes referred to it by the Investigations Committee, the Governing Council; or by any two of the President, Vice President and the Administrative Officer, or from a Committee of Enquiry.
  - 28.4.3 Hear and determine all other matters which the Governing Council may, from time to time, refer to the Tribunal.
  - 28.4.4 Impose fines, suspensions, disqualifications or other penalties, and have the power to make such other orders as seen fit as the Tribunal shall decide.
- 28.5 Judges' Board
  - 28.5.1 Governing Council shall annually appoint a Judge's Board convenor, who shall convene a board of up to five (5) persons, suitably qualified as judges, as and

- when required.
- 28.5.2 To hear and determine all complaints and disputes concerning judges and/or judging referred to it by Governing Council, or by any two of the President, Vice President and the Administrative Officer or by a Training Committee.
- 28.6 Appeals Board
- 28.6.1 The Governing Council shall annually appoint the Appeals Board comprising a Chairperson and three members and two deputies.
- 28.6.2 No Governing Councillor, Deputy Councillor, member of the Protests & Disputes Tribunal or member of the Judges' Board or member of the Investigations Committee shall be appointed to the Appeals Board.
- 28.6.3 To act as the first Court of Appeal and to:
- 28.6.3.1 Vary or cancel any penalties and/or fines imposed by the Protests & Disputes Tribunal and Judges Board.
- 28.6.3.2 Order that the case be reconsidered by the body who originally imposed the penalty and/or fine.
- 28.7 The procedures in relation to each tier of the governance structure are included in detail in the Discipline section of the regulations.
- 28.8 Administrative Officer role
- The Administrative Officer shall, following the receipt of a written complaint or a breach of the regulations is identified by the office or is an incident at an event:
- 28.8.1 Acknowledge receipt of the complaint and/or incident report
- 28.8.2 contact the member who is the subject of the complaint/incident/breach and inform them of the complaint or breach including details of the matter along with copies of any supporting materials;
- 28.8.3 invite the member to respond in writing to the issues raised;
- 28.8.4 if applicable, the Administrative Officer will then refer the complaint/incident/breach to the relevant Committee which has been established for investigating and/or determining complaints;
- 28.8.5 Upon the conclusion of the Committee's investigation, the Committee will make a recommendation to the Administrative Officer, which may include but is not limited to, referring the complaint to any board or tribunal established by the Governing Council for the hearing and determination of disputes and complaints, or that no further action is required.
- 28.8.6 a breach of the regulations identified by the office or an aggressive dog incident at a sanctioned event will be scheduled to be heard by the Protests and Disputes Tribunal;
- 28.8.7 the respondent will be requested to attend and present their case at a meeting called to decide the issue;
- 28.8.8 inform the respondent of the outcome of the complaint or breach or hearing and any consequences or penalties; and
- 28.8.9 inform the respondent of any rights to appeal the outcome and how these might be exercised.

## 29 HEARINGS

- 29.1 The Governing Council, Committee, Tribunal or Board, whichever shall apply, may at any time, after giving notice to the parties before it, take whatever action it deems necessary to achieve a fair and just conclusion of any matter before it and to that end without restricting the right of the Governing Council, Committee, Tribunal or Board, it may adjourn any proceedings to a date to be fixed, call witnesses or seek opinion upon any matter as it sees fit.
- 29.2 Before imposing any disqualification, fine or other penalty, the Member shall be given an opportunity to be heard in answer to the charge by the relevant governance body after being given due notice of the hearing at which it will be considered. Notice in writing sent by registered mail addressed to the person concerned at his usual or last known place of abode or business or mailing address shall be deemed to be service of the notice which shall be deemed to have been served seventy two (72) hours after being put in the post.
- 29.3 The respondent / defendant must be in attendance of any hearing to determine any matter, complaint or dispute, unless otherwise ordered by the Governing Council, Committee, Board or Tribunal (whichever apply). Non-attendance will be treated as a matter of contempt of the Governing Council.
- 29.4 If the respondent / defendant chooses to be represented, the respondent / defendant may only be represented by a person who is not, nor has been, a legal practitioner.

## 30 APPEALS

- 30.1 Any Member or Affiliate involved as respondent or complainant in a case ~~charged with an offence, subsequently penalised~~ and who is dissatisfied with the decision and/or penalty of a Committee, Tribunal or Board, or who is generally dissatisfied with a decision of a Committee, Tribunal or Board against that Member or Affiliate, will have the right of appeal to a Committee or Board established by the Governing Council for the hearing of appeals.
- 30.2 Should the Association be dissatisfied with the decision and/or penalty of a Committee, Tribunal or Board, it shall also have the right to appeal to a Committee or Board established by the Governing Council for the hearing of appeals against the decision and/or penalty.
- 30.3 No Council Member appointed to the Committee, Tribunal or Board who participates in a hearing which is the subject of an appeal to the Governing Council shall participate in any debate or have any vote on the appeal before the Governing Council.
- 30.4 The grounds for appeal and the general conduct of appeal proceedings will be governed by the Regulations.

## 31 RESOLVING DISPUTES BETWEEN MEMBERS

- 31.1 The complaint procedure for resolving disputes between members, and between members and the Association, in relation to breaches of the regulations, is as set out in the Regulations.

## 32 LIABILITY

Decisions made by the Investigations Committee, the Protests & Disputes Tribunal, the Judges Board, the Appeals Board, the Administrative Officer, the Chair of the Governance Pillar of the

Association or the Governing Council of and incidental to alleged breaches of the Constitution or the Regulations shall not entitle a Member or Affiliate to make any claim or take any action whatsoever either in law or in equity against Members of the Investigations Committee, the Protests & Disputes Tribunal, the Judges Board, the Appeals Board, the Administrative Officer, the Chair of the Governance Pillar of the Association or the Governing Council.



## ADMINISTRATION

### 33 GENERAL ADMINISTRATION

- 33.1 The entire affairs of the Association shall be administered by the Governing Council, including the whole of the superintendence and management of the Association's affairs including its finances and the keeping of the Registers of Members and Dogs in accordance with the Constitution.

### 34 TRUSTEES AND COMMON SEAL

- 34.1 For the purposes of the Act, there shall be two Trustees, one of whom shall be the President of the Association and one other member of Governing Council who shall be appointed by the Governing Council.
- 34.2 The Association shall have a Common Seal, which shall be kept in the custody of the Administrative Officer. There shall be three Sealholders for the purpose of affixing the Seal to any document and the Governing Council shall, from time to time appoint such persons to be Sealholders, one of whom shall be the President of Governing Council and may at any time remove a Sealholder and appoint another in their place. The Seal shall not be affixed to any document except by the order of the Governing Council and such affixation shall be countersigned by any two of the Sealholders. The Administrative Officer shall keep a record of all documents to which the Seal shall be fixed.

### 35 FINANCE

- 35.1 Accounts shall be opened with a Bank or Banks as decided by the Governing Council and those authorised to operate on such accounts shall be those appointed by the Governing Council from time to time. In the event of surplus funds becoming available, such funds may be invested in any investments from time to time sanctioned by law for the investment of Trust Funds in such manner as shall be directed by the Governing Council in the case of Association funds.
- 35.2 The financial year of the Association will commence on 1st July and conclude on 30th June.
- 35.3 The annual subscriptions, affiliation fees and the scale of charges are to be set by the Governing Council annually. Notification of such charges must be advised to all Members and Affiliate clubs prior to application.
- 35.4 The Annual Financial report of the Association shall be made available to the Members, for collection from the Association's office, at least ten (10) working days prior to the date set for the Annual General Meeting. If Members wish to receive a researched answer, they are to submit to the Administrative Officer any queries for discussion five (5) working days prior to the Annual General Meeting.
- 35.5 A payment out of the funds of the Association may only be made to a Member of the Association or a Member of the Committee if the payment is authorised by resolution of the Association unless the payment is for out-of-pocket expenses for travel and accommodation in connection with the performance of the members' functions.

36 AFFILIATION AND STANDARD CONSTITUTION FOR AFFILIATES

- 36.1 Affiliation shall be available to any kindred body approved by the Governing Council pursuant to this Constitution and any Regulation made by the Governing Council governing affiliation.
- 36.2 The Governing Council shall draw up a Standard Constitution for Affiliated clubs which shall form the basis for constitutions for all Affiliate dog clubs. The Governing Council may alter and amend the said Standard Constitution for Affiliated Clubs from time to time in a manner not inconsistent with this Constitution and the Act.

## OTHER MATTERS

### 37 ALTERATION TO THE CONSTITUTION

- 37.1 The Constitution may only be altered by eligible voting Members of the Association who may, by resolution, at any General Meeting add, alter or amend this Constitution provided notice of intention to propose such additions, alterations or amendments shall have been given by the member proposing to move the same to the Administrative Officer in writing at least ninety (90) days prior to the meeting and notice thereof shall have been included in the notice convening the meeting at which such proposed additions, alterations and amendments are to be dealt with.
- 37.2 Such resolutions shall be carried by a majority of at least seventy-five per cent (75%) of those eligible voting members present at the meeting.
- 37.3 Such resolutions shall be carried by a majority of at least seventy-five per cent (75%) of the eligible voting Members present and eligible to vote at the time when such motions are submitted to the vote.
- 37.4 No alteration or amendment of the whole or any section of this Constitution shall be made until the said Constitution or section thereof has been in effect for at least twelve (12) months.
- 37.5 The Governing Council, at its next meeting after a General Meeting at which the Constitution has been altered, added to or otherwise amended, shall take all such steps as are necessary to implement the alterations, additions or amendments.
- 37.6 As soon as is practicable after the making of any changes to the Constitution, the Administrative Officer shall provide a certified copy of the amendment to the Director of Liquor Licensing.

### 38 SALE OF LIQUOR AND RELATED MATTERS

- 38.1 The sale of liquor to members and guests will be in accordance with the Club licence conditions of the Liquor Control Act 1988.
- 38.2 Packaged liquor for consumption off the licensed premises may only be removed by or on the instruction of the Member to whom it was sold.
- 38.3 No person under the age of eighteen (18) years may be admitted to the premises, subject to the Club Licence, during the hours of operation of the Licence unless in the company of an adult person in authority over him/her.
- 38.4 During trading hours any Member may invite guests who must remain in the company of the Member. The number of guests is determined by the licence and shall not exceed the maximum number as contained in the Act.

### 39 REGISTERS

- 39.1 Pursuant to section 63 of the Act, a register of the names and addresses of each Member shall be kept in the office of the Association and shall be open to inspection by such person and upon such conditions as the Governing Council may from time to time determine.
- 39.2 Pursuant to section 58 of the Act, a register of the names and addresses of each Committee Member, the office they hold, the names and addresses of any person authorised to use the Common Seal on behalf of the Association and the names and addresses of any person who is appointed as a trustee of the Association shall be kept

in the office of the Association and shall be open to inspection by such person and upon such conditions as the Governing Council may from time to time determine.

- 39.3 Such other registers as are necessary to maintain the records of the Association shall be kept according to the Regulations.
- 39.4 Any Member is entitled to inspect the Register of Members and Committees free of charge and may make a copy of, or take an extract from the Registers, but has no right to remove the Registers.

#### 40 DISSOLUTION CLAUSE

- 40.1 The Association shall be deemed to have been dissolved if and when a Special Resolution to that effect is carried by the affirmative vote of not less than seventy-five per cent (75%) of the eligible voting members of the Association on a poll taken in such manner as the Governing Council shall arrange to determine whether or not the Association shall be wound up.
- 40.2 The Association and the affairs thereof shall be wound up in such a manner as the Governing Council may determine and upon all property of the Association being realised the money obtained thereby together with monies in hand shall be used and applied in manner following, namely:
  - 40.2.1 Firstly, in payment of the expenses of such realisation and winding up.
  - 40.2.2 Secondly, in payment and discharge of all debts and liabilities for which the Association shall be responsible, and
  - 40.2.3 Thirdly, the surplus (if any) shall be distributed to some other incorporated Association having objects similar, wholly or in part, to the objects of the Association and which shall prohibit the distribution of its or their income and property among its or their members, or some charitable object.
- 40.3 The Association or objects to which any surplus property is to be given or transferred to shall be determined at or before the time of dissolution or winding up and in default thereof or if and in so far as effect cannot be given to such determination then such payment or distribution shall be determined by a Judge of the Supreme Court.