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# CONSTITUTION (RULES) & DOMESTIC REGULATIONS

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Rhodesian Ridgeback Club of Western Australia Inc

Adopted: 17 April 2019

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## GENERAL

### 1. NAME

The name of the Club is: Rhodesian Ridgeback Club of Western Australia Inc.

### 2. OBJECTS

The Objects of the Club are:

*“To promote and protect the Rhodesian Ridgeback dog breed, the Rhodesian Ridgeback Standard as laid down by the Australian National Kennel Council (ANKC); and good fellowship and sportsmanship amongst its members and foster relations with other clubs having similar objectives.”*

### 3. NOT FOR PROFIT

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

### 4. AFFILIATION

This Club is affiliated with and is bound by the Constitution and Regulations of the Canine Association of Western Australia (Inc.) (“CAWA”).

### 5. INTERPRETATION

5.1 Should any question arise as to the interpretation of these Rules, or any of them such question shall be decided by the Governing Council of the Canine Association of Western Australia (Inc) whose decision shall be final and binding. Likewise, should any matter arise which is not covered by these Rules, it shall be dealt with in a similar manner.

5.2 Words importing the male gender shall, where the context reasonably permits, include the female and the singular number shall include the plural number.

### 6. DEFINITIONS

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

<b>Act</b>	means the <i>Association Incorporations Act 2015</i>
<b>Annual General Meeting</b>	is the meeting convened under Rule 31.1
<b>ANKC</b>	is the <i>Australian National Kennel Council</i>



<b>CAWA</b>	is the <i>Canine Association of Western Australia (Inc.)</i>
<b>Chairman</b>	Means the President, Vice-President or such other person nominated to preside over a Committee Meeting or General Meeting.
<b>Committee Meeting</b>	means a meeting referred to in Rule 28
<b>Committee</b>	means the duly elected President and Members of the Committee of the Club and may include an Immediate Past President who shall be ex-officio
<b>Club</b>	means <i>Rhodesian Ridgeback Club of Western Australia Inc</i>
<b>Discipline</b>	means activities recognised by the ANKC OTHER THAN conformation (showing)
<b>Domestic Regulations</b>	means the internal regulations of the Club in force from time to time which may be incorporated into the Rules
<b>Executive</b>	means the duly elected President, Vice President, Secretary and Treasurer of the Committee
<b>General Meeting</b>	means a meeting to which all Members are invited convened under 31.2
<b>Governing Council</b>	means the <i>Governing Council of CAWA</i> as defined in the CAWA Constitution
<b>Member</b>	means an ordinary financial member of the Club
<b>Notice of Meetings</b>	means a written notice circulated to the Members at least ten (10) days prior to the fixed time for a General Meeting or Special General Meeting in accordance with paragraph 33 of the Rules
<b>Notice of Motion</b>	means a written notice circulated to the Members prior to a General Meeting or Special General Meeting included in the Notice of Meeting and providing sufficient particulars of a proposed motion to be carried in accordance with the Rules
<b>Register of Members</b>	Means the register of Members referred to in section 53 of the Act
<b>Rules</b>	means this document and any includes any variations to this document and may also be interchangeably referred to as the Constitution
<b>Special General Meeting</b>	means a General Meeting other than the Annual General Meeting



<b>Special Resolution</b>	means a resolution passed by the Members at a General Meeting by at least 75% of the voting Members in accordance with section 51 of the Act
<b>Subscription</b>	means the membership fees payable by a Member to the Club as decided from time to time by the Committee, payment of which (if not in arrears), makes the Member an ordinary financial member of the Club

## MEMBERSHIP

### 7. ELIGIBILITY FOR MEMBERSHIP

Subject as hereinafter provided:

- 7.1 Any person paying to the Club such fees as are prescribed in the Domestic Regulations may be enrolled as a Member and entitled to the privileges of membership, provided that when any Subscription shall be paid in the name of any firm or company, one Member only of such firm or one nominee of such company may exercise the rights and privileges of membership, and may be elected to any office.
- 7.2 Provided also that the Committee shall have the right to refuse or defer an application for membership.
- 7.3 Always providing that it shall not be sufficient cause to refuse or defer membership on the grounds of membership of any other club or group whose activities are not contrary to CAWA regulations.
- 7.4 Any person who has been a Member of the Club for a period not less than ten years, and who no longer owns a live dog registered with any member body of the Australian National Kennel Council shall still be eligible to retain membership of the Club.
- 7.5 No person shall be admitted as an Ordinary Member unless such person is a registered owner or part owner of a live dog registered with any member body of the Australian National Kennel Council of the breed or breeds for which the club caters; provided that in special circumstances a person not coming within the above category may be admitted to membership on the approval of the Governing Council, except that any person may be accepted as a Member of a club affiliated for the purposes of canine disciplines.

### 8. PRIVILEGES OF MEMBERSHIP

- 8.1 The privileges of ordinary membership of the Club shall consist of power to vote at any General Meeting of Members, the right to be elected as an Office Bearer, subject to any qualification which may be prescribed in the Domestic Regulations of the Club, and any



other privileges which the Committee at a properly constituted meeting shall from time to time decide.

- 8.2 Full membership privileges shall be granted to a person not less than fourteen (14) days and not more than sixty (60) days after receipt of new membership Subscription or any other dues as provided in the Club Domestic Regulations unless the membership has been refused under paragraph 7.2 above during the aforesaid sixty (60) days and the membership shall commence on the day full membership privileges are granted to the Member

## 9. RECOGNITION OF MEMBERSHIP

Some form of Club Membership recognition is to be provided to Members, by all Clubs, on joining the Club and after renewal of membership. A receipt for membership with the same name of the Club enfacd thereon, shall be deemed to be sufficient recognition.

## 10. CANCELLATION OF MEMBERSHIP

A Member may have his membership cancelled provided that:

- 10.1 He has been given at least seven (7) days' notice of all charges to be presented against him and is granted a hearing at a properly constituted Committee Meeting.
- 10.2 Notice in writing sent by Registered Post addressed to the person concerned at his usual or last known place of abode or business shall be deemed to be service of the notice which shall be deemed to have been served seventy-two hours after being put in the post. Should the Member not attend, the hearing may proceed in his absence.
- 10.3 A person whose membership has been so cancelled must be notified in writing forthwith and shall have the right to lodge an appeal to a General Meeting within sixty days of the cancellation. It shall be the responsibility of the President to call a General Meeting to deal with the appeal within ninety days of the appeal being lodged.
- 10.4 Should a Member's membership be cancelled, or should a Member's membership come to an end for any reason whatsoever and that Member is an Office Bearer who has custody of any of the Club's documents or records, that Member must return all such documents and records to the Club immediately, even in the event that an appeal is lodged pursuant to these Rules.

## 11. ASSOCIATE MEMBERS

A Club may admit as an Associate Member any person on payment of such Subscription as the Members at a properly constituted General Meeting shall decide. Associate Members may exercise such other privileges as are from time to time decided by the ordinary Members at a properly constituted General Meeting





## 12. RESIGNATIONS

Any Member desiring to resign as a member of the Club shall do so by written notice to the Secretary, but no such resignation shall relieve any Member from payment of any Subscription in arrears or other monies due by him to the Club at the date of his resignation.

## 13. CLUB RECORDS

13.1 The Secretary, on behalf of the Club, must comply with Section 53(1) of the Act by keeping and maintaining, in an up to date condition, a Register of the Members of the Club and their postal or residential addresses.

13.2 A Member may at any reasonable time inspect, without charge, the Membership Register, the books, documents, records and securities of the Club.

13.3 The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the Members at a General Meeting decide.

13.4 The Secretary must cause the name of a person who dies or who ceases to be a member under Rule 12 to be deleted from the Register of Members referred to in Rule 13.1.

## ADMINISTRATION – GENERAL

### 14. OFFICE BEARERS

14.1 The general management of the Club shall be vested in a Committee which shall consist of the duly elected President, Vice President(s), Secretary, Treasurer and such number of Committee Members, being not less than three, as a properly constituted General Meeting shall decide.

14.2 Patrons, Vice-Patrons and Auditor shall not be members of the Committee and need not necessarily be members of the Club.

### 15. SECRETARY

15.1 The Secretary shall be elected by the Members at the Annual General Meeting in accordance with Rule 25 hereof and should a casual vacancy arise between two Annual General Meetings, the provisions of Rule 27 hereof shall apply.

15.2 The Secretary must:

15.2.1 Co-ordinate the correspondence of the Club.

15.2.2 Keep full and correct minutes of the proceedings of the Committee and Club.

15.2.3 Comply on behalf of the Club with: -

(a) Section 53 of the Act with respect to the Register of Members of the Club as referred to in Rule 13.



(b) Section 35 of the Act by keeping and maintaining in an up to date condition the Rules of the Club and, upon the request of a Member of the Club, must make available those Rules for the inspection of the Member and the Member may make a copy of or take an extract from the Rules but will have no right to remove the Rules for that purpose; and

(c) Section 58 of the Act by maintaining a record of: -

i. The names and residential or postal addresses of the persons who hold the offices of the Club provided for by these Rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the Common Seal of the Club under Rule 52; and

(d) The names and residential or postal addresses of any persons who are appointed or act as Trustees on behalf of the Club

15.2.4 The Secretary must, upon the request of a Member of the Club, make available the record for the inspection of the Member and the Member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose. The Member's request is to be accompanied by a Statutory Declaration signed by the Member stating the purpose for which the information is required and stating that the purpose is related to the affairs of the Club.

15.2.5 Perform such other duties as are imposed by these Rules on the Secretary.

15.3 Nothing in these Rules, however, shall prevent one person holding the combined offices of Secretary and Treasurer of the Club.

15.4 The Club may appoint a joint Secretary and Treasurer, should it so desire without it being necessary to alter these Rules to that effect.

## 16. MANAGEMENT COMMITTEE

All Office Bearers and Committee Members shall be ordinary financial Members of the Club and ordinary financial Members of the Canine Association of Western Australia (Inc).

16.1 The Committee will comprise of:

- President;
- Vice President(s);
- Secretary;
- Treasurer; and
- No more than 5 (number of) Committee Members.

## 17. RESOLUTION AT A GENERAL MEETING

Any resolution carried at a General Meeting as a result of a properly circularised Notice of Motion shall be binding on the Committee.



## 18. ALTERATION OF THE RULES & DOMESTIC REGULATIONS

- 18.1 The Rules and Domestic Regulations of the Club may be made, altered or amended by Members of the Club at a General Meeting provided that: -
- 18.1.1 A Notice of Motion particularising the intention to propose such new Rule or Domestic Regulation, alteration or amendment shall have been circulated to Members at least 10 days prior to the meeting; and
  - 18.1.2 No resolution which in any way takes from Ordinary and Life Members equality of voting rights in the election of Office Bearers shall be put.
- 18.2 Any proposed new Rule or Domestic Regulation, alteration or amendment of existing Rules or Domestic Regulations must have been made by Special Resolution and carried by at least seventy-five per cent (75%) of the Members voting at a general meeting called in accordance with Regulation 18.1 above and be ratified by Governing Council before being submitted to the relevant authority for approval.

## ADMINISTRATION – FINANCIAL

### 19. FINANCIAL MANAGEMENT

- 19.1 The Committee shall have the control and management of the income and expenditure of the funds of the Club in the period between Annual General Meetings and shall also be responsible for the entire management and superintendence of all the Club's other affairs and concerns.
- 19.2 Accounts shall be opened with a bank or banks decided by the Committee and those authorised to operate on such accounts, being not less than three duly elected office bearers of whom one shall be the Treasurer, shall be chosen by the Committee from time to time; any cheque or withdrawal from those accounts shall be signed by two of the three authorised signatories.
- 19.3 The Treasurer must: -
- 19.3.1 Be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Club and must issue receipts for those moneys in the name of the Club.
  - 19.3.2 Pay all moneys referred to in Rule 19.3.1 into such account or accounts of the Club as the Committee may from time to time direct.
  - 19.3.3 Make payments from the funds of the Club with the authority of a General Meeting or of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other signatory authorised by the Committee.
  - 19.3.4 Comply on behalf of the Club with sections 66, 68 & 70 of the Act with respect to the accounting records of the Club by: -
    - (e) keeping such accounting records as correctly recorded and explain the financial transactions and financial position of the Club;
    - (f) keeping its accounting records in such a manner as will enable true and fair accounts of the Club to be prepared from time to time;



- (g) keeping its accounting records in such manner as will enable true and fair accounts of the Club to be conveniently and properly audited; and
- (h) submitting to Members at each Annual General Meeting of the Club accounts of the Club showing the financial position of the Club at the end of the immediately preceding financial year.

19.3.5 Whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction.

19.3.6 Perform such other duties as are imposed by these Rules on the Treasurer.

19.4 In the event of surplus funds becoming available such funds may be invested in any investment from time to time sanctioned by law for the investment of Trust Funds in such manner as shall be decided by the committee in the case of Club Funds.

19.5 A payment to a Member out of the funds of the Club may only be authorised by a resolution of the Club at a properly convened General Meeting if it is:

19.5.1 a payment in good faith to the Member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or

19.5.2 the payment of interest, on money borrowed by the Club from the Member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or

19.5.3 the payment of reasonable rent to the Member for premises leased by the Member to the Club; or

19.5.4 the reimbursement of reasonable expenses properly incurred by the Member on behalf of the Club; and

19.5.5 does not apply to the payment to a Member of the Committee for out-of-pocket expenses for travel and accommodation in connection with the performance of the Member's functions of their office.

## 20. SUBSCRIPTIONS

20.1 The annual Subscription shall be fixed by the Members at a properly constituted General Meeting and shall be recorded in the Annual General Meeting minutes, held by the Secretary, and shall continue to be payable until altered by any subsequent General Meeting. Notice to change the subscription shall appear on the Notice of Meeting convening the meeting.

20.2 The date of payment thereof shall also be fixed at a properly constituted General Meeting of Members and may be altered from time to time as the Members think fit.

20.3 Any person whose subscriptions shall be unpaid for two (2) calendar months from the commencement of the financial year shall be deemed an unfinancial Member and shall not be entitled to any privileges of membership.

20.4 Any person whose subscription shall be unpaid for twelve (12) calendar months from the beginning of the financial year shall cease to be a Member of the club.



## 21. FINANCIAL YEAR

The Club's financial year shall commence on 1 November.

## 22. AUDITOR

The Auditor shall hold office from and including the first day of the month following the date of the meeting at which such election takes place.

## 23. PROPERTY

23.1 The Secretary must, unless the Members resolve otherwise at a General Meeting, have custody of all books, documents, records and registers of the Club, including those referred to in Rule 15.2.3 but other than those required by Rule 19.3 to be kept and maintained by, or in the custody of, the Treasurer.

23.2 The Treasurer must, unless the Members resolve otherwise at a General Meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Club, including those referred to in Rule 19.3.4 and 19.3.5.

## ELECTIONS

### 24. NOMINATIONS AND METHOD OF ELECTION OF OFFICE BEARERS

24.1 Office Bearers of the Club shall be nominated in writing on the Club's nomination form prior to the commencement of the Annual General Meeting. No unfinancial Members shall be nominated as an Office Bearer. Office Bearers shall be elected at the Annual General Meeting of the Club.

24.2 Should the number required and no more be so nominated the Chairman of the meeting shall declare all candidates elected.

24.3 Should the number nominated exceed the number required, a ballot shall be taken to decide who shall fill the vacancies.

24.4 Should a less number than required be nominated prior to the commencement of the meeting, the vacancy shall be filled:

- (a) Should there be insufficient nominations to fill the vacancies declared at the Annual General Meeting, then Nominations for such vacancies shall be called from the floor of the meeting. Should any vacancies still remain, the Committee shall, at a meeting following the Annual General Meeting, nominate persons to fill the vacancies.



24.5 A Returning Officer who shall be a Member of the Club shall be appointed at a Committee Meeting, prior to the General Meeting to oversee elections, and two scrutineers shall be appointed at the meeting to assist the Returning Officer.

24.6 During the election of Office Bearers, the Returning Officer shall control the meeting, supervise the voting and may exercise a deliberative vote. In the event of a drawn ballot he shall exercise a casting vote and announce the final voting figures.

## 25. VOTING FOR OFFICE BEARERS

Each office shall be voted for individually and shall be decided by closed ballot on a simple majority method.

## 26. TERM OF OFFICE

26.1 Office Bearers shall commence to hold office upon the day following the meeting at which they are elected.

26.2 The President, at least one Vice President, Secretary, Treasurer and any other Office Bearer shall retire annually but shall be eligible for re-election subject to nomination.

26.3 One third of the remainder of the Committee or such number being not less than one third, as the Members of the Club at a properly constituted General Meeting shall decide, shall retire each year and shall be eligible for re-election.

26.4 Any Committee Member being absent from three consecutive Committee Meetings without reasonable cause may have his or her position declared vacant. The Committee shall be the sole judge as to whether the excuse rendered shall be considered reasonable.

26.5 No person shall hold office as a Committee Member for longer than three consecutive years without standing for re-election.

26.6 The Patron(s), Vice Patron(s) and Auditor shall be appointed annually at the Annual General Meeting.

26.7 Resignation from Office shall be made in writing and shall not be effective until its formal acceptance at a properly constituted Committee Meeting.

## 27. CASUAL VACANCIES

The method of dealing with casual vacancies shall be as follows:

27.1 **President:** vacancy in the office of President caused by death, resignation or ineligibility shall be automatically filled by the Senior Vice President who shall retain office for the remainder of the period for which his predecessor was appointed and the office of Senior



Vice President will then be filled by the Junior Vice President, should the office of Junior Vice President be included on the Committee, and that office declared vacant.

- 27.2 **Secretary/Treasurer:** vacancy in the office of Secretary/Treasurer caused by death, resignation or ineligibility, shall be filled by any Office Bearer of the Club as may be appointed to the position of Secretary/Treasurer in which case the person so appointed shall be deemed to have resigned from the office previously held by him or her.
- 27.3 Vacancies in the number of Office Bearers or Committee Members (other than the President) caused by death, resignation, or ineligibility, and occurring at any time between two Annual General Meetings, shall be notified by the Secretary to the Committee prior to the first Committee Meeting held thereafter, and all such vacancies shall be filled by the Committee at that or a subsequent meeting. Any Member so appointed shall retain office only for the remainder of the period for which his predecessor was appointed.
- 27.4 **Auditor:** in the case of the vacancy arising in the office of Auditor through any cause prior to the date of the Annual General Meeting, such vacancy shall be filled by the Committee immediately and such person or firm so appointed to fill such vacancy shall hold office until the first day of the month following the Annual General Meeting.

## MEETINGS

### 28. COMMITTEE MEETINGS

- 28.1 Meetings of the Committee shall be held at such times as the President or a majority of the Committee considers necessary.
- 28.2 A meeting shall be held within one month of a Casual Vacancy occurring to deal with that and any other outstanding business.
- 28.3 A meeting shall be held prior to the Annual General Meeting to appoint the Returning Officer, to determine all other requirements for the conduct of the Annual General Meeting and to conduct any other outstanding business.
- 28.4 The Committee must meet at least 3 times in each year on the dates and at the times and places determined by the Committee.
- 28.5 At a Special Meeting of the Committee, no business shall be transacted other than that for which the meeting has been called, and of which Committee Members have had due notice in the Notice of Meeting and / or Notice of Motion



## 29. CONVENING OF COMMITTEE MEETINGS

- 29.1 The Secretary shall convene meetings of the Committee by notifying each Member of the Committee in such a manner as the Committee shall decide.
- 29.2 A meeting, once called, shall not be cancelled without the agreement of the majority of the Committee.
- 29.3 The President may convene a Special Meeting of the Committee at any time and shall call a Special Meeting of the Committee on the written request of a majority of the Members of the Committee.

## 30. PROCEDURE AND ORDER OF BUSINESS AT COMMITTEE MEETINGS

- 30.1 The President or, in the President's absence, the Vice-President must preside as chairperson of each Committee Meeting.
- 30.2 If the President and Vice-President are absent or are unwilling to act as chairperson of a meeting, the Committee Members at the meeting must choose one of them to act as chairperson of the meeting.
- 30.3 The procedure to be followed at a Committee Meeting must be determined from time to time by the Committee.
- 30.4 The order of business at a Committee Meeting may be determined by the Committee Members at the meeting.
- 30.5 A Member or other person who is not a Committee Member may attend a Committee Meeting if invited to do so by the Committee.
- 30.6 A person invited under Rule 30.5 to attend a Committee Meeting —
  - 30.6.1 has no right to any agenda, minutes or other document circulated at the meeting; and
  - 30.6.2 must not comment about any matter discussed at the meeting unless invited by the Committee to do so; and
  - 30.6.3 cannot vote on any matter that is to be decided at the meeting.

## 31. GENERAL MEETINGS

- 31.1 The Annual General Meeting of Members shall be held each year within three calendar months of the end of the Club's previous financial year.
- 31.2 Such meetings shall:
  - 31.2.1 Elect the Office Bearers and Committee of the Club in accordance with these Rules;
  - 31.2.2 Elect the Auditor of the Club;





- 31.2.3 Consider the annual report and yearly statements of accounts; and
- 31.2.4 Attend to any other business with which it is competent to deal under these Rules.

31.3 Other General Meetings shall be held from time to time as and when considered necessary by the Committee or in accordance with the Domestic Regulations.

31.4 The President of the Canine Association of Western Australia (Inc), or his Deputy, shall have the right to attend as an observer at any General or Special General Meeting of the Club.

## 32. SPECIAL GENERAL MEETINGS

Special General Meeting shall be called at any time by the Secretary, on the direction of the President, or on the requisition in writing of Twenty Percent (20%) of the Members, but no business shall be transacted at any such meeting other than for that which it has been called.

(Note: Rule 31.4 applies.)

## 33. NOTICES OF MEETING

33.1 Notices of any General or Special General Meeting shall be posted or delivered to Members at least ten (10) days prior to the time fixed for such meetings, regardless of a Special Resolution being proposed.

33.2 Notices of any meeting may be published in the Canine News, but the Club shall be responsible for posting a Notice of Meeting to Members who are not financial Members of the Association.

33.3 Notices published in the public press shall not be considered sufficient to comply with this rule.

## 34. CHAIRPERSON AND VICE-CHAIRPERSON

Subject to this Rule, the President, or in his absence the Vice President, shall preside at all General Meetings and Committee Meetings and in their absence those present shall elect a chairman from among their number.

## 35. VOTING POWERS

35.1 Each Committee Member has a deliberative vote at a meeting of the Committee.

35.2 A question arising at a Committee Meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee Meeting will have a casting vote in addition to his or her deliberative vote.



35.3 Each ordinary Member has a deliberate vote at a General Meeting or Special General Meeting.

35.4 Subject to Rule 37, a question arising at a General Meeting or Special General Meeting for which a ballot is called for shall be decided by a simple majority of those present and eligible to vote.

## 36. QUORUM

36.1 At all General Meetings a quorum shall consist of ten (10) Members.

36.2 If a quorum is not present within 30 minutes after the time specified for the holding of a General Meeting in a notice given under Rule 33, then;

36.2.1 the General Meeting lapses; or

36.2.2 the General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.

36.3 If a quorum is not present within 30 minutes of the time appointed by Rule 36.2.2 for the resumption of an adjourned General Meeting, the Members who are present in person may nevertheless proceed with the business of that General Meeting as if a quorum were present.

36.4 When a General Meeting is adjourned for a period of 30 days or more the Secretary must give notice under Rule 33 of the adjourned General Meeting as if that General Meeting were a fresh General Meeting.

36.5 At all Committee Meetings a quorum shall consist of fifty percent (50%) of all Members of the Committee. In the event of a quorum not being reached within thirty (30) minutes of the appointed time for any meeting, such meeting shall be abandoned.

## 37. HOW QUESTIONS ARE TO BE DECIDED

Subject to proviso hereinafter contained, all matters (except the election of Office Bearers) to be dealt with at any meeting shall be determined on the voices unless a division or ballot be called for, in which case the question shall be decided by a simple majority of those present and eligible to vote.

## 38. RESCINDING RESOLUTIONS

38.1 No motion, the effect of which, if carried, would be to rescind any resolution previously determined at any meeting held for the preceding twelve months shall be entertained unless a Notice of Motion particularising the intention to move the same shall have been given to the Secretary in writing at least fourteen (14) days prior to the holding of the meeting at which it is proposed to move such resolution.



38.2 For the purposes of this Rule, in the case of equality of voting the motion shall be deemed to be lost.

38.3 All Notices of Motion must be circulated to Members at least ten (10) days prior to the meeting at which the motions are to be dealt with.

## DISCIPLINARY

### 39. MISCONDUCT

39.1 Any Member violating the Rules of the Club may be disqualified, fined or otherwise penalised by the Committee, and any Member who shall be proved to the satisfaction of the Committee to have conducted himself or herself in connection with dogs or shows or in any way which would make it undesirable that he should continue to be a Member, may be penalised provided that the Member has been granted a hearing in accordance with Rule 10.

39.2 Members shall be responsible for any and all actions by themselves, their family members or guests when attending a sanctioned or club event and in their interactions with other Members at all times. This includes but is not limited to: -

39.2.1 Littering;

39.2.2 Damage to property or persons;

39.2.3 Any behaviour deemed to be unacceptable by the Club; and

39.2.4 Bullying

### 40. NOTIFICATION OF PENALTY

A person who has been penalised under Rule 39 shall have the right to appeal and must be notified in writing forthwith by officially recorded mail and shall have the right to appeal to a General Meeting. The notification of any finding against a Member/s shall be accompanied by the Rules covering the lodgement and hearing of an Appeal.

## APPEALS

### 41. RIGHT OF APPEAL

41.1 Notice of Intent to Appeal must be received by the Secretary of the Club within seven days of receipt by the Member of notification by registered post or Express Post of the determination against which an Appeal is to be made.

41.2 A date for an Appeal shall be set insofar as is possible between the Club and the appellant but shall be at least four (4) weeks and not more than ninety (90) days after the Notice of Intent to Appeal has been received by the Secretary. It shall be the responsibility of the President to finally set the date and call a General Meeting to deal with an Appeal.



- 41.3 Grounds for an Appeal must be precise and stipulate in detail each of the grounds on which it is based and must be submitted to the Secretary at least fourteen (14) days prior to the date set for the Appeal to be heard. Should the grounds for Appeal not be received by the Club Secretary at least fourteen (14) days prior to the date set for the Appeal to be heard then the Appeal shall be dismissed.
- 41.4 The appellant may introduce new evidence in the grounds for an Appeal mentioned in Rule 41.3 and may, with leave of the Adjudicator prior to the hearing of any appeal, rely on this new evidence at the hearing of the Appeal only if the appellant provides adequate reasons why this new evidence was not raised at the original hearing. The appellant may not introduce any further new evidence at the hearing of the Appeal in addition to that contained in the grounds for Appeal.
- 41.5 Should sufficient new evidence be raised in the grounds for an Appeal and adequate reasons given why it was not raised at the original hearing, the Club's Executive comprising any two of the President, Vice President/s or Club Secretary may if they see fit order a new hearing by the Club Committee.
- 41.6 The appellant shall have the right to personally present his/her Appeal or, subject to Rule 43.1, he/she may be represented by another person.

## PROCEDURE FOR APPEALS TO A GENERAL MEETING

### 42. PRELIMINARY

- 42.1 An impartial adjudicator acceptable to both parties shall be appointed to chair the Special General Meeting. Where agreement cannot be reached, an adjudicator shall be appointed by the President of CAWA.
- 42.2 Only Members may attend a Special General Meeting to hear an Appeal, with the sole exception of the appellant's representative, if he/she is to be represented.
- 42.3 All Members attending are to be issued with voting papers.
- 42.4 Copies of appropriate documents may be distributed to all Members as they are signed in to the meeting. Such documents should carry the following notice at the top of every page "This document is circulated for the sole purpose of enabling an informed decision to be reached in this Appeal and may not be used for any other purpose and must be handed back at the conclusion of the Special General Meeting."

### 43. REPRESENTATION

- 43.1 If the appellant chooses to be represented, the appellant may only be represented by a person who is not, nor has been, a legal practitioner.



- 43.2 If the appellant is to be represented, the person representing the appellant shall give his/her name and profession, in writing, to the Adjudicator prior to the commencement of proceedings. If the appellant is represented, only the representative may speak on his behalf during the hearing.
- 43.3 The Committee shall appoint a representative from the Committee to present the Committee's case and shall advise the Adjudicator of the appointment prior to the commencement of proceedings.

#### 44. CHAIRING THE APPEAL

- 44.1 The Club President or his deputy shall open the Meeting, introduce the appointed adjudicator and relinquish the Chair.
- 44.2 The adjudicator shall take the Chair and explain the reasons for the Meeting and that the proceedings are being recorded in the interest of justice for both parties. He will then explain the procedures to be followed.

#### 45. VOTING

- 45.1 A simple majority will carry or defeat any Motion at an Appeal.
- 45.2 The Adjudicator will not exercise a vote.
- 45.3 Each Member attending the Appeal will have one (1) deliberate vote
- 45.4 All voting on the charges are to be by secret ballot.
- 45.5 Equality of voting means the status quo remains; i.e. the appeal is lost.
- 45.6 Each charge will be dealt with in turn and either upheld or rescinded.
- 45.7 Should all charges against the appellant be rescinded all penalties imposed on him/her shall be automatically lifted.
- 45.7.1 Should one or more, but less than all of the charges be rescinded, it is open to the meeting to move either of the following.
- 45.7.2 That the penalties imposed be ratified; or
- 45.7.3 That the penalties imposed be rescinded; or
- 45.7.4 That the penalties be varied as specified by the meeting.

#### 46. APPEAL PROCEDURE

- 46.1 The appellant or his representative to move that the determination/s against him/her be rescinded and present the grounds for Appeal and call witnesses, if desired. The appellant may say why the Committee's decision is thought to be wrong or set out grounds for showing why the Committee's decision should not be put into effect.



- 46.2 The Committee representative may question the appellant, and/or any witness called by the appellant.
- 46.3 The Committee representative may call witnesses, if desired
- 46.4 The appellant or his representative may question the Committee witnesses.
- 46.5 Members may present questions for the Committee or the appellant or his representative or witnesses by directing any questions through the Adjudicator.
- 46.6 The Adjudicator shall determine, at his sole discretion, whether any questions presented by Members under Rule 46.5 is relevant and whether it is required to be answered.

## RESOLVING DISPUTES BETWEEN MEMBERS

### 47. PARTIES ATTEMPT TO RESOLVE DISPUTE

The parties to a dispute (meaning two (2) or more Members of the Club, not the Club itself) must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

### 48. HOW GRIEVANCE PROCEDURE IS STARTED

48.1 If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 47, any party to the dispute may start the grievance procedure by giving written notice to the secretary of:

- 48.1.1 the parties to the dispute; and
- 48.1.2 the matters that are the subject of the dispute.

48.2 Within 28 days after the Secretary is given the notice, a Committee Meeting must be convened to consider and determine the dispute.

48.3 The Secretary must give each party to the dispute written notice of the Committee Meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.

48.4 The notice given to each party to the dispute must state:

- 48.4.1 when and where the committee meeting is to be held; and
- 48.4.2 that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.

### 49. DETERMINATION OF DISPUTE BY THE COMMITTEE

49.1 At the Committee Meeting at which a dispute is to be considered and determined, the Committee must:



- 49.1.1 give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Committee about the dispute; and
  - 49.1.2 give due consideration to any submissions so made; and
  - 49.1.3 determine the dispute.
- 49.2 The Committee must give each party to the dispute written notice of the Committee's determination, and the reasons for the determination, within 7 days after the Committee Meeting at which the determination is made.
- 49.3 A party to the dispute may, within 14 days after receiving notice of the Committee's determination under Rule 49.1.3 give written notice to the Secretary requesting the appointment of a mediator under Rule 50.1.
- 49.4 If notice is given under Rule 49.3, each party to the dispute is a party to the mediation.

## MEDIATION

### 50. APPOINTMENT OF MEDIATOR

- 50.1 The mediator must be a person chosen by agreement between the parties to the dispute, and failing any agreement between the parties, appointed by the Committee.
- 50.2 The person appointed as mediator by the committee must be a person who acts as a mediator and may be a member or former member of the Association but must not: -
  - 50.2.1 have a personal interest in the matter that is the subject of the mediation; or
  - 50.2.2 be biased in favour of or against any party to the mediation.

### 51. MEDIATION PROCESS

- 51.1 The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- 51.2 Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- 51.3 In conducting the mediation, the mediator must: -
  - 51.3.1 give each party to the mediation every opportunity to be heard; and
  - 51.3.2 allow each party to the mediation to give due consideration to any written statement given by another party; and
  - 51.3.3 ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- 51.4 The mediator cannot determine the matter that is the subject of the mediation.
- 51.5 The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.



- 51.6 The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.
- 51.7 If a dispute is not resolved at mediation, the Committee may determine at its sole discretion to refer to the matter to an arbitrator or CAWA for determination, and the decisions of an arbitrator or CAWA will be final.

## OTHER MATTERS

### 52. COMMON SEAL

- 52.1 The Club shall have a Common Seal on which its corporate name shall appear in legible letters.
- 52.2 The Common Seal of the Club shall not be used without the express authority of the Committee and every use of that Common Seal shall be recorded in the Club Minute Book.
- 52.3 The affixing of the Common Seal of the Club shall be witnessed by any two (2) of the President, Secretary and the Treasurer or other nominated Office Bearers.
- 52.4 The Common Seal of the Club shall be kept in the custody of the Secretary or such other person as the Committee from time to time decides.

### 53. DISSOLUTION CLAUSE

- 53.1 The Club shall be deemed to have been dissolved if and when a Special Resolution to that effect be carried by the affirmative vote of not less than seventy-five per cent (75%) of the Members of the Club on a poll taken in such manner as the Committee shall arrange to determine whether or not the Club shall be wound up.
- 53.2 In the event of the dissolution of the Club the Canine Association of WA Inc. shall be advised in writing within fourteen (14) days.
- 53.3 If upon the winding up or dissolution of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever the same must not be paid to or distributed among Members, or former Members of the Club.
- 53.4 Any surplus property must be given or transferred to some other Club incorporated under the Act which has similar objects, wholly or in part, to the objects of the Club and which is not carried out for the purposes of profit or gain to its individual members and prohibits the distribution of its or their income and property among its or their members, or for charitable purposes.
- 53.5 The Club to which any surplus property is to be given or transferred to shall be determined by a resolution of the Members at or before the time of dissolution or winding up and in default thereof or if and insofar as effect cannot be given to such determination then such payment or distribution shall be determined by a Judge of the Supreme Court.